



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Introduces Legislation to Classify 'Designer Drugs' as Controlled Substances

Jim Ranney

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ISSUE:

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Senator Patrick M. Gallivan (R-C-I, Elma) has introduced legislation (S-8190) to add so-called “designer drugs” to the Penal law, essentially codifying the definition under the federal Controlled Substances Act. The amendment would give law enforcement agencies the tools necessary to crackdown on the use of such drugs across New York State.

“Designer drugs have become a menace in communities across the state and endanger public health and safety,” Gallivan said. “These dangerous analogue drugs currently do not fall under existing state law and are not listed as controlled substances, making it difficult for police to go after users and dealers. This legislation will change that.”

One such drug is butyryl fentanyl, which is an analogue of fentanyl, a synthetic opioid analgesic estimated to be by substantially more potent than heroin and about 80 times the potency of morphine. According to the Drug Enforcement Administration, butyryl fentanyl caused at least 38 deaths in New York in 2015. However, because of the strict identification of drugs listed under the schedules of controlled substances, this and other designer drugs do not fall within the confines of existing state law.

The bill also defines the term “knowingly” with respect to offenses related to the sale or possession of a controlled substance analogue. Under the legislation, the defendant is not required to have knowledge of the chemical structure of the drug,

but rather, the intended effect the substance could have on an individual.

The Senate will consider the bill when it returns to session in January.

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related legislation

[2015-S8190](#)

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- Introduced
 - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
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[Relates to adding controlled substance analogues to the definition of controlled substances](#)

September 14, 2016

In Senate Committee [Rules](#)

Sponsored by [Patrick M. Gallivan](#)

Do you support this bill?