



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senator Klein, Local Leaders & Health Officials Demand a Crackdown on Illicit Underground Drug K2

JEFFREY D. KLEIN August 12, 2015

| ISSUE: **CRIME, DRUGS, NEW YORK CITY, VIOLATIONS, K-2**

*Senator Klein introduces new legislation to strengthen penalties for sale of synthetic cannabinoids*

*Over 20 stores purportedly selling synthetic marijuana in The Bronx; Nearly 700 visits to Bronx emergency rooms in recent months*

*Senator Klein calls on Bronx District Attorney to prosecute sale of K2*

**BRONX, NY - State Senator and Independent Democratic Conference Leader Jeff Klein (D-Bronx/Westchester)**, together with **Assemblyman Mark Gjonaj (D-Bronx)**, Director of Behavioral Health Services at North Bronx Healthcare Network Dr. Maryann Popiel, Director of the Comprehensive Psychiatric Emergency Program at Jacobi Hospital Dr. Benjamin Raatjes, community leaders and health officials, today demanded a crackdown on the sale of synthetic marijuana at Jacobi Hospital's Trauma Center in The Bronx.

In an effort to combat "spice" sales, which have led to nearly 700 emergency room visits at three Bronx hospitals in recent months, Senator Klein also introduced new legislation to strengthen criminal and civil penalties to keep ahead of the synthetic drug trade.

"The Bronx is becoming the K2 capital of New York City. Synthetic marijuana is dangerous and poses a very real public health threat to New Yorkers, their families and children. At

least ten patients a week are rushed through the emergency room at Jacobi Hospital displaying frightening, erratic behavior associated with K2 use. I'm introducing legislation to keep ahead of the chemists' curve and criminalize all analogous chemicals put into these colorful K2 packets. I'm also introducing legislation to increase penalties for stores that continue to peddle synthetic marijuana since shop owners remain undeterred by weak fines. Our District Attorney and law enforcement officials need support through new laws and funding for street testing kits to finally extinguish the sale of this cheap, addictive substance that's hurting so many people here in The Bronx and throughout the state," **said Senator Klein.**

"The sale and use of K2 and other synthetic drugs is an epidemic in our state. These drugs are easily accessible and are being marketed to children right in our backyard. We must prevent the sale of these dangerous and life threatening products. There must be stronger laws and penalties that will protect our communities, families and children," **said Assemblyman Gjonaj.**

Synthetic marijuana is known to cause Excited Delirium Syndrome or a state of "extreme mental and physiological excitement," associated with violent behavior, seizures, high blood pressure, elevated body temperatures and more.

"The biggest misconception about synthetic marijuana is that is anything like actual cannabis. These are dangerous chemicals sprayed onto plant matter that can be overwhelming to those using these drugs. Users are at an elevated risk of a heart attack or a seizure. Patients coming into the hospital often suffer from extreme paranoia which manifests itself into fits of violence, putting many others, beyond those abusing the drug, in danger," **said Dr. Benjamin Raatjes, director of the Comprehensive Psychiatric Emergency Program at Jacobi Hospital.**

In 2012, Governor Cuomo issued new regulations under the Department of Health (DOH) sanitary code to ban the possession, manufacture, distribution, or sale of synthetic cannabinoids. Just this past week, DOH promulgated new regulations to expand the types of synthetics covered under the 2012 order.

Unfortunately, these actions have not given local law enforcement officials sufficient support to successfully combat the sale of these dangerous substances. Local shops continue to sell vibrant, cleverly-named packets of K2. In an undercover purchase made by the Office of Senator Klein, a Bronx bodega owner surreptitiously grabs “Smacked!” along with other brands of K2 hidden underneath the counter when asked by a customer. The shopkeeper charged only \$5 for each five gram bag.

That’s why Senator Klein will introduce new legislation to combat the sale of synthetic marijuana and criminalize K2. The proposed legislation adds “synthetic cannabinoids” to the pre-existing crimes of selling marijuana under New York State’s penal law. Accordingly, Senator Klein’s legislation provides five degrees of criminal sale – ranging from class “B” misdemeanor to a class “C” felony – depending on the weight of synthetic cannabinoid sold.

Degree	Weight	Punishment
1st	More than 16 ounces	Class C Felony – 1- 5 ½ years
2nd	More than 4 ounces or sells to a person under 18.	Class D Felony – 1-2 ½ years
3rd	Greater than 25 grams	Class E Felony – 1- 1 ½ years

4 <sup>th</sup>	Greater than 2 grams or less than 25 grams	Class A Misdemeanor – \$1,000 fine, imprisonment of no more than 1 year.
5 <sup>th</sup>	Less than or equal to 2 grams	Class B Misdemeanor – \$500 fine, imprisonment of no more than three months

Senator Klein also introduced legislation that would ban the sale of synthetic cannabinoids under the general business law. Currently, fines top out at \$2,000 per packet of drugs possessed. Senator Klein's legislation would significantly increase these penalties – bringing the first violation to \$2,000, the second to \$5,000 and the third violation will result in the loss of a store owner's liquor, tobacco and lottery license. These new penalties will make unscrupulous businesses think twice before peddling hazardous chemicals in New York State.

The K2 epidemic is especially prolific due to the ease with which chemists are able to continually to tweak their formulas to subvert existing laws and regulations. In 2012, Senator Klein introduced legislation (S.1640) designed to mimic the Federal Controlled Substances Act which mandates any chemical substances that are analogous to already banned substances are they themselves banned. Senator Klein's proposed legislation would better equip law enforcement and district attorneys in New York with the tools they need to prosecute and enforce the illegal sale of synthetic marijuana.

"Sadly, local families are losing their loved ones to K2 and synthetic drugs. These type of dangerous chemicals have no place in our communities and in the hands of our children. Senator Klein has lead the way in protecting our families for decades and I thank him for taking swift action today," **said Bronx Democratic District Leader Julia Rodriguez.**

“Synthetic marijuana is wreaking havoc on our communities – causing an uptick in hospitalizations and putting our children and families at risk. This drug has no place in our local stores and on their shelves. It is only through new enforcement tools and regulations that we will be able to take this dangerous drug off the street. Thank you Senator Klein for taking immediate action to criminalize the sale of K2 and protect our community,” **said Joe Thompson, 49th Precinct Council President.**

"Community Board #2 is very concerned with the recent spread of K2 marijuana in New York and its negative impact on our community. We thank Senator Klein for introducing legislation that will stop bodega owners for selling this dangerous substance in our backyard. We stand with Senator Klein today and applaud him for his efforts protect our children and families," **said Rafael Salamanca, 41st Precinct Council president and district manager of Community Board #2.**

“As a Bronx resident and mother, I am very concerned that these small local stores are selling this dangerous drug over the counter in our community. Something has to be done immediately to address this critical public health issue. Synthetic marijuana needs to be regulated and monitored and it should not be sold in any store setting where people are able to purchase it. Thank you Senator Klein for working to combat the sale of K2 in New York,” **said Aurora Carrión, 43rd Precinct Council President.**

In light of current loopholes in state law, Senator Klein also announced his first budget priority of the legislative session would be to secure funding for street drug test kits that would enable local law enforcement to better detect the presence of synthetic cannabinoids sold over the counter at local stores and bodegas.

Senator Klein’s office, in coordination with community leaders and local hospitals, has identified 24 stores in The Bronx allegedly selling synthetic marijuana.

In the fall, Senator Klein will host a summit on synthetic cannabinoids to bring together legislators, law enforcement and the medical community to combat the current public health crisis posed by K2. The summit will be held on October 9th, 2015 at Jacobi Hospital.

\*\*\*View the video from today's press conference [here](#).

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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
- 

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?