

**A PROCLAMATION TO BE SUBMITTED  
BY LEGISLATOR HOGUES**

**RE: Supporting NYS Senate Bill S696-A to Prohibit the Sale of DXM to Minors**

WHEREAS, the Consumer Healthcare Products Association (CHPA) is a 131-year-old trade association representing the nation's leading manufacturers of over-the-counter medicines and dietary supplements; and

WHEREAS, according to the CHPA, Dextromethorphan (DXM) is a safe and effective ingredient found in more than 100 over-the-counter (OTC) cough and cold products; and

WHEREAS, although DXM was first approved by the U.S. Food and Drug Administration in the 1950s, in recent years, a number of teenagers have intentionally abused excessive amounts of medicines containing DXM to get high; and

WHEREAS, many teens believe DXM is safe to abuse as it is readily available in OTC medicines; and

WHEREAS, this assumption is dangerous, as abuse of DXM can result in confusion, dizziness, double or blurred vision, slurred speech, vomiting, rapid heartbeat, numbness of fingers and toes, disorientation, and, in extreme cases, the induction of a hallucinatory state that can lead to accidental death; and

WHEREAS, as a result, CHPA has gone on record in support of legislation to prevent the ability of minors to purchase products containing DXM; and

WHEREAS, this legislation has already been adopted by Westchester, Nassau and Suffolk Counties in New York State, as well as the state of California; and

WHEREAS, NYS Senator Mark Grisanti has sponsored a bill, S696A, to require proof of the legal age of eighteen (18) prior to an establishment selling a product containing DXM to that individual; and

WHEREAS, the sale of DXM to any persons under the age of 18 would be prohibited by this law, if enacted, across New York State; and

WHEREAS, the new legislation would impose a fine of \$250 against any retail establishment that violates the provisions of this law, thereby providing a disincentive for stores to be lax in adherence to the age proofing requirement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of NYS Senate Bill 6969-A to prohibit the sale of DXM to minors; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Republican Senate Conference Leader Dean Skelos, Independent Democratic Conference Leader Jeffrey Klein, State Senator Mark Grisanti and the entire WNY Delegation to the NYS Legislature and to any other persons deemed necessary and proper.

FISCAL IMPACT: None for resolution.

**S696A-2013 Text**

S T A T E O F N E W Y O R K

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696--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to restricting access to dextromethorphan, commonly known as "dxm"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 391-s to read as follows:

S 391-S. RESTRICTED ACCESS TO RETAIL SALE OF DEXTROMETHORPHAN, COMMONLY KNOWN AS "DXM". 1. NO RETAIL ESTABLISHMENT OFFERING FOR SALE ANY PRODUCT OR PRODUCTS CONTAINING AS AN ACTIVE INGREDIENT DEXTROMETHORPHAN, SHALL PERMIT THE SALE OF SUCH PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN. RETAIL ESTABLISHMENTS SHALL REQUIRE PROOF OF LEGAL AGE FOR PURCHASE OF SUCH PRODUCTS. ANY RETAIL ESTABLISHMENT WHICH VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A FINE OF TWO HUNDRED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

2. THIS SECTION SHALL SUPERSEDE ANY LOCAL LAWS OR ORDINANCES REGULATING THE SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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