

**RESOLUTION NO. 481 -2016, ADOPTING LOCAL LAW
NO. 17 -2016, A LOCAL LAW TO FURTHER REGULATE
SYNTHETIC CANNABINOIDS AND SYNTHETIC COCAINE IN
SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 12, 2016, a proposed local law entitled, "**A LOCAL LAW TO FURTHER REGULATE SYNTHETIC CANNABINOIDS AND SYNTHETIC COCAINE IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 17 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO FURTHER REGULATE SYNTHETIC
CANNABINOIDS AND SYNTHETIC COCAINE 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 the County of Suffolk consistently seeks to protect its residents from the proliferation of dangerous drugs.

This Legislature also finds and determines that Local Law No. 26-2010 and Local Law No. 20-2012 banned the sale of synthetic cannabinoids in Suffolk County.

This Legislature finds that Local Law No. 23-2011 banned the sale of synthetic cocaine, commonly referred to as "bath salts", in Suffolk County.

This Legislature determines that, since the County enacted these laws, other states and municipalities have banned the sale and manufacture of synthetic cannabinoids and synthetic cocaine.

This Legislature further determines that new substances with chemical structures and physical effects similar to synthetic cannabinoids and synthetic cocaines, known as analogues, are being developed and marketed as legal alternatives to those banned under County law.

This Legislature finds that these analogue drugs should be similarly restricted under County law, as they have equally destructive effects.

This Legislature also finds that Suffolk County should strengthen the protection it offers residents from dangerous synthetic drugs by banning their manufacture and possession with intent to sell within the County's boundaries.

Therefore, the purpose of this local law is to amend Chapter 423 of the SUFFOLK COUNTY CODE to ban the manufacture, and possession with intent to sell, of synthetic cannabinoids and synthetic cocaine and any analogous substances in Suffolk County.

Section 2. Amendments.

Chapter 423 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 423.
DRUGS AND DRUG PRODUCTS**

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**ARTICLE V.
SALE OF SYNTHETIC CANNABINOIDS**

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§ 423-27. Definitions.

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

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

“Possess with Intent to Sell” - Possession of 10 or more packets of synthetic cannabinoids or synthetic cannabinoid analogues.

“Synthetic Cannabinoid” -The chemicals CP-47,497; CP-47,497 C8 homologue; JWH-018; JWH-073; and JWH-200; as well as any chemical which reacts with cannabinoid receptors and has been permanently or temporarily placed on the federal Schedule of Controlled Substances, Schedule I, as codified at 21 CFR 1308.11.

“Synthetic Cannabinoid Analogue” – any substance with a chemical structure that is substantially similar to the chemical structure of a synthetic cannabinoid and which has a stimulant, depressant or hallucinogenic effect on the central nervous system that is similar to the effects of a synthetic cannabinoid.

§ 423-28. Prohibitions.

No person shall sell, [or] offer for sale, possess with intent to sell or manufacture within the County of Suffolk any synthetic cannabinoid, synthetic cannabinoid analogues, or any products containing one or more synthetic cannabinoids or analogues.

§ 423-29. Penalties for Offenses.

A. 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.

- B. In addition to any criminal penalty imposed, any person that violates this law shall be liable for a civil penalty of no less than \$1,000 or more than \$10,000, recoverable in an action commenced by the County Attorney on behalf of the County of Suffolk in any court of competent jurisdiction.
- C. A defendant or respondent's disclaimer, whether included on product packaging or made in some other format, that a substance banned by this law is not meant for human consumption shall not constitute a valid defense in any criminal or civil proceeding commenced under this law.

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ARTICLE VI. SALE OF SYNTHETIC COCAINE

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§ 423-33. Definitions.

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

"Analogue" – a substance that has a chemical structure and causes physical effects that are similar to another chemical.

"Person" - Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

"Possess with Intent to Sell" - Possession of 10 or more packets of prohibited substances under this article or their analogues.

§ 423-34. Prohibitions.

No person shall sell, [or] offer for sale, possess with intent to sell or manufacture the chemicals 3,4-methylenedioxymethcathinone ("methylone"), 3,4-methylenedioxyprovalerone ("MDPV"), 4-methylmethcathinone ("mephedrone"), 3-methoxymethcathinone, 3-fluoromethcathinone, or 4-fluoromethcathinone, analogues of these chemicals, or any products containing said chemicals within the County of Suffolk.

§ 423-35. Penalties for Offenses.

- A. 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.
- B. In addition to any criminal penalty imposed, any person or entity that violates this law shall be liable for a civil penalty of no less than \$1,000 or more than \$10,000, recoverable in an action commenced by the County Attorney on behalf of the County of Suffolk in any court of competent jurisdiction.
- C. A defendant or respondent's disclaimer, whether included on product packaging or made in some other format, that a substance banned by this law is not meant for human

consumption shall not constitute a valid defense in any criminal or civil proceeding commenced under this law.

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Section 3. Applicability.

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

Section 4. 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 5. 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 6. Effective Date.

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

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: June 1, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 21, 2016

After a public hearing duly held on June 13, 2016
Filed with the Secretary of State on July 19, 2016