

# PROGRAM BILL # 48

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

## \*CRIMIPLA\*

(Relates to the designation of criminal sale of a prescription for a controlled substance or a controlled substance by a practitioner or pharmacist)

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CP L. prsc

## AN ACT

to amend the criminal procedure law, in relation to the designation of criminal sale of a prescription for a controlled substance or a controlled substance by a practitioner or pharmacist; and to amend the penal law, in relation to creating the offense of prescription medication fraud and deceit and to criminalize the sale of a controlled

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Aveila	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s32 Diaz	s36 Hassell-Thompson	s43 Marchione	s56 Robach	s57 Young
s18 Dilan	s27 Hoylman	s07 Martins	s19 Sampson	s03 Zeldin
s31 Espallat	s63 Kennedy	s62 Maziarz	s10 Sanders	s08
s49 Farley	s34 Klein	s25 Montgomery	s23 Savino	s20
s17 Felder		s54 Nozzolio	s29 Serrano	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

a049 Abbate	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stec
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples-Stokes	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	a058 Perry	a127 Stirpe
a106 Barrett	a126 Finch	a050 Lentol	a086 Pichardo	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a089 Pretlow	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a073 Quart	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a019 Ra	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a012 Raia	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a006 Ramos	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a078 Rivera	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a128 Roberts	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a056 Robinson	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a068 Rodriguez	a024 Weprin
a18 Butler	a150 Goodell	a108 McDonald	a072 Rosa	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKeivitt	a025 Rozic	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a116 Russell	a055
a033 Clark	a139 Hawley	a038 Miller	a149 Ryan	a059
a047 Colton	a083 Heastie	a052 Millman	a009 Saladino	a060
a032 Cook	a003 Hennessey	a015 Montesano	a111 Santabarbara	a077
a144 Corwin	a028 Hevesi	a136 Morelle	a029 Scarborough	a079
a085 Crespo	a048 Hikind	a057 Mosley	a016 Schimel	a098
a122 Crouch	a018 Hooper	a039 Moya	a140 Schimminger	a113
a021 Curran	a042 Jacobs	a133 Nojay	a087 Sepulveda	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a065 Silver	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a027 Simanowitz	
a053 Davila	a094 Katz	a069 O'Donnell	a036 Simotas	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a104 Skartados	
a081 Dinowitz	a142 Kearns	a091 Otis		

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

substance by a practitioner or pharmacist

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 8 of section 700.05 of the  
2 criminal procedure law, as amended by section 11 of part AAA of chapter  
3 56 of the laws of 2009, is amended to read as follows:

4 (c) Criminal possession of a controlled substance in the seventh  
5 degree as defined in section 220.03 of the penal law, criminal  
6 possession of a controlled substance in the fifth degree as defined in  
7 section 220.06 of the penal law, criminal possession of a controlled  
8 substance in the fourth degree as defined in section 220.09 of the penal  
9 law, criminal possession of a controlled substance in the third degree  
10 as defined in section 220.16 of the penal law, criminal possession of a  
11 controlled substance in the second degree as defined in section 220.18  
12 of the penal law, criminal possession of a controlled substance in the  
13 first degree as defined in section 220.21 of the penal law, criminal  
14 sale of a controlled substance in the fifth degree as defined in section  
15 220.31 of the penal law, criminal sale of a controlled substance in the  
16 fourth degree as defined in section 220.34 of the penal law, criminal  
17 sale of a controlled substance in the third degree as defined in section  
18 220.39 of the penal law, criminal sale of a controlled substance in the  
19 second degree as defined in section 220.41 of the penal law, criminal  
20 sale of a controlled substance in the first degree as defined in section  
21 220.43 of the penal law, criminally possessing a hypodermic instrument  
22 as defined in section 220.45 of the penal law, criminal sale of a  
23 prescription for a controlled substance or a controlled substance by a  
24 practitioner or pharmacist as defined in section 220.65 of the penal  
25 law, criminal possession of methamphetamine manufacturing material in  
26 the second degree as defined in section 220.70 of the penal law, crimi-  
27 nal possession of methamphetamine manufacturing material in the first  
28 degree as defined in section 220.71 of the penal law, criminal

1 possession of precursors of methamphetamine as defined in section 220.72  
2 of the penal law, unlawful manufacture of methamphetamine in the third  
3 degree as defined in section 220.73 of the penal law, unlawful manufac-  
4 ture of methamphetamine in the second degree as defined in section  
5 220.74 of the penal law, unlawful manufacture of methamphetamine in the  
6 first degree as defined in section 220.75 of the penal law, unlawful  
7 disposal of methamphetamine laboratory material as defined in section  
8 220.76 of the penal law, operating as a major trafficker as defined in  
9 section 220.77 of the penal law, criminal possession of marihuana in the  
10 first degree as defined in section 221.30 of the penal law, criminal  
11 sale of marihuana in the first degree as defined in section 221.55 of  
12 the penal law, promoting gambling in the second degree as defined in  
13 section 225.05 of the penal law, promoting gambling in the first degree  
14 as defined in section 225.10 of the penal law, possession of gambling  
15 records in the second degree as defined in section 225.15 of the penal  
16 law, possession of gambling records in the first degree as defined in  
17 section 225.20 of the penal law, and possession of a gambling device as  
18 defined in section 225.30 of the penal law;

19 § 2. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
20 law, as amended by section 16 of subpart A of part H of chapter 55 of  
21 the laws of 2014, is amended to read as follows:

22 (a) Any of the felonies set forth in this chapter: sections 120.05,  
23 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
24 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
25 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
26 135.25 relating to kidnapping; section 135.35 relating to labor traf-  
27 ficking; section 135.65 relating to coercion; sections 140.20, 140.25  
28 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12

1 relating to criminal mischief; article one hundred fifty relating to  
2 arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand  
3 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health  
4 care fraud; article one hundred sixty relating to robbery; sections  
5 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of  
6 stolen property; sections 165.72 and 165.73 relating to trademark coun-  
7 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and  
8 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and  
9 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and  
10 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating  
11 to criminal diversion of prescription medications and prescriptions;  
12 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,  
13 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,  
14 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25  
15 relating to residential mortgage fraud, sections 190.40 and 190.42  
16 relating to criminal usury; section 190.65 relating to schemes to  
17 defraud; any felony defined in article four hundred ninety-six; sections  
18 205.60 and 205.65 relating to hindering prosecution; sections 210.10,  
19 210.15, and 215.51 relating to perjury and contempt; section 215.40  
20 relating to tampering with physical evidence; sections 220.06, 220.09,  
21 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46,  
22 220.55, 220.60, 220.65 and 220.77 relating to controlled substances;  
23 sections 225.10 and 225.20 relating to gambling; sections 230.25,  
24 230.30, and 230.32 relating to promoting prostitution; section 230.34  
25 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22  
26 relating to obscenity; sections 263.10 and 263.15 relating to promoting  
27 a sexual performance by a child; sections 265.02, 265.03, 265.04,  
28 265.11, 265.12, 265.13 and the provisions of section 265.10 which

1 constitute a felony relating to firearms and other dangerous weapons;  
2 sections 265.14 and 265.16 relating to criminal sale of a firearm;  
3 section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized  
4 recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to  
5 money laundering; or  
6 § 3. This act shall take effect immediately.