

The Office of State Senator Jeff Klein



The Online Smoke Shop: Buying K2 Online



September 2015

Introduction:

More than 1,900 residents of New York State¹, including 700 from the Bronx, have been hospitalized in recent months after using synthetic drugs meant to mimic the effect of marijuana. These dangerous synthetic drugs, commonly referred to as K2 or Spice are being sold in many small neighborhood stores throughout New York City. A recent undercover investigation by the Office of State Senator Jeff Klein revealed how easily individuals can purchase these dangerous drugs from unscrupulous retailers who are ignoring an order issued by the New York State Department of Health which makes it illegal to sell K2². In response to this crisis, and armed with the results of his investigation, Senator Klein has introduced legislation that would criminalize the sale of K2 and impose stricter penalties under the State's general business law on any businesses found selling this dangerous product³. Senator Klein also continues to push for passage of a New York State analog act to strengthen our controlled substances law.

Unfortunately, trying to stamp down the use of K2 by going after brick and mortar retailers who peddle the drug is difficult when anyone with an internet connection can access websites that advertise these same drugs for sale. Why should small retailers ignore such a profitable business, as demonstrated by the multiplicity of online retailers? A simple search using the world's most popular search engine will bring up multiple websites that make buying these drugs as easy as buying a book or a song. Even some of the largest internet markets in the world have advertisements for these dangerous drugs or their paraphernalia.

Senator Klein is calling on websites like Craigslist and Backpage to do a better job in preventing individuals from posting ads for these drugs on their websites being advertised as, "K2," or, "K2 Spice." We discovered that sites like EBay make buying the paraphernalia needed by small drug dealers easy, and we call on them to curb this practice, which makes peddling these drugs easier. We are also urging parents to continue their vigilance over internet use by their children. Specifically, they need to be aware that websites most commonly peddle these dangerous drugs using the term "herbal incense." Finally, this office urges government at all levels to be more aggressive at shutting down websites offering unsafe and dangerous drugs under the pretense that these products are potpourri or incense.

II. The Dangers of K2:

K2 or synthetic cannabinoids is the name given to a number of drugs products that mimic many of the effects of Tetrahydrocannabinol (THC), the main active ingredient in marijuana, on the human brain. These chemicals, which are manufactured directly and are not found in any actual plant substances, are then sprayed on a mix of dried plants. This infused mix is then packaged in small bags and sold as, "herbal incense," or, "herbal potpourri." These substances are marketed as

¹ Hays, Tom, August 8, 2015, *Associated Press*, "NYC sees surge in use of synthetic marijuana, complicating efforts to deal with the homeless". Available at: <http://www.usnews.com/news/us/articles/2015/08/08/nyc-sees-surge-in-synthetic-pot-use-with-dire-consequences>

² SENATOR KLEIN, LOCAL LEADERS & HEALTH OFFICIALS DEMAND A CRACKDOWN ON ILLICIT UNDERGROUND DRUG K2, August 12, 2015. Press release available at: <http://www.nysenate.gov/press-release/senator-klein-local-leaders-health-officials-demand-crackdown-illicit-underground-drug>

³ S.6039 and S.6040 Klein, text available through: <http://www.nysenate.gov/open>

legal substitutes for marijuana, but they not related to actual marijuana at all. Dr. Benjamin Raatjes, director of the Comprehensive Psychiatric Emergency Program at Jacobi Hospital stated that:

“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.”

Dr. Raatjes’ point can’t be stressed enough. This “herbal incense” is not marijuana, but instead an unknown mix of dried plants (which may or may not have toxic properties themselves) and newly manufactured research chemicals invented in labs, whose short or long term effects on the human body have not been studied and certainly not declared safe. This is why many of these products often claim that they are not for human consumption, though packaging them in individual doses belies these claims.

There are a multiplicity of brand names for these drugs, such a Smacked, Scooby Snax, Black Giant, Yucatan Fire, Geeked Up, Voodoo Spice, DaBomb, etc. The two most common initial names, K2 and Spice, have come to symbolize this product in general, though most K2 packets no longer bear those names. None of these “brands” are transparent about which synthetic chemicals have been used as the main active ingredients, nor what are the dried plants that have been sprayed and included in the package. They tend to have names that are suggestive of getting high (like Smacked, or Geeked Up, as can be seen below) or that speak to potency. Many brands now advertise flavored versions, like can be seen below with “Smacked,” and, “Fruit Punch Smacked.”

Examples of K2 packages:



⁴ Photo credit: Michael Schwartz, For the New York Daily News

III. Existing Legal Actions Against K2:

The Federal Government passed the Synthetic Drug Abuse Prevention Act of 2012, which added 27 drugs, around 20 of which were synthetic cannabinoids, and their isomers and analogs to the list of Schedule 1 substances. These substances are illegal to possess or trade without specific federal authorization, which is given for limited scientific purposes. In addition, this legislation extends the period in which the Executive branch, without legislative action, can temporarily place substances on the Schedule 1 list from 18 months to 36 months. This allows the government to effectively ban substances through regulation for up to three years while awaiting legislative action. The Federal government has used these powers to ban an additional 10 synthetic cannabinoids for the time being. The Federal controlled substances act also includes an analog provision, banning drugs that are analogs, which means that the chemical structure is similar since they differ only in one chemical component. Any analog of a Schedule 1 or 2 drug is effectively also controlled.

Effective January 2, 2013 the NYS Health Department issued an order under the powers granted by the public health law section 225 banning the possession, manufacture, distribution, sale or offer of sale of synthetic cannabinoids and synthetic phenethylamines as well. This regulation was expanded in July of this year to include more synthetic chemicals to the list of banned substances. Currently, this order bans the use of over 50 different synthetic drugs, including over 35 distinct synthetic cannabinoids. This order by the Department of Health carries the power of law, but the penalties for violating it are mild. The heaviest penalties are civil damages up to \$2,000 per instance of selling these drugs. Stores caught selling the drugs also face violations, with a second and subsequent offense being punishable up to 15 days in jail and a \$500 fine.

The existing method of controlling dangerous drugs is straining under the challenge posed to it by the multiplicity of synthetic drugs. The government is able to ban specific chemical compounds, but unfortunately modern chemistry allows individuals to experiment and create new and different chemical compounds that get individuals similarly high while not being on the list of banned substances. This creates a sort of race between the authorities and amoral chemists creating newer drugs. This is why the Cuomo administration had to expand its order, to encompass new chemicals now found in these colorful, but deadly packages since the initial order was issued. As of the time of this report's issuance, newer synthetic cannabinoids not yet banned are being sold online, while chemists remains hard at work finding even more chemical substances that will affect the brain.

IV. The market for K2 online:

The online marketplace for K2 can be broken down into three general types of websites: 1) Internet markets 2) direct dealers and 3) ingredient dealers. The first category includes websites that offer wide variety of products for sale from third party sellers. This includes websites like Craigslist, Backpage, EBay, Amazon, or Alibaba. The second type of website specializes in selling "herbal potpourri" or "incense" directly, either individually wrapped or in larger boxes that include many individually wrapped portions. The final type of website provides individuals with the ability to purchase the synthetic chemicals that are sprayed on the dried plant matter directly. Each of these kinds of sites poses different concerns.

1) Internet Markets:

These commonly known and frequently utilized websites are the main portals for internet commerce. They are often the first stop for individuals looking to purchase something online. The Office of Senator Klein searched for K2 using some common terms for these products in many of the popular internet markets, including the two largest. The websites searched include: Amazon, EBay, Craigslist, Backpage, Buy.com, and Yahoo! Shopping. The terms searched for include: K2 spice, herbal incense, herbal potpourri, legal weed, incense bags, and K2.

In beginning our search, Senator Klein’s office looked for advertisements peddling the kind of K2 packages sold in stores in The Bronx. Advertisements for these drug-filled packages were found on two of the sites searched, **Craigslist** and **Backpage**, both of which act as electronic clearinghouses for classifieds. In order to look through these websites individuals must chose a specific region in which they will search through these digital classifieds. Both sites will bring up ads in neighboring regions. Backpage will bring up ads from a wider range than Craigslist.

Craigslist ads for these drugs were found in the New York City area, and searches in the Hudson Valley and Long Island pages brought up the New York City results as well. The New York City search also brought up results from New Jersey. Upstate regions did not have such ads posted, and do not display the New York City results. Backpage had fewer ads but because it displays ads from a wider range, searches through the upstate New York areas also brought up an ad for these drugs using terms like K2 spice and herbal incense. In addition, the term K2 itself brought up no results on Craigslist, but did bring up one ad on Backpage for the Downstate New York region.

Terms Searched and Websites with relevant hits:

Search Term	K2 Spice	Herbal Incense	Herbal Potpourri	Legal Weed	Synthetic Marijuana	Incense Bags
Websites with ads of concern	Craigslist Backpage	Craigslist Backpage	Craigslist Backpage	Craigslist Backpage	Backpage	EBay Amazon

Almost all of the ads on both Craigslist and Backpage were posted by sellers who included information about the websites they run that directly sell these drugs. In essence, direct dealers are spreading word of their own websites by posting classified ads on Craigslist and Backpage. These ads posted by the direct dealer websites all proclaim their complete legality, but never provide any info on the content of the, “herbal incense,” they are peddling.

The most worrying ad was the ad placed on Backpage that came up when searching for the term, “Synthetic Marijuana.” That ad made no pretense of legality and provides a phone number to text as the contact, as opposed to a website.

Example of Craigslist Ad:

Herbal Incense suppliers

newyork.craigslist.org/brk/for/5170172488.html

CL new york > brooklyn > general for sale - by owner

reply prohibited Posted: 15 days ago prev next print

★ Herbal Incense suppliers K2 Spice - \$10 (new york)

SCOOPY SNAX POTPOURRI

SCOOPY SNAX4G

check out legalexoticweed.com we sell herbal incense potpourri spice and we ship to all 50 states!

- do NOT contact me with unsolicited services or offers

post id: 5170172488 posted: 15 days ago updated: 5 days ago email to friend best of

Avoid scams. deal locally. Beware wiring (e.g. Western Union), cashier checks, money orders, shipping.

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Example of Backpage Ad:

Buy Synthetic Marijuana, K2, Spice, Herbal Potpourri +1 305-900-3850

Posted: Saturday, August 15, 2015 8:43 PM

Report Ad

Reply

Buy top quality K2, Spice, synthetic marijuana, herbal potpourri.

SEND TEXT +1 305-900-3850

- Location: Fairfield
- Post ID: 62744801 newyork

email to friend

Play it safe. Avoid Scammers.

Most of the time, transactions outside of your local area involving money orders, cashier checks, wire transfers or shipping (especially overseas shipping) are scams or frauds.

Report all scam attempts to abuse@backpage.com

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⁵ Screenshot from Google Chrome web browser, 8/27/15.

⁶ Screenshot taken 8/27/15

While only Craigslist and Backpage offered ads for these drugs directly using the search terms utilized, Amazon and eBay had ads for the actual pre-branded, Mylar bags used to individually package K2. For eBay, the term that brought these ads up was Incense Bags.

EBay Ad for “Geeked Up” Bags:

The screenshot shows an eBay product listing. On the left is a product image of a yellow Mylar bag with a graphic of a pair of glasses and the text 'GEEKED UP', 'PREMIUM NATURAL BLEND', and 'NET WEIGHT - 4g POTPOURR'. The main listing area on the right contains the following information:

- Item condition:** New
- Time left:** 29d 20h @ 28, 11:55AM
- Price:** US \$119.95
- Buttons:** Buy it Now, Add to cart, Make Offer
- Best Offer:** Add to watch list, Add to collection
- Shipping:** FREE Expedited Shipping (See details), Item location: Totowa, New Jersey, United States, Ships to: United States
- Delivery:** Between Fri. Aug. 28 and Wed. Sep. 02 to 10461, Estimated by eBay FAST 'N FREE, Ships today if paid within 1 hr 42 mins (Details)
- Payments:** PayPal, VISA, MasterCard, American Express, Discover (Credit Cards processed by PayPal)
- PayPal CREDIT:** Spend \$99+ and get 6 months to pay. (Apply Now | See Terms | See details)
- Returns:** Seller does not offer returns. You are covered by the eBay Money Back Guarantee if you received an item that is not as described in the listing.
- Guarantee:** eBay MONEY BACK GUARANTEE (See details), Get the item you ordered or get your money back. Covers your purchase price and original shipping.

At the bottom left, it says '7 People who viewed this item also viewed'. At the bottom right, there is a 'Feedback on our suggestions' link.

The bags being advertised are generally made of Mylar plastic and have zip-lock mechanisms. A search on Amazon under the general term brings up ads for plain bags in a variety of plain colors. eBay also advertise plain bags, but the majority of their ads are for bags with a variety of brand names already printed on the bags. These ads claim that these bags can be used to store crafts, jewelry, coins, and incense. The idea that an individual would buy from dozens to thousands of Mylar bags, each having identical decals and brand names already containing a purported weight amount and saying potpourri on them in order to store jewelry, coins, or craft items is preposterous. On eBay we found ads for bags bearing the same logos as those drug packets uncovered by our undercover investigation. Searching for “Incense Bags” brought up 402 distinct ads on eBay, the vast majority for branded bags. Using the term “Incense Ziplock Bags” increased the number of hits to 434 on the day the search was conducted.

⁷ Screenshot taken 8/27/15

It is difficult to imagine what non-illicit use someone would have to sell strangers thousands of pre-branded plastic bags. The seller loses all control of the contents that will be placed in the bag, meaning that any pronouncements that might be on the bags themselves about the contents or their intended use are no longer remotely useful. Any company trying to create a legal brand would never just allow anyone to use their brand name. On the other hand, someone trying to publicize their illicit brand might be interested in name recognition enough to allow strangers to use their brand. This is especially true of the individual has no concerns for the health or safety of their customers.

In examining the advertisements for plastic bags with the brand name “Geeked Up”, which was one of the specific brand names on the packets our undercover investigation uncovered, we found that unfortunately EBay did have two advertisements for packets of “Geeked Up” itself, and that one of these advertisements brought up links to advertisements to several other brands of so called “herbal potpourri”. A search in Amazon also found the website selling pre-branded “Geeked Up” bags, thought to find them one had to search for the specific term. This means that while finding these products on EBay or Amazon is harder than finding them on Craigslist or Backpage, it is not impossible if one is determined to search using some of the many new distinct brand names being created to advertise these products.

Advertisement for “Geeked Up” on EBay:

www.ebay.com/itm/potpourri-Geeked-Up10ga-/262014993027?hash=item3d014f8283

Item condition: **New with tags**

Time left: 23d 03h 4/20, 7:15PM

Quantity: 7 available / 3 sold

Price: **US \$28.00** [Buy It Now](#)

[Add to cart](#)

1 watching [Add to watch list](#)
[Add to collection](#)

Located in United States New condition

Shipping: **\$2.75** Standard Shipping | [See details](#)
Item location: Lutz, Florida, United States
Ships to: United States and many other countries | [See details](#)

Delivery: Estimated on or before **Fri. Sep. 04** to 10461

Payments: [PayPal](#) [VISA](#) [MasterCard](#) [Discover](#) [American Express](#)
Credit Cards processed by PayPal

PayPal CREDIT
New PayPal Credit customers get \$10 back on 1st purchase
[Apply Now](#) | [See Terms](#)
[See details](#)

Returns: Seller does not offer returns. You are covered by the eBay Money Back Guarantee if you received an item that is not as described in the listing.

Guarantee: **ebay MONEY BACK GUARANTEE** | [See details](#)
Get the item you ordered or get your money back.
Covers your purchase price and original shipping.

THANK YOU FOR SHOPPING AT ebay

People who viewed this item also viewed

- potpourri Scooby Snax Watermelon 10ga **\$25.00**
- potpourri O M G 10ga **\$25.00**
- potpourri Mind Trip 10ga **\$25.00**
- potpourri Mad Hatter Blue 10ga **\$28.00**

⁸ Screenshot taken 8/28/15.

2) Direct Dealers:

While many people intending to purchase something online will first visit well known Internet markets, many others might begin by using an online search engine to narrow down the websites they should visit to find what they are seeking. The biggest search engines in the world are Google, Bing, Yahoo! Search and Ask.com. We entered 3 simple search terms to see how easy it was to find links to websites that directly offer to sell packets of drugs, and to get an idea of what other kind of information would come up. The three terms searched used were: “buy K2 Spice,” “buy herbal incense,” and “buy synthetic marijuana.” All of the four big search engines were searched and we counted the number of links that came up. We examined the number of links that came up in the first three pages for each term. The four search engines structure their pages differently, so the number of links are not uniform. There is also repetition – some sites might carry over a link from the first page into the second page and so forth. This methodology would count the repeated link twice, so the number of unique sites that comes up within the first three pages might be smaller than the number of links recorded.

In this search we identified four main categories of sites:

- **Direct Sellers** are websites that directly advertise the sale of drug packets, either individually or in bulk. Someone would be able to pay by credit card and have the drugs delivered to their address by going through these sites.
- **Review Sites** are links to websites that provide reviews of different “mixes” and also discuss the best direct sellers to use, as well as websites in which people provide information on where to find these drugs online. These are also websites of concern.
- **Information Sites** are links to official pages describing the dangers of these drugs, news articles about this drug problem, links to online encyclopedias and links to smaller sites describing this drug issue for small internet publications. These links provide individuals with information as to why they shouldn’t be purchasing these products.
- **Other Markets** are links to market websites like Amazon and EBay for these search terms or links to online dealers selling products that include some of the term searches; for example websites selling real spices or actual incense. These links do not effectively link a searcher with the drugs they are looking for. Some of the search engines are more transparent about segregating these kinds of links from the search results, and this affects the number of such links recorded per search engine.

There were a few interesting outliers, but these sites formed a very small set of all the links that came up. We found that not all search engines were as effective in bringing up relevant links, and that some terms are clearly preferred by those websites trying to peddle these drugs to the public directly. These direct seller websites proclaim the legality of their products while they fail to inform the buyer of the actual ingredients of their “herbal incense.” This complete lack of transparency in their products makes claims of complete legality highly questionable. The fact that they are selling many of the very same brands of these products that we have found being sold in neighborhood stores and containing illegal substances further makes their proclamations of legally ring hollow.

Search Results by Search Engine Used:

	Buy K2 Spice	Buy Herbal Incense	Buy Synthetic Marijuana
Google	11 Direct Sellers 5 Review Sites 6 Information Sites 2 Other Markets 3 Non-Functioning 1 Dealer of Salvia	36 Direct Sellers 4 Review Sites 1 Information Site	1 Direct Seller 30 Information Sites 4 Other Markets 1 Seller of Marijuana and other substances
Bing	16 Direct Sellers 17 Review Sites 5 Information Sites 4 Other Markets	29 Direct Sellers 3 Review Sites 1 Other Markets 3 Non-functioning	3 Direct Sellers 7 Review Sites 19 Information Sites 1 Site selling Marijuana 1 Chemical dealer
Yahoo! Search	13 Direct Sellers 10 Review Sites 23 Other Markets	18 Direct Sellers 3 Review Sites 20 Other Markets 1 Non-functioning 2 Non-relevant	2 Direct Sellers 5 Review Sites 24 Other Markets 12 Information Sites 1 Non-functioning 1 Non-relevant
Ask.Com	7 Direct sellers 3 Review sites 18 Information Sites 1 Other Markets 1 Non-functioning	20 Direct Sellers 3 Review Sites 1 Information Site 2 Other Markets 1 Link to other Search engine 1 Link to Website selling “liquid” incense. 1 Link to Salvia Dealers	1 Direct Seller 1 Review Site 24 Information Sites 1 Other Markets 1 Non-functioning

Overall, most of the websites directly selling these drugs are now using the term, “herbal incense,” as their primary marketing tool. Across all four search engines, this was the term that brought up the largest number of direct dealers. The least likely to work was “Synthetic Marijuana,” which now leads mainly to links providing information on its dangers. Searching for “K2 Spice,” provides a mix of websites advertising the sale of these products and websites providing information on its dangers. As the list of links indicates, a few random websites selling other products of concern, like marijuana, or a site claiming to sell all liquid incense showed up in the links. Given that incense is by definition meant to be burned to produce smoke, the concept of liquid incense is highly questionable. This website may be an early indicator of the path sellers of these drugs might be taking, by switching to liquids as opposed to smoke-able blends sold in small bags.

“Herbal incense” or “Research Chemical”?

buy Veporizer online, it is legal to buy vaporizers in all states. The Best way you can smoke weed is buy using vaporizers. Maximum satisfaction and maximum effects with minimum health hazards. 100% healthy and secure.

BUY HERBAL INCENSE

There are 19 products.

Buy herbal incense online at cheaper prices from us

PREVIOUS PAGE NEXT PAGE

Sort by --

- Buy Bizarro Incense - (15g)** ★★★★★ **ON SALE!**
Top quality herbal incense.
This research chemical collector item contain (RS)-ethyl 2-phenyl-2-piperidin-2-ylacetate (1-(thiophen-2-yl)-2-methylaminopropane)
\$25.99 Available
Buy Now
- Buy Diablo Incense - (15g)** ★★★★★ **ON SALE!**
Top quality herbal incense.
This research chemical collector item contain (RS)-ethyl 2-phenyl-2-piperidin-2-ylacetate (1-(thiophen-2-yl)-2-methylaminopropane)
\$21.99 Available
Buy Now
- Buy WTF Incense - (15g)** ★★★★★ **ON SALE!**
Top quality herbal incense.
This research chemical collector item contain (RS)-ethyl 2-phenyl-2-piperidin-2-ylacetate (1-(thiophen-2-yl)-2-methylaminopropane)
\$18.69 Available
Buy Now
- Buy Super Nova Incense - (15g)** ★★★★★ **ON SALE!**
Top quality herbal incense.
This research chemical collector item contain (RS)-ethyl 2-phenyl-2-piperidin-2-ylacetate (1-(thiophen-2-yl)-2-methylaminopropane)
\$19.99 Available
Buy Now

100% Discreet Packaging

Why get a medical marijuana Card
Where can i make a medical card
Share your view of Marijuana

Caution Platinum Herbal Incense...
Top quality Herbal Incense
\$26.99

JAZZ Herbal Incense...
Top quality Herbal Incense
\$23.99

Geeked Up Premium Herbal Incense...
Top quality Herbal Incense
\$26.99

Google is by far the most widely used search engine in the world, so the websites that have highly placed links on its are likely to have the highest internet traffic. The top ten direct dealer links from Google when using the term Herbal incense, which as we saw is the preferred term by dealers are:

- <https://aromasuperstore.com/>
- <http://www.legalpuffs.com/>
- <http://herbalincense.guru/>
- <http://extremeincense.com/index.php/?mode=list>
- <https://spice-incense.com/>
- http://www.ghcmarijuana.com/herbal_incense.html
- <https://herbal-empire.com/>
- <http://www.incensesupreme.com/>
- <http://www.theofficialk2incense.com/buy-herbal-incense/>
- <http://relaxthemindincense.com/>

⁹ Screenshot taken 8/27/15

These websites offer a multiplicity of brands, including several that were found and purchased in our undercover investigation. Information on any of the ingredients of these packages is very rare, with only a few brands on a few sites describing the “herbal” matter being used. Online retailers work hard to maintain the pretense that the products they are selling are meant to be used as potpourri or actual incense. Reviewers try to avoid saying they smoked these products, and play the game of describing the aromas that these products produce. Generally, no mention is made whatsoever that these “blends” contain synthetic psychotropic chemicals. Only one website had any information about these products including any chemicals that might have psychological effects. That was www.ghcmarijuana.com/. The website was unique in labeling its products both herbal incense and a “research chemical collectible” and include the chemical formula of its active ingredient. This active ingredient turns out to be ethylphenidate. This chemical is not a synthetic cannabinoid, but it is likely an analog of methylphenidate, a Schedule 2 controlled substance according to the federal government, and thus itself also a controlled substance.

3) Ingredients Dealers:

The final type of website we examined online sells the active chemical ingredients of these drugs directly. In the Internet age, a quick search will bring up a number of sites that will happily provide information to individuals on how to create their own blends of “herbal incense.” As we saw, someone can with ease purchase the individual pre-branded bags for these product. This means that any unscrupulous store owner or individual looking to get into the business of distributing these drugs can do so from the safety of their store or home by purchasing all the individual ingredients by themselves and then using the packaging they purchased online. The final ingredient they would need are the synthetic drugs that make individuals high.

Finding these chemicals online is as simple as searching for “Buying Synthetic Cannabinoids”. The vast majority of these websites are in Europe, as can be seen by the fact that the products are priced using British Pounds or Euros. What was quickly evident was that most of these websites offer for sale chemicals that are illegal to buy or possess in New York State, based on the order from the Department of Health. For example, the most recent update of the Department of Health’s order added a number of newer synthetic cannabinoids to the list of substances banned in New York. Among the newly banned chemicals were AKB-48, 5F-AKB-48, and MAB-CHMINACA. Our search of the chemical dealers that came up through this simple web searched revealed that at least one, if not all three of these now banned chemicals could be bought online. Some websites based outside of Europe still offered some of the JWH series synthetic cannabinoids for sale as well.

The one slightly positive news was that several of the sites that came up did not allow delivery to the US. Unfortunately, this policy was not universal. Within the three first pages of results we found a handful of sites that expressly allow US customers to purchase chemicals that are currently illegal here in New York State. These websites were:

- <http://www.atomsynth.com/>
- <https://xiosin.com/index.php?osCsid=4864b8677b80cc90af1fd114d537a2d2>
- <http://www.officialbenzofury.net/>

Direct Chemical dealer:

The screenshot shows the website for Official Benzo Fury. The main header features the brand name "OFFICIAL BENZO FURY™" with a navigation menu including Home, Moonlight, 1P LSD, 3-FPM, BK-2C-B, Benzodiazepines, Cannabinoids, Diphenidine, Ephendine, Hemp Kush, and Herbal Blends. A secondary menu lists Modafenidz, Methoxphenidine, Meclonazepam, MDAI, MPA, M&M, NM2AI, Nitracaine, Phenazacaine, Synthacaine, and Client Testimonials. The left sidebar contains a navigation menu for Research Chemicals, Herbal Incense Blends, Benzodiazepines, Cannabinoids, Lab Equipment, Shipping & Billing, Terms & Conditions, Contact Us, and Client Testimonials. The main content area displays the product "AKB48" as a "NEW PRODUCT" with a price of £10.00, a 5-star rating, and a shipping cost calculated at checkout. A "Quantity" selector and an "ADD TO CART" button are present. Below the product name, it is identified as a "Synthetic Cannabinoid" and noted as "Again Another Research Chemical Available 1st In The UK Only". A social media section includes a Facebook "follow us" button and a "PLAY EXCLUSIVELY AT FULL OF POKER" banner. A "Currency Converter" is located on the right. At the bottom, a paragraph describes AKB48 as a research drug that acts as a potent agonist for the cannabinoid receptors, first identified in Japan in March 2012.

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US based Synthetic Cannabinoids sellers on EC21.com.

The screenshot shows the EC21.com website with search results for "synthetic cannabinoids". The page includes a search bar, navigation tabs for Products, Selling Leads, Buying Leads, and Companies, and a search filter for "All Categories". The results are filtered by "Supplier Country: United States (5)". A sidebar on the left offers "Categories" (Pharmaceutical Intermediates), "Group Products" (All Products), "Search Options" (Select Certification, Show Premium Suppliers), "Subscription" (Trade Alert, RSS Feeds), and "My Recent History". The main content area lists several suppliers and products, including "K2 Spice Onsite Drug Test - MedicalDisposables.us", "Synthetic Marajuana - wow.com", "Medtainer USA HQ - The Official Site-Biggest Selection", "Abpinaca, AB-pinaca, 5f-abpinaca, SYNTHETIC CANNABINOIDS", and "Ketamins, DESOXYs, Phentolamin, Ethylons, Mephedrones". Each listing includes a product image, a brief description, and a "Contact Now" button. A "Looking for synthetic cannabinoids?" sidebar on the right provides a promotional message. The bottom right corner features a "Sponsored Sites" banner for "SENATOR BENNET NEEDS TO STEP UP TO PROTECT AMERICA" and an "Inquiry Basket (1)" indicator.

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¹⁰ Screenshot taken 8/27/15

¹¹ Screenshot taken 8/27/15.

One website that came up in this search is actually an internet marketplace site, www.ec21.com, which was previously unknown to this office. The site styles itself as a buyer to buyer website. It looks similar to websites like Amazon or EBay, but it functions more like Craigslist or Backpage in that a perspective buyer must reach out to the company advertising. This website included a research chemical section, and this section had five US based chemical dealers advertising synthetic cannabinoids.

V. Recommendations:

The spike of hospitalizations this year from the use of so-called “herbal incense” blends is a clear indication that authorities need to step up their actions against businesses peddling dangerous synthetic drugs to our children and citizens. At the same time, the responsibility to keep people safe from these drugs does not fall upon public authorities only. Business must be responsible and ensure that these dangerous drugs are not being sold either at their locations, or through their internet portal. Both government and businesses can and must do more to combat the danger of K2.

On the part of the State government, we call for the quick passage of four important pieces of legislation that would give public officials in the state the power to go after those individuals selling these drugs. These important pieces of legislation are:

- **Senate bill 6039 by Senator Klein** would criminalize the sale of synthetic cannabinoids by amending the penal law sections that criminalize the sale of marijuana to include the sale of synthetic cannabinoids.
- **Senate bill 6040 by Senator Klein** would make the sale or distribution of synthetic cannabinoids a violation of the general business law. Violators would face fines of \$2,000 for the first offense, \$5,000 for any second offense, and businesses would lose their ability to sell tobacco products, alcohol, or lottery tickets if they committed a third offense within five years of their second offense.
- **Senate bill 1640 by Senator Klein** would add an analog statute to New York’s controlled substances law, which would make any analog of a Schedule 1 or 2 controlled substance a controlled substance again.

Reputable online retailers need to make sure that these dangerous drugs are not being sold through their web portals. The Office of Senator Klein is calling on online retailers to remove advertising for these so-called “herbal incense” blends from their sites. Senator Klein will be sending letters to Craigslist and Backpage demanding that all advertisements for these illegal substances are taken down from their sites, and to ensure that new ads are not allowed to be posted for any useful amount of time.

We will also be calling on EBay, as one of the prevalent internet markets in the United States to take down advertisements for pre-branded plastic bags. These brands are already associated with these drugs, so there is no reputable reason for random individuals to be buying these bags unless they mean to fill them with these dangerous drugs for sale. This is particularly true of ads for large commercial quantities of these bags, like the one pictured in this report. By allowing these bags to be sold, EBay is making it easier for bad actors to continue this drug trade.

Our office also urge parents to stay vigilant of their children's web use, and to pay special attention to the term "herbal incense," as this is now the preferred term being used online to peddle K2. It is critical for parents to explain to their children that any claims about the legality or safety of these products are simply not credible, given the secrecy behind the actual ingredients and the unwillingness of these products to admit that the plant matter is adulterated with synthetic chemicals.

Finally, we ask government officials at all levels to use whatever means are at their disposal to shut down websites that advertise dangerous and illegal drugs online. Some of the websites we found are actively advertising products that are already illegal in this country while offering customers the ability to have them shipped here to the US. We recognize that most of the direct sales websites proclaim the full legality of their products, and take pro forma steps to evade responsibility by claiming that these products are not for human consumption. At the same time, the lack of information about the contents of these products and the manner in which they are marketed makes it clear that these websites understand their products are being purchased for human consumption, and that they don't want the authorities or customers to know what it is they are actually selling.

VI. Conclusion:

The Office of Senator Klein is actively working to shut down stores in our neighborhoods that have been selling dangerous synthetic drugs to members of the community by conducting sting operations, and by working in conjunction with other elected officials, the police, prosecutors, and community leaders. This campaign to shut down these stores is made more difficult by the fact that these drugs can also be found with a quick internet search. Why should local stores surrender such a profitable market to online retailers? The Internet also makes it easier for any stores that chose to peddle this drugs to do so, by giving them access to the necessary ingredients and paraphernalia.

This report was created to highlight the online aspects of this dangerous drug trade and the need for comprehensive action. Reputable online retailers need to take action to ensure that their web portals are not being utilized to sell drugs. They also need to shut down any advertisements that make the jobs of drug dealers easier, like being able to buy already branded bags in large, commercial quantities. Parents need to be aware that these dangerous drug packets can be purchased not only at a local store, but online as well. We need to be vigilant about the linguistic tricks that these drug dealers hide behind, like calling their illicit products "herbal incense." Finally, government at all levels needs to take additional steps to combat the sale of these illicit and dangerous substances, be it online or in brick and mortar stores. The State government can aide this campaign significantly by passing Senate bills 1640, 6039 and 6040 and enacting them into law. If enacted these proposals would give state regulators, the police and prosecutors strong tools to go after this dangerous drug trade that is now sending thousands of New Yorkers to the hospital. Only through a strong coalition of responsible retailers, community activists, health professionals, local authorities, and state legislators can we beat this problem here in New York State, and then work with federal authorities to defeat the problem nationwide.