

STATE OF NEW YORK : DEPARTMENT OF HEALTH
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IN THE MATTER

OF

THE SALE AND DISTRIBUTION
OF SYNTHETIC PHENETHYLAMINES and
SYNTHETIC CANNABINOIDS

ORDER FOR
SUMMARY
ACTION

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Synthetic Phenethylamines

WHEREAS, the following are chemical compounds that are commonly packaged and marketed online, in convenience stores, gas stations and smoke shops as “bath salts,” plant food and other ordinary household goods, which are not listed as a controlled substance on Schedules I through V of § 3306 of the Public Health Law, and are not approved by the federal Food and Drug Administration (“FDA”):

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

WHEREAS, these chemical compounds stimulate the body’s central 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, these compounds (hereinafter referred to collectively as “synthetic phenethylamines”), which are commonly referred to as “designer drugs” because they are specifically synthesized with a similar, but slightly modified structure of a Schedule I controlled substance in order to avoid existing drug laws, 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 for Summary Action banning the sale and distribution of products with 3,4-Methylenedioxymethcathinone (Methylone), 4-Methylmethcathinone (Mephedrone), Methylenedioxypropylvalerone (MDPV), 4-Methoxymethcathinone, 3-Fluoromethcathinone, 4-Fluoromethcathinone, and compounds structurally related to these synthetic chemical compounds; and

WHEREAS, products containing synthetic phenethylamines continue to be packaged, distributed and sold as “bath salts” and other ordinary household goods. These products contain chemical compounds specifically named in the May 20, 2011 Order for Summary Action and/or additional chemical compounds, which are not approved by the FDA for medical use, including: 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), and 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) (referred to in the prior Order of May 20, 2011 as “cathinones”); and

WHEREAS, synthetic phenethylamines are prevalent drugs of abuse. From January 2011 through April 2012, poison control centers throughout the United States have received over 7,000 of calls regarding instances of poisoning from products containing synthetic phenethylamines, including instances resulting in accidental death and suicide. Calls received by poison control centers generally reflect only a small percentage of actual instances of poisoning and, and many additional New York residents are likely to have been harmed as a result of using products containing synthetic phenethylamines. In addition, between January 1, 2011 and August 2, 2012, there were approximately 230 emergency department visits in New York (not including New York City) in which effects from consuming a product with synthetic phenethylamines or “bath salts” were the patient’s chief complaint. One hundred twenty of these visits occurred in June and July, 2012, indicating that usage of these substances are increasing at a remarkable rate; and

WHEREAS, poison center experts, who have first-hand knowledge of the devastation that synthetic phenethylamines wreak on individuals and their families, say these substances are among the worst they have ever seen. They report that people high on these compounds can get very agitated and violent, exhibit psychosis and severe behavioral changes, and have harmed themselves and others. Some have been admitted to psychiatric hospitals and have experienced continued neurological and psychological effects; and

Synthetic Cannabinoids

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 Schedules I through V of § 3306 of the Public Health Law, is not approved by the federal Food and Drug Administration (FDA), 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-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 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. 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, 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 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-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).

iv. Naphthylmethylenes. 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-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).

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-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).

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-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).

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-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).

viii. [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).

ix. (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).

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

xi. 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, 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, on March 28, 2012, the Commissioner of Health of the State of New York issued an Order for Summary Action banning the sale and distribution of products containing synthetic cannabinoids, as described more fully in the March 28, 2012 Order; and

WHEREAS, products containing synthetic cannabinoids continue to be sold and distributed in New York; 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 which is consistent with the results of a 2011 “Monitoring the Future” national survey of youth drug-use trends that showed that 11.4% of 12th graders used a synthetic cannabinoid during the twelve months prior to the survey, making it the second most commonly used illicit drug among high school seniors. Nationally, poison control centers have received over 10,000 calls relating to exposure to these substances from January 2011 through June 2012. 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

Synthetic Phenethylamines and Synthetic Cannabinoids

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 identified in this document 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, the Public Health and Health Planning Council, 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 regulations of the New York Sanitary Code, by promulgating a regulation, which makes 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, based upon the foregoing, the Commissioner of Health of the State of New York, after investigation, is of the opinion that the possession, manufacture, distribution, sale or offer of sale of synthetic phenethylamines or synthetic cannabinoids, or products including the same, including, but not limited to, the products identified in Appendix A, is an activity which constitutes danger to the health, safety and welfare of the people of the State of New York; and

WHEREAS, the Commissioner of Health of the State of New York finds 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 recent escalation in the use of these substances and the severe negative consequences of using these substances; 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, and, in accordance with the definitions and exemptions contained in Part 9 of Title 10 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR), Synthetic Phenethylamines and Synthetic Cannabinoids Prohibited, (the regulation can be viewed online at the Department of Health's Internet address <http://www.health.ny.gov/professionals/narcotic/>), all individuals and entities in the State of New York shall immediately cease and desist from possessing, manufacturing, distributing, selling or offering to sell in New York State 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.

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 phenethylamines or synthetic cannabinoids by such individual or entity 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
August 7, 2012

NEW YORK STATE DEPARTMENT OF
HEALTH



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

APPENDIX A

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
Zoom 2
Aura
Red Dove
Vanilla Sky
White Horse
Ivory Coast
Energy 1
MDPK
Magic
Super Coke
Amped
Rave
SnowBlind

Crystal Bubbly
Eight Ballz
White Water Rapid
Avalanche
Bizaro
Voodoo Powder

Products Believed to Contain Synthetic Cannabinoids

K2
Spice
Chronic Spice
Spice Gold
Spice Silver
Spice Smoked Blen
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
Red X Dawn