DATE: February 17, 2016

TO: Honorable Mayor and City Councilmembers
    Chair and Members of the Community Development Commission

FROM: Oceanside Police Department

SUBJECT: INTRODUCTION OF AN ORDINANCE ADDING ARTICLE VI TO
CHAPTER 20 OF THE OCEANSIDE CITY CODE TO BE ENTITLED
SYNTHETIC DRUGS AND MISLABELED/MISBRANDED PRODUCTS
CONTAINING PSYCHOACTIVE SUBSTANCES – DISPLAY, SALE,
DISTRIBUTION, POSSESSION, AND USE PROHIBITED

SYNOPSIS

Staff recommends that the City Council introduce an ordinance to amend the Oceanside City Code (OCC) by adding Article VI to Chapter 20, prohibiting the display, sale, distribution, possession and use of synthetic drugs, including psychoactive cannabinoids, cathinones, and other novel intoxicating synthetic drugs, and any derivative or analogue thereof, as well as mislabeled/misbranded products containing psychoactive substances within the City of Oceanside.

BACKGROUND

Synthetic cannabinoids (commonly referred to as “Fake Weed”) were first reported in the U.S. in December 2008, when a shipment of “Spice” was seized by U.S. Customs and Border Protection in Dayton, Ohio. By 2012, 51 new synthetic cannabinoids had been identified, compared to only two in 2009. Additionally, 31 new synthetic cathinones (commonly referred to as “Bath Salts”) had been discovered in 2012, compared to only four in 2009. By the end of 2012, a total of 158 new synthetic substances had been identified.

The Controlled Substance Analogue Enforcement Act of 1986 allows many synthetic drugs to be treated as controlled substances if they are proven to be chemically similar to a Schedule I or Schedule II substance. In 2011, Federal Drug Enforcement Agency (“DEA”) exercised its emergency scheduling authority to control five types of synthetic cannabinoids, and three of the synthetic substances used to manufacture cathinones. Since the explosion of synthetic drugs in the U.S., Congress has taken measures to ban the substances at the federal level. The Synthetic Drug Abuse Prevention Act is part of the FDA Safety and Innovation Act of 2012, which was signed into law by President Obama in 2012. That law permanently placed 26 types of synthetic cannabinoids and cathinones into Schedule I of the Controlled Substances Act (CSA).
In October 2015, DEA, along with other federal, state and local law enforcement concluded a 15-month, nationwide drug interdiction effort that resulted in 151 arrests in 16 states. The investigation focused on synthetic drugs, and netted over $15 million seized in assets and cash, 316 kilograms of synthetic cathinones, 3,058 kilograms of synthetic cannabinoids, and 39 weapons.

Current California law (H&S 11357.5) prohibits sales, distribution, and dispensing (misdemeanors) and possession (infraction) of the five "synthetic cannabinoid compounds" and three "synthetic cannabinoid derivatives" identified by the DEA. However, the existing state and federal law has proven to be ineffective at the local level. While state and federal laws prohibit the sale of some synthetic drugs, makers of these drugs continually alter them by changing the molecular architecture of the chemical compounds used in their products to escape the scope of existing laws and regulations. As a result, law enforcement is severely limited in its ability to take action against both the sellers of the product, as well as those in possession of synthetic drugs.

The purpose of the proposed ordinance is to provide the City with the means to address the dangers to the community posed by synthetic drugs that are not regulated by state or federal law. Several local governments have already enacted ordinances to expand the definition of synthetic drugs to encompass a broader range of substances, including County of San Bernardino, and the cities of Los Angeles, Adelanto, Barstow, Beaumont, Citrus Heights, Fontana, Upland, Highland, Redlands, Rialto, Twentynine Palms, and Victorville.

ANALYSIS

Novel psychoactive substances are cheap, easy to make, and return a high profit for manufacturers and distributors. One of the major issues with these drugs is the ease with which they can be purchased. Synthetic cannabinoids, synthetic cathinones, and other novel synthetic substances are sold in convenience stores, gas stations, "head" shops, discount beer and tobacco shops, and on the internet. Typically, these substances are sold as herbal incense, bath salts, plant food, jewelry cleaner, iPod cleaner, scratch remover, and are labeled "not for human consumption." Many California cities have reported negative impacts to public health, safety and welfare from the use and/or sales of synthetic drugs (e.g. severe agitation, nausea, vomiting, hallucinations, seizures, violent behavior, trespassing, theft, and violent robberies). To avoid such impacts on residents and businesses, the City of Oceanside currently addresses the behaviors associated with synthetic drug use by arresting the users for Public Intoxication or seeking the appropriate medical treatment when someone overdoses.

Oceanside Police Department crime statistics associated with synthetic drugs in general confirm reports of negative impacts related to synthetic drug use activities. Crime reports within City limits indicate a sharp increase in Public Intoxication arrests, medical aid calls, burglary, theft and general disturbances in the downtown business district. It should be noted that crime statistics do not reflect the actual number of incidents, as a great number of them go unreported or undetected. With that being said, the Crime Analysis division performed a query, isolating the word "Spice" in a search for calls for service, excluding
the words “Hospice” and “Allspice Rd.” from their query. Research showed that during the period of January 1, 2010-November 30, 2012 there were 70 spice-related calls for service. Between January 1, 2013 and November 30, 2015 there were 169 spice-related calls, a 141% increase in calls for service.

Recreational use of psychoactive bath salts, psychoactive herbal incense and similar products, commonly known as “synthetic drugs,” have been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death. These extremely dangerous drugs are gaining popularity at an alarming rate among high school and college-age individuals, as well as among parolees, probationers, and the homeless population. These drugs are available in stores throughout the City and are typically sold in liquor stores, smoke shops and gas stations.

Approval of this ordinance will make it unlawful for any person to possess any synthetic drug for the purpose of providing, distributing, selling, displaying, possessing or using specific intoxicating synthetic compounds, as well as their isomers and analogues that elicit psychoactive or psychotropic stimulant or euphoric effects. This ordinance allows the enforcement officer to consider the manner in which the products are packaged and marketed as evidence of their nature as a synthetic drug, such as: whether the product is suitable for its intended purpose (e.g., crystalline or powder being marketed as “glass cleaner”); whether the person providing or selling the product typically provides those types of products (e.g., “plant food” sold at a gas station); whether the product contains a warning label not typically present on products that are used for that product’s marketed use (e.g., “Not for human consumption” or “Not for purchase by minors” or “Does not contain chemicals banned by H&S 11357.7”); whether the product is significantly more expensive than products that are used for the marketed use (e.g., half a gram of a substance marketed as “glass cleaner” retailing for $50.00); and whether the product’s name or packaging resembles an illicit street drug or slang terms for illicit street drugs.

This ordinance would make it a public nuisance for any person to possess, provide, display, distribute, or sell – or allow any person to do so on property they own or control – any synthetic drug, any substance claimed or represented to be a synthetic drug, or any mislabeled/misbranded product containing a psychoactive substance. Persons found in violation of this ordinance could be held guilty of a misdemeanor, punishable by a fine not to exceed $1,000 and/or imprisonment for a term not to exceed six months or subject to an administrative or civil abatement action. This ordinance also provides that a violation may result in seizure of the synthetic drug(s) as evidence as well as for suspension or revocation of business licenses, after one warning and a mandatory educational course.

This ordinance does not apply to drugs lawfully prescribed or to chemical compounds approved by the Food and Drug Administration or that are specifically permitted by state law. Nor does this ordinance apply to drugs or substances that are prohibited by state or federal law, as state or federal law would be the mechanism for prosecution.
FISCAL IMPACT

The Police Department does not anticipate additional costs to enforce the proposed ordinance.

POLICE AND FIRE COMMISSION

The Police and Fire Commission will be apprised of this ordinance at their regularly scheduled meeting on April 21, 2016.

COMMUNITY SUPPORT

This ordinance is supported by the Oceanside Chamber of Commerce, Oceanside Unified School District, Mainstreet Oceanside, the North Coastal Prevention Coalition, the San Dieguito Alliance for Drug Free Use, Boys & Girls Club of Oceanside, McAlister Institute, Mental Health Systems, and Vista Community Clinic.

CITY ATTORNEY'S ANALYSIS

The City Attorney has reviewed and approved the form of the ordinance.

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance to amend the Oceanside City Code by adding Article VI to Chapter 20, prohibiting the display, sale, distribution, possession and use of synthetic drugs, including psychoactive cannabinoids, cathinones, and other novel intoxicating synthetic drugs, and any derivative or analogue thereof, as well as mislabeled/misbranded products containing psychoactive substances within the City of Oceanside.

PREPARED BY:                      SUBMITTED BY:

Frank McCoy                Michelle Skaggs Lawrence
Chief of Police            City Manager

REVIEWED BY:

Jane McPherson, Financial Services Director

Attachments: Ordinance
ordinance no.

an ordinance of the city council of the city of oceanside adding article vi to chapter 20 of the oceanside city code prohibiting the display, sales, distribution, possession, and use of synthetic drugs and mislabeled/misbranded products containing psychoactive substances within the city of oceanside

the city council of the city of oceanside finds as follows:

section 1. findings.

whereas, according to the drug enforcement administration ("dea"), synthetic cannabinoids, also known as "spice" or "k2," are mixtures of herbs and spices that are typically sprayed with a synthetic compound chemically similar to thc, the psychoactive ingredient in marijuana. the controlled substance analogue enforcement act of 1986 allows many synthetic drugs to be treated as controlled substances if they are proven to be chemically similar to a schedule i or schedule ii controlled substance. in 2011, dea exercised its emergency scheduling authority to control five types of synthetic cannabinoids, and three of the synthetic substances used to manufacture cathinones also known as bath salts; and

whereas, synthetic drugs are extremely dangerous and are gaining popularity at an alarming rate among high school and college-aged individuals, as well as among parolees, probationers, and the homeless population. these drugs are widely available in stores, despite the state’s attempt to ban such drugs under health and safety code sections 11357.5 (banning synthetic cannabinoid compounds and derivatives), 11375.5 (banning synthetic stimulant (cathinones) compounds and derivatives) and 11401 (banning “analogs” of controlled substances) (collectively “state synthetic drug laws”), and the federal government’s attempt to ban, by way of the synthetic drug abuse prevention act and fda safety and innovation act of 2012, which permanently placed 26 types of synthetic cannabinoids and cathinones into schedule i of the controlled substances act (“csa”) (21 u.s.c. 81, et seq.); and

whereas, recreational use of synthetic cannabinoids, cathinones, psychoactive bath salts, psychoactive herbal incense, and similar novel psychoactive substances commonly known...
as "synthetic drugs" has been documented to produce psychological effects similar to those of marijuana, methamphetamine, MMDA (Molly), and cocaine, including paranoia, panic attacks, psychotic episodes, aggression, suicidal and homicidal ideations, cannibalism; and physiological effects include a racing heart rate, increased blood pressure, agitation, anxiety, nausea, vomiting, tachycardia, tremors, seizures, intense hallucinations, paranoid behavior, catatonia, and death; severe agitation, and anxiety. According to the National Institute on Drug Abuse, synthetic cannabinoids can also raise blood pressure and cause reduced blood supply to the heart, as well as kidney damage and seizures.

WHEREAS, at least forty-seven (47) states and the District of Columbia have outlawed specific versions of synthetic marijuana, synthetic cathinones, or other novel psychoactive substances. In response to the efforts by federal and state legislators to outlaw the chemicals in these synthetic drugs, chemists continually reconfigure and alter the composition of the specific substances that are prohibited to produce "novel" versions of these synthetic drugs so as to escape the scope of those laws and regulations. This is accomplished by altering the molecular architecture of the chemicals used in the products to produce a series of different compounds which are closely structurally related to the prohibited substances, but which are not listed in the state or federal schedules of controlled substances laws; and

WHEREAS, while the state synthetic drug laws and the CSA prohibit certain compounds that are used to create synthetic drugs, they are not comprehensive enough to eliminate the distribution, sale or possession of all synthetic drugs or their derivatives in the City. New herbal and/or chemical mixtures are being marketed and sold in the City of Oceanside which are not controlled by federal or state law but which are designed and marketed to mimic the effects of illegal scheduled synthetic substances. In fact, products which plainly are being marketed for use as synthetic drugs are now being packaged with advertisements stating that the product does not contain compounds specifically banned by the state and federal synthetic drug laws. Thus, the City Council finds that the dangers of synthetic drugs require local regulation, and that in order to implement an effective measure prohibiting the distribution, sale, and possession of
synthetic drugs, it is necessary to look at all factors related to the sales and marketing of
synthetic drugs. These factors will help City officials determine whether a product that does not
come under the purview of state synthetic drug laws or the CSA is nevertheless a synthetic drug
or a derivative thereof.

WHEREAS, while the question of whether a given product is being distributed, sold for
use, or represented as a recreational synthetic drug must be determined on a case-by-case basis,
the City Council finds that the following evidentiary factors are helpful in determining whether
a given product is in fact a synthetic drug:

1. Marketing. Synthetic drugs are rarely, if ever, suitable for their marketed uses.
   For example, a synthetic drug in the form of a powder might be marketed as a “glass
   cleaner,” even though the powder cannot reasonably be used to clean glass.

2. Sales Location. Synthetic drugs are typically sold in liquor stores, smoke shops
   and gas stations, yet synthetic drugs are marketed as products that are not typically sold by
   these businesses. For example, synthetic drugs are often marketed as bath salts, spice,
   incense, potpourri, skin treatments, cleaning products and plant food; however, these types
   of products are typically not sold in liquor stores, smoke shops or gas stations.

3. Warning Labels. Synthetic drugs often use warning labels, such as “not for
   human consumption” and “not for purchase by minors.” Bona fide bath salts, incense,
   cleaning products and the like do not typically bear such labels. Of particular relevance are
   labels that indicate a given product does not contain chemical compounds banned by state
   or federal synthetic drug laws, which bona fide bath salts, incense, cleaning products and
   the like would not have any reason to advertise.

4. Price. Synthetic drugs are typically much more expensive than products that are
   used for the synthetic drug’s marketed use. For example, a synthetic drug marketed as
   “glass cleaner” might be priced at $50.00 for an eighth of an ounce, while a bona fide
   glass cleaner is priced at approximately $5.00 for 26 ounces.

5. Similarity to Illicit Street Drugs. Synthetic drugs often resemble illicit street
   drugs and/or use brand names and packaging that are designed to make the product appear
similar to illicit drugs. For example, many synthetic drugs are sold as white powders packaged in vials (resembling cocaine) or dyed green to appear similar to marijuana. Additionally, brand names are often targeted toward youth by utilizing names similar to street slang for illicit drugs that have no relation to the products that are purportedly being sold. These brand names are always changing, but include “Eight Ballz,” “Spice,” “Black Mamba,” “K-2,” “Puff,” “Sugar Sticks,” “Green Buddha,” “Diable Botanical Incense,” “Scooby Snax Potpourri,” “Grape Ape Herbal Incense,” “Three Monkey Incense,” “Mr. and Mrs. Marley,” “Cloud 9 Incense,” and a group of synthetic drugs marketed from “The Spice Guy.”

WHEREAS, there is no Constitutional right to use an intoxicating synthetic drug. The proliferation and availability of these substances presents a threat to the public safety of the citizens of Oceanside, and enforcement of current state laws and regulations is not effective due to the ease of manipulation in the chemical compounds and variations of the products and the difficulty in quickly analyzing the specific chemical makeup of the products. The Oceanside Police Department Crime Analysis Unit determined that during the period of January 1, 2010-November 30, 2012 there were 70 spice-related calls for service. Between January 1, 2013 and November 30, 2015 there were 169 spice-related calls, a 141% increase in calls for service; and

WHEREAS, manufacturers of these products are unknown to the consumer as the packaging does not reveal the name and location of the manufacturer or distributor as required by federal laws pertaining to the labeling of consumer commodities. Manufacturers and distributors have not obtained FDA approval of these products as a food product, diet drug, dietary supplement, or other approved substance. Consumers suffering a reaction to or injury from these products have little chance of obtaining information concerning the contents of the product, nor the identity and locations of the manufacturers; and

WHEREAS, an effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution, sale, mislabeling and possession of synthetic drugs and their derivatives and analogues in manners that seek to circumvent state and federal law is through the administrative, civil and criminal enforcement procedures set forth in
the Oceanside City Code. Laws offering additional protections and/or duplicating state and
federal regulations concerning misbranded drugs and mislabeled commodities are not
preempted; and this Ordinance is enacted under the home rule powers of the City, and in
accordance with the allowance of certain local regulation under the Fair Packaging and
Labeling Act, 15 U.S.C. §§ 1461, 1548; and
WHEREAS, the City Council finds that Synthetic Drugs are distributed, labeled, and
marketed in a way that poses dangerous consequences to the consumer, and the City Council
deems it to be in the best interests of the citizens and residents to prohibit the possession, sale,
use, and distribution of Synthetic Drugs and mislabeled/misbranded drugs; and
WHEREAS, it is the intent of the City Council, in enacting this ordinance, to provide for
the public health, safety, and welfare by discouraging the inherently dangerous behavior of
ingesting intoxicating synthetic compounds in public; by protecting the public from exposure to
crime and violence often associated with ingesting such substances; by reducing the potential
for children to obtain such substances; by promoting fair business practices in the identification
and labeling of products, by ensuring the sale of lawful products; and by affirming and
promoting a healthy environment in the City; and
WHEREAS, the purpose and intent of this Article is to provide the City with measures to
address the dangers to the community posed by synthetic drugs that are not otherwise regulated
by state or federal law. Thus, this Article shall not apply to any activity already regulated by the
state synthetic drug laws, the CSA, or any other applicable state or federal law or regulation.
NOW, THEREFORE, the City Council of the City of Oceanside does ordain as
follows:
SECTION 1. Article VI of Chapter 20 of the Oceanside City Code, to be entitled
SYNTHETIC DRUGS AND MISLABELED/MISBRANDED PRODUCTS CONTAINING
PSYCHOACTIVE SUBSTANCES – DISPLAY, SALE, DISTRIBUTION, POSSESSION,
AND USE PROHIBITED, is hereby enacted as follows:
20.55.1 – Legislative Findings of Fact
20.55.2 – Purpose and Intent.
20.55.1 - Legislative Findings of Fact.

The foregoing WHEREAS clauses are hereby adopted as legislative findings of the Oceanside City Council and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

20.55.2 - Purpose and intent.

Recreational use of Synthetic Cannabinoids, Cathinones, and other Novel Psychoactive Substances commonly known as “Synthetic Drugs” has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, which also leads to an increase in associated criminal activity and medical aid emergencies. While state and federal laws and regulations prohibit some synthetic drugs, the makers of these drugs continually alter the composition of the compounds in their products so as to escape the purview of these laws and regulations. The purpose and intent of this Article is to provide the City with reasonable measures to address the dangers to the community posed by
such Synthetic Drugs and Mislabeled/Misbranded products containing psychoactive substances
that are not otherwise regulated by state or federal law.

20.55.3 – Definitions

The following words, terms and phrases, when used in this Article, shall have the
meanings ascribed to them in this section, except where the context clearly indicates a different
meaning:

Business shall have the same meaning as the term is defined in Article 15, section 15.1.2
of this Code.

Consume, consuming or consumption shall mean to ingest, inhale, inject, smoke, snort
(insufflate), or take by anal suppository.

Distribute, distributing, or distribution shall mean to furnish, give away, exchange,
transfer, deliver or supply, whether for monetary gain or not.

Mislabeled/Misbranded Product(s) shall mean any Synthetic Drug, substance that is
represented to be a Synthetic Drug, Novel Psychoactive Substance, or other product containing
a psychoactive substance for which (1) the label is in any way false or misleading; (2) the label
does not bear the name and place of business of the manufacturer, repacker, or distributor of
the finished form of the product; (3) the label does not bear adequate directions for use; or (4)
the label does not bear adequate warnings against use or the potential effects of consumption.

Novel Psychoactive Substance means any compound that mimics the effects of any
federally controlled Schedule I or II substance, including, but not limited to, any quantity of a
natural or synthetic material, compound, mixture, preparation, substance, and their analogue
(including salts, isomers, esters, ethers, and salts of isomers) containing substances which have
a psychedelic, psychotropic, hallucinogenic or other similar effect on the central nervous system
and/or brain, including, but not limited to:

1. 2,5-dimethoxy-amphetamine
2. 2,3-dihydro-1H-inden-2-amine
3. 2-fluoromethamphetamine
4. methoxyketamine
5. 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine
6. 4-Chloro-2,5-dimethoxyphenethylamine
7. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine
8. 4-Ethyl-2,5-dimethoxyphenethylamine
9. 2-(2,5-Dimethoxyphenyl)ethanamine
10. 4-Iodo-2,5-dimethoxyphenethylamine
11. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine
12. 2,5-Dimethoxy-4-propylphenethylamine
13. 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine
14. 2-(10-Bromo-2,3,4,7,8,9-hexahydropyranolo[2,3-g]chromen-5-yl)ethanamine
15. 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
16. 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
17. N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-
   2-aminoethane
18. 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
19. N-(2-methoxybenzyl)-1-[(7R)-3-bromo-2,5-dimethoxybicyclo[4.2.0]octa-1,3,5-trien-
   7-yl]methanamine
20. 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
21. 2-(2,5-Dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
22. N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine
23. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
24. 2,5-Dimethoxy-4-ethylthiophenethylamine
25. 2,5-Dimethoxy-4-isopropylthiophenethylamine
26. 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
27. 2-(4-trifluoromethyl-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
28. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-fluorophenyl)methyl]ethanamine
29. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2,3-methylenedioxyphenyl)methyl]ethanamine
30. 3-[1-(ethylamino)cyclohexyl]phenol
31. 3-hydroxyphencyclidine
32. 3-Methoxyeticyclidine
33. 1-[1-(3-methoxyphenyl)cyclohexyl]-piperidine
34. 2-(4-bromo-2,3,6,7-tetrahydrofuransulfon-8-yl)-1-methyl-ethyamine
35. 3-(2-Diethylaminoethyl)-1H-indol-4-yl acetate
36. 4-acetoxy-N,N-dimethyltryptamine
37. 4-acetoxy-N,N-dipropyltryptamine
38. 4-Chlorophenylisobutylamine
39. para-fluoroamphetamine
40. 4-fluoromethamphetamine
41. 4-Hydroxy-di-isopropyl-tryptamine
42. 4-hydroxy-N-methyl-N-ethyltryptamine
43. 3-(2-[Isopropyl(methyl)amino]ethyl)-1H-indol-4-ol
44. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole
45. 3-(2-[methyl(propyl)amino]ethyl)-1H-indol-4-ol
46. 4-methoxy-N-methyl-N-isopropyltryptamine
47. 4-Methoxyphencyclidine
48. 4-Methyl-α-ethyltryptamine
49. 4-methyl-a-pyrrolidinohexphenone
50. 5-(2-Aminopropyl)benzofuran
51. 5-(2-Aminopropyl)-2,3-dihydrobenzofuran
52. 5-Iodo-2-aminoindozone
53. 5-methyl-ethylone
54. 1-(5-methoxy-1H-indol-3-yl)propan-2-amine
55. N,N-diallyl-5-methoxytryptamine
56. N,N-Dethyl-5-Methoxytryptamine
57. 5-methoxy-diisopropyltryptamine
58. 5-methoxy-N,N-dimethyltryptamine
59. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-propylpropan-1-amine
60. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-methylpropan-2-amine
61. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-5-methoxyindole
62. 6-(2-aminopropyl)benzofuran
63. 6-(2-Aminopropyl)-2,3-dihydrobenzofuran
64. ((2-aminopropyl) benzofuran
65. ((2-aminopropyl)-2,3-dihydrobenzofuran)
66. 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine
67. Benzothiophenylcyclohexylpiperidine
68. N,N-Diisopropyltryptamine
69. 1,4-Dibenzylpiperazine
70. 1,4-dibenzylpiperazine
71. 2,5-Dimethoxy-4-bromoamphetamine
72. 2,5-Dimethoxy-4-chloroamphetamine
73. 2,5-dimethoxy-4-iodoamphetamine
74. N,N-Dipropyltryptamine
75. 2-(2-chlorophenyl)-2-(ethylamino)cyclohexanone
76. Fluoroamphetamine
77. Fluoromethamphetamine
78. Para-fluorophenylpiperazine
79. 7-hydroxymitragynine
80. 1-(3-Chlorophenyl)piperazine
81. N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine
82. 1-(thiophen-2-yl)-2-methylaminopropane
83. (RS)2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone
84. N-methyltryptamine
85. N-isopropyl-N-methyltryptamine
86. Methyl-alpha-pyrrolidinohexiophenone
87. N,N-dimethylamphetamine
88. 3-[2-(1-Amino-1-methyl-ethyl)-1-hydroxy-cyclohexyl]phenol
89. 7-Bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
90. 1-(4-Methoxyphenyl)piperazine
91. para-Methoxy-N-methylamphetamine
92. 1-[4-(trifluoromethylphenyl)]piperazine
93. 3-trifluoromethylphenylpiperazine
94. Kratom – drug “of concern” for the DEA

**Person** shall include any natural person, proprietor, business, firm, company, corporation, public corporation, club, trust, partnership, association or similar organization.

**Possess, possessing or possession** shall mean to have a Synthetic Drug or Mislabeled/Misbranded Product in one’s actual or constructive custody or control, or under one’s authority or power, whether such custody, control, authority or power be exercised solely or jointly with others.

**Provide, providing or provision** shall mean offering to distribute, give away, or sell a Synthetic Drug to any person.

**Synthetic Cannabinoid (also known as Spice)** means:

(A) Any organic product consisting of plant material in granular, loose leaf, powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, that contains a synthetic stimulant compound that, when consumed, elicits psychoactive euphoric effects and

(B) Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of natural or synthetic material, compound, mixture, preparation, substance, or their analogue (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, including, but not limited to, the following:

1. **Adamantoylindoles or adamantoylindazoles**, including adamantyl carboxamide indoles and adamantyl carboxamide indazoles, or any compound structurally derived from
3-(1-adamantoyl) indole, 3-(1-adamantoyl)indazole, 3-(2-adamantoyl)indole, N-(1-adamantyl)-1H-indole-3-carboxamide, or N-(1-adamantyl)-1H-indazole-3-carboxamide by substitution at the nitrogen atom of the indole or indazole ring with alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole or indazole ring to any extent and whether or not substituted in the adamantyl ring to any extent, including, but not limited to, the following: 2NE1, 5F- AKB-48, AB-001, AKB-48, AM-1248, JWH-018 adamantyl carboxamide, STS-135.

2. Benzoylindoles - any compound structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including, but not limited to, the following: AM-630, AM-661, AM-679, AM-694, AM-1241, AM-2233, RCS-4, WIN 48,098 (Pravadoline).

3. Cyclohexylphenols - any compound structurally derived from 2-(3-hydroxy-cyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent, including, but not limited to, the following: CP 47,497, CP 55,490, CP 55,940, CP 56,667, cannabicyclohexanol.

4. Cyclopropanoylindoles – any compound structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-
(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent.


6. **Naphthoylnaphthalenes** – any compound structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent, including, but not limited to, the following: CB-13.

7. **Naphthoylpyrroles** - any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-
pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, the following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392.

8. **Naphthylmethylindenes** - any compound containing a naphthylideneindene structure or which is structurally derived from 1-(1-naphthylmethyl)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, the following: JWH-171, JWH-176, JWH-220.

9. **Naphthylmethylindoles** – any compound structurally derived from an H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, the following: JWH-175, JWH-184, JWH-185, JWH-192, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199.

10. **Phenylacetylindoles** - any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-
pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropropan-4-yl)methyl
group, whether or not further substituted in the indole ring to any extent and whether or
not substituted in the phenyl ring to any extent, including, but not limited to, the following:
Cannabipiperidiethanone, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-
205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-
250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-

11. Quinolinyldoledcarboxylates – any compound structurally derived from quinolin-
8-yl-1H-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with
alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-
tetrahydropropyl)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the
indole ring to any extent, whether or not substituted in the quinoline ring to any extent,
including, but not limited to, the following: BB-22, 5-Fluoro-PB-22, PB-22.

12. Tetramethylcyclopropanoylindoles – any compound structurally derived from 3-
tetramethylcyclopropanoylindole, 3-(1-tetramethylcyclopropyl)indole, 3-(2,2,3,3-
tetramethylcyclopropyl)indole or 3-(2,2,3,3-tetramethylcyclopropylcarboxy)indole with
substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
methyl-3-morpholinyl)methyl, or (tetrahydropropan-4-yl)methyl group whether or not
further substituted in the indole ring to any extent and whether or not substituted in the
tetramethylcyclopropanoyl ring to any extent, including, but not limited to, the following:
5-bromo-UR-144, 5-chloro-UR-144, 5-fluoro-UR-144, A-796,260, A-834,735, AB-034,
UR-144, XLR11.

13. Tetramethylcyclopropane-thiazole carboxamides – any compound structurally
derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by
substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl,
halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-
morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent,
whether or not substituted in the tetramethylcyclopropyl ring to any extent, including: A-
836,339.

14. Unclassified Synthetic Cannabinoids:

   a. AM-087 (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-
5,6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
   b. AM-356 (methanandamide) (5Z,8Z,11Z,14Z)-N-[(1R)-2-hydroxy-1-
methylethyl]icoso-5,8,11,14-tetraenamide; OR arachidonyl-1'-hydroxy-2'
propylamide
   c. AM-411 (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-
tetrahydrobenzo[c]chromen-1-ol AM-855 (4aR,12bR)-8-hexyl-2,5,5-trimethyl-
1,4,4a,8,9,10,11,12b-octahydranonaphtho[3,2-c]isochromen-12-ol
   d. AM-905 (6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-
dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol
   e. AM-906 (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-
dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol
   f. AM-2389 (6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-
hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol
   g. BAY 38-7271 (-)-(R)-3-(2-Hydroxymethylindanyl-4-oxy)phenyl-4,4,4-
trifluorobutyl-1-sulfonate
   h. CP 50,556-1 (Levonantradol) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-
yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; OR [(6S,6aR,9R,
10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-
octahydrophenanthridin-1-yl] acetate; OR [9-hydroxy-6-methyl-3-[5-
phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate
i. HU-210 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; OR [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyl octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; OR 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol

j. HU-211 (Dexanabinol) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; OR (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

k. HU-243 3-dimethylheptyl-11-hydroxyhexahydrotetrahydrocannabinol

l. HU-308 [(91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol

m. HU-331 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione

n. HU-336 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione

o. JTE-907 N-(benzol[1,3]dioxol-5-ylmethyl)-7-methoxy-2-oxo-8-pentyloxy-1,2-dihydroquinoline-3-carboxamide

p. JWH-051 (6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol

q. JWH-057 (6aR,10aR)-3-((1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran

r. JWH-133 (6aR,10aR)-3-((1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran

s. JWH-359 (6aR,10aR)- 1-methoxy-6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,10a-tetrahydrobenzo[c]chromene

t. URB-597 [3-(3-carbamoylphenyl)phenyl]-N-cyclohexylcarbamate
u. URB-602 [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester; OR
cyclohexyl [1,1'-biphenyl]-3-ylcarbamate
v. URB-754 6-methyl-2-[(4-methylphenyl)amino]-4H-3,1-benzoxazin-4-one
w. URB-937 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl
cyclohexylcarbamate
x. WIN 55,212-2 (R)-(+)%-[2,3-dihydro-5-methyl-3-(4-
morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
naphthalenylmethanone; OR [2,3-Dihydro-5-methyl-3-(4-
morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-
naphthalenylmethanone

(C) Products that elicit psychoactive or psychotropic euphoric effects and are
marketed under any of the following trade names, including but not limited to: K2, K3, Spice,
Genie, Smoke, Potpourri, Buzz, Voodoo, Pulse, Hush, Bliss, Black Mamba, Bombay Blue,
Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, Spike, Pot-Pourri, Buzz, Spice 99,
Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver,
Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy
Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20,
Guerrilla Warfare, Makes Scents, g-13, Tiger Shark, California Dreams, Dank, Bullet, Mind
Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Daylights,
Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire,
Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barely In, Pineapple Express, Hayze,
Mystery, Earthquake, Ocean Blue, Stinger, Serenity, Fake Week and Black Mamba.

(D) The term Synthetic Cannabinoid shall not include any product, substance, material,
compound, mixture, or preparation that is specifically excepted by the California Uniform
Controlled Substances Act ("California UCSA") (Health and Safety Code §§11000 et seq.),
listed in one of the California UCSA's schedules of controlled substances (Health and Safety
Code §§11053-11058), regulated by one of the California UCSA's synthetic drug laws (Health
and Safety Code §§11357.5, 11375.5 and 11401), regulated by the Federal Controlled
Substances Act (the “CSA”) (21 USC §§ 81 et seq.) or approved by the Food and Drug Administration (“FDA”).

Psychoactive stimulant effects shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition or behavior in ways that are similar to the effects of cocaine, methylphenidate or amphetamines.

Psychoactive euphoric effects shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition or behavior in ways that are similar to the effects of cannabis.

Sell, selling or sale shall mean to furnish, exchange, transfer, deliver or supply for monetary gain.

Synthetic Cathinone (Bath Salts) means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA, and MDEA including, but not limited to:

(A) Any quantity of a natural or synthetic material, compound, mixture, preparation, substance, and their analogue (including salts, isomers, and salts of isomers) containing substances which have a psychoactive stimulant effect on the central nervous system, including, but not limited to:

1. 2-diphenylmethylpyrrolidine
2. 2-diphenylmethylpiperidine
3. 2-fluoromethcathinone
4. 3,4-dimethylmethcathinone
5. 3-fluoromethcathinone
6. 4-ethylmethcathinone
7. 4-fluoromethcathinone
8. 4-methyl-N-benzylcathinone
9. 4-methyl-N-ethylcathinone
10. 4-methylbuphedrone
11. alpha-Pyrrolidinobutiophenone
12. alpha-pyrrolidinopropiophenone
13. alpha-Pyrrolidinopentiophenone
14. 4-methylephedrone
15. 2-(methylamino)-1-phenylbutan-1-one
16. beta-Keto-N-methylbenzodioxolylpropylamine
17. benzylpiperazine
18. diphenyl-2-pyrrolidinyl-methanol
19. (3-diethylamino-2,2-dimethylpropyl)-4-aminobenzoate
20. 1-(Benza[d][1,3]dioxol-5-yl)-2-(dimethylamino)butan-1-one
21. dimethylethacathinone
22. dimethylmethacathinone
23. 2-(methylamino)-1-phenylpropan-1-one
24. 2-ethylamino-1-phenyl-propan-1-one
25. Ethylethacathinone
26. Ethylmethacathinone
27. 3,4-methylenedioxy-N-ethylcathinone
28. beta-Keto-Ethylbenzodioxolylbutanamine
29. Fluorococaine
30. Fluoroethacathinone
31. Fluoroisocathinone
32. Fluoromethacathinone
33. 3-methoxymethacathinone
34. Isopentedrone
35. 4-methyl-alpha-pyrrolidinopropiophenone
36. Methylbuphedrone
37. 1-methyl-4-benzylpiperazine
38. 5,6-methylenedioxy-2-aminoindane
39. 6,7-methylenedioxy-2-aminotetralin
1. Dimethlylone
2. Methylenedioxymethcathinone
3. 3,4-methylenedioxy-alpha-pyrrolidinobutylphenone
4. 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
5. 3,4-methylenedioxy pyrovalerone; mephadrone
6. Methylethcathinone
7. 4-methylmethcathinone
8. N,N-dimethcathinone
9. 4-methoxymethcathinone
10. Methylmethcathinone
11. 3,4-methylenedioxy-N-methylcathinone
12. Methoxymethcathinone
13. 4-methoxy-alpha-pyrrolidinopropiophenone
14. 4-methyl-alpha-pyrrolidinobutyrophonone
15. Naphthylpyrovalerone
16. NRG-2
17. 2-(methylamino)-1-phenyl-1-pentanone
18. beta-Keto-N-methylbenzodioxolylpentanamine
19. (B) Any compound (not being bupropion) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position with an alkyl substituent; (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.
20. (C) Any other crystalline or powder product that contains a synthetic compound that, when consumed, elicits psychoactive stimulant effects. These drugs are marketed under names including, but not to: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine (9), Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst,
Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, TranQuility, Vanilla Sky, White Dove, White Night, and White Lightning; or

(D) Any synthetic substance and its isomers with a chemical structure similar to the above listed compounds, or any chemical or natural alteration or analogue of the above listed compounds

(E) The term “synthetic cathinone” shall not include any product, substance, material, compound, mixture or preparation that is specifically excepted by the California UCSA (Health and Safety Code §§ 11000 et seq.), listed in one of the California UCSA’s schedules of controlled substances (Health and Safety Code §§ 11053-11058), regulated by one of the California UCSA’s Synthetic Drug Laws (Health and Safety Code §§ 11357.5, 11375.5 and 11401), regulated by the CSA (21 USC §§ 81 et seq.) or approved by the FDA.

_Synthetic Drug_ shall mean any Synthetic Cathinone, Synthetic Cannibanoid, Novel Psychoactive Substance, and any other substance containing intoxicating, psychoactive or psychotropic compounds or chemicals, whether in crystalline, powder, granular, organic or liquid form, and which causes psychoactive or psychotropic stimulant or euphoric effects on the central nervous system and brain. The term Synthetic Drug shall not include any product, substance, material, compound, mixture, or preparation that is specifically excepted by the California UCSA (Health and Safety Code §§11000 et seq.), listed in one of the California UCSA’s schedules of controlled substances (Health and Safety Code §§11053-11058), regulated by one of the California UCSA’s synthetic drug laws (Health and Safety Code §§11357.5, 11375.5 and 11401), regulated by the CSA (21 USC §§ 81 et seq.) or approved by the FDA.

20.55.4 - Provision, Display for Sale, Sale, or Distribution of Synthetic Drugs or Mislabeled/Misbranded Products Prohibited.

A. It is unlawful for any person or business to sell, offer to sell, offer for sale, distribute, display, or deliver any Synthetic Drug or any Mislabeled/Misbranded Product in the City of Oceanside.
B. It is unlawful for any person to provide or sell or offer for sale a product for
human consumption when the product is labeled “not for human consumption” or contains
similar warnings when such product is in fact intended for human consumption.

C. Evidence that a given product is a synthetic drug may be found from its intended
use, which can be determined from its price, packaging, marketing, and the location and manner
in which a given synthetic drug is displayed or distributed. While the question of whether a
given product is being sold, offered for sale, distributed, displayed or delivered for use as a
Synthetic Drug must be evaluated on its specific facts, the City finds that, to determine if a
person is selling, offering to sell, distributing, displaying, or delivering a synthetic drug, the
enforcing officer shall consider the following evidentiary factors:

(1) The product is not suitable for its marketed use (such as a crystalline or powder
product being marketed as “glass cleaner”);

(2) The business providing, displaying for sale, distributing or selling the product
does not typically provide, distribute or sell products that are used for that
product’s marketed use (such as a liquor store selling “plant food” or
“potpourri”);

(3) The product contains a warning label that is not typically present on products that
are used for that product’s marketed use (such as “not for human consumption,”
or “does not contain chemicals banned by the CSA, H&S Code sections 11357.5
and/or 11375.5”);

(4) The product is significantly more expensive than products that are used for that
product’s marketed use (such as half of a gram of a substance marketed as “glass
cleaner” costing $50.00);

(5) The product resembles an illicit street drug (such as cocaine, methamphetamine or
marijuana); or

(6) The product’s name or packaging uses images or slang referencing an illicit street
drug (such as “Eight Ballz” or “Green Buddha”).
(7) Aspects of the packaging or labeling suggesting the user will achieve a “high,”
euphoria, relaxation, mood enhancement, or that the product has other
psychoactive or psychotropic effects on the brain or body;

(8) The methods by which the substance is distributed;

(9) The manner in which the substance is displayed, distributed, or sold to the public;
or,

(10) The product label contains a restriction that it is not for sale to minors or anyone
under the age of 18 when the product’s marketed use would not contain such
restrictions.

(11) Comparisons with accepted methods of marketing a legitimate nonprescription
drug for medicinal purposes rather than for the purpose of drug abuse or any
similar nonmedical use;

(12) Verbal or written representations regarding the purpose, methods, use, or effect of
the product;

20.55.5 - Provision, Display for Sale, Sale or Distribution of Substances Claimed or
Represented to be Synthetic Drugs Prohibited.

A. It is unlawful for any person to claim or represent that a product that person is
providing, displaying for sale, distributing or selling is a Synthetic Drug within the City of
Oceanside.

B. The factors listed in 20.55.4 (C) shall also be considered to determine if a person
is claiming or representing that a product is a Synthetic Drug.

C. Merely disclaiming a substance claimed or represented to be a Synthetic Drug as
“not safe for human consumption” will not avoid the application of this section.

20.55.6 - Possession or Use of Synthetic Drugs Prohibited.

A. It is unlawful for any person to publicly possess or be under the influence of any
Synthetic Drug within the City of Oceanside.

B. In addition to the psychological and physiological effects visible to an officer that
are typically exhibited by a person using a Synthetic Drug, including but not limited to
hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism, panic attacks, psychosis, aggression, increased heart rate, increased blood pressure, agitation, anxiety, nausea, vomiting, tachycardia, tremors, seizures, paranoid behavior, or catatonia, the factors listed in 20.55.4 (C) shall also be considered to determine if a person is in possession or using a Synthetic Drug.

20.55.7 - Public Nuisance

A. It is a public nuisance for any person to provide, display for sale, distribute or sell any Synthetic Drug or any Mislabeled/Misbranded Product within the City of Oceanside.

B. It is a public nuisance for any person to allow the provision, display for sale, distribution or sale of any Synthetic Drug or any Mislabeled/Misbranded Product on property owned, controlled or managed by such person within the City of Oceanside.

C. It is a public nuisance for any person to provide, display for sale, distribute or sell any substance claimed or represented to be a Synthetic Drug within the City of Oceanside.

D. It is a public nuisance for any person to allow the provision, display for sale, distribution or sale of any substance claimed or represented to be a synthetic drug on property owned, controlled or managed by such person within the City of Oceanside.

E. To determine if a person is claiming or representing that a substance or product is a Synthetic Drug, the enforcing officer may consider any of the evidentiary factors set forth in 20.55.4(C) of this Article.

F. Any public nuisance found under this Article to exist may be abated in accordance with the provisions of Chapter 17 of this Code.

20.55.8 - Seizure of Evidence.

A. The use of Synthetic Drugs has been documented to cause hallucinations, agitation, psychosis, intense aggression, suicidal and homicidal ideations, cannibalism and death. Any violation of this Article presents a grave and imminent danger not only to the person consuming the Synthetic Drug, but also to the public at large. If the enforcing officer, based on the facts then known, determines that a violation of this Article presents an imminent danger or hazard or is imminently injurious to the public health or safety, then any Synthetic Drug or
Mislabeled/Misbranded Product possessed, provided, distributed, displayed, or sold in violation of any provision of this Article shall be deemed a drug-related nuisance and shall result in seizure of the entire inventory of all such products by the enforcing officers, and will be removed, stored and disposed of in accordance with applicable law.

B. Any person convicted of any section of this Article shall be deemed to have maintained or conducted a drug-related nuisance. The building, premises, furnishings, fixtures, equipment, moneys, and any other real or personal property used in or to facilitate the offense(s) that constituted the drug-related nuisance are subject to seizure, closure, and/or sale pursuant to Health and Safety Code sections 11570, 11581-11582.

20.55.9 – Suspension/Revocation of Business License.

A. No person holding a City of Oceanside business license and owning or operating a business in the City may use that business to display, provide, distribute, possess, or sell any Synthetic Drug, any substance claimed or represented to be a Synthetic Drug, or any Mislabeled/Misbranded Product.

B. For those businesses that have not previously received educational material and guidance from the Oceanside Police Department regarding Synthetic Drugs, in order to protect the due process rights of such businesses, a first violation of this Article shall result in a warning and educational guidance to be provided by OPD personnel, so as to allow businesses to ensure they do not sell or otherwise make Synthetic Drugs available without prior knowledge as to what is considered a Synthetic Drug for the purposes of this Article.

C. Any business that continues to operate in violation of this Article after having received educational guidance poses an immediate threat to public health, safety and welfare and accordingly shall not operate during the pendency of any business license suspension or revocation process and/or appeal in accordance with section 15.5 of Article 15 of this Code.

20.55.10 – Criminal Penalties.

A. The owner(s), occupant(s), proprietor(s), or other person(s) having possession or control of any buildings, business, or premises which constitute a public nuisance as defined in this Article, or anyone who violates any order of abatement made pursuant to this Article
commits a public offense which may be prosecuted as a misdemeanor or infraction offense as
defined in section 1.7 of Chapter 1 of this Code.

B. Each violation of this Article, or every day a violation continues to exist, shall
constitute a new and separate violation.

C. The fine amounts set forth in Section 1.7 of this Code may be modified, from time
to time, by City Council resolution. In no event shall such fine amounts exceed the amounts
authorized by state law.

20.55.11 – Civil Penalties.

A. In addition to the other remedies provided in this Article, any activity determined
to be a public nuisance under any section of this Article may be abated by way of the
administrative procedures set forth in Article 1.14 of Chapter 1 of this Code or civil injunctive
action in accordance with this Code and at the direction of the City Council.

B. Each separate package and/or each day that any violation of this Article is allowed
to continue shall be subject to a $500.00 civil penalty against the violator in any civil nuisance
abatement action.

20.55.12 – Penalties Cumulative

Penalties and remedies under this Article may be cumulative and in addition to other
administrative, civil or criminal remedies set forth in this Code. In any administrative, civil, or
criminal proceeding involving the abatement of a public nuisance, the City shall be entitled to
recover its full reasonable costs of abatement, including but not limited to, investigation,
analysis and prosecuting the enforcement action upon submission of proof of such cost by the
City. This Article shall not prohibit prosecution under any other provision of law.

20.55.13 – Exclusions/Exemptions.

A. This Article shall not apply to drugs or substances lawfully prescribed or to
intoxicating chemical compounds that have been approved by the federal Food and Drug
Administration or which are specifically permitted by California law, including without
limitation, intoxicating chemical compounds that are specifically excepted by the California
UCSA (Health and Safety Code § 11000 et seq.) or the CSA (21 USC §§ 801, et seq.).
B. This Article shall not apply to drugs or substances that are prohibited by state or federal law, including without limitation, California Health and Safety Code §§ 11357.5, 11375.5, 11401 and the Federal Controlled Substances Act.

C. This Article shall not apply to food products, drugs, dietary supplements, cosmetics, or other substances regulated by the Food and Drug Administration and that are in compliance with that agency’s requirements.

D. This Article shall not be deemed to prescribe any act that is positively permitted, prohibited, or preempted by any state or federal law or regulation.

SECTION 2. Any provision of the Oceanside City Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance once within fifteen (15) days after its passage in the San Diego Union Tribune, a newspaper of general circulation published in the City of Oceanside.

SECTION 5. This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the _____ of ____________________, 2016 and, thereafter,
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ___ day of ____________, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

______________________________
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

______________________________
CITY CLERK

______________________________
CITY ATTORNEY