Legislation Details (With Text)

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Int. No. 510

By Council Members James, Vallone, Jr., Fidler and Palma

A Local Law to amend the administrative code of the city of New York, in relation to salvia divinorum.

Be it enacted by the Council as follows:

Section 1. Chapter two of title ten of the administrative code of the city of New York is amended by adding a new section 10-203, to read as follows:

§10-203. Salvia Divinorum

a. Definitions. For the purposes of this section:

1. "Person" means a human being, a public corporation, a private corporation, an unincorporated association, a partnership, proprietorship, or any other kind of entity or business organization.

2. "Possess" means to have physical possession, or to otherwise exercise dominion or control over tangible property.

3. "Salvia Divinorum" means a perennial herb in the mint family, frequently referred to as "Diviner's

Sage," "Ska Maria Pastora," or "Sally D," as a whole plant, loose leaves, dried leaves, powder, or any other form, including the chemical salvinorin-A in any extracted or concentrated form.

4. "Sell" means to sell, exchange, distribute, give, or otherwise dispose of to another with or without consideration.

b. Possesssion of Salvia Divinorum.

1. A person shall be in violation of this section and subject to a civil penalty of five hundred dollars for each violation when said person knowingly possesses Salvia Divinornum or any preparation, compound, mixture, or substance containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of less than two ounces.

2. A person shall be guilty of a Class B Misdemeanor punishable by a term of imprisonment not to exceed three months, or a civil penalty of five hundred dollars for each violation, or both when said person knowingly possesses Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of two ounces or more.

c. Sale of Salvia Divinorum.

1. A person shall be guilty of a Class B Misdemeanor punishable by a term of imprisonment not to exceed three months, or a civil penalty of one thousand dollars for each violation, or both when said person knowingly sells or offers to sell Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of less than two ounces.

2. A person shall be guilty of a Class A Misdemeanor punishable by a term of imprisonment not to exceed one year, or a civil penalty of two thousand five hundred dollars for each violation, or both when said person knowingly sells or offers to sell Salvia Divinorum or any preparation, compound, mixture, or substance

containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of two ounces or more.

d. Exceptions. This section shall not apply to any prescription or nonprescription over-the-counter-drugs approved or regulated by the United States Food and Drug Administration.

§ 2. This local law shall take effect immediately.

CJG
LS #1862
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