

RESOLUTION DATED: SEPTEMBER 13, 2012

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on September 13, 2012, the following resolution was adopted:

WHEREAS, the Board of Health has found that the following chemical compounds (collectively referred to as “synthetic phenethylamines”), which are not listed as controlled substances on Schedules I through V of §3306 of the Public Health Law and are not approved by the federal Food and Drug Administration (“FDA”), are commonly marketed as “bath salts”, plant food and other ordinary household goods at numerous locations throughout the city:

3, 4-Methylenedioxyamfetamine (Mephedrone);  
4-Methoxyamfetamine;  
3-Fluoromethamfetamine;  
4-Fluoromethamfetamine; Ethylpropion (Ethamfetamine);  
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);  
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);  
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);  
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);  
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);  
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);  
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);  
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);  
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P); and

WHEREAS, synthetic phenethylamines stimulate the body’s nervous system, and cause effects similar to those caused by cocaine and amphetamines, including but not limited to increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting; and

WHEREAS, synthetic phenethylamines are designer drugs specifically synthesized with a similar, but slightly modified, structure of a controlled substance in order to avoid existing drug laws and can be continually chemically modified to avoid legal repercussions while maintaining their intended effects and usages; and

WHEREAS, On May 20, 2011, the Commissioner of Health of the State of New York issued an Order banning the sale and distribution of products with 3,4-Methylenedioxyamfetamine (Mephedrone), 4-Methylamfetamine (Mephedrone), Methylenedioxypropion (MDPV), 4-Methoxyamfetamine, 3-Fluoromethamfetamine, 4-Fluoromethamfetamine, and compounds structurally related to these synthetic chemical compounds; and

WHEREAS, products containing synthetic phenethylamines, including those named in the May 20, 2011 Order, remain prevalent drugs of abuse and continue to be

packaged, distributed and sold throughout the City of New York as "bath salts" and other ordinary household goods; and

WHEREAS, from January 1, 2012 through September 1, 2012, the New York City Poison Control Center received 126 calls regarding poisonings from products containing synthetic phenethylamines; and

WHEREAS, a "cannabinoid" is a class of chemical compounds in the marijuana plant and the cannabinoid  $\Delta^9$ -tetrahydrocannabinol (THC) is the primary psychoactive constituent of marijuana. "Synthetic cannabinoids" encompass a wide variety of chemicals that are synthesized and marketed to mimic the action of THC. They are chemical compounds that are cannabinoid receptor agonists and include, but are not limited to, any material, compound, mixture, or preparation that is not listed in the Schedules I through IV of §3306 of the Public Health Law, is not approved by the federal Food and Drug Administration, and contains any quantity of the following substances, their salts, isomers (whether optical, positional or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically exempted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent. (Other names in this structural class include but are not limited to: JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM 2201, and WIN 55212).

Naphthylmethylindoles. Any compound containing a 1 H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited to: JWH-175 and JWH-184).

Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH 307).

Naphthylmethylindenes. Any compound containing a naphthymethyl indene structure with substitution at the 3-position of the indene ring by an alkyl haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any

extent and whether or not substituted in the naphthyl ring to any extent. (Other names in this structural class include but are not limited: JWH-176).

Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: RCS-8 (SR-18), JWH 250, JWH 203, JWH-251 and JWH 302).

Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. (Other names in this structural class include but are not limited to: CP 47,497 (and homologues (analog)), cannabicyclohexanol, and CP 55,940).

Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. (Other names in this structural class include but are not limited to: AM 694, Pravadoline (WIN 48,098), RCS 4, and AM-679).

[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone. (Other names in this structural class include but are not limited to: WIN 55,212-2).

(6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol. (Other names in this structural class include but are not limited to: HU-210).

(6aS, 10aS)-9-(hydrxymethyl)-6,6-demethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo{ c}chromen-1-ol (Dezanabinol or HU-211).

Adamantoylindoles. Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantyl ring system to any extent. (Other names in this structural class include but are not limited to: AM-1248).

xii. Any other synthetic chemical compound that is a cannabinoid receptor agonist that is not listed in Schedules I through V of §3306 of the Public Health Law, or is not an FDA approved drug; and

WHEREAS, synthetic cannabinoids are frequently applied to plant materials and then packaged and marketed online, and in convenience stores, gas stations and smoke shops as incense, herbal mixtures or potpourri, and often carry a "not for human consumption" label, and are not approved for medical use in the United States; and

WHEREAS, products containing synthetic cannabinoids are produced, distributed, marketed and sold, as a supposed "legal alternative" to marijuana and for the purpose of being consumed by an individual, most often by smoking, either through a pipe, a water pipe, or rolled in cigarette papers; and

WHEREAS, pursuant to §3306 of the Public Health Law, the Commissioner of Health of the State of New York issued an Order on March 28, 2012 banning the sale and distribution of products containing synthetic cannabinoids in the State of New York; and

WHEREAS, pursuant to §3.09 of the New York City Health Code, the Commissioner of the Department of Health and Mental Hygiene issued an Order on March 29, 2012 banning the sale and distribution of products containing synthetic cannabinoids in the City of New York; and

WHEREAS, as of September 1, 2012, there have been ninety calls to the City of New York's Poison Control Center this calendar year about adverse reactions to synthetic cannabinoids and reported side effects which may include: tachycardia (increased heart rate); paranoid behavior, agitation and irritability; nausea and vomiting; confusion; drowsiness; headache; hypertension; electrolyte abnormalities; seizures; and syncope (loss of consciousness); and

WHEREAS, products containing synthetic cannabinoids continue to be sold throughout the City of New York and remain prevalent drugs of abuse, especially among teens and young adults; and

WHEREAS, on July 9, 2012, President Barack Obama signed a Bill (S. 3187) into law that banned the sale and distribution of products containing some of the synthetic phenethylamines and synthetic cannabinoids listed in this resolution by placing them on the federal Schedule I list of substances under the federal Controlled Substances Act (21 U.S.C. §812[c]); and

WHEREAS, on August 7 2012, the Public Health and Health Planning Council of the State of the New York, at the request of the Commissioner of Health of New York, and pursuant to Public Health Law § 225(4) and (5) and Article 2 of the State Administrative Procedures Act, amended the New York Sanitary Code making it a violation to possess, manufacture, distribute, sell or offer to sell synthetic phenethylamines or synthetic cannabinoids, or products containing the same (the

regulation can be viewed online at the Department of Health's Internet address <http://www.health.ny.gov/professionals/narcotic/>); and

WHEREAS, the Commissioner of Health of the State of New York and the Commissioner of the Department of Health and Mental Hygiene of the City of New York have issued Orders banning the manufacture, distribution, sale or offering to sell of synthetic phenethylamines and synthetic cannabinoids in both the state and the city of New York; and

WHEREAS, the distribution, sale, and offer to sell of synthetic phenethylamines and synthetic cannabinoids, or products containing the same, including but not limited to the products listed in the Appendix to this Resolution, endanger the health of the people of the city of New York and constitutes a nuisance, as defined by §17-142 of the Administrative Code of the City of New York and by §3.09 of the Health Code; and

WHEREAS, the Board of Health has found that public notice and awareness of the federal and state prohibitions against the possession, manufacture, sale or distribution of products containing synthetic phenethylamines or synthetic cannabinoids is essential to immediately address the escalating use of these substances and the negative consequences they cause; and

WHEREAS, the Board of Health has found that personal service of this Resolution on all of the places possessing, manufacturing, selling or distributing synthetic phenethylamines or synthetic cannabinoids in the City of New York is impracticable and would result in delay prejudicial to public health.

IT THEREFORE IS RESOLVED, that all persons and businesses in the City of New York shall immediately cease and desist from possessing, manufacturing, distributing, selling or offering to sell products containing: (a) synthetic phenethylamines or any compound that has a chemical structure that is substantially similar to the synthetic phenethylamines identified in this document, and is not listed as a controlled substance in Schedules I through V of § 3306 of the Public Health Law, and is not approved by the Food and Drug Administration (FDA); or (b) synthetic cannabinoids.

IT IS FURTHER RESOLVED that this resolution shall take effect immediately.

A true copy.

Thomas A. Farley, MD, MPH  
Chairman of the Board of Health

Rena Bryant  
Secretary

Filed with the City Clerk September 13, 2012

## APPENDIX

### Products Believed to Contain Synthetic Phenethylamines:

Bliss, Blue Light, Blue Silk, Charge, Cosmic, Blast, Disco Concentrate Bath Salts, Ivory Snow, Ocean Burst, Pure Ivory, Purple Wave, Snow Leopard, Stardust (Star Dust), Tranquility Bath Salts, White Dove, White Knight, White Rush, Zeus 2, Ivory Wave, White Lightening, Hurricane Charlie, White Girl, Blue Magic, Silverback Bath Salts, Raving Dragon, Cloud 9, Purple Tranquility, Zoom2, Aura, Red Dove, Vanilla Sky, White Horse, Ivory Coast, Energy I, MDPK, Magic, Super Coke, Amped Rave, Snow Blind, Crystal Bubbly, Eight Ballz, White Water Rapid, Avalanche, Bizaro and Voodoo Powder

### Products Believed to Contain Synthetic Cannabinoids:

K2, Spice, Chronic Spice, Spice Gold, Spice Silver, Spice Smoked Bien, Skunk, Black Mamba, Zohai, Mr. Nice Guy, K3, K3 Legal, Genie, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High and Red X Dawn.