

RESOLUTION NO. 871 -2016, ADOPTING LOCAL LAW NO. 31 -2016, A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC OPIOIDS IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 26, 2016, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC OPIOIDS IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 31 -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC OPIOIDS 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 is in the midst of an opiate addiction crisis.

This Legislature also finds and determines that U-47700 is a synthetic opioid developed by the pharmaceutical industry to treat pain. The developer abandoned U-47700 upon learning of its addictive properties and unscrupulous foreign entities are utilizing patent information to produce and distribute the chemical throughout the world.

This Legislature further finds and determines that U-47700 is almost eight times more potent than morphine and has been connected to at least 50 deaths in the United States since December 2015.

This Legislature finds that U-47700 has similar effects to strong opiate drugs like heroin and morphine.

This Legislature also finds that U-47700 comes in a variety of forms and can be injected, snorted or taken orally. It is available for purchase online and on the streets.

This Legislature determines that several states, including Georgia, Ohio, Wyoming and Kansas have banned U-47700. U-47700 has also been banned in Sweden.

This Legislature further finds that the County of Suffolk should ban the sale and distribution of U-47700 to protect residents from this potent and dangerous synthetic opioid.

Therefore, the purpose of this law is to prohibit the sale and distribution of U-47700 and similar chemicals in the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning 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.

“Synthetic opioid” shall mean the synthetic chemical U-47700.

“Synthetic opioid analogue” shall mean any synthetic substance with a chemical structure similar to the chemical structure of a synthetic opioid and which has effects on the body that are similar to the effects of synthetic opioid. This term shall not include synthetic analogues which are regulated and authorized for distribution in the United States pursuant to the drug schedule approved and maintained by the FDA.

Section 3. Prohibitions.

No person shall sell, offer for sale, or manufacture within the County of Suffolk any synthetic opioid, synthetic opioid analogue or any product containing one or more synthetic opioids or analogues.

Section 4. Penalties for offenses.

- A. Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year imprisonment.
- B. A defendant’s disclaimer, whether included in the product packaging or made in some other format, that a substance banned under this law is not meant for human consumption shall not constitute a valid defense in any criminal proceeding commenced under this law.

Section 5. Applicability.

This law shall apply to 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 law, 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 provision 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: October 5, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 3, 2016

After a public hearing duly held on October 17, 2016
Filed with the Secretary of State on November 22, 2016