



2018 New York State YMCA

Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 2

Bill #: S-11

1 Sponsors: Abigail Bustin, Cameron Conger, Emily Neuner

2

3 An Act To

4 To amend section § 3306 of New York State Public Health Law to re-classify
5 nicotine as a prescription drug.

6

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

8

9 Purpose

10 The purpose of this bill is to enhance the health of New Yorkers and minimize
11 economic implications of nicotine abuse in New York State by reclassifying nicotine
12 as a prescription drug.

13

14 Summary of Provisions

15 § 3306. Schedules of controlled substances. There are hereby
16 established five schedules of controlled substances, to be known as
17 schedules I, II, III, IV and V respectively. Such schedules shall
18 consist of the following substances by whatever name or chemical
19 designation known:

20 Schedule I. (a) Schedule I shall consist of the drugs and other
21 substances, by whatever official name, common or usual name, chemical
22 name, or brand name designated, listed in this section.

23 (b) Opiates. Unless specifically excepted or unless listed in another
24 schedule, any of the following opiates, including their isomers, esters,
25 ethers, salts, and salts of isomers, esters, and ethers, whenever the
26 existence of such isomers, esters, ethers and salts is possible within
27 the specific chemical designation (for purposes of 3-methylfentanyl
28 only, the term isomer includes the optical and geometric isomers):

29 (1) Acetyl-alpha-methylfentanyl (N-{1-(-methyl-2-phenethyl)})

30 (37) MPPP (1-methyl -4-phenyl -4-propionoxypiperidine).

31 (38) Nicotine

32 (39) Noracymethadol

33 [list continues to 55]

34

35 Justification

36 The use of nicotine has proven to disrupt the prosperity, lives and the economic
37 well-being of New Yorkers. 16,400 New York children lost a parent due to tobacco
38 use, and 389,000 children alive today will ultimately die from smoking if the pattern
39 of current smoking levels continues, according to the New York State operated
40 Smoker's Quit Line in 2016. In a case documented by the Center For Disease
41 Control and Prevention, Amanda, who started smoking in the fifth grade, gave birth
42 to a premature baby girl who spent her first weeks in life in the neonatal intensive
43 care unit of the local hospital, only 3 pounds. Amanda's child, now 7 years old, has



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44 developed serious health conditions and takes four medications regularly. Cases
45 similar to this increase costs to New Yorkers through insurance fees, tax money,
46 Medicaid expenses and hospital bills. Residents pay \$903 per household (\$5.9
47 billion total) to cover smoking-related government costs, while the annual
48 healthcare expenditures in the state caused by nicotine use amount to \$8.17 billion
49 [New York State Smoker's Quit Line]. With the passage of the proposed bill, these
50 costs to the individual and to the state can be decreased dramatically. By re-
51 classifying nicotine as a prescription drug, the harmful substance will be no longer a
52 consumer product but a medical product, decreasing the number of smokers
53 harming themselves and others in New York State. This bill is designed to be a
54 long-term state project, as the bill sponsors are aware that thousands of individuals
55 are currently smokers and would be negatively impacted if this bill were to go into
56 effect immediately. Rather, the passage of this bill would ensure that current
57 smokers are being placed under supervised medical care in order to wean them off
58 of a proven harmful substance.

59

60 **Fiscal Implications**

61 The fiscal implications of this bill include an immediate decrease in New York State's
62 tax revenue from tobacco, but this is offset by the decrease in Medicaid, insurance
63 and hospital costs for New Yorkers.

64

65 **Effective Date**

66 This bill will go into effect one year after its passage.