

**LOCAL LAW NO. 3 OF 2011
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Frank P. Sparaco)
(Co-Sponsors: Hon. Jacques O. D'I Michel, Hon. Alden H. Wolfe)

Mr. Sparaco offered the following Local Law, which was seconded by Mr. Day and Mr. Michel and unanimously adopted:

A local law prohibiting within Rockland County the sale of Salvia Divinorum to any person under the age of eighteen.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as "the Salvia Divinorum Ban."

Section 2. Legislative intent.

Salvia divinorum, also known as "Diviner's Sage" or "Maria Pastora," is a powerful psychoactive herb that can be smoked or chewed to produce hallucinogenic effects or visionary states. Although historically utilized in southern Mexico for its medicinal properties, with the help of the Internet in recent years, the leaves of salvia divinorum, or the entire plant, have become available almost anywhere in the United States.

Recent media reports have uncovered that salvia divinorum is being abused by individuals, especially teenage children, in order to "self medicate" for depression. Furthermore, parents of a Delaware student are currently suing a distributor of salvia divinorum, claiming that their son's use of salvia divinorum was the cause of his depression, which eventually resulted in his death by suicide. While the long-term effects of salvia divinorum are unknown, it has been shown to cause dysphoria in humans, which in the context of an underlying mood disorder indicates a heightened risk of suicide.

Several states, and many countries, are taking action to try to curb the abuse of salvia divinorum, especially by younger children, in order to prevent any harm as a result of its use.

The purpose of this law is to provide for the public health, safety and general welfare of the young residents of Rockland County by prohibiting within the county the sale of salvia divinorum to any person under the age of eighteen.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **COUNTY** – The County of Rockland, New York.
- B. **SALVIA DIVINORUM** – The herb commonly known as "Diviner's Sage," "Maria Pastora," "Sage of the Seers," "The Key," "Purple Salvia," "Purple Haze," or "Sally D," whether sold as a whole plant, loose leaves, or as a concentrated extract of the chemical salvinorin A.

- C. **PERSON** – Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

Section 4. Prohibitions.

No person shall sell or offer for sale salvia divinorum within the County to persons under the age of eighteen.

Section 5. Exceptions.

The provisions of this article shall not apply to nonprescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.

Section 6. Penalties for offenses.

Any person who knowingly violates the provisions of Section 4 shall be guilty of a class "A" misdemeanor, punishable by a fine of up to \$1,000.00 and/or up to one year's imprisonment.

Section 7. Enforcement.

This article shall apply to all actions occurring on or after the effective date of this article. This law may be enforced by any law enforcement agency having jurisdiction to act in the county of Rockland, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring his/her appearance before a court of competent jurisdiction.

Section 8. Reverse Preemption.

This law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the county of Rockland. The county legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective date.

This local law shall take effect ninety (90) days after filing with the New York State Secretary of State.