

5889

2013-2014 Regular Sessions

I N A S S E M B L Y

March 8, 2013

Introduced by M. of A. ORTIZ, LOSQUADRO, PEOPLES-STOKES, MALLIOTAKIS, BROOK-KRASNY, GUNTHER, GABRYSZAK, MAGNARELLI, CYMBROWITZ, PERRY, RUSSELL, GALEF, TITUS, MILLMAN, COOK, CRESPO, ROBERTS, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, CERETTO, COLTON, CROUCH, DUPREY, FINCH, GIGLIO, GOODELL, GRAF, HAWLEY, HIKIND, JOHNS, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, OAKS, PALMESANO, ROBINSON, SCARBOROUGH, SCHIMEL, STEVENSON, 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 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,

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

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1 SPIKE 99, YUCATAN FIRE, SPICE, GENIE OR ZOHAI, EXCEPT AS AUTHORIZED BY
2 SUBDIVISION THREE OF THIS SECTION.

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

6 4. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED
7 LIABILITY COMPANY OR OTHER ENTITY THAT KNOWINGLY VIOLATES THE PROVISIONS
8 OF THIS SECTION BY SELLING, OFFERING TO SELL OR GIVING AWAY AS EITHER A
9 RETAIL OR WHOLESALE PROMOTION ANY PRODUCT WHICH CONTAINS A SYNTHETIC
10 CANNABINOID, SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A
11 TERM OF IMPRISONMENT OF NOT MORE THAN ONE YEAR, A FINE OF NOT MORE THAN
12 ONE THOUSAND DOLLARS OR BOTH SUCH FINE AND IMPRISONMENT FOR EACH SUCH
13 VIOLATION.

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

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