S T A T E O F N E W Y O R K

1438

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ZEBROWSKI, LOSQUADRO, SWEENEY, MAISEL, GUNTHER, BENEDETTO, ORTIZ, LAVINE, JAFFEE, MILLER, GABRYSZAK, HOOPER, BRINDISI, COLTON, RUSSELL, RIVERA, ROBINSON, MAGNARELLI, BOYLAND, CASTRO, TITUS, SCARBOROUGH, GALEF, WEPRIN, HEVESI -- Multi-Sponsored by -- M. of A. BARCLAY, BRAUNSTEIN, CERETTO, COOK, CROUCH, DINOWITZ, DUPREY, FINCH, GRAF, HAWLEY, JOHNS, JORDAN, P. LOPEZ, MAGEE, McKEVITT, McLAUGHLIN, MONTESANO, PALMESANO, PEOPLES-STOKES, PERRY, RAIA, SCHIMEL, TEDISCO, TENNEY, TITONE -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to prohibiting the sale and distribution of synthetic cannabinoids

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

Section 1. The general business law is amended by adding a new section 854 to read as follows:

S 854. SALE AND DISTRIBUTION OF SYNTHETIC CANNABINOIDS PROHIBITED. 1. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY, OR AGENT OR EMPLOYEE THEREOF, SHALL, IN ANY MANNER, OR BY ANY MEANS, OFFER FOR SALE, CHARGE ANY FEE FOR A PRODUCT OR DISTRIBUTE SUCH PRODUCT WHICH CONTENTS CONTAIN SYNTHETIC CANNABINOIDS.

2. AS USED IN THIS SECTION, "SYNTHETIC CANNABINOIDS" MEANS CHEMICAL COMPOUNDS THAT ARE FUNCTIONALLY SIMILAR TO THE CANNABIS INCLUDING:

A. ANY COMPOUND STRUCTURALLY DERIVED FROM 3-(1-NAPHTHOYL)INDOLE OR 1H-INDOL-3-YL-(1-NAPHTHYL)METHANE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING BY ALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL OR 2-(4-MORPHOLINYL)ETHYL WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT; OR

B. ANY COMPOUND STRUCTURALLY DERIVED FROM 3-(1-NAPHTHOYL)PYRROLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE PYRROLE RING BY ALKYL, ALKENYL,

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

LBD00435-01-3

CYCLOALKYLMETHYL, CYCLOALKYLETHYL OR 2-(4-MORPHOLINYL)ETHYL, WHETHER OR NOT FURTHER SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT; OR

C. ANY COMPOUND STRUCTURALLY DERIVED FROM 1-(1-NAPHTHYLMETHYL)INDENE BY SUBSTITUTION AT THE 3-POSITION OF THE INDENE RING BY ALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL OR 2-(4-MORPHOLINYL)ETHYL WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDENE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT; OR

D. ANY COMPOUND STRUCTURALLY DERIVED FROM 3-PHENYLACETYLINDOLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING WITH ALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL OR 2-(4-MORPHOLINYL)ETHYL, WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED IN THE PHENYL RING TO ANY EXTENT; OR

E. ANY COMPOUND STRUCTURALLY DERIVED FROM 2-(3-HYDROXYCYCLOHEXYL)PHENOL BY SUBSTITUTION AT THE 5-POSITION OF THE PHENOLIC RING BY ALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL OR 2-(4-MORPHOLINYL)ETHYL, WHETHER OR NOT SUBSTITUTED IN THE CYCLOHEXYL RING TO ANY EXTENT; AND

F. ANY CHEMICAL COMPOUND THAT IS KNOWN BY THE TRADE NAME OF:

(1) JWH-018;

(2) JWH-073;

(3) JWH-200;

(4) HU-210;

(5) CP 47,497; OR

(6) CANNABICYCLOHEXANOL.

3. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY, OR AGENT OR EMPLOYEE THEREOF THAT VIOLATES THE PROVISIONS OF THIS SECTION BY SELLING OR OFFERING TO SELL ANY PRODUCT WHICH CONTAINS A SYNTHETIC CANNABINOID, SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION, RECOVERABLE IN AN ACTION BY ANY ENFORCEMENT AUTHORITY DESIGNATED BY A MUNICIPALITY OR POLITICAL SUBDIVISION OF THE STATE.

4. IT SHALL BE A DEFENSE TO A CLAIM OF VIOLATION OF THE PROVISIONS OF THIS SECTION THAT ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY, OR AGENT OR EMPLOYEE THEREOF THAT SOLD, OFFERED FOR SALE ANY PRODUCT WHICH CONTAINS A SYNTHETIC CANNABINOID, DID NOT HAVE KNOWLEDGE THAT IT WAS A PRODUCT CONTAINING A SYNTHETIC CANNABINOID, IF SUCH KNOWLEDGE WAS NOT REASONABLY DISCOVERABLE.

5. THE PROVISIONS IN THIS SECTION SHALL NOT APPLY TO PRODUCTS THAT ARE BEING USED FOR MEDICAL PURPOSES PURSUANT TO A PRESCRIPTION WRITTEN BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE OR WHICH HAVE BEEN APPROVED FOR MEDICAL USE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

S 2. This act shall take effect immediately.