

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

May 20, 2011

Re: Order for Summary Action to Ban the Sale and Distribution of Designer
Drugs Commonly Packaged and Marketed as Bath Salts

Dear County Health Commissioners/Local Health Directors:

Today I issued the attached Order for Summary Action, pursuant to Public Health Law § 16, which prohibits the sale and distribution of products containing certain chemical compounds that are structurally similar to the controlled substance Cathinone, and which produce effects similar to those caused by cocaine and amphetamines. These products are most often sold in convenience stores, gas stations and other retail outlets as "bath salts" and plant food, and under a variety of names, including but not limited to, those set forth in the Appendix to the Order. The products have become prevalent drugs of abuse, and have resulted in hundreds of calls to poison control centers throughout the United States, including New York.

My Order also directs local health departments, pursuant to Public Health Law Section 1303(4) and Title 10 NYCRR Section 8.5, to provide necessary assistance to effectuate the ban on the above-described products. Accordingly, you will need to serve this Order upon entities and individuals in your counties that are known by your department to sell these products, or that you have reason to believe sell these products. This should be done without delay.

In addition, within two (2) days of serving an entity or individual you will need to provide the New York State Department of Health with affidavits of service and contact information for the entities and individuals you have served. The affidavits and contact information should be directed to 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. If you have any inquiries, please contact that bureau at 518-747-1707, or by email at cdb02@health.state.ny.us.

Thank you for your cooperation.

Very truly yours,



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

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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IN THE MATTER

OF

THE SALE AND DISTRIBUTION OF
PRODUCTS WITH CHEMICAL COMPOUNDS
STRUCTURALLY RELATED TO CATHINONE
AND ITS DERIVATIVES, EXCEPT FOR THOSE
PRODUCTS APPROVED BY THE UNITED STATES
FOOD AND DRUG ADMINISTRATION (FDA)
FOR MEDICAL USE

ORDER FOR
SUMMARY
ACTION

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WHEREAS, 3,4-Methylenedioxymethcathinone (Methylone), 4-Methylmethcathinone (Mephedrone), Methylenedioxypropylvalerone (MDPV), 4-Methoxymethcathinone, 3-Fluoromethcathinone, 4-Fluoromethcathinone, and Ethylpropion (Ethcathinone) 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, and which are not approved for medical use in the United States; and

WHEREAS, these compounds are related structurally to Cathinone, a Schedule 1 controlled substance and an active alkaloid found in the Khat plant, 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, compounds such as the subject compounds, which are commonly referred to as “designer drugs” because they are specifically synthesized with a similar, but slightly

modified structure of a Schedule 1 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, products containing the subject compounds have become prevalent drugs of abuse. Over the past several months, poison control centers throughout the United States have received hundreds of calls regarding instances of poisoning from products containing the subject compounds, including instances resulting in accidental death and suicide. Since January 1, 2011, New York Poison Control Centers have received forty-six (46) calls regarding instances of poisoning from products containing the subject compounds, including instances requiring hospitalizations, sedation and other medical intervention. Calls received by poison control centers generally reflect only a small percentage of actual instances of poisoning, and many additional New York residents are likely to have been harmed as a result of using products containing the subject compounds; 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 the products containing the subject compounds, 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, 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 Section 12-a.

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

1) Pursuant to Public Health Law Section 16, any individual or entity in the State of New York engaged in the sale or distribution of the subject compounds or any compound that has a chemical structure that is substantially similar to these compounds and not approved by the Food and Drug Administration (FDA) for medical use, or products containing the same, and that receives notice of this Order, shall immediately cease the sale and/or distribution of said compounds or 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 Section 1303(4) and Title 10 NYCRR Section 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 may request a hearing, to be held within fifteen (15) days of service, at an office of the New York State Department of Health to be determined, to present any proof that the sale or distribution of the subject compounds or any compound that has a chemical structure that is substantially similar to these compounds and not approved by the FDA for medical use, or products containing the same does not constitute a danger to the health of the people of the State of New York. Any such individual or entity that desires such a hearing should submit a written request, 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 request may also be submitted by FAX at (518) 486-1858 or by email at cdb02@health.state.ny.us. Failure to request a hearing will be considered a waiver of the subject individual's or entity's right to a hearing.

DATED: Albany, New York
May 20, 2011

NEW YORK STATE DEPARTMENT OF
HEALTH

A handwritten signature in blue ink that reads "Nirav Shah".

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

APPENDIX A

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