

**RESOLUTION NO. 315 -2011, ADOPTING LOCAL LAW
NO. 23 -2011, A LOCAL LAW TO BAN THE SALE OF
SYNTHETIC COCAINE BEING MARKETED AS "BATH SALTS"
IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 8, 2011, a proposed local law entitled, "A LOCAL LAW TO BAN THE SALE OF SYNTHETIC COCAINE BEING MARKETED AS "BATH SALTS" IN SUFFOLK COUNTY;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 23 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO BAN THE SALE OF SYNTHETIC COCAINE
BEING MARKETED AS "BATH SALTS" IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that a new type of product has recently become widely available in the United States which is being marketed as "bath salts".

This Legislature also finds and determines that these "bath salts" are actually powdered synthetic cocaine intended for ingestion as a hallucinogen but marketed specifically to avoid federal regulations.

This Legislature determines that, in addition to being marketed as "bath salts", these chemicals are being marketed as plant food, pond scum remover, odorizer and growth stimulator.

This Legislature further finds and determines that "bath salts" contain one or more of the following synthetic chemicals: 3,4-Methylenedioxymethcathinone, commonly known as Methylone; 3,4-Methylenedioxypyrovalerone, commonly known as MDPV; 4-Methylmethcathinone, commonly known as Mephedrone; 3-Methoxymethcathinone; 3-Fluoromethcathinone; and 4-Fluoromethcathinone.

This Legislature finds that MDPV and Mephedrone are similar to cathinone, a chemical found in the khat plant in Africa. Cathinone is a stimulant extracted from khat leaves, similar to cocaine.

This Legislature also finds that human consumption of "bath salts" and similar products containing these chemicals can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea and vomiting.

This Legislature further finds that use of these chemicals has also been linked to multiple suicides in the United States.

This Legislature also determines that the States of Louisiana and Florida, as well as many counties, towns and local municipalities across the United States, have banned the sale of these chemicals. Several other states are considering similar action.

This Legislature further determines that Suffolk County should ban the sale of these chemicals and any products containing these chemicals to protect the health, safety and welfare of County residents.

Therefore, the purpose of this law is to ban the sale of 3,4-Methylenedioxymethcathinone, 3,4-Methylenedioxyprovalerone, 4-Methylmethcathinone, 3-Methoxymethcathinone, 3-Fluoromethcathinone, and 4-Fluoromethcathinone in the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

Section 3. Prohibitions.

No person shall sell or offer for sale the chemicals 3,4-Methylenedioxymethcathinone (“Methylone”), 3,4-Methylenedioxyprovalerone (“MDPV”), 4-Methylmethcathinone (“Mephedrone”), 3-Methoxymethcathinone, 3-Fluoromethcathinone, or 4-Fluoromethcathinone or any products containing said chemicals within the County of Suffolk.

Section 4. Penalties.

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year’s imprisonment.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Reverse Preemption.

This law shall be null and void on the date that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

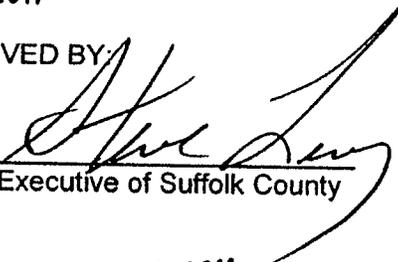
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: APR 26 2011

APPROVED BY:



County Executive of Suffolk County

Date:

MAY 17 2011

After a public hearing duly held on May 9, 2011
Filed with the Secretary of State on May 26, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on April 26, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1146

Res. No.

315

April 26, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R | |
|----|-------------------------------|-----|----|-----|----|---|--|
| 1 | Edward P. ROMAINE | | | | | | |
| 2 | Jay H. SCHNEIDERMAN | | | | | | |
| 3 | Kate M. BROWNING | | | | | | |
| 4 | Thomas MURATORE | | | | | | |
| 6 | Sarah S. ANKER | | | | | | |
| 7 | Jack EDDINGTON | | | | | | |
| 9 | Ricardo MONTANO | | | | | | |
| 10 | Thomas CILMI | | | | | | |
| 11 | Thomas F. BARRAGA | | | | | | |
| 12 | John M. KENNEDY, JR. | | | | | | |
| 13 | Lynne C. NOWICK | | | | | | |
| 14 | Wayne R. HORSLEY | | | | | | |
| 15 | DuWayne GREGORY | | | | | | |
| 16 | Steven H. STERN | | | | | | |
| 17 | Lou D'AMARO | | | | | | |
| 18 | Jon COOPER | | | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | | | | | | |
| 8 | William J. LINDSAY, P.O. | | | | | | |
| | Totals | 18 | | | | | |

| MOTION |
|---|
| <input checked="" type="checkbox"/> Approve |
| Table: _____ |
| <input type="checkbox"/> Send To Committee |
| <input type="checkbox"/> Table Subject To Call |
| <input type="checkbox"/> Lay On The Table |
| <input type="checkbox"/> Discharge |
| <input type="checkbox"/> Take Out of Order |
| <input type="checkbox"/> Reconsider |
| <input type="checkbox"/> Waive Rule _____ |
| <input type="checkbox"/> Override Veto |
| <input type="checkbox"/> Close |
| <input type="checkbox"/> Recess |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____ |

| RESOLUTION DECLARED |
|---|
| <input checked="" type="checkbox"/> ADOPTED |
| <input type="checkbox"/> NOT ADOPTED |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote