

LOCAL LAW NO.

TITLE

1 of 2012

BANNING THE SALE OF THE SYNTHETIC  
PHENETHYLAMINES AND SYNTHETIC CANNABINOIDS

2 of 2012

AMENDING SECTIONS 2.05, 2.07, 9.01, 11.00, 14.00,  
AND 16.03 OF THE RENSSELAER COUNTY CHARTER

# Local Law Filing

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County of Rensselaer

Local Law No. 1 of the year 2012

A local law Banning the Sale of the Synthetic Phenethylamines and Synthetic  
(Insert Title)  
Cannabinoids

By: Tutunjian, Bauer

Be it enacted by the County Legislature of the  
(Name of Legislative Body)

County of Rensselaer as follows:

Be it enacted by the Legislature of the County of Rensselaer as follows:

## Section 1. Legislative Intent and Findings.

This Legislature hereby finds and determines that synthetic phenethylamines have recently become widely available in the United States and are being marketed online, in convenience stores, gas station and smoke shops as "bath salts," plant food and other ordinary household goods.

This Legislature finds and determines that these compounds stimulate the body's central nervous system, and cause effects similar to those caused by cocaine and amphetamines, including but not limited to, increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting.

This Legislature finds that from January 2011 to April 2012, poison control centers throughout the United States have received over 7,000 calls regarding instances of poisoning from products containing synthetic phenethylamines, including instances resulting in accidental death and suicide.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

This Legislature finds that between January 1, 2011 and August 2, 2012, there were approximately 230 emergency department visits in New York (outside of New York City) in which effects from consuming a product with synthetic phenethylamines were the patient's chief complaint. 120 of these visits occurred in June and July of 2012, indicating that usage of these substances is increased at a remarkable rate.

This Legislature finds that these products are readily available throughout storefront retailers, online retailers, and indirectly through other individuals.

This Legislature also determines that the State of Louisiana and Florida, as well as many counties, towns and local municipalities across the United States have banned the sale of these chemicals. Several other states are considering similar action.

This Legislature finds that products containing synthetic cannabinoids are produced, distributed, marketed and sold as a "legal alternative" to marijuana.

This Legislature finds that products containing synthetic cannabinoids have become prevalent drugs of abuse, especially among teens and young adults.

This Legislature finds that poison control centers nationwide have received over 10,000 calls relating to exposure to these substances from January 2011 to June 2012.

This Legislature also finds that a Federal Bath Salts Ban was signed into Law in July of 2012.

This Legislature finds that on May 20, 2011, pursuant to Public Health Law Section 16, the Commissioner issued an Order for Summary Action that prohibited the sale or distribution of bath salts. On March 28, 2012, the Commissioner issued an Order for Summary Action that prohibited the sale or distribution of synthetic cannabinoids.

This Legislature finds that on August 7, 2012 the Public Health and Health Planning Council and the Commissioner of Health amended Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York to prohibit synthetic phenethylamines and synthetic cannabinoids. This amended the State Sanitary Code and established a minimum standard regarding the possession, manufacture, distribution, sale or offer for sale of synthetic phenethylamines and synthetic cannabinoids.

This Legislature finds that local governments have the power and duty to enforce the provisions of the State Sanitary Code. Under the same authority, local governments are empowered to establish a Local Sanitary Code that is more restrictive than the State Sanitary Code.

This Legislature determines that to protect the public from the ongoing threat posed by synthetic phenethylamines and synthetic cannabinoids, Rensselaer County must take action so that local law enforcement has the necessary authority to regulate synthetic phenethylamines and synthetic cannabinoids. The passage of this local law will provide local law enforcement with such authority.

This Legislature further determines that Rensselaer County should ban the possession, sale, manufacture, and/or distribution of these chemicals and any products containing these chemicals to protect the health, safety and welfare of County Residents.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

"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.

"Synthetic phenethylamine" shall mean any of the following chemical compounds that are not listed as controlled substances in Schedules I through V of Section 3306 of the Public Health Law, and are not approved by the Federal Food and Drug Administration ("FDA"):

3,4-Methylendioxy-methcathinone (Methylone);  
4-Methoxymethcathinone;  
3-Fluoromethcathinone;  
4-Fluoromethcathinone;  
Ethylpropion (Ethcathinone);  
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)  
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)  
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)  
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)  
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)  
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)  
2-(2,S-Dimethoxyphenyl)ethanamine (2C-H)  
2-(2,S-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)  
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P); and any compound that has a chemical structure that is substantially similar to these compounds.

"Synthetic cannabinoid" shall mean any chemical compound that is a cannabinoid receptor agonist and includes, but is not limited to, any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedules I through V of § 3306 of the Public Health Law, and not approved by the Federal Food and Drug Administration (FDA), and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogues), and salts of isomers and homologues (analogues), unless specifically exempted, whenever the existence of

these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

- i) Naphthoylindoles. Any compound containing a 3-(1-Naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited to: JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM 2201, and WIN 55 212).
- ii) Naphthylmethylindoles. Any compound containing a 1 H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited to: JWH-175, and JWH-184).
- iii) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH 307).
- iv) Naphthylmethylindenenes. Any compound containing a naphthylmethylidene indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH-176).
- v) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: RCS-8 (SR-18), JWH 250, JWH 203, JWH-251, and JWH 302).

- vi) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. (Other names in this structural class include but are not limited to: CP 47,497 (and homologues (analog)), cannabicyclohexanol, and CP 55,940).
- vii) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: AM 694, Pravadolinc (WIN 48,098), RCS 4, and AM-679).
- viii) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. (Other names in this structural class include but are not limited to: WIN 55,212-2).
- ix) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. (Other names in this structural class include but are not limited to: HU-210).
- x) (6aS, 10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo{c}chromen-1-ol (Dezanabinol or HU-211).
- xi) Adamantoylindoles. Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantyl ring system to any extent. (Other names in this structural class include but are not limited to: AM-1248).
- xii) Any other synthetic chemical compound that is a cannabinoid receptor agonist that is not listed in Schedules I through V of §3306 of the Public Health Law, or is not an FDA approved drug.

"Possession" shall mean to have physical possession or otherwise to exercise dominion or control over synthetic phenethylamine or synthetic cannabinoid, or a product containing the same. For purposes of this definition, among other circumstances not limited to these examples, the same:

- (1) any individual or entity that has an ownership interest in a retail, distribution or manufacturing establishment that possesses, distributes, sells or offers for sale a synthetic phenethylamine or synthetic cannabinoid, or a product containing the same; and

(2) any clerk, cashier or other employee or staff of a retail establishment, which establishment possesses, distributes, sells or offers for sale a synthetic phenethylamine or synthetic cannabinoid, or a product containing the same, who interacts with customers or other members of the public.

**Section 3. Prohibitions.**

It shall be unlawful for any individual or entity to possess, manufacture, distribute, sell or offer to sell any synthetic phenethylamine or synthetic cannabinoid or product containing the same, except as expressly exempted in this local law.

**Section 4. Penalties.**

Any person who knowingly 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. Exemptions.**

The provisions of this local law prohibiting the possession of any synthetic phenethylamine or synthetic cannabinoid, or product containing the same shall not apply to:

- (a) public officers or their employees in the lawful performance of their official duties requiring possession of synthetic phenethylamines or synthetic cannabinoids, or products containing the same;
- (b) temporary or incidental possession by employees or agents of persons lawfully entitled to possession, or persons whose possession is for the purpose of aiding public officers in performing their official duties;
- (c) a person in the employ of the United State Government or of any state, territory, district, county, municipal or insular government, obtaining or possessing synthetic phenethylamines or synthetic cannabinoids, or products containing the same, by reason of his or her official duties;
- (d) common carriers or warehousemen, while engaged in lawfully transporting or storing synthetic phenethylamines or synthetic cannabinoids, or products containing the same, or to any employee of the same within the scope of his or her employment;
- (e) laboratories with a Federal Drug Enforcement Administration ("DEA") license to purchase and use schedule 1 controlled substance for research and/or analytical testing; and
- (f) manufacturers that are registered with the DEA to synthesize and distribute controlled substances.

**Section 6. Applicability.**

This law shall apply to all action occurring on or after the effective date of this law.

**Section 7. Reverse Preemption.**

This law shall be null and void on the date that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Rensselaer. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 8. 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 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

October 9, 2012

Approved by the County Executive:

Dated: Oct. 30, 2012



Kathleen M. Jimeno

County Executive



# Local Law Filing

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Division of Corporations, State Records and Uniform Commercial Code  
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Albany, New York 12231-0001  
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County of Rensselaer

Local Law No. 2 of the year 2012

A local law Amending Sections 2.05, 2.07, 9.01, 11.00, 14.00, and 16.03 of the Rensselaer  
County Charter

By: Brownell, Cassidy, Danaher

Be it enacted by the County Legislature of the  
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent. This Legislative Body recognizes the need to update the Rensselaer County Charter.

Section 2. Amend Sections of the Charter.

- A. Article 2 County Legislature, Section 2.05 Organization Meeting. Delete the word "next" from the first line.
- B. Article 2 County Legislature, Section 2.07 Powers and Duties. (13) Change the designation from "Finance Director" to "Chief Fiscal Officer".
- C. Article 9 Social Services, Section 9.01 Powers and Duties. Add He/She is also the person in charge of the Van Rensselaer Manor.
- D. Article 11 Department of Records, Section 11.00 Department of Records. Change 3-year term to 4-year term.
- E. Article 14 County Sheriff, Section 14.00 Sheriff. Change 3-year term to 4-year term.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

F. Article 16 Youth, Section 16.03 Bureau of Detention Services.  
Delete this Section.

**Section 3. Effective date.** This local law shall take effect upon filing with the office of the Secretary of State of the State of New York, pursuant to the applicable provisions of the Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

November 13, 2012

Approved by the County Executive:

Dated: November 28, 2012

Kathleen M. Jimino  
Kathleen M. Jimino  
County Executive