

Intro. Res. No.1352-2010

Laid on Table 3/23/2010

Introduced by Legislators Schneiderman, Muratore, Cilmi, Nowick, Gregory, Losquadro, Cilmi, Lindsay, Vilorio-Fisher, Horsley, Stern and D'Amaro

**RESOLUTION NO. 414 -2010, ADOPTING LOCAL LAW NO. 26 -2010, A LOCAL LAW BANNING THE SALE OF CERTAIN SYNTHETIC CANNABINOIDS TO MINORS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 23, 2010, a proposed local law entitled, "**A LOCAL LAW BANNING THE SALE OF CERTAIN SYNTHETIC CANNABINOIDS TO MINORS IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. 26 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW BANNING THE SALE OF CERTAIN SYNTHETIC CANNABINOIDS TO MINORS 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 series of products have become available in the United States that contain chemicals, called synthetic cannabinoids, that produce effects similar to marijuana when ingested or inhaled.

This Legislature finds that synthetic cannabinoids are chemically similar to THC, the psychoactive ingredient in marijuana, but are much stronger and faster acting.

This Legislature also finds and determines that products like K2, Spice, Genie and Zohai are blends of herbs and spices that are sprayed with two synthetic cannabinoids, JWH-018 and JWH-073.

This Legislature further finds and determines that while products like K2 and Spice are sold as incense, they are rapidly gaining popularity across the United States, particularly among teenagers, as a smoked herb providing a legal "high" alternative to marijuana.

This Legislature further finds that using synthetic cannabinoids can cause rapid heart beat, dangerously high blood pressure, loss of consciousness, seizures, vomiting, anxiety, extreme agitation, paranoia, hallucinations and psychotic episodes.

This legislature also finds that studies indicate that individuals using JWH-018 and JWH-073 may develop chemical dependencies, demonstrate addictive behavior and suffer withdrawal symptoms when they stop using these chemicals.

This Legislature also finds that synthetic cannabinoids are not detectable by current drug tests, making them easy to abuse.

This Legislature determines that JWH-018 and JWH-073 are unregulated by the United States and can be purchased by anyone, including children.

This Legislature further determines that JWH-018 and JWH-073 have been banned throughout most of Europe.

This Legislature also determines that legislation has been introduced in the states of Kansas and Missouri which would criminalize the possession or sale of JWH-018 and JWH-073.

Therefore, the purpose of this law is to ban the sale of JWH-018 and JWH-073 to minors in Suffolk County.

## **Section 2. Definitions.**

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

“JWH-018” shall mean the chemical 1-pentyl-3-(1-naphthoyl)indole.

“JWH-073” shall mean the chemical 1-butyl-3-(1-naphthoyl)indole.

“MINOR” shall mean any natural person or individual under the age of twenty-one (21).

“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 JWH-018 and JWH-073 or any products containing said chemicals to minors 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 day 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 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 its filing in the Office of the Secretary of State.

DATED: May 11, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 9, 2010

After a public hearing duly held on May 25, 2010  
Filed with the Secretary of State on June 23, 2010