

CRIMINAL SALE OF A PRESCRIPTION FOR A CONTROLLED SUBSTANCE
(C Felony)
PENAL LAW 220.65
(Committed on or after Nov. 1, 1986)

The _____ count is Criminal Sale of a Prescription for a Controlled Substance.

Under our law, a person is guilty of Criminal Sale of a Prescription for a Controlled Substance when, being a practitioner, that person knowingly and unlawfully sells a prescription for a controlled substance.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “practitioner,” “controlled substance,” “sell,” “knowingly,” and “unlawfully.”

The term PRACTITIONER includes (specify).¹

The term CONTROLLED SUBSTANCE includes (specify).²

SELL means to sell, exchange, give or dispose of to another [*or to offer or agree to do the same*].³

A person KNOWINGLY sells a prescription for a controlled substance when that person is aware that he or she is selling such a prescription.⁴

A person UNLAWFULLY sells a prescription for a controlled substance when that person does so other than in good faith in the course of his or her professional practice.⁵

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), being a practitioner, sold a prescription for (specify); and

See, Public Health Law § 3302(28).

See, Penal Law § 220.00(5).

See, Penal Law § 220.00(1).

See, Penal Law § 15.05(2).

See, Penal Law § 220.65.

2. That the defendant did so knowingly and unlawfully.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Criminal Sale of a Prescription for a Controlled Substance as charged in the ___ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Criminal Sale of a Prescription for a Controlled Substance as charged in the ___ count.