

LOCAL LAW NO. "A" FOR 2011

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REQUIRING THAT SALES OF "BATH SALTS", CONTAINING THE CHEMICALS MEPHEDRONE AND METHYLENEDIOXYPYROVALERONE (MDPV), BE PROHIBITED

Introduced: 4/11/11
By Mr. Domalewicz:

BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. Legislature Intent and Purpose.

This Legislature finds and determines that for the health, safety and welfare of the residents of the County of Albany that the laws designed to deter the abuse of the chemicals 4-Methylmethcathinone (Mephedrone) and 3,4-Methylenedioxypropylvalerone (MDPV), 3,4-Methylenedioxypropylmethcathinone (Methylone), 4-Methoxymethcathinone, 4-Fluoromethcathinone; and 3-Fluoromethcathinone through smoking, injecting and snorting products marketed as "Bath Salts", "Plant Fertilizer" and "Plant Food" shall be strengthened.

This Legislature also finds that these chemicals, "Bath Salts" are currently sold under brand names like "Ivory Wave, Red Dove, Cloud 9, Bliss, Star Dust, Ocean Burst, Blue Silk, White Lightning, Vanilla Sky and Hurricane Charlie."

This Legislature further finds that the inappropriate use of these chemicals, "Bath Salts", causes hallucinations, paranoia, rapid heart rates and suicidal thoughts.

This Legislature also finds that users of these chemicals, "Bath Salts", have been documented as becoming extremely violent and psychotic while under their influence.

This Legislature further finds that these chemicals, "Bath Salts", are inexpensive drugs that range in price from \$25 to \$50 a packet.

This Legislature also finds that packets of these chemicals, "Bath Salts", may be available for sale at truck stops, tattoo parlors, and tobacco shops.

Accordingly, the purpose of this Local Law is to prohibit the sale, possession, distribution, or manufacture of "Bath Salts" by any person in Albany County.

SECTION 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

- A. As used in this local law, the term “Bath Salts”, “Plant Food” or “Plant Fertilizer” shall mean any product sold containing the chemicals 4-Methylmethcathinone (Mephedrone), 3,4-Methylenedioxypropylamphetamine (MDPV), 3,4-Methylenedioxypropylmethcathinone (Methylone), 4-Methoxymethcathinone, 4-Fluoromethcathinone; and 3-Fluoromethcathinone; or any combination of these chemicals in the product.
- B. “MDPV” shall mean the chemical 3, 4-Methylenedioxypropylamphetamine.
- C. “Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

SECTION 3. Prohibitions.

No person shall sell or offer for sale “Bath Salts”, “Plant Food” or “Plant Fertilizer” that contain the chemicals 4-Methylmethcathinone (Mephedrone), 3,4-Methylenedioxypropylamphetamine (MDPV), 3,4-Methylenedioxypropylmethcathinone (Methylone), 4- Methoxymethcathinone, 4-Fluoromethcathinone; and 3-Fluoromethcathinone; or any combination of these chemicals in the product.

SECTION 4. Violation and Penalties.

Any person who shall violate any provision or prohibition of this Local Law shall be guilty of a Class A misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000) or imprisonment for not more than one (1) year, or both.

SECTION 5. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. Effective Date.

This law shall take effect immediately.

Referred to Health Committee. 4/11/11

Favorable Recommendation – Health Committee – 4/27/11

On roll call vote the following voted in favor: Messrs. Aylward, Beston, Bullock, Ms. Chapman, Messrs. Clenahan, Commisso, Ms. Connolly, Messrs. Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Messrs. Nichols, Rahm, Reilly, Scavo and Ms. Willingham – 21.

Those opposed: Ms. Benedict, Messrs. Carman, Clay, Clouse, Cotrofeld, Dawson, Hoblock, Ms. Lockart, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Mendick, Morse, Steck, Timmins, Tunny and Ward – 17.

Local Law was adopted. 5/9/11