



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION BY THE  
DRUGS AND THE LAW COMMITTEE,  
MASS INCARCERATION TASK FORCE,  
CORRECTIONS AND COMMUNITY REENTRY COMMITTEE,  
AND CRIMINAL JUSTICE OPERATIONS COMMITTEE**

**A.868  
S.2523**

**M. of A. Gottfried  
Sen. Rivera**

AN ACT to amend the penal law, in relation to criminal possession of a controlled substance in the seventh degree; to amend the general business law, in relation to drug-related paraphernalia; to amend the public health law, in relation to the sale and possession of hypodermic syringes and needles; and to repeal section 220.45 of the penal law relating to criminally possessing a hypodermic instrument.

**THIS BILL IS APPROVED**

The New York City Bar Association supports the proposed legislation, which would (1) decriminalize the possession of any hypodermic syringe or needle that contains a residual amount of a controlled substance, (2) decriminalize possessing or selling a hypodermic needle or syringe, and (3) amend the general business law to remove all objects used for the purpose of injecting a controlled substance into the human body from the definition of drug related paraphernalia. The City Bar first supported this legislation through its Drugs and the Law Committee and the former Committee on HIV/AIDS, arguing that it would implement important modifications to New York's laws that will help stop the spread of HIV and Hepatitis C.<sup>1</sup> Most recently, the legislation was supported as part of a comprehensive report issued by the City Bar's Mass Incarceration Task Force, Corrections and Community Reentry Committee and Criminal Justice Operations Committee aimed at addressing mass incarceration by advocating for laws that make specific reforms to all stages of the criminal justice system, and calling for for a broader re-imagining of the purpose of the criminal justice system and its place in our society.<sup>2</sup> As is further argued in the

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<sup>1</sup> "Report on Legislation Regarding the Possession and Use of Hypodermic Syringes and Needles," Feb. 22, 2016, <https://www2.nycbar.org/pdf/report/uploads/20072925-SyringeDecriminalization.pdf>. There have been minor amendments made to the bill since the issuance of this report, none of which impact our position.

<sup>2</sup> "A Pathway Out of Mass Incarceration And Towards a New Criminal Justice System: Recommendations for the New York State Legislature," May 13, 2021, <https://s3.amazonaws.com/documents.nycbar.org/files/2020883-APathwayOutOfMassIncarceration.pdf>.

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

report, the Committees believe the Legislature should decriminalize harm reduction equipment, such as syringes, as a means to reduce the current population of incarcerated individuals and end ineffective methods of attempting to prevent drug use.<sup>3</sup>

For the reasons set forth in these aforementioned reports, the City Bar supports enactment of the proposed legislation.

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<sup>3</sup> *Id.* at 5.