

1834

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the sale or distribution of products containing a synthetic cannabinoid

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 391-r to read as follows:
3 S 391-R. SALE OR DISTRIBUTION OF PRODUCTS CONTAINING A SYNTHETIC
4 CANNABINOID. 1. FOR THE PURPOSES OF THIS SECTION, "SYNTHETIC CANNABI-
5 NOID" SHALL MEAN ANY OF THE FOLLOWING CHEMICAL COMPOUNDS:
6 (A) CP 47.497 AND HOMOLOGUES: 2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]
7 -5-(2-METHYLOCTAN-2-YL)PHENOL);
8 (B) HU-210: [(6AR, 10AR)-9-(HYDROXYMETHYL)-6,6-DIMETHYL-3- (2-METHY-
9 LOCTAN-2-YL)-6A,7,10, 10A-TETRAHYDROBENZO[C] CHROMEN-1-OL)];
10 (C) HU-211: (DEXANABINOL, (6AS, 10AS)-9-(HYDROXYMETHYL)
11 -6,6-DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A,7,10, 10A-TETRAHYDROBENZO[C]
12 CHROMEN-1-OL);
13 (D) JWH-O18: 1-PENTYL-3-(1-NAPHTHOYL)INDOLE; OR
14 (E) JWH-O73: 1-BUTYL-3-(1-NAPHTHOYL)INDOLE.
15 2. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED
16 LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE
17 AWAY, AS EITHER A RETAIL OR WHOLESALE PROMOTION, ANY PRODUCT, WHICH
18 CONTAINS A SYNTHETIC CANNABINOID, WHICH MAY ALSO BE REFERRED TO AS K2,
19 SPIKE 99, YUCATAN FIRE, SPICE, GENIE OR ZOHAI, EXCEPT AS AUTHORIZED BY
20 SUBDIVISION THREE OF THIS SECTION.
21 3. NOTHING IN THIS SECTION SHALL APPLY TO NONPRESCRIPTION
22 OVER-THE-COUNTER DRUGS APPROVED OR REGULATED BY THE FEDERAL FOOD AND
23 DRUG ADMINISTRATION.
24 4. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED
25 LIABILITY COMPANY OR OTHER ENTITY THAT VIOLATES THE PROVISIONS OF THIS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 SECTION BY SELLING, OFFERING TO SELL OR GIVING AWAY AS EITHER A RETAIL
2 OR WHOLESALE PROMOTION ANY PRODUCT WHICH CONTAINS A SYNTHETIC CANNABI-
3 NOID, SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED
4 DOLLARS PER VIOLATION, RECOVERABLE IN AN ACTION BY ANY ENFORCEMENT
5 AUTHORITY DESIGNATED BY A MUNICIPALITY OR POLITICAL SUBDIVISION OF THE
6 STATE.

7 5. IT SHALL BE A DEFENSE THAT ANY PERSON, FIRM, CORPORATION, PARTNER-
8 SHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT SOLD,
9 OFFERED FOR SALE OR GAVE AWAY AS EITHER A RETAIL OR WHOLESALE PROMOTION
10 ANY PRODUCT WHICH CONTAINS A SYNTHETIC CANNABINOID, DID NOT HAVE KNOW-
11 LEDGE THAT IT WAS A PRODUCT CONTAINING A SYNTHETIC CANNABINOID, IF SUCH
12 KNOWLEDGE WAS NOT REASONABLY DISCOVERABLE.

13 S 2. This act shall take effect on the sixtieth day after it shall
14 have become a law.