

**Local Law No. 3 Of The Year 2012**

**A Local Law Prohibiting Within Cortland County The Use, Possession, Purchase, Attempted Purchase, Selling, Public Display For Sale, Attempted Sale, Or Giving Of Alternative And/Or Synthetic Marijuana As Defined Herein**

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

Section 1: WHEREAS, this Legislature hereby finds and determines that the County has a duty to preserve peace and order and secure freedom from dangerous or noxious activities, and to that end, the Legislature of Cortland County, has determined that certain enterprises and individuals within Cortland County, New York, are contemplating or engaged in the sale of certain substances, which, when ingested, produce intoxicating effects similar to THC or marijuana; and

WHEREAS, the substances are not yet categorized controlled substances, or the categorization by the State or federal law have not yet been updated; and

WHEREAS, the substances, which are more specifically described below, are often used as an alternative to marijuana and are potentially dangerous to users, and further, the long term effects are not yet known; and

WHEREAS, it has been determined that the effects of these substances are a health and safety concern to the citizens of Cortland County, New York.

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF CORTLAND COUNTY, NEW YORK AS FOLLOWS:

Section 2: It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals and/or substances within the boundaries of Cortland County, New York:

- Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salviadinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
- “Synthetic cannabinoid” means any chemical compound that is chemically synthesized and/or has been demonstrated to have a binding activity at one or more cannabinoid receptors, and/or means any chemical that is substantially similar in chemical structure to a chemical compound that has been determined to have binding activity or is a synthetic cannabinoid analog.
- Unless specifically exempted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical design.

• Cannabimimetic agents means any substance that is a cannabinoid receptor type 1 (CB1receptor) against as demonstrated by binding studies and functional assays. Cannabimimetic agents are commonly referred to as synthetic cannabinoids and include but are not limited to the following substances:

- 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol); also known as

- (dexanabinol,(6aS,10aS)(6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol); some trade or other names: HU-210; also known as

- 1-Pentyl-3-(1-naphthoyl)indole – some trade or other names: JWH-018/ Spice; also known as

- 1-Butyl-3-(1-naphthoyl)indole – some trade or other names: JWH-073; also known as

- 1-(3-[trifluoromethylphenyl]) piperazine – some trade or other names: TFMPP; also known as

- JWH-007, JWH-015, JWH-018, JWH-019, JWH-030, JWH-051, JWH-073, JWH-122, JWH-133, JWH-147, JWH-164, JWH-167, JWH- 175, JWH-176, JWH-184, JWH-185, JWH-192, JWH-193, JWH-195, JWH-197, JWH-198, JWH-199, JWH-200, JWH-203, JWH-205, JWH-210, JWH-249, JWH-250, JWH-251, JWH-302, JWH-307, JWH-398, AM-1248, AM-2201, AM-087, AM-356, AM-630, AM-678, AM-679, AM-694, AM-855, AM-905, AM-906, AM-919, AM-938, AM-1220, AM-1221, AM-1235, AM-2232, AM-2233, AM-2389, AM-4030, RCS-4, RCS-8, CP-47, CP-497, CP 55,940, WIN 55 212, WIN 48, 098, C8-homolog, SR-19, RCS-4, HU-211, HU-308, HU-331, CB-25, CB-52;

- Common street names not to be strictly limited to these names: “Spice, Spice Gold, Spice Silver, Stinger, K2, Chronic Spice, Black Mamba, Mystery, Red X Dawn, Yucatan Fire, Skunk, Pulse, Zohai, Mr. Nice Guy, Spicylicious, K3, K3 Legal, Earthquake, Genie, Diviner’s Sage, Sage of the Seers, The Key, Purple Salvia, Purple Haze, Sally D, herbal incense, Space, Pep-Spice, Buzz, Ocean Blue, Super Kiush, Green Kobra, Demon, Dojah, Cloud 9, Thunder, Fake Weed, Happy Shaman, Sweet Lucy, Willow Pillow, Bad Santa.” This list is not a complete list and any other substances containing a synthetic cannabinoid should not be excluded.

- Any similar structural analogs, derivatives, salts or isomers, synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect or naturally occurring cannabinoids not listed in Schedules I through V or is not an FDA approved drug.

Section 3: This law shall be enforced by any certified law enforcement officer within his/her respective jurisdiction within the geographical boundaries of Cortland County. Further, this law shall apply and be enforced in all unincorporated areas, as it shall apply

and be enforced in the incorporated areas or other municipal entities within the geographical boundaries of Cortland County. If any of the aforementioned substances are found in the possession of any person, it may be confiscated and destroyed by law enforcement officials.

Section 4: It is not an offense under Section 2 above of this law if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

Section 5: Any person found to be in violation of this law will be guilty of a Class A Misdemeanor and subject to a term of imprisonment not to exceed one year and a fine not to exceed \$1,000.00.

Section 6: This article shall apply to all actions occurring on or after the effective date of this article. This law may be enforced by any law enforcement agency having jurisdiction to act in the County of Cortland, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring their appearance before a court of competent jurisdiction.

Section 7: This law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Cortland. The county legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 8: Severability- If any provision of this law is held invalid, such invalidity shall not affect the remaining provisions of the law which shall remain effective absent the invalid provision, and to this end, the provisions of the law are declared to be severable.

Section 9: Emergency Clause- It is hereby declared that an urgent public health concern exists and this law, being necessary for the preservation of the health, safety and welfare of citizens of Cortland County, New York, shall be effective immediately upon its passage and approval and filing with the New York State Secretary of State.