

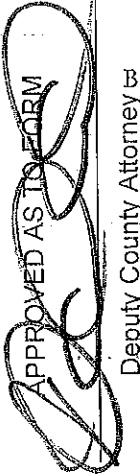
Submitted by the County Executive and Introduced by Presiding Officer Peter J. Schmitt, Minority Leader Kevan Abrahams, Deputy Presiding Officer Norma L. Gonsalves, Alternate Deputy Presiding Officer Howard J. Kopel, and Legislators Robert Troiano, Carrie Solagés, Denise Ford, Joseph Scannell, Francis X. Becker, Jr., Vincent T. Muscarella, Richard J. Nicoletto, Judi Bosworth, Wayne H. Wink, Jr., Joseph V. Belesi, ~~Dennis Dunne, Sr., Judy Jacobs, Rose Marie Walker, Delia Deniggi-Whitton, and David Denenberg~~

LOCAL LAW NO. 6 - 2012

A LOCAL LAW TO PROHIBIT THE SALE OF SYNTHETIC CANNABINOIDS IN NASSAU COUNTY

Passed by the Nassau County Legislature on May 21, 2012
Voting: ayes: 19 nays: 0 abstained: 0

Became a Law on June 18, 2012 with the approval of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Legislative Intent.

Many recent news reports have brought to light the misuse of currently legal herb-like products that contain or are otherwise laced with one or more synthetic cannabinoids, which are marketed as incense or potpourri, and smoked by individuals, including teens, as a proxy or substitute for marijuana. These products produce a marijuana-like high in addition to dangerous side effects including hallucinations, vomiting, agitation, increased heart rate, elevated blood pressure and other unhealthful conditions.

Incidences of emergency room visits linked to the smoking or ingestion synthetic cannabinoids have increased steadily over the past three years. Immediate action is required to halt the spread and availability of these products before it reaches epidemic

proportions. The deaths of several teenagers across the country are linked to the smoking or ingestion of products containing synthetic cannabinoids.

In 2011, the United States Drug Enforcement Agency (DEA) issued an emergency one year ban on five synthetic cannabinoids, which was extended on March 1, 2012, for an additional six months. This ban has the effect of treating the synthetic cannabinoids as "Schedule I" drugs under federal law. Schedule I drugs are substances with a high potential for abuse; no currently accepted medical use in treatment in the United States, and a lack of accepted safety for the use of the drug under medical supervision.

This legislature finds and determines that, in the event that this ban is not further extended or codified into federal or state law, Nassau County residents must still be protected from the dangers of synthetic cannabinoids. This Legislature further finds that the most effective way to protect Nassau County residents from the danger of synthetic cannabinoids is to prohibit the sale or distribution of those products within the County.

Finally, this Legislature finds that, because the DEA's emergency ban only covers five synthetic cannabinoids and that because chemical compounds can be modified to produce similar effects while attempting to avoid a prohibition based on precise chemical composition, this legislation is necessary to prevent the use of all harmful synthetic cannabinoids within Nassau County.

Section 2. A new Title 78 is hereby added to the Miscellaneous Laws of Nassau County as follows:

TITLE 78 - PROHIBITION OF THE SALE OF SYNTHETIC CANNABINOIDS IN NASSAU COUNTY

1. As used in this title, "synthetic cannabinoids" means any chemical compound which reacts with cannabinoid receptors and has been permanently or temporarily placed on the federal Schedule of Controlled Substances, Schedule I, as codified at 21 C.F.R. 1308.11, or any other chemical compound which reacts with cannabinoid receptors which has not otherwise been approved or regulated for use by the United States Food and Drug Administration (FDA).

2. No person, firm, corporation, partnership, association, limited liability company, or any other entity, or agent or employee thereof, shall, in any manner, or by

any means, offer for sale, charge any fee for, or otherwise distribute a product which contains one or more synthetic cannabinoids within Nassau County.

3. Any person, firm, corporation, partnership, association, limited liability company or other entity, or agent or employee thereof that knowingly violates the provisions of this act by selling or offering to sell, change any fee for, or otherwise distribute any product which contains a synthetic cannabinoid, shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

4. Nothing in this title shall apply to any product or chemical compound approved or regulated by the United States Food and Drug Administration.

5. This title shall be null and void in the event that statewide or federal legislation is enacted which incorporates either the same or substantially similar provisions as are contained in this title or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting the action taken herein by the County.

6. In the event of any renumbering of the titles contained within the Miscellaneous Laws of Nassau County by the County Attorney's Office or any other agency of government, no further legislative action shall be necessary to maintain the effectiveness of this title, notwithstanding section 5 herein.

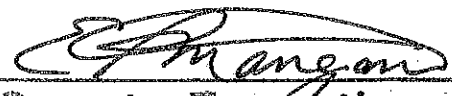
Section 3. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, 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 4. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County

Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

~~Section 5. This local law shall take effect immediately.~~

APPROVED



County Executive

DATE 6/18/2012