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

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:

Section 1. The general business law is amended by adding a new section 391-s to read as follows:

S 391-S. SALE OR DISTRIBUTION OF PRODUCTS CONTAINING A SYNTHETIC CANNABINOID. 1. FOR THE PURPOSES OF THIS SECTION, "SYNTHETIC CANNABINOID" SHALL MEAN ANY OF THE FOLLOWING CHEMICAL COMPOUNDS:

(A) CP 47.497 AND HOMOLOGUES: 2-[(1R,3S)-3-HYDROXYCYCLOHEXYL] -5-(2-METHYLOCTAN-2-YL)PHENOL);

(B) HU-210: [(6AR, 10AR)-9-(HYDROXYMETHYL)-6,6-DIMETHYL-3- (2-METHYLOCTAN-2-YL)-6A,7,10, 10A-TETRAHYDROBENZO[C] CHROMEN-1-OL)];

(C) HU-211: (DEXANABINOL, (6AS, 10AS)-9-(HYDROXYMETHYL) -6,6-DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A,7,10, 10A-TETRAHYDROBENZO[C] CHROMEN-1-OL);

(D) JWH-O18: 1-PENTYL-3-(1-NAPHTHOYL)INDOLE; OR

(E) JWH-O73: 1-BUTYL-3-(1-NAPHTHOYL)INDOLE.

2. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY, AS EITHER A RETAIL OR WHOLESALE PROMOTION, ANY PRODUCT, WHICH 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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SPIKE 99, YUCATAN FIRE, SPICE, GENIE OR ZOHAI, EXCEPT AS AUTHORIZED BY SUBDIVISION THREE OF THIS SECTION.

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

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

5. IT SHALL BE A DEFENSE THAT ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT SOLD, OFFERED FOR SALE OR GAVE AWAY AS EITHER A RETAIL OR WHOLESALE PROMOTION 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.

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