

**RESOLUTION NO. 129 -2012, ADOPTING LOCAL LAW
NO. 20 -2012, A LOCAL LAW TO AMEND THE COUNTY
PROHIBITION ON THE SALE OF SYNTHETIC CANNABINOIDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 3, 2012, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY PROHIBITION ON THE SALE OF SYNTHETIC CANNABINOIDS**," now, therefore be it

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

LOCAL LAW NO. 20 -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND THE COUNTY PROHIBITION ON THE
SALE OF SYNTHETIC CANNABINOIDS**

**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 a national leader in its County-wide drug policy, identifying problem substances quickly and limiting their legal distribution in the County.

This Legislature also finds that the use of synthetic cannabinoids, which mimic the effects of marijuana, has increased significantly throughout the United States.

This Legislature further finds that the number of emergency room visits made by synthetic cannabinoid users experiencing significant health problems as a result of their usage has also increased.

This Legislature also determines that the use of synthetic cannabinoids has been linked with anxiety, paranoia, psychotic incidents, intense hallucinations, and tachycardia, with reports of dependence and withdrawal symptoms upon ceasing regular use.

This Legislature also finds and determines that Local Law No. 26-2010, codified at Chapter 423 of the SUFFOLK COUNTY CODE, restricts the sale of two synthetic cannabinoid chemicals.

This Legislature finds that since the passage of Local Law No. 26-2010, several other synthetic cannabinoid chemicals have been developed and are being used to circumvent County, State and federal regulations.

This Legislature determines that the restrictions in Chapter 423 regarding synthetic cannabinoids should be amended to include these new chemicals and provide a sufficiently broad definition to capture similar chemicals that may be developed in the future.

This Legislature further determines that the public health concerns established in Local Law No. 26-2010 are substantially documented and more serious than originally thought. As a result, the sale of these products should be banned outright in Suffolk County.

Therefore, the purpose of this law is to amend Chapter 423 of the SUFFOLK COUNTY CODE to expand the number of chemicals listed as synthetic cannabinoids and to ban the sale of products containing such chemicals to all persons in the County of Suffolk.

Section 2. Amendments.

I. Section 423-27 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 423-27. Definitions.

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

CP-47,497 – The chemical 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.

CP-47,497 C8 homologue – The chemical 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol

JWH-018 - The chemical 1-pentyl-1-3-(1-naphthoyl)indole.

JWH-073 - The chemical 1-butyl-3-(1-naphthoyl)indole.

JWH-200 – The chemical [2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole.

[MINOR - Any natural person or individual under the age of 21.]

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.

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 C.F.R. 1308.11.

II. Section 423-28 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 423-28. Prohibitions.

No person shall sell or offer for sale [to minors] within the County of Suffolk [the chemicals JWH-018 and JWH-073] any synthetic cannabinoid or any products containing [said chemicals] one or more synthetic cannabinoids.

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.

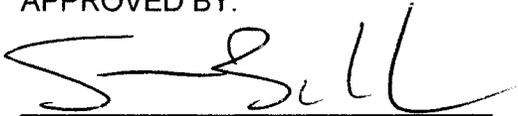
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: March 13, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 3.27.2012

After a public hearing duly held on March 26, 2012
Filed with the Secretary of State on April 19, 2012

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 March 13, 2012 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

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

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

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

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature