

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS

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September 25, 2015
Start: 10:51 a.m.
Recess: 11:02 a.m.

HELD AT: Committee Room - City Hall

B E F O R E:

RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman

A P P E A R A N C E S (CONTINUED)

[gavel]

[background comment]

CHAIRPERSON ESPINAL: Good morning. My name is Rafael Espinal and I am the chair of the Consumer Affairs Committee. Joining me from the Consumer Affairs Committee we have Rory Lancman from Queens, Karen Koslowitz from Queens and Julissa Ferreras from Queens.

Today the Committee will vote on a bill, Proposed Intro 885-A that would add cigarette dealer license-related penalties for the manufacture and sale of synthetic cannabinoids or what has more commonly been called synthetic marijuana, Spice or K2.

This bill was previously heard at a joint hearing on September 21st, 2015, conducted by the Committees on Public Safety, Health, Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services and this committee, Consumer Affairs.

So-called synthetic marijuana is not marijuana at all, but rather refers to a wide variety of herbal mixtures that have been sprayed with chemical additives that product psychoactive effects.

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2 The composition of the chemicals in K2 is constantly
3 changing and the effects of these chemicals are
4 unpredictable. In some cases users have experienced
5 extreme anxiety, paranoia and hallucinations. In
6 April of 2015 the Department of Health and Mental
7 Hygiene issued a press release warning New Yorkers of
8 these effects after the drug was implicated in over
9 120 emergency room visits between April 8th and April
10 15. Intro 885-A is a companion bill to Intro 917-A,
11 which prohibits the knowing manufacture or offer for
12 sale of synthetic cannabinoids or substances
13 represented as such.

14 Unfortunately, synthetic cannabinoids can
15 easily be found in head shops and corner bodegas. It
16 is distressing that an unknown and potentially
17 dangerous substance is so broadly available in
18 bodegas and retail shops across the city. K2, a
19 potentially dangerous, in appropriately labeled
20 product should not be sold next to the milk and sugar
21 in your neighborhood store. Most bodegas in New York
22 City are also licensed by DCA as cigarette retailers
23 and must comply with various local laws on the lawful
24 sale of cigarettes. The commissioner makes suspend
25 or revoke a cigarette dealer's license or order the

2 sealing of the premises of a business that is found
3 to have engaged in unlicensed activity or to have
4 committed numerous violations of applicable law.

5 Recent busts of K2 have all revealed
6 large supplies of unlawful cigarettes; those
7 purchased across state lines and are unlawful in New
8 York because they violate our tax laws. Given this
9 high correlation between K2 and other unlawful
10 activity by cigarette retailers, Intro 885-A ties a
11 retailer's cigarette license to the illegal sale of
12 synthetic cannabinoids.

13 Intro 885-A would mandate suspension of a
14 cigarette dealer's license for any licensed cigarette
15 dealer who violates provisions of the proposed
16 synthetic drug prohibition. It would create a
17 mandatory revocation for a second violation of such
18 proposed prohibition and it would allow the
19 Department of Consumer Affairs commissioner to take
20 such violations into account as they consider whether
21 to grant future cigarette dealer licenses to such
22 violator as well.

23 To avoid the possibility that a store
24 owner could avoid penalties by simply selling the
25 establishment to a family member, the mandatory

2 revocation in for a second offense would apply to
3 subsequent license holders for the same location
4 unless it can be demonstrated that the sale was not
5 completed to avoid the effect of the violations on
6 the premises.

7 Finally, the bill will also allow the
8 commissioner of DCA to refuse to renew a cigarette
9 dealer license of a licensed holder convicted of
10 violating the prohibitions of Intro 917-A.

11 Clerk, please call the roll; the Chair
12 recommends that my colleagues please vote yes on this
13 bill.

14 COMMITTEE CLERK: William Martin,
15 Committee Clerk, roll call vote Committee on Consumer
16 Affairs, Introduction 885-A. Chair Espinal.

17 CHAIRPERSON ESPINAL: Yes.

18 COMMITTEE CLERK: Ferreras-Copeland.

19 COUNCIL MEMBER FERRERAS-COPELAND: I vote
20 aye.

21 COMMITTEE CLERK: Koslowitz.

22 COUNCIL MEMBER KOSLOWITZ: Aye.

23 COMMITTEE CLERK: Lancman.

24 COMMITTEE CLERK: Yes.
25

2 COMMITTEE CLERK: By a vote of 4 in the
3 affirmative, 0 in the negative and no abstentions,
4 item has been adopted.

5 [pause]

6 CHAIRPERSON ESPINAL: Gonna keep the roll
7 open for the next 15 minutes.

8 COMMITTEE CLERK: Final vote Committee on
9 Consumer Affairs is 4 in the affirmative, 0 in the
10 negative and no abstentions.

11 CHAIRPERSON ESPINAL: Thank you. With
12 that said, I would like to thank Labini Ramin [sp?],
13 Israel Martinez and Richard Cordell for all their
14 work behind these bills. Committee adjourned.

15 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 30, 2015