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New York City Council

The Proliferation of Illegal Synthetic Cannabinoids: Health Impacts and Enforcement
Committee on Public Safety, Jointly with the Committee on Health, the Committee on Mental Health,
Developmental Disability, Alcoholism, Substance Abuse and Disability Services, and the Committee on
Consumer Affairs

September 21, 2015

Good morning, Chairs Gibson, Cohen, Johnson, and Espinal, Speaker Mark-Viverito, and members of the committees on Public Safety, Health, Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, and Consumer Affairs. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice.

Thank you for the opportunity to testify today. Over the last two months, my office has coordinated the administration's work to develop and implement a multi-agency strategy to reduce demand and supply for synthetic cannabinoids, often known by the brand name "K2." I am joined today by leadership from the some of the agencies working to implement this strategy: the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the Police Department and the Sheriff's Office. The City's multi-agency strategy is also being implemented by the Health and Hospitals Corporation, the Law Department, the Department of Homeless Services, and the Attorney General's office.

These agencies have met biweekly since the beginning of August, and have devised a plan that addresses the complicated and multi-pronged nature of the public health and public safety issues that K2 presents. This multi-agency effort has already seized over 200 kilograms of the drug from sellers, is educating users and potential users about the dangers of using K2, and is working with the City Council to develop legislation to criminalize the sale of K2. My testimony will discuss these three strategies.

As the Council knows, K2 consists of leaves sprayed with chemicals that are either smoked or ingested; because the exact compounds contained in K2 products change frequently, risks and adverse consequences are unpredictable. K2 has led to a dramatic increase in emergency department visits since April, with more than 2,300 K2-related emergency department visits occurring in July and August. The type and severity of symptoms are variable, but most commonly, individuals under the influence of K2 appear sluggish and have some symptoms similar to an opioid overdose. Less commonly, some may also appear highly agitated and have symptoms similar to those of phencyclidine (PCP) use.

K2 packets are commonly sold at bodegas and convenience stores, and use appears to be clustered in a few neighborhoods – around 125th Street and Lexington Avenue in Harlem and in the

South Bronx. Among patients appearing with K2-related problems in the emergency room, the median age is 37 and 90% are male.

The first component of the City's multi-agency strategy is to drive down the supply of K2 in New York City. To accomplish this, the NYPD, DCA, DOHMH, DHS, and the Sheriff are conducting coordinated enforcement of existing law, investigating bodegas suspected of selling the drug and seizing discovered K2. These efforts have been proceeding over the summer. Last week, we saw the results of a major investigation into the trafficking of K2 from overseas, its manufacture and distribution networks within the city. The city, in partnership with the Drug Enforcement Administration, conducted searches of five processing facilities that resulted in seizure of about \$17.5 million worth of K2 product, ingredients and paraphernalia – including at least 200 kilograms of synthetic compounds used to make K2, and 150,000 packets of finished K2. Ten individuals were indicted in connection with the drug ring and federal charges are being pursued by Manhattan U.S. Attorney's Office. Approximately 90 stores and bodegas throughout New York City were inspected as part of the enforcement action. Two earlier enforcement efforts that led to seizures of K2 packets near 125th Street resulted in a 40% decrease in K2-related emergency room visits among residents of East Harlem in the ten days following. We anticipate that this major strike by federal and city partners will have a significant effect on K2 use in the city because of the disruption of supply. Moving forward, the City will use emergency room data to identify key "hotspots" to focus future enforcement.

Additionally, the Department of Consumer Affairs has issued, and will continue to pursue, violations for inadequate and misleading labeling. Consequences for retailers selling K2 include the assessment of fines and the potential suspension or revocation of licenses issued by the agency, such as cigarette retail dealer licenses. Multi-agency enforcement actions will continue, and the results of these actions will be shared widely with bodega owners and cigarette distributors to increase awareness of the consequences of selling K2.

The second component of the City's strategy is reducing demand for K2 in New York City. City health agencies are monitoring cannabinoid-related emergency department visits daily and are developing a standardized treatment protocol and management plan for people who present with K2 use in emergency rooms. The Department of Health and Mental Hygiene has released three health advisories of the dangers of K2 use and distributed educational materials to K2 sellers, individuals who could use K2, and health care providers. And DCA and DOHMH will spearhead a comprehensive public awareness campaign that will educate users and potential users about the harms of using K2 and dispel the many myths surrounding the marketing of K2 as legal and safe. The public awareness campaign will strategically place advertisements near hot-spots for K2 use beginning later this fall.

Additionally, this fall, New York City will hold a summit on K2 that will address the harmful effects of its use and best practices for treating users both from a public safety and public health perspective. The summit, which builds off a successful model recently used in Houston, will examine the populations affected and the standard of care for treating those experiencing adverse events.

Participants will include law enforcement; healthcare and social service workers; substance use treatment specialists; government staff and elected officials.

The third component of the City's strategy is working with the City Council to criminalize the sale of K2 in New York City. It is currently a violation of New York State law to possess, sell, offer to sell, or manufacture K2. Stores in possession of K2 can be fined \$250 per packet, and continued or repeated violations may result in closure of the retail establishment.

The legislation currently being finalized would expand available enforcement options by creating a misdemeanor for the manufacture, distribution, or the sale of K2, as well as the intent to sell K2. The misdemeanor would carry a criminal penalty of fines up to \$5,000 and jail time of up to one year, and a civil penalty of fines up to \$10,000. The draft legislation also addresses a problem that has hampered enforcement efforts, which is that the chemical makeup of K2 can be adjusted by manufacturers to evade any new regulations. Rather than focus on the particular chemical makeup of K2, this legislation defines K2 as any substance commonly known as or represented to be synthetic marijuana, synthetic cannabinoid, synthetic phenethylamine, or synthetic cathinone. Thus, as long as a product is marketed or represented as K2 and as intended for human consumption, it would be prohibited by the new legislation.

My office's work is informed by an understanding of public safety and public health problems as hydraulic – changes made to one part of a system inevitably affect the rest. Our approach here is no different. It is essential that we intervene at all points of the K2 pipeline to address this problem. Both user-focused treatment and educational approaches and targeted enforcement against the sale of K2 will ensure that we drive down both the demand and supply for K2. A legislative change will help to ensure that this work has a lasting impact.

Thank you for the opportunity to testify here today. My colleagues and I would be happy to answer any questions.