

VILLAGE OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 3 of 2012

A LOCAL LAW ESTABLISHING CHAPTER 16 OF
THE CODE OF THE VILLAGE OF FORT EDWARD
ENTITLED "PROHIBITION OF SYNTHETIC CANNABINOIDS"

Be it enacted by the Board of Trustees of the Village of Fort Edward, as follows:

Section 1. Declaration of legislative findings.

The Board of Trustees finds and determines that a new series of products are being sold in the Village that contain chemicals, called synthetic cannabinoids, which produce effects similar to marijuana when ingested or inhaled.

The Board of Trustees finds that products containing these synthetic cannabinoids are particularly attractive to children and young adults due to their availability in small packages being sold at neighborhood stores at minimal costs.

The Drug Enforcement Administration has determined that the consumption of synthetic cannabinoids can have adverse health effects such as agitation, anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and non responsiveness.

The Board of Trustees having been presented with compelling evidence by the general public and the Village Police Department, leading the Board of Trustees to find that these synthetic cannabinoids pose a direct threat to the citizens of the Village.

The Board of Trustees finds and determines that in the protection of the safety, health, comfort, and general welfare of the Village inhabitants, the protection of their property, the preservation of peace and good order, and suppression of vice, the Board of Trustees must take action to respond to this threat in the absence of any laws or regulations enacted by the State of New York and the United States government.

This Local Law is adopted pursuant to Section 1-8 of the Code of the Village of Fort Edward, section 10 of the Municipal Home Rule Law of the State of New York, and the section 4-412 of the Village Law of the State of New York.

Section 2. Prohibition of synthetic cannabinoids.

1. No person, firm, corporation, partnership, association, limited liability company or other entity shall sell, offer for sale, deliver, knowingly possess, smoke, inhale, ingest, consume or be under the influence of any product containing any material, compound, mixture, or preparation which contains any quantity of synthetic cannabinoids, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation inside the Village of Fort Edward.
2. The term 'synthetic cannabinoid'—
 - a. means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:
 - i. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
 - ii. 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.
 - iii. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
 - iv. 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
 - v. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.; and
 - b. includes--
 - i. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
 - ii. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
 - iii. 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP-55,940);
 - iv. (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenymethanone

- (JWH-015);
- v. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007);
 - vi. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
 - vii. 1-butyl-3-(1-naphthoyl)indole (JWH-073);
 - viii. 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
 - ix. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
 - x. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
 - xi. 1-pentyl-3-(2methylphenylacetyl)indole (JWH-251 and JWH-302);
 - xii. 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
 - xiii. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
 - xiv. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
 - xv. 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-098);
 - xvi. 7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-164);
 - xvii. 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210);
 - xviii. 1-H-indol-3-yl-(1-naphthyl)methane (whether or not further substituted including but not limited to JWH-175 and JWH 184);
 - xix. 3-(1-naphthoyl)pyrrole (whether or not further substituted including but not limited to JWH-307);
 - xx. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
 - xxi. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
 - xxii. 1-pentyl-3-[(4-methoxy-benzoyl)]indole (SR-19 and RCS-4);
 - xxiii. 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and
 - xxiv. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
 - xxv. (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10atetrahydrobenzo [c]chromen-1-ol (HU-210);
 - xxvi. (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10atetrahydrobenzo [c]chromen-1-ol (HU-211);
 - xxvii. [(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol (HU-308);
 - xxviii. (3-hydroxyl-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione (HU-331);
 - xxix. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone (WIN 55,212-2);

Section 3. Regulation of loose leaf incense.

1. No person, firm, corporation, partnership, association, limited liability company or other entity shall sell or offer for sale loose leaf incense in the Village of Fort

Edward except as follows:

- a. Every package of loose leaf incense sold shall contain the warning label in bold fourteen (14) point font that reads as follows: "This product is not meant to be inhaled or ingested. The side effects of ingestion or inhalation are unknown."
- b. All packages of loose leaf incense shall be labeled with each ingredient present in the product, including but not limited to all chemicals and additives contained therein.
- c. Loose leaf incense includes loose potpourri, loose herbal incense, herbal smoking blends, or similarly dried or compacted, leafy substances sold or marketed, directly or indirectly, as a relaxation, smoking, or herbal enhancement product. Herbal dietary supplements or remedies and United States Food and Drug Administration approved herbal teas or products are not included as loose leaf incense under this section.

Section 4. Penalties.

Violations of this Local Law shall be punishable as set out below. Each violation of this Local Law, or everyday a violation continues to exist, shall constitute a new, separate, and distinct violation.

1. First Violation – Any person who knowingly violates this Local Law, shall be guilty of a violation punishable by a fine up to Two Hundred Fifty Dollars (\$250), and/or up to thirty (30) days imprisonment, where such violation constitutes the person's first offense.
2. Second Violation – Any person who knowingly violates this Local Law, shall be guilty of a violation punishable by a fine up to Five Hundred Dollars (\$500), and/or up to sixty (60) days imprisonment, where such violation constitutes the person's second offense.
3. Third and Subsequent Violations – Any person who knowingly violates this law, shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000.00 and/or up to one (1) year imprisonment.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly

involved in the controversy in which such order or judgment shall be rendered.

Section 6. Reverse Preemption.

This local law shall be null and void on the day that the duly enacted legislation of State of New York or of the United State of America goes into effect which is either the same or substantially similar to the provisions contained in this Local Law, or in the event that State or Federal administrative agency issues and promulgates regulations preempting such action by the Village of Fort Edward. The Board of Trustees may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 7. Effective Date.

This chapter shall take effect immediately upon filing with the Secretary of State.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

May 8, 2012

Village of Fort Edward
Patricia Ives
118 Broadway, PO Box 345
Fort Edward, NY 12828

RE: Village of Fort Edward, Local Law 3 2012, filed on May 7, 2012

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

