

S7826 GRIFFO (Assembly-Same as pending)

ON FILE: 07/24/12 Public Health Law

TITLE....Establishes a substituted cathinone surrender program and designates substituted cathinones as schedule I stimulant controlled substances; repealer

07/23/12 REFERRED TO RULES

SUMMARY:

GRIFFO

Amd SS3306 & 3308, rpld S3306 schedule I PP9 & 10, Pub Health L

Establishes a substituted cathinone surrender program and designates substituted cathinones as schedule I stimulant controlled substances.

BILL TEXT:

STATE OF NEW YORK

7826

IN SENATE

July 23, 2012

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to establish a substituted cathinone surrender program; to amend the public health law, in relation to controlled substances; to repeal certain provisions of the public health law, relating to controlled substances; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. There is hereby established a statewide substituted cathi-
2 none surrender program. Pursuant to this program, for a period of ninety
3 days commencing on the effective date of this section:

4 The department of health shall establish a statewide substituted cath-
5 inone surrender program, in compliance with federal law. The program
6 shall be composed of locations throughout the state, at which individ-
7 uals may anonymously surrender products containing substituted cathi-
8 ones, as defined in section 3306 of the public health law. A surrender
9 of substituted cathinones pursuant to this section shall not constitute
10 a "sale" for the purposes of the penal law.

11 § 2. Paragraph 5 of subdivision (f) of schedule I of section 3306 of
12 the public health law, as amended by chapter 457 of the laws of 2006, is
13 amended to read as follows:

14 (5) [~~Methcathinone (some other names: 2-(methylamino)-propionophenone;~~

15 ~~alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-~~
16 ~~1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone,~~
17 ~~N-methylcathinone, methylcathinone; AL-464; AL-422; AL-463 and UR1432),~~
18 ~~its salts, optical isomers and salts of optical isomers]~~ Substituted
19 cathinones. Any compound, other than bupropion, that is structurally
20 derived from 2-amino-1-phenyl-1-propanone by modification in any of the
21 following ways:
22 (i) By substitution in the phenyl ring to any extent with alkyl,
23 alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not
24 further substituted in the phenyl ring by one or more other univalent
25 substituents;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (ii) By substitution at the 3-position with an alkyl substituent;
2 (iii) By substitution at the nitrogen atom with alkyl or dialkyl
3 groups, or by inclusion of the nitrogen atom in a cyclic structure.
4 § 3. Paragraphs 9 and 10 of subdivision (f) of schedule I of section
5 3306 of the public health law are REPEALED.
6 § 4. Section 3308 of the public health law is amended by adding a new
7 subdivision 7 to read as follows:
8 7. The commissioner shall, in conjunction with the division of crimi-
9 nal justice services, establish and maintain a database of known substi-
10 tuted cathinones, as defined in section thirty-three hundred six of this
11 title. The database shall be published on the department's website so
12 that consumers, retailers, and law enforcement agencies can access
13 information including, but not limited to:
14 (a) a list of compounds known to belong to the classes of chemicals
15 listed above, and their trade names;
16 (b) a physical description of products known to contain such
17 compounds, and their effects; and
18 (c) a list of the brand names of products known to contain such
19 compounds, and images of their packaging.
20 The website shall include a statement indicating that such information
21 is being provided as a resource for consumers, retailers, and law
22 enforcement; and, due to the nature of the illegal drug trade, such
23 information may not be comprehensive. Neither the department nor the
24 division of criminal justice services shall be liable for any economic
25 harm, personal injury, or death that may result from information
26 included in, or omitted from, the database.
27 § 5. This act shall take effect on the ninetieth day after it shall
28 have become a law; provided, however, that the commissioner of health
29 and the division of criminal justice services shall immediately take the
30 actions necessary to ensure that the database created by subdivision 7
31 of section 3308 of the public health law, as added by section four of
32 this act, and the surrender program established by section one of this
33 act, are operational on such effective date; and provided, further, that
34 the provisions of section one of this act shall expire and be deemed
35 repealed on the ninety-first day after such effective date.

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7826

SPONSOR: GRIFFO

TITLE OF BILL:

An act to establish a substituted cathinone surrender program; to amend the public health law, in relation to controlled substances; to repeal certain provisions of the public health law, relating to controlled substances; and providing for the repeal of certain provisions upon expiration thereof

PURPOSE:

To classify substituted cathinones (these products, often referred to as "bath salts", chemically related to methamphetamines and ecstasy - which are both classified as stimulants) as Schedule I stimulant controlled substances and to create a Statewide substituted Cathinone Surrender Program to allow for surrender of these harmful substances to appropriate authorities.

CURRENT LAW::

Chapter 130 of the Laws of 2011 banned the sale or distribution of any product containing Mephedrone and MDPV which were marketed as "bath salts."

SUMMARY OF PROVISIONS:

Amends the Public Health Law and Penal Law to add substituted cathinones to the CSA based on chemical structures. A direct reference to "meth-cathinone" is removed because it fits within the class. Creates penalties for possession and sale similar to other stimulants, because these products often referred to as "bath salts," are chemically related to methamphetamines and ecstasy - which are both classified as stimulants.

Requires provisions to allow for the surrender of these substances during the 90 day period after enactment of the law to the appropriate authorities, and requires that a database be maintained to increase awareness of these products and their harmful effects.

JUSTIFICATION:

Many recent and disturbing news reports have brought to light the continued danger of a drug like product known as "bath salts." According to UPSTATE Medical University and the Upstate New York Poison Center "bath salts" is a common term used for man-made stimulant (upper) drugs that are similar to "ICE" methamphetamine (or crystal meth). Since they are very similar to other stimulant (upper) drugs like meth (amphetamine), they are very dangerous when used. "Bath salts" can be snorted, smoked, or even put in water and injected using a needle. They come in a

variety of different and attractive packaging with enticing names like "Cloud Nine", "White Lightning." "Purple Rain", "Pixie Dust", and many more.

These drugs stimulate the nervous system (brain) and the cardiac system (heart). Severe symptoms may occur including convulsions, seizures, chest pain, excessive sweating, hallucination, anger/violence, suicidal thoughts and action. The use of "bath salts" can cause heart attacks, permanent brain damage and scary hallucinations that can last for days or even weeks. Behavior can result in suicide or the harm to or killing of others.

While Chapter 130 of the Laws of 130 criminalized the sale of "bath salt" products containing Mephedrone and MDPV, a current practice of making minor alterations to chemicals to subvert statutes that prohibit distinct chemicals made it possible for slightly altered "bath salt" products to continue to be sold in New York State. In this new legislation, by adding substituted cathinones to the CSA based on foundational chemical structures, this loophole of chemical alteration would be closed. Not only will this bill provide criminal sanctions, but also makes it a felony to sell such product to a minor or on school grounds.

LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect 90 days after it shall have become a law, with provisions.