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LOCAL LAW NO. 7 - 2012

A LOCAL LAW PROHIBITING SALE AND POSSESSION OF SYNTHETIC DRUGS, INCLUDING THOSE COMMONLY KNOWN AS "BATH SALTS", WITHIN ONONDAGA COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, AS FOLLOWS:

Section 1. Legislative Intent and Findings. Onondaga County finds that the use of Synthetic Drugs, including those commonly referred to as "Bath Salts", poses a distinct risk to the life, health and safety of users and the public at large. These chemicals are being marketed as plant food, glass cleaner, insect repellent, and stain remover and are readily available at storefront retailers, online retailers, and indirectly through other individuals. These products are composed of chemical compounds capable of producing a hallucinogenic effect when ingested or consumed by human beings.

Human consumption of Synthetic Drugs, including "Bath Salts" and such other similar products containing these chemicals, can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea and vomiting. Use of these chemicals has also been linked to multiple suicides in the United States.

This Onondaga County Legislature hereby determines that it is necessary to ban within Onondaga County the sale and possession of Synthetic Drugs, including "Bath Salts" and any products containing these chemicals, to protect the life, health, safety and welfare of Onondaga County residents.

Section 2. Definitions. As used in this law, "person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

Section 3. For purposes of this local law, "Synthetic Drug" shall mean the following:

1. 3,4-Methylenedioxymethcathinone, commonly known as Methylone;
2. 3,4-Methylenedioxypyrovalerone, commonly known as MDPV;
3. 4-Methylmethcathinone, commonly known as Mephedrone;
4. 3-Methoxymethcathinone;
5. 3-Fluoromethcathinone;
6. 4-Fluoromethcathinone
7. 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names: JWH-018;
8. 1-Butyl-3-(1-naphthoyl) indole; some trade or other names: JVVH-073;
9. 1-[2-(4-morpholinyl) ethyl]-3-(1-naphthoyl) indole; some trade or other names: JWH-200;
10. 5-(1.1-dimethyloctyl)-2-[1R,3S]-3-hydroxycyclohexyl]-phenol; some trade or other names: CP47, 497;

11. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol; some trade or other names: cannabicyclohexanol; CP-47, 497 C8 homologue;
12. any products containing the foregoing chemicals, or any salt, isomer or salt of isomer of the substances set forth in paragraphs 1-11 above;
13. any substance prohibited in an Order for Summary Action in the Matter of the Sale and Distribution of Synthetic Cannabinoids issued by the New York State Department of Health dated March 28, 2012 and any similar Order subsequently issued by the State of New York Department of Health;
14. any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012"; and/or
15. any synthetic drug analog which shall mean a substance:
 - a. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above; or
 - b. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above; or
 - c. Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a synthetic drug as described above.

Section 3. Prohibitions.

- a. No person shall sell or offer to sell, exchange, give or otherwise dispose of to another any Synthetic Drug in Onondaga County. No person shall be in possession of any Synthetic Drug unless said Synthetic Drug is expressly prescribed by a physician or person otherwise licensed to prescribe such medication.
- b. In order to prevent the creation, possession and use of the drug commonly known as "Water" the unauthorized use of Embalming Fluid or similar compounds is hereby prohibited within the County of Onondaga, with such unauthorized use of embalming fluid or similar item defined herein and pursuant to Section 3400 of the New York State Public Health Law and any applicable provision of federal law. For the purposes of this local law, Embalming Fluid means any chemicals or substances manufactured primarily for use by licensed funeral directors, undertakers or embalmers, or registered residents, to prepare, disinfect or preserve, either hypodermically, arterially or by any other recognized means the body of a deceased person for burial, cremation or other final disposition. In particular, such unauthorized use shall include dipping a marijuana or regular cigarette in embalming fluid.

Section 4. Penalties. Any person who violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its

application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date. This law shall take effect immediately upon filing in the Office of the Secretary of State.

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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

7th DAY OF August, 20 12.

Deborah L. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

ADOPTED
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