



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Announces Passage Of Legislation To Make Synthetic Marijuana And Bath Salts Illegal

JOHN J. FLANAGAN June 11, 2013

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Senator John Flanagan (2nd Senate District) announced that the New York State Senate today passed legislation to address the threat posed to the public by “legal” but dangerous drugs. The bill (S1686) criminalizes the sale and possession of synthetic marijuana and “bath salts.”

“It is important to get these ‘legal drugs’ off our streets and out of the reach of young people. While the state has taken steps to remove them from our store shelves, we need to take additional action to drive them completely out of our communities. These substances are a proven danger that can serve as gateways to further and more devastating drug use and it imperative that we act sooner rather than later,” stated Senator Flanagan.

Synthetic marijuana or “fake pot” are herbs sprayed with chemicals called “synthetic cannabinoids.” These products, which are sold under such names as Spice, K2, Cloud 9 and Black 9, have dangerous side effects, including rapid heart rate, tremors, loss of consciousness and hallucinations. “Bath salts,” or “substituted cathinones,” are chemically related to methamphetamines or ecstasy and cause harmful physical and psychological reactions.

A law banning the sale of “bath salts” was enacted in 2011, and the New York State Department of Health has banned the sale and distribution of synthetic marijuana through an Order for Summary Action. However, possession of these substances - which may be purchased outside the state or via the Internet - continues to be legal.

To address this issue, the legislation introduced by Senator Flanagan goes a step further than the current law and criminalizes the possession of these products. Under the provisions of the bill, penalties for the sale and possession of synthetic marijuana and “bath

salts” would be similar to those of marijuana and methamphetamines, respectively. For instance, sale of these substances to a minor, or on or near school grounds, would constitute a class B felony punishable by up to 25 years imprisonment.

In addition to outlawing the sale and possession of synthetic marijuana and “bath salts”, this legislation would establish a Statewide Synthetic Cannabinoid and Substituted Cathinone Surrender Program. For 90 days following the effective date of the law, the program would allow individuals to voluntarily turn over any products containing synthetic cannabinoids and substituted cathinones at designated locations throughout the State.

A state database would also be created and available on the New York State Department of Health’s website to provide retailers, law enforcement, and the general public with a listing of trade names, physical descriptions, brand names and images of the various products known to be either synthetic marijuana or “bath salts”.

"As Long Island and other areas of the state wrestle with epidemic levels of substance abuse, this measure sends a clear message that possessing or selling synthetic drugs threatens public health and will be punished accordingly. Too many young people continue to land in emergency rooms after ingesting bath salts or synthetic marijuana, and we thank Senator Flanagan for yet again stepping up to make our communities healthier and safer," stated Dr. Jeffrey Reynolds, Executive Director of the Long Island Council on Alcoholism & Drug Dependence.

The bill has been sent to the Assembly, where it is sponsored by Assemblyman Michael Cusick (63rd Assembly District), for further action.