

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

County City Town Village
(Select one:)

JUN 20 2014

of Cortland

DEPARTMENT OF STATE

Local Law No. 7 of the year 2014

A local law A Local Law Restating Local Law No. 3 of 2012 Prohibiting Within Cortland County the

(Insert Title)

Use, Possession, Purchase, Attempted Purchase, Selling, Public Display for Sale,

Attempted Sale, or Giving of Alternative and/or Synthetic Marijuana

Be it enacted by the Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Cortland

as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2014 of the ~~(County)~~(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legialture on June 12 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

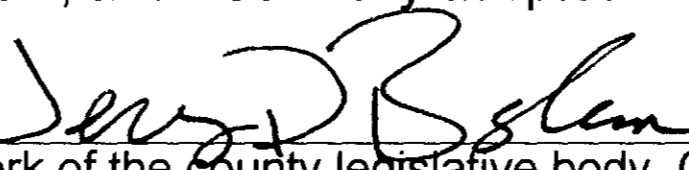
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6-17-14

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
County Attorney
Title

County
City of Cortland
Town
Village

Date: 6-17-14

Adopt Local Law 7 of 2014 A Local Law Restating Local Law No. 3 of 2012 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

WHEREAS, said Local Law has been in its final form upon the desks of the members of the Legislature at least seven (7) calendar days, exclusive of Sunday, prior to this date; AND

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof as legally required;

NOW THEREFORE, BE IT RESOLVED, that proposed Local Law "H" for the year 2014 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, and be it further

RESOLVED, that the Clerk of the Legislature shall cause an abstract of this local law to be published in the County's official newspaper at least once a week for two successive weeks, the first publication of which shall be had within ten days after the local law becomes effective;

NOW, THEREFORE

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

Section 1.

LEGISLATIVE INTENT

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, it is hereby declared that an urgent public health concern exists for the passage of this law, being necessary for the preservation of the health, safety and welfare of citizens of Cortland County, New York.

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 cannabinimetic 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) agonist 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
 - (dexamabinol,(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.

This local law shall take effect upon the filing thereof in the Office of the Secretary of State as provided by the Municipal Home Rule Law.

**STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)**

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 12th day of June, 2014 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 12th day of June, 2014.


**Jeremy D. Boylan, Clerk of the Legislature
Cortland County**