

INTRO 10-1

A PROCLAMATION TO BE SUBMITTED BY LEGISLATOR HOGUES

RE: Expressing Support for NYS Assembly Bill A. 9601-A/NYS Senate Bill S. 6085-A to Limit Direct Access to OTC Medicine Containing Dextromethorphan

WHEREAS, dextromethorphan, commonly known as “DXM”, has been available to the public since the 1950’s and has been considered a “safe” over-the-counter (OTC) drug; and

WHEREAS, DXM has become a new form of LSD for this generation, alarming the health care providers and mental health professionals who must deal with the consequences of long-term abuse of this readily available OTC medication.

WHEREAS, an increasing number of teens have been abusing this substance, which is becoming known as the next crystalmeth; and

WHEREAS, abuse of DXM causes serious side effects including confusion, dizziness, double or blurred vision, slurred speech, vomiting, rapid heartbeat, disorientation and numbness of fingers and toes;

WHEREAS, extremely high doses of DXM can induce a hallucinatory state that can lead to accidental death; and

WHEREAS, the scourge of DXM abuse reaches well beyond the urban communities of Erie County into suburban and rural areas, recently highlighted by the discovery of discarded cough syrup bottles along the banks of Cattaraugus Creek in our Southtowns; and

WHEREAS, abuse of a brand-name of cough syrup is known as “robo-tripping” on the street and, when repeated, can result in a psychotic state requiring psychiatric hospitalization; and

WHEREAS, nationally, about 16,000 emergency room visits have been attributed to DXM abuse – placing a burden on our health system and resulting in permanent brain damage, deadly accidents and criminal behavior that has a negative impact on our community for decades; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for limiting over-the-counter access to dextromethorphan by the general public, particularly minors whose only intent is to abuse this substance; and be it further

RESOLVED, that this Honorable Body encourages the New York State Legislature to approve Assembly Bill A.9601-A/Senate Bill S.6085-A; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Assembly Speaker Sheldon Silver, Senate Majority Leader Dean Skelos, Governor Andrew Cuomo and all others deemed necessary and proper.

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

9601--A

I N A S S E M B L Y

March 20, 2012

Introduced by M. of A. JAFFEE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education 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:

1 Section 1. The education law is amended by adding a new section 6811-c
2 to read as follows:

3 S 6811-C. RESTRICTED ACCESS TO RETAIL SALE OF DEXTROMETHORPHAN,
4 COMMONLY KNOWN AS "DXM". 1. ANY RETAIL ESTABLISHMENT OFFERING FOR SALE
5 ANY PRODUCT OR PRODUCTS CONTAINING AS AN ACTIVE INGREDIENT DEXTROMETHOR-
6 PHAN, SHALL PLACE SUCH PRODUCT IN A LOCATION SUCH THAT CUSTOMERS DO NOT
7 HAVE DIRECT ACCESS TO THE PRODUCT BEFORE THE SALE IS MADE, INCLUDING BUT
8 NOT LIMITED TO BEHIND-THE-COUNTER PLACEMENT.

9 2. ANY PERSON EIGHTEEN YEARS OF AGE OR YOUNGER SHALL BE PROHIBITED
10 FROM PURCHASING PRODUCTS CONTAINING DEXTROMETHORPHAN, WHERE IT IS AN
11 ACTIVE INGREDIENT IN THE PRODUCT.

12 3. THE SELLER SHALL DELIVER THE PRODUCT DIRECTLY INTO THE CUSTODY OF
13 THE PURCHASER UPON SHOWING STATE OR FEDERAL IDENTIFICATION.

14 4. THE SELLER SHALL MAINTAIN, IN ACCORDANCE WITH CRITERIA ISSUED BY
15 THE COMMISSIONER, A WRITTEN OR ELECTRONIC LIST OF SUCH SALES THAT IDEN-
16 TIFIES THE PRODUCT PURCHASED, THE QUANTITY SOLD, THE NAMES AND ADDRESSES
17 OF PURCHASERS, AND THE DATES AND TIMES OF THE SALE.

18 S 2. This act shall take effect immediately; provided, however, that
19 the rules and regulations necessary to implement the provisions of this
20 act shall be promulgated and take effect on or before the one hundred
21 eightieth day after this act shall have become a law.

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

LBD05561-13-2



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Bill No.: A09601
 Summary Actions Votes Memo Text (*Printer friendly text*)
A09601 Summary:

BILL NO A09601A
 SAME AS Same as S 6085-A
 SPONSOR Jaffee
 COSPNSR
 MLTSPNSR Abinanti, Markey, Rivera P
 Add S6811-c, Ed L

Directs any retail establishment that sells any product or products containing as an active ingredient dextromethorphan, to limit direct access to such products in a manner designed to prevent the misuse or abuse of such products; provides that persons eighteen or younger are prohibited from purchasing; requires establishments to maintain a written or electronic log of information pertaining to the sale of such products.

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BILL NUMBER:A9601A

TITLE OF BILL: An act to amend the education law, in relation to restricting access to dextromethorphan, commonly known as "dxm"

PURPOSE OR GENERAL IDEA OF BILL: To require that any retail establishment that sells any product or products containing as the only active ingredient dextromethorphan to limit access to such . products.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 Amends the education law by adding a new section 6811-c to restrict access to retail sale of dextromethorphan, commonly known as "DXM". Any person eighteen years of age or younger shall be prohibited from purchasing products containing dextromethorphan where it is an active ingredient in the product.

JUSTIFICATION: The abuse of DXM--now being called the next crystalmeth is increasing among teens. Since the 1950s DXM has been used primarily as a safe over-the-counter medicine. However in recent years an increasing number of teens have been abusing the substance because of its easy accessibility. As an OTC drug there are no restrictions as to who can purchase medicine containing DXM or how much can be purchased. A significant number of teens are under the misconception that since it is an OTC medicine, it is therefore harmless. The reverse is true. Abuse of DXM has been found to cause serious side-effects and even death. The effects vary with the amount taken and include confusion, dizziness, double or blurred vision, slurred speech, vomiting, rapid heartbeat, numbness of fingers and toes, and disorientation. Extremely high doses of DXM can induce a hallucinatory state that can lead to accidental deaths. Teens abuse DXM to experience the visual hallucinations and sensations similar to other dissociative anesthetics like PCP and Ketamine. The limitations this bill imposes will greatly reduce its potential dangers to our teen population.

PRIOR LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None.

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