

Draft) Resolution Requesting NY State Penal Code Classification of "K2" as a Controlled Substance

WHEREAS, Synthetic cannabinoids (a class of drugs commonly known by their street names "K2" or "Spice") are an emerging problem in our neighborhoods. Our local law enforcement and district attorneys do not have adequate legal tools to remove these harmful substances from sale and distribution; and

WHEREAS, Existing regulations classify possession of "K2" as a violation, with no distinction between possession and distribution. In other words, "K2" is legally just a violation similar to the public consumption of alcohol. Therefore, it is not possible for local law enforcement and district attorneys to uncover and shut down networks involved in the illicit sale, distribution and importation of "K2" because it is not possible to obtain a search warrant or to engage in plea bargaining with defendants; and

WHEREAS, Community Board 3 has received complaints from residents and shelter directors of the increasing use of "K2" and its impacts on users. The NYC Department of Health and Mental Hygiene has reported that emergency department visits related to synthetic cannabinoids were up 220% in first six months of 2014. The manufacture of "K2" includes an unpredictable blend of ingredients, which can cause an array of serious and unpredictable side effects. Common psychological reactions include agitation, fear and paranoia, which can cause intense experiences of panic attacks and disorientation. Significant physiological side effects can include heart palpitations and respiratory difficulties; and

WHEREAS, Only possession with intent to distribute should result in misdemeanor or felony charges that would result in serious penalties. Classifying mere possession of small quantities of "K2" as anything more serious than a violation would do nothing to improve individual or public health or safety. Drug convictions have already criminalized and marginalized millions of Americans, with consequences that can include loss of a job, voting rights, housing, and access to education. Users of "K2" should not be further victimized -- "K2" is an emerging public health problem that should be addressed by legislation to curb its sale and distribution, not to criminalize its possession; and

WHEREAS, In June-September 2013, NY State enacted legislation to address synthetic cathinones (another class of drugs commonly known by their street name, "bath salts"), reclassifying them from a violation to a controlled substance under the state penal code. That legislation closed a significant loophole and toughened penalties to curb the sale and distribution of "bath salts" by allowing local law enforcement and district attorneys to use search warrants and plea bargaining. Legislation to address "K2" could be modeled on the "bath salts" legislation; now

THEREFORE BE IT RESOLVED, that CB3 encourages our State elected officials to enact and pass legislation to classify synthetic cannabinoids (A.K.A., "K2") as a controlled substance under NY State penal code for purposes of intent to sell and distribute in NY State.

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