

Local Law #10 of 2018  
Resolution #201  
(passed at Regular Full Mtg. 09/04/2018)

**RESOLUTION #201**

**LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM BY ADDING A NEW CHAPTER 217, ENTITLED “SYNTHETIC DRUGS, BAN ON SALE AND POSSESSION OF.”**

Be it enacted by the Legislature of the County of Putnam as follows:

**Section I.**

A new Chapter 217 is hereby added to the Code of the County of Putnam to read as follows:

**CHAPTER 217**

**SYNTHETIC DRUGS, BAN ON SALE AND POSSESSION OF**

- § 217-1 Legislative intent
- § 217-2 Definition.
- § 217-3 Sale prohibition.
- § 217-4 Possession prohibition.
- § 217-5 Reverse pre-emption.
- § 217-6 Severability.
- § 217-7 Penalties.

**§ 217-1 - Legislative intent.**

The Legislature finds that:

- A. Putnam County, along with communities throughout the country, has experienced increased crimes, emergency room cases, illnesses, and deaths linked to the use and abuse of synthetic drugs and other similar substances or compounds;
- B. Such products are being openly sold and marketed either within the County or online.
- C. While New York State has continued to update its schedule of controlled substances, many new variants of these substances are able to avoid prohibition by slightly changing their chemical composition;
- D. The health, safety and well-being of the residents of Putnam County is furthered by prohibiting the sale, use or possession of these substances.

**§ 217-2 - Definition.**

Whenever used in this Chapter, the term “synthetic drug” shall mean any product, whether described as tobacco, potpourri, herbs, incense, spice, aromatic, or any combination thereof, and whether marketed for the purpose of being smoked, ingested or injected, or otherwise marketed, which includes, but is not limited to, one or more of the following stimulant, depressant, or hallucinogenic substances:

- A. 1-Pentyl-3-(1-Naphthoyl) Indole; some trade or other names; JWH-018;
- B. 1-Butyl-3-(1-Naphthoyl) Indole; some trade or other names; JWH-073;
- C. 1-[2-(4Morpholinyl) Ethyl]-3-(1Naphthoyl) Indole; some trade or other names; JWH-200;
- D. 5-(1, 1-Dimethyloctyl)-2-[(1R, 3S)-3-Hydroxycyclohexyl]-Phenol; some trade or other names; CP 47, 497;
- E. 5-(1, 1-Dimethyloctyl)-2-[(1R, 3S)-3-Hydroxycyclohexyl]-Phenol; or some trade or other names; Cannabicyclohexanol; CP 47, 497 C8 Homologue;
- F. Fentanyl analogues such as furanyl fentanyl, acetyl fentanyl, and 4 NAPP (despropionyl fentanyl);
- G. A material, compound, mixture or preparation in any form that contains the component Salvinorin A, or as a concentrated extract of the chemical Salvinorin A;
- H. Any analogue of a synthetic cannabinoid or cannabimimetic agent, cathinone, phenethylamine, phenylpiperazine, ketamine derivative, and tryptamines, meaning a substance that has a chemical structure that is substantially similar to the chemical structure of a substance defined by part 9 of title 10 of the New York Codes, Rules and Regulations as of the date of the violation, or as included in Schedule I of the Federal Drug Enforcement Administration Schedules of Controlled Substances, as listed in Section 1308.11 of Title 21 of the Code of Federal Regulations, or successor regulation, as of the date of the violation, or any cannabimimetic agent, as defined in Section 812 of Title 21 of the United States Code, as of the date of the violation and has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of such a substance defined by Part 9 of Title 10 of the New York Codes, Rules and Regulations as of the date of the violation, or as included in Schedule I of the Federal Drug Enforcement Administration Schedules of Controlled Substances, as listed in Section 1308.11 of Title 21 of the Code of Federal Regulations, or successor regulation as of the date of the violation, or any cannabimimetic agent, as defined in Section 812 of Title 21 of the United States Code, as of the date of the violation;
- I. Any other non-prescription substance or compound developed prior to or subsequent to the adoption of this section, which has a chemical structure and/or pharmacological effect substantially similar to, or which otherwise mimics the active ingredient(s) of marijuana, cocaine, heroin, or any other controlled substance.

**§ 217-3 - Sale prohibition.**

It shall be a violation of this Chapter for any person or entity to sell, offer for sale, give away, barter, exchange or otherwise furnish or provide any synthetic drug.

**§ 217-4 - Possession prohibition.**

It shall be a violation of this Chapter for any person or entity to possess any synthetic drug unless such synthetic drug is expressly prescribed to said person by a physician, psychiatrist, or person otherwise duly licensed and authorized to prescribe medication within the State of New York and, at the time of the alleged violation, the person in possession of the synthetic drug is able to provide written proof to the law enforcement officer(s) that the synthetic drug was so prescribed.

**§ 217-5 - Reverse pre-emption.**

This Chapter shall be null and void on the day that federal or statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Putnam. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations, have been enacted for purposes of triggering the provisions of this Section.

**§ 217-6 - Severability.**

If any clause, sentence, paragraph, or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered.

**§ 217-7 - Penalties.**

**A.** This Chapter shall be enforced by any local law enforcement agency having jurisdiction.

**B.** Any person or entity that violates the provisions of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment up to one year, or both.

**C.** In addition to the penalties described in subsection “B” of this section, any person or entity that violates this Chapter shall be liable for a civil penalty of not less than five hundred dollars (\$500.00) and not more than two thousand dollars (\$2,000.00), collectible by and in the name of the County of Putnam.

**Section II.**

**This Local Law shall take effect immediately upon filing with the New York State Secretary of State.**