

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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IN THE MATTER

OF

THE SALE AND DISTRIBUTION
OF SYNTHETIC CANNABINOIDS

ORDER FOR
SUMMARY
ACTION

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WHEREAS, a "cannabinoid" is a class of chemical compounds in the marijuana plant and the cannabinoid Δ^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. A "synthetic cannabinoid" is defined herein as any chemical compound that is a cannabinoid receptor agonist and includes, but is not limited to any material, compound, mixture, or preparation that is not listed as a controlled substance in the Schedule I through V of § 3306 of the Public Health Law, is not a federal Food and Drug Administration (FDA) approved drug, 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:

- i. Naphthoylindoles. Any compound containing a 3-(1-Naphthyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)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 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 210, JWH 398, AM 2201, and WIN 55 212).

ii. Naphthylmethylindeles. 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, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)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).

iii. 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-piperidiny)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).

iv. Naphthylmethylindenes. Any compound containing a naphthylidene indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)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).

v. 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-piperidiny)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).

vi. 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-piperidiny)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).

vii. 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-piperidiny)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).

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

ix. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-ol 7370. (Other names in this structural class include but are not limited to: HU-210).

x. 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).

xi. 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, in actuality, 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, synthetic cannabinoids have been linked to severe adverse reactions, including death and acute renal failure, and reported side effects 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 have become prevalent drugs of abuse, especially among teens and young adults. Calls to New York State Poison Control centers relating to the consumption of synthetic cannabinoids have increased dramatically, with a total of 105 reported incidents of exposure to these substances having been reported since 2011, compared to four reported instances in 2009 and 2010. Over half of the calls to the Upstate Poison Control Center this year involved children under the age of 19 years of age. Nationally, poison control centers have received approximately 8,000 calls relating to exposure to these substances since 2011. Calls received by poison control centers generally reflect only a small percentage of actual instances of poisoning. Therefore, it is clear that many additional New York residents have been harmed as a result of using products containing synthetic cannabinoids; and

WHEREAS, on March 1, 2011, the United States Drug Enforcement Administration (DEA) temporarily scheduled five synthetic cannabinoids, JWH-018, JWH-073, JWH-200, CP 47, 497 and cannabicyclohexanol (CP 47, 497, C8, which is a homologue of CP 47, 497), as Schedule 1 substances under the federal Controlled Substances Act (21 U.S.C. § 812[c]), in order to avoid an imminent hazard to public safety, because the substances have a high potential for

abuse and have no currently accepted medical use in treatment in the United States. On March 1, 2012, the federal DEA ban was extended for six months; and

WHEREAS, individuals and entities can avoid -- and have avoided -- the federal ban of specifically identified synthetic cannabinoids by developing or synthesizing cannabinoids that are not expressly covered under any such ban; and

WHEREAS, based upon the foregoing, the Commissioner of Health of the State of New York, after investigation, is of the opinion that the sale or distribution of products containing synthetic cannabinoids, including, but not limited to, the products identified in the Appendix, is an activity which constitutes danger to the health, safety and welfare of the people of the State of New York; and

WHEREAS, it therefore appears to be prejudicial to the interest of the people to delay action for fifteen (15) days until an opportunity for a hearing can be provided in accordance with the provisions of Public Health Law § 12-a.

NOW, THEREFORE, THE COMMISSIONER OF HEALTH DOES HEREBY ORDER THAT:

1) Pursuant to Public Health Law § 16, any individual or entity in the State of New York engaged in the sale or distribution of products containing synthetic cannabinoids, including, but not limited to, those products identified in the Appendix, and that receives notice of this Order, shall immediately cease the sale and/or distribution of said products in New York State.

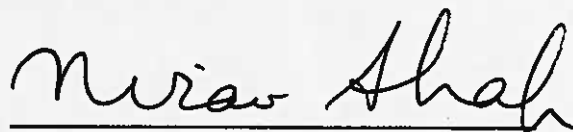
2) The presiding officer of each local health unit or local board of health in the State of New York, is hereby directed, pursuant to Public Health Law § 1303(4) and Title 10 NYCRR

8.5, to convene each such local health unit or local board of health as is necessary to disseminate this Order and to ensure compliance with this Order.

FURTHER, I DO HEREBY give notice that any individual or entity that receives notice of and is subject to this Order shall be provided an opportunity to be heard within fifteen (15) days of service of this Order, at the offices of the New York State Department of Health, to present proof that the sale or distribution of products containing synthetic cannabinoids does not constitute a danger to the health of the people of the State of New York. Any such individual or entity that wishes to avail themselves of this opportunity, should notify the Department of Health in writing, within five (5) days of receipt of service of this Order, to the following address: New York State Department of Health, Bureau of Administrative Hearings, Corning Tower, Room 2438, Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237. This notice may also be submitted by FAX at (518) 486-1858, or by email at mdf01@health.state.ny.us. The Department will, within five business days of its receipt of a request for hearing, provide written notice of the date, place and time of the scheduled hearing.

DATED: Albany, New York
March 28, 2012

NEW YORK STATE DEPARTMENT OF
HEALTH

A handwritten signature in black ink, reading "Nirav Shah", written in a cursive style.

NIRAV R. SHAH, M.D., M.P.H.
Commissioner of Health

APPENDIX

**K2
Spice
Chronic Spice
Spice Gold
Spice Silver
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**