

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Brutus

FILED
STATE RECORDS

APR 05 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 20²¹

A local law Prohibiting the Sale and Possession of Dangerous Substances, Which are Mislabeled or
(Insert Title)
Unlabeled, Whose Intended Purpose is to be Ingested to Mimic the Effects of Controlled
Substances and/or Marijuana and Which Have No Other Legitimate Use or Purpose

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Brutus

as follows:

Be it enacted by the Town Board of the Town of Brutus as follows:

Article I. Intent

That pursuant to this law it shall be prohibited to sell, possess, or use mislabeled dangerous substances, which substances are mislabeled or unlabeled, whose intended purpose is to be consumed or ingested in order to mimic the effects of controlled substances and/or marijuana and which have no other legitimate use or purpose.

Article II. Authority

Section 10 of the Municipal Home Rule Law.

Article III. Law

It shall be unlawful for any person to sell, possess, or use mislabeled or unlabeled dangerous substances whose intended purpose is to be ingested to mimic the effects of controlled substances and/or marijuana and which have no other legitimate use or purpose.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Article IV. Definitions

"Mislabeled Dangerous Substance" is hereinafter defined as follows: Any substance or product which contains a chemical which under the circumstances in which it is sold, possessed, or used indicates or demonstrates the intent that it be ingested or consumed in an attempt to replicate the effects of controlled substances or marijuana; and either (a) is substantially similar in chemical makeup to a controlled substance or marijuana, or is a structural analog to a controlled substance or marijuana, or shares similar structural analogs, salts or isomers to a controlled substance or marijuana, or is a synthetic chemical compound which is a cannabinoid receptor agonist, or mimics the physical or pharmacological effects of controlled substances or marijuana, or is not a drug approved by the FDA; or (b) the substance has not other legitimate commercial or private use or purpose.

The term "person" includes individual, partnership, corporation, or association.

The term "possession of controlled substance presumptions" as set forth in Article 220 of the Penal Law of the State of New York shall apply to the mislabeled dangerous drugs.

The terms "sell," possess," "controlled substance," and "marijuana" shall have the same meanings as those terms are defined in the Penal Law of the State of New York.

Section V. Penalties

Any person found in violation of this Local Law shall be guilty of a misdemeanor and subject to a term of imprisonment not to exceed one (1) year or a fine not to exceed one-thousand dollars (\$1,000.00) or both.

Section VI. Severability

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of the Law.

Section VII. Effective

This Local Law shall be effective upon filing with the Office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Brutus was duly passed by the Town Board on March 11, 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

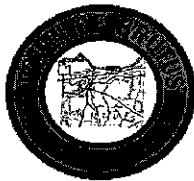
Angela J. Kelly, Town Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/31/2021 _____

(Seal)

TOWN OF BRUTUS

9021 North Seneca Street
PO Box 720
Weedsport, New York 13166



Phone: 315-834-9398
FAX: 315-834-9381
E-Mail: townofbrutus@centralny.twcbc.com

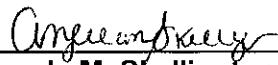
NYS Relay 711 or 1-800-662-1220

The Town of Brutus is an Equal Opportunity Employer, Provider, Lender
Complaints of discrimination should be sent to:
USDA, Office of Civil Rights, 1400 Independence Ave, Washington, D.C. 20250

I, **Angela Skellington**, Town Clerk of the Town of Brutus, **DO HEREBY CERTIFY** that the following Resolution was duly adopted by the Town Board of the Town of Brutus at a regular meeting of the Board duly called and held on the 8th day of February 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I **FURTHER CERTIFY** that all members of said Board had due Notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Brutus this 31st day of March 2021.



Angela M. Skellington
Town Clerk of the Town of Brutus
Cayuga County, New York

Local Law for Prohibiting Sale and Possession of Dangerous Substances that are Mislabeled
Clerk Skellington read the following proposed local law that was prepared by Attorney Kevin Cox.

**TOWN OF BRUTUS
COUNTY OF CAYUGA
STATE OF NEW YORK**

**A LOCAL LAW PROHIBITING THE SALE AND POSSESSION OF DANGEROUS SUBSTANCES,
WHICH ARE MISLABELED OR UNLABELED, WHOSE INTENDED PURPOSE IS TO BE
INGESTED TO MIMIC THE EFFECTS OF CONTROLLED SUBSTANCES AND/OR MARIJUANA
AND WHICH HAVE NO OTHER LEGITIMATE USE OR PURPOSE.**

Local Law No. 1 of 2021

Be it enacted by the Town Board of the Town of Brutus as follows:

Article I. Intent

That pursuant to this law it shall be prohibited to sell, possess, or use mislabeled dangerous substances, which substances are mislabeled or unlabeled, whose intended purpose is to be consumed or ingested in order to mimic the effects of controlled substances and/or marijuana and which have no other legitimate use or purpose.

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Section VII. Effective

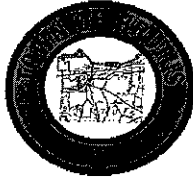
This Local Law shall be effective upon filing with the Office of the Secretary of State.

Motion by Councilor Abraham to accept the local law and move forward in adopting it. Second by Councilor Slocum.

RES 19-2021 VOTE: 4 ayes, 1 absent, 0 nays. Carried.

TOWN OF BRUTUS

9021 North Seneca Street
PO Box 720
Weedsport, New York 13166



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I **FURTHER CERTIFY** that all members of said Board had due Notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Brutus this 31st day of March 2021.


Angela M. Skellington
Town Clerk of the Town of Brutus
Cayuga County, New York

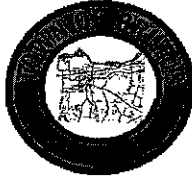
Motion by Councilor Abraham to open public hearing on Local Law # 1 of 2021 – Prohibiting Sale and Possession of Dangerous Substances that are Mislabeled. Motion seconded by Councilor Chirco.

RES 22-2021 VOTE: 4 ayes, 1 absent, 0 nays. Carried.

Clerk Skellington stated that the public hearing was posted on town website, The Citizen newspaper, doors of town hall. The text of the law was on the town website. If someone pleads to this charge in town court, the fine would come directly to the town. Councilor Chirco asked if there was a way to track fines received. Clerk Skellington said that there is probably a report that could be run based on the penal code.

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I, **Angela Skellington**, Town Clerk of the Town of Brutus, **DO HEREBY CERTIFY** that the following Resolution was duly adopted by the Town Board of the Town of Brutus at a regular meeting of the Board duly called and held on the 11th day of March 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I **FURTHER CERTIFY** that all members of said Board had due Notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Brutus this 31st day of March 2021.

Angela M. Skellington
Town Clerk of the Town of Brutus
Cayuga County, New York

Supervisor Hotaling closed the public hearing on Local Law # 1 of 2021 – Prohibiting Sale and Possession of Dangerous Substances that are Mislabeled (opened the public hearing at the regular town board meeting held on March 8, 2021).

Motion by Councilor Chirco to adopt Local Law # 1 of 2021 – Prohibiting Sale and Possession of Dangerous Substances that are Mislabeled. Motion seconded by Deputy Supervisor Flynn.

Roll call vote:

Supervisor Hotaling	yes
Deputy Supervisor Flynn	yes
Councilor Chirco	yes
Councilor Abraham	yes

RES 28-2021 VOTE: 4 ayes, 1 absent, 0 nays. Carried.