



NEW YORK STATE SENATOR

William Larkin

Senate Passes Bill to Criminalize Synthetic Marijuana

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| ISSUE: **CRIME, CONTROLLED SUBSTANCES, 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), would also criminalize the sale and possession of hallucinogenic chemicals deceptively called “bath salts.”

"These chemicals are extremely dangerous and are a growing health concern for people of all ages," said Senator Bill Larkin (R-C, Cornwall-on-Hudson). "This legislation will keep these drugs off our streets and out of the hands of our children," said Larkin.

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.

In addition to potential health risks facing those who use the chemicals, the use of synthetic marijuana and “bath salts” has also been implicated in serious criminal activity. Just last week, Richard A. “Psycho” Velazquez was sentenced to 10 years in state prison and 5 years on

parole for his guilty plea to felony counts of assault and strangulation in an attack on a woman and her infant child in Glens Falls, Warren County. Velazquez slammed the victim's face into a mirror, choked her and tackled her down a flight of stairs as she held her 7-week-old child. He admitted that the synthetic marijuana product he and the victim had been smoking directly contributed to his actions.

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."