



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senator Klein and Council Speaker Mark-Viverito to eBay, Craigslist and Backpage: Kick K2 from the Internet

JEFFREY D. KLEIN September 3, 2015

| ISSUE: CONSUMER PROTECTION, INVESTIGATIONS, CONTROLLED SUBSTANCES, DRUGS, K-2



*Klein investigation turns up online ads for K2, illegal synthetic cannabinoids and pre-branded spice bags that ship to New York*

New York, NY — State Senator Jeff Klein (D-Bronx/Westchester), joined by City Council Speaker Melissa Mark-Viverito, Assemblyman Mark Gjonaj, City Council Members Ritchie Torres, Dan Garodnick, Ruben Wills, CEO of ACI Chemical Dependency Treatment Centers Warren Zysman and Lewis Cruz, a Bronx father whose son is addicted to K2, unveiled an alarming investigative

report, “The Online Smoke Shop,” detailing the cyber market for K2.

In light of this investigation, the legislators demanded that major sites, eBay, Craigslist and Backpage, remove all K2 and K2 paraphernalia from their sites, and sent letters to their CEOs on Thursday.

“I have a message for eBay, Craigslist, Backpage and other sites: It doesn’t matter if K2 is sold in the corner store or in cyberspace, you need to stop the proliferation of K2 and start policing your websites. My investigation found that the Internet is the both a virtual bodega and a chemists’ web warehouse. Disturbingly, sites not only peddle K2 — but also the materials needed to make it. On eBay my investigation even turned up pre-branded bags that we’ve seen on the streets of New York as ‘jewelry bags.’ Selling drug paraphernalia is against the company’s policy and I expect eBay and other sites to stop aiding dealers,” **said State Senator Jeff Klein (D-Bronx Westchester).**

“This investigation clearly highlights that access to K2 is just as easy to get by just a click of a button,” **said City Council Speaker Mark-Viverito.** “Synthetic marijuana is a dangerous, unpredictable and illegal substance, and for too long, unscrupulous stores and online marketplaces have profited by peddling these deadly drugs to New Yorkers. I’m proud of the work the City has done, at the urging of the Council, to aggressively tackle this issue and I thank State Senator Jeff Klein for his work on this report. I look forward to working collaboratively with our state legislators to put an end to this widespread problem.”

“The Online Smoke Shop: Buying K2 Online,” found a budding market for K2 and its paraphernalia on Internet classified and auction sites like eBay, Craigslist and Backpage, where direct dealers are posting ads geared toward New Yorkers.

On Craigslist and Backpage, sellers posted classifieds using keywords like, “K2 Spice,” “herbal incense,” “herbal potpourri,” and “legal weed.”

The postings discovered on Craigslist and Backpage lured consumers to direct dealer sites, where the same K2 found in New York shops is available for purchase online. Direct dealer sites sell the product to individuals and in bulk and ship in discreet packaging, the investigation found.

On Backpage, one dealer brazenly posted a cellphone number to text for synthetic marijuana.

Direct dealer sites found in the investigation peddled a vast array of K2, including popular brands like, “Geeked Up,” “Smacked!” “Scooby Snax,” and “Bizarro.” The sites popped up on major search engines like Google, Bing, Yahoo! Search and Ask.com when users entered terms like, “Buy K2 Spice,” “Buy herbal incense,” and “Buy synthetic marijuana.”

Dealers on these sites claimed their product was legal, but did not list ingredients.

Disturbingly, on eBay a search for “incense bags,” yielded sellers of pre-branded, Mylar K2 packaging seen on the streets of New York. In one listing, 1,000 empty, pre-branded, “Geeked Up,” bags sold for \$119.95. The posting claimed the bags — labeled 4 grams and potpourri — was for the storage of “coins, jewelry, crafts and incense.”

Worse, the investigation discovered online cannabinoid dealers selling toxic ingredients sprayed on plant matter to make K2 — even ones that were recently banned in New York State. Most of the online chemical peddlers operate outside of the United States, but are willing to ship illegal chemicals to New York.

“The growing popularity and availability of K2 is alarming and disturbing. The administrators of these online forums where K2 is so easily accessible must take proactive steps to combat this hazardous epidemic and protect its consumers. The fact that this substance is being marketed to especially appeal to a younger generation is a disgrace. These

online forums must take responsibility for what is being sold on their platforms, and should take into consideration the safety and well being of their patrons above all else. Buying and selling a dangerous and toxic substance in simple online transactions is unacceptable,” **said Assemblyman Gjonaj.**

“K2 poses serious health risks and has already taken an alarming toll on our communities, yet as Senator Klein’s report shows, remains easily purchased online. These are dangerous drugs that should be fully prohibited from all forms of retail, period. I applaud Senator Klein and the Speaker for their leadership on this issue and together, we will take every measure to halt all sales of synthetic marijuana,” **said Council Member Torres.**

“I think eBay and Craigslist know that potpourri doesn’t usually come with rolling papers,” **said Council Member Garodnick.** “While we work on keeping local businesses from selling K2 on the streets, these websites need to partner with us and limit access on the Internet.”

“Any pipeline that would enable one to obtain synthetic marijuana and similar drugs must be choked off completely, and the proliferation of these substances in any domain will not be tolerated. Senator Klein and his staff are to be commended for the work they have done to spotlight this particular issue, as we coordinate an effective response to halt the further advance of these dangerous substances. We expect responsible business owners and E-commerce companies who value the public’s safety to act swiftly to prohibit the sale of synthetics via their sites, and those who permit trafficking to continue should consider themselves forewarned they stand to suffer immeasurable losses for their negligence,” **said Council Member Wills.**

“What I've personally experienced from watching my son while on K2 is not a very nice feeling. Actually, it’s very heartbreaking. K2 needs to be banned period. All it is doing is killing the insides of an individual little by little. The hospital emergency rooms are just filling up with people who have been using this stuff. The people who are manufacturing

and selling K2 should be punished. We have to stop it before it reaches our younger children. I support Senator Klein's legislation in making K2 illegal," **said Cruz, whose son is fighting a K2 addiction.**

"An alarming number of patients being treated for K2 use and abuse at ACI Rehab located in midtown Manhattan are adolescents, ages 12 to 22. The accessibility on the Internet and local stores, low cost and catchy names, such as "Scooby Snax,' 'fake weed,' and 'moon rocks,' make K2 an attractive choice for young people. K2 can have very harmful effects including hallucinations, paranoia, seizures and spikes in blood pressure, which can lead to heart attacks and strokes. The variability of the presenting symptoms and the fact that it does not show up on standard drug tests make K2 use and overdose challenging to diagnosis. Keeping drugs like K2 off the streets is another important piece of the puzzle when it comes to the war on drugs. I fully support Senator Klein's legislation to make K2 illegal in New York State," **said Zysman, CEO of ACI Chemical Dependency Treatment Centers.**

"Jeff Klein is taking the lead on a serious issue that has been growing for a number of years. There is an unfortunate false perception that these synthetic drugs are safer than traditional street drugs but this is straightforward exploitation of our youth. The use of cartoon characters and flashy marketing make it clear who their targets are. Also, Internet service providers at various levels are not always the passive hosts of the illicit activity. Some Internet services continue to accept advertising money from drug sales even after being notified. Proactive enforcement and public information can change that," **said cybercrime researcher Garth Bruen.**

Senator Klein has introduced legislation to criminalize the sale of synthetic marijuana. A seller caught with over 16 ounces could face up to 5 ½ years imprisonment if his bill passes. He also proposed cracking down on businesses by stiffening penalties in New York State's

business law. A business found selling one time would receive a \$2,000 fine. On the second offense, that penalty would increase to \$5,000. On the third strike, a business would lose its cigarette, alcohol and State lottery licenses.

Senator Klein also would add an analog statute to the state's controlled substances law, making any analog of a Controlled 1 or 2 substance illegal. While the State Senate has passed this measure three times, the State Assembly has failed to take action.

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#### RELATED LEGISLATION

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## **2015-S6040**

K-2

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly
  - Passed Senate

- Delivered to Governor
- Signed By Governor
- 

Prohibits the sale and distribution of synthetic cannabinoids; and establishes a statewide synthetic cannabinoid surrender program

August 26, 2015

In Assembly Committee

Sponsored by Jeffrey D. Klein

Do you support this bill?

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## 2015-S6039

K-2

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- Introduced
  - ◦ In Committee Assembly
    - In Committee Senate
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  - ◦ Passed Assembly

- Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Criminalizes the sale of synthetic cannabinoids

August 26, 2015

In Senate Committee [Codes](#)

Sponsored by [Jeffrey D. Klein](#)

Do you support this bill?

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## 2015-S1640

K-2

- 
- Introduced
  - ◦ In Committee Assembly
    - In Committee Senate
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  - ◦ Passed Assembly



- Passed Senate

- Delivered to Governor

- Signed By Governor

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Includes within the schedules of controlled substances, any substances designated as controlled substances pursuant to the federal Analog Act and Controlled Substances Act

January 13, 2015

In Assembly Committee

Sponsored by Jeffrey D. Klein

Do you support this bill?