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MAYOR DE BLASIO SIGNS K2 LEGISLATION INTO LAW TO CRIMINALIZE SALE AND PRODUCTION

Sale of K2 now punishable by up to one year in jail

Legislation part of comprehensive strategy to crack down on K2 producers and sellers; support and treat vulnerable K2 users

NEW YORK—Mayor Bill de Blasio today signed into law three new bills to curb the use of K2 and increase violations for those who seek to sell or manufacture this chemical mixture. The three bills are part of a multi-agency enforcement, education and prevention strategy against K2. This strategy aims to reduce the presence and use of K2 by aggressively cracking down on suppliers while offering supportive services and treatment to users in need.

“We are getting K2 off our streets and out of the hands of New Yorkers, and this legislation will improve quality of life for all New Yorkers. K2 is a poison that threatens public safety and public health – and these new laws criminalize sellers and manufacturers, without punishing users who are held hostage by this toxic drug,” said **Mayor Bill de Blasio**. “To date, NYPD has indicted 10 sellers, seized \$17.5 million worth of K2 products, ingredients, and paraphernalia – and we will continue this enforcement to send a clear message: making K2 or selling it to New Yorkers is a criminal activity that will not be tolerated.”

“As the Council Member representing El Barrio/East Harlem, this has been an issue of great personal importance to me, with 125th Street and Lexington Avenue being at the center of the K2 problem,” said **Council Speaker Melissa Mark-Viverito**. “Thanks to these new laws, K2 will be taken off our streets in an effective manner without stigmatizing or criminalizing users but rather focusing on sellers and distributors. I’d like to thank my colleagues on the City Council, Mayor de Blasio, Commissioner Bratton, Commissioner Menin and all the City agencies who have collaborated to address the spread of K2.”

“We have been working relentlessly to eradicate this poison. Our work has resulted in the arrest of dozens—and seizure of millions of packets of K2—and countless more ingredients destined for production that never made it to the street. This law affords us additional tools to continue to combat the scourge of K2,” said **Police Commissioner William Bratton**.

Sold in bodegas, synthetic cannabinoids are leaves sprayed with unpredictable and diverse chemical combinations that are either smoked or ingested. The drugs go by a variety of names, such as K2, Spice, Green Giant, and Caution, and produce adverse consequences ranging from agitation to vomiting to tremor seizures to hallucinations to violent behavior.

The new laws provide the City with additional tools and penalties to reduce the sale and manufacture of K2:

- Intro 917-A, sponsored by Speaker Melissa Mark-Viverito and Council Members Fernando Cabrera, Andrew Cohen, Vanessa Gibson, Antonio Reynoso, Ritchie Torres, and Reuben Wills, criminalizes the manufacture, possession with intent to sell, and sale of synthetic cannabinoids and

synthetic phenethylamines. Selling K2 will be a misdemeanor punishable by up to one year in jail and up to \$5,000 in fines.

- Intro 897, sponsored by Speaker Melissa Mark-Viverito and Council Member Daniel Garodnick, allows the City to apply public nuisance regulations to violations of the new criminal provision barring the sale of K2 – which gives the City additional enforcement tools.
- Intro 885-A, sponsored by Speaker Melissa Mark-Viverito, and Council Members Vanessa Gibson and Andrew Cohen, allows the City to revoke, suspend or refuse to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs.

This legislation is part of the City’s multi-agency strategy to use enforcement, education, and prevention efforts to reduce K2 in New York City. This strategy includes:

Reducing the supply of K2:

- **NYPD seizures:** Last week marked the fifth multi-agency operation in the past few months. Five locations were inspected and 9 bags of Extreme K2 were seized. Last month, the City, in partnership with the Drug Enforcement Administration, conducted searches of five processing facilities that resulted in the 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 the Manhattan U.S. Attorney’s Office. More than 80 stores and bodegas throughout New York City were inspected as part of the enforcement action.
- **Enforcement awareness:** 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.
- **Labeling violations:** The Department of Consumer Affairs (DCA) 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.
- **Additional legal tools:** The City is working with State representatives on State legislation to complement the new City laws signed today.

Reducing the demand for K2:

- **Public awareness campaign:** DCA and the Department of Health and Mental Hygiene are spearheading a comprehensive public awareness campaign to 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.
- **Education summit:** Building off a successful model recently used in Houston, New York City will hold a summit on K2 at Brooklyn Law School on November 16th that will address the harmful effects of its use and best practices for treating users both from a public safety and public health perspective. This summit will provide judges, first responders, law enforcement and public health professionals with resources to effectively implement the new criminal provision barring the sale of K2, connect users to treatment in the short-term, and ensure that users are connected to stabilizing services in the long-term.
- **Health advisories:** The Department of Health and Mental Hygiene has released a third health advisory on synthetic cannabinoids, available [here](#).

Ensuring effectiveness:

- **Emergency room monitoring:** 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.

- **Tracking strategies:** The City will track enforcement strategies to ensure that sales of the drug cease and ensure that public health resources are rapidly deployed to meet emergent user health needs.

Since January 2015, there have been more than 4,500 synthetic cannabinoid-related emergency department visits in New York City, with more than 1,200 emergency department visits occurring in July. Males account for approximately 90 percent of these emergency room visits. Patients have a median age of 37 and are disproportionately residents of shelters and individuals with a psychiatric illness. Nearly all – 99 percent – of patients are age 18 and older.

Led by the Mayor’s Office of Criminal Justice, the multi-agency effort includes representatives from the New York Police Department, the Department of Consumer Affairs, the Department of Health and Mental Hygiene, the Health and Hospitals Corporation, the Law Department, the Department of Homeless Services, the Sheriff, and the Attorney General’s office.

“Substance abuse is a serious mental health issue,” said **First Lady Chirlane McCray**. “People dealing with addiction need support and treatment, not a jail cell. With help, recovery is possible. I’m proud of our City for cracking down on the scourge of K2 without making life more difficult for already vulnerable New Yorkers.”

“K2 has been plaguing communities from the Bronx to Brooklyn and I am proud that the Department of Consumer Affairs has been working closely with our sister agencies to crack down on this dangerous drug. The bills we are signing into law today send a clear message: K2 is dangerous, K2 is illegal, and if you sell it, the consequences will be serious, including the suspension or revocation of your cigarette retail dealer license,” said **Department of Consumer Affairs Commissioner Julie Menin**.

“Thanks to the Mayor and City Council, these important new laws will reduce the availability of K2 in corner stores, making it less likely that individuals will use K2 and suffer the serious health consequences we have been seeing over the last year. This law protects the health of New Yorkers,” said **Health Commissioner Dr. Mary T. Bassett**. “Following enforcement actions, we have seen a 21 percent decrease in K2-related emergency department visits in September compared to June, when visits peaked. In addition, during the 3 weeks following the September seizures, there were 22 percent fewer K2-related emergency department visits compared with the three weeks prior to the seizures. The Health Department sent out a Health Advisory Notice, which reached more than 20,000 health care providers.”

“K2 is wasting people away and putting record numbers into our emergency rooms,” said **Council Member Dan Garodnick**. “By cracking down on the bad actors who are making illegal sales, it will help us get K2 off the streets.”

Council Member Ruben Wills said, “K2 once flowed freely from store to street. Traffickers could market their products to children by using catchy names and glossy packaging to captivate them. Manufacturers could successfully sidestep our State’s laws by constantly churning out chemical compounds that couldn’t be catalogued quickly enough, and our City’s law enforcement and civilian agencies lacked the power to effectively deter the sale of these hazardous substances. With the signing of these bills, we will begin to choke off the K2 pipeline by imposing severe penalties on the operators of known synthetic marijuana distribution centers. Our thoughtful yet forceful response to this public health crisis is carefully designed to not burden individual users, as we remain committed to working with advocates and providers to ensure those struggling with addiction and other mental health issues are treated with great care. I thank Mayor de Blasio, Speaker Melissa Mark-Viverito, and Council Members Vanessa Gibson and Daniel Garodnick for joining me in championing the legislation that will now become law.”

“It is troubling that an unknown and dangerous substance, made of synthetic chemicals and whose effects have not been studied, is so readily available in retail stores across the city. As Chair of the Consumer Affairs Committee, I am deeply concerned with the false and deceptive labeling that K2 manufacturers use in order to package these dangerous synthetic chemicals as a cheap and fun recreational product. In order to ensure

retailers that sell K2 are held accountable, the Consumer Affairs Committee passed a bill that revokes the cigarette license of retail establishments that are caught selling K2. It is our goal to penalize the manufacturers and sellers of K2 and not the users. K2 is a dangerous, inappropriately labeled product and should not be sold next to the milk and sugar in your neighborhood store,” said **Council Member Rafael L. Espinal, Jr., Chair of the Committee on Consumer Affairs.**

“We cannot ignore the abundance of synthetic cannabinoids within our communities. K2 is an unregulated and potentially deadly substance and I am proud to be a part of the legislative effort to address this growing epidemic. As Chair of the Committee on Public Safety, I am confident that this comprehensive and necessary package will enhance the City’s ongoing efforts to get K2 out of our neighborhoods. I commend the leadership of Mayor Bill de Blasio and Speaker Melissa Mark-Viverito on this issue and am pleased to be a part of a Council that is committed to innovative drug policy that criminalizes the actions of manufactures and distributors, rather than those of substance abusers,” said **Council Member Vanessa Gibson, Chair of the Committee on Public Safety.**

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