

1834--A

2011-2012 Regular Sessions

I N   S E N A T E

January 13, 2011

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Introduced by Sens. FLANAGAN, AVELLA, DeFRANCISCO, GOLDEN, KENNEDY, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-s to read as follows:  
3     S 391-S. 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-018: 1-PENTYL-3-(1-NAPHTHOYL)INDOLE; OR  
14    (E) JWH-073: 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.

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

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1 3. NOTHING IN THIS SECTION SHALL APPLY TO NONPRESCRIPTION  
2 OVER-THE-COUNTER DRUGS APPROVED OR REGULATED BY THE FEDERAL FOOD AND  
3 DRUG ADMINISTRATION.

4 4. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED  
5 LIABILITY COMPANY OR OTHER ENTITY THAT VIOLATES THE PROVISIONS OF THIS  
6 SECTION BY SELLING, OFFERING TO SELL OR GIVING AWAY AS EITHER A RETAIL  
7 OR WHOLESALE PROMOTION ANY PRODUCT WHICH CONTAINS A SYNTHETIC CANNABI-  
8 NOID, SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED  
9 DOLLARS PER VIOLATION, RECOVERABLE IN AN ACTION BY ANY ENFORCEMENT  
10 AUTHORITY DESIGNATED BY A MUNICIPALITY OR POLITICAL SUBDIVISION OF THE  
11 STATE.

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

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