



NEW YORK STATE SENATOR

Martin J. Golden

Senator Golden Joins State Senate's Efforts to Criminalize Synthetic Marijuana

MARTIN J. GOLDEN April 30, 2012

| ISSUE: **DRUGS**

The New York State Senate today passed legislation to criminalize the sale and possession of synthetic marijuana. The bill (S.6694), sponsored by Senator John Flanagan (R-C-I, East Northport), and co-sponsored by Senator Martin J. Golden (R-C-I, Brooklyn) would also criminalize the sale and possession of hallucinogenic chemicals deceptively called “bath salts.”

Senator Marty Golden stated, "The fact that these drugs are legal and are damaging our children, our families and communities, is enough of an incentive to take swift legislative action so to penalize those who sell or possess these chemicals. We are taking a major step today towards protecting our future and keeping danger and tragedy out of homes across New York State. The State Assembly must move on this bill so this year, we can create such a necessary law here in New York State."

“These ‘legal’ drugs clearly have the potential to do harm to our residents, and serve as gateways to further and more devastating drug use. While we applaud Governor Cuomo’s ban, we need to take additional action to get these substances completely out of our communities and out of the reach of our young people. Drug abuse is a pervasive problem

impacting a growing number of families across our state. We owe it to our children and their parents to make sure that we get this legislation enacted this year,

Synthetic marijuana or “fake pot” are herbs sprayed with chemicals called “synthetic cannabinoids.” These products -- including 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 and ecstasy and also cause harmful physical and psychological impacts.

While Governor Andrew Cuomo signed a law to ban the sale of “bath salts” last year, and just last month the New York State Department of Health banned the sale and distribution of synthetic marijuana through an Order for Summary Action, 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 goes a step further and criminalizes the possession of these products. Under the provisions of this bill, penalties for the sale and possession of synthetic marijuana and bath salts would be similar to those for marijuana and methamphetamines, respectively. Therefore, 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 in prison.

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 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.

Senator Golden continued, "We are also incorporating mechanisms that will allow for voluntary return of any such substances at specific locations throughout the State. And we also did not leave out a key component, that which is education, so that law enforcement personnel and the general public are more aware of these dangerous substances."