

WHEREAS New York State Public Health Law §1304 authorizes the Oneida County Director of Health to investigate and abate public nuisances which may affect health and shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the health district; and

WHEREAS synthetic cannabinoids are lab-made chemicals that when consumed may cause severe, unpredictable and life-threatening health effects; and

WHEREAS synthetic cannabinoids remain a public health concern and account for approximately 21% of all year-to-date overdose incidents in Oneida County; and

WHEREAS synthetic cannabinoids are often sold in small, colorful, foil or plastic zip-top packets and may be marketed, packaged, labeled, or otherwise represented in ways that make it difficult or impossible for consumers and public health officials to determine the identity, contents, manufacturer, distributor, intended use, and potential health hazards of the product; and

WHEREAS proper marketing of products, both for human consumption and non-consumables, ensures consumer protection, not only making consumers aware of what they are buying, but also protecting them from the sale of hazardous substances; and

WHEREAS, Oneida County has a legitimate interest in protecting the health, safety, and welfare of the people of Oneida County through the enforcement of local, state, and federal laws which require the proper labeling of items offered for retail sale, as well as make illegal certain substances pursuant to regulations including, but not limited to, New York Public Health Law, New York State Agricultural and Markets Law, New York State Penal Law, and the Controlled Substances Act; and

NOW THEREFORE, in the interest of protecting the health, safety, and welfare of the people of Oneida County, the Oneida County Director of Health issues the following order to reduce access to pre-packaged products that are not properly or accurately labeled within Oneida County:

IT IS HEREBY ORDERED that for purposes of this Public Health Order, the following terms shall mean:

“Pre-Packaged Product” shall mean any product that has been enclosed in a container, wrapped in advance, and prepared for sale.

“Prohibited Packaging” shall mean small, individual packet, pouch, bag, wrapper, container or similar container that contains or is intended to contain a plant material, powder, liquid, chemical substance, or other material that is represented, marketed, labeled, or commonly understood to be a synthetic cannabinoid, synthetic marijuana, “K2,” “Spice,” or a substantially similar product.

“Person” shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.

IT IS HEREBY ORDERED that Oneida County Health Department officials and law enforcement officials are authorized to enforce this Public Health Order within Oneida County; and

IT IS HEREBY ORDERED that any Pre-Packaged Product offered for sale in Oneida County shall have a label with an accurate description of the contents, as well as the name and address of the manufacturer, packer, or distributor; and

IT IS HEREBY ORDERED that Oneida County Health Department officials and law enforcement officials are authorized to seize any Pre-Packaged Product not labeled in accordance with this Public Health Order and/or products in Prohibited Packaging while conducting compliance checks, facility inspections, investigating a public health complaint, and/or conducting a criminal investigation; and

IT IS HEREBY ORDERED that any Pre-Packaged Product not labeled in accordance with this Public Health Order and/or products in Prohibited Packaging seized under this Public Health Order shall be counted, and logged on evidence sheets pursuant to Oneida County Health Department policy or pursuant to the law enforcement agency’s policy; and

IT IS HEREBY ORDERED that any Person that sells, offers for sale, or distributes Pre-Packaged Product not labeled in accordance with this Public Health Order and/or products in Prohibited Packaging shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) per item seized; and

IT IS HEREBY ORDERED that any Person that violates this Public Health Order shall receive a notice of violation from the Oneida County Health Department setting forth the charge(s), the total amount of Pre-Packaged Product not labeled in accordance with this Public Health Order and/or products in Prohibited Packaging seized, maximum civil penalty, related surcharges (including those charges related to proper disposition of items), and hearing date; and

IT IS HEREBY ORDERED that any seized items shall be held by the seizing law enforcement agency and/or Oneida County Health Department pending criminal proceedings and/or an administrative hearing; and

IT IS HEREBY ORDERED that any seized items are subject to testing to determine their contents, composition, or nature. Nothing in this Public Health Order shall preclude, limit, or otherwise affect the initiation or prosecution of any criminal charges that may be appropriate based on the results of such testing, or upon any other evidence obtained by law enforcement.

IT IS HEREBY ORDERED that upon a finding of a violation of this Public Health Order, any seized items in the possession of the Oneida County Health Department shall be disposed in accordance with the Health Department's standards, regulations, and guidelines for disposing of hazardous materials; and

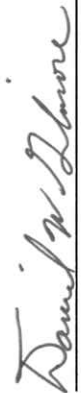
IT IS HEREBY ORDERED that any seized items in custody of the seizing law enforcement agency shall be disposed of in accordance with such agency's standards, regulations, and guidelines for disposing of hazardous materials; and

IT IS HEREBY ORDERED that should a Person be found to have violated this Public Health Order two (2) times within six (6) months, the Oneida County Director of Health may determine such Person is a Public Health Nuisance under NYS Public Health Law §1304, and suspend the Person's operations for a period of thirty (30) days; and

IT IS HEREBY ORDERED that this Public Health Order shall take effect 12:00 a.m. on August 26, 2026 .



Anthony J. Picente, Jr.
Oneida County Executive



Daniel W. Gilmore, PhD, MPH
Director of Health



Date



Date