

ORDINANCE NO. 16-OR0116-1

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

1 as “synthetic drugs” has been documented to produce psychological effects similar to those of
2 marijuana, methamphetamine, MDMA (Molly), and cocaine, including paranoia, panic attacks,
3 psychotic episodes, aggression, suicidal and homicidal ideations, cannibalism; and
4 physiological effects include a racing heart rate, increased blood pressure, agitation, anxiety,
5 nausea, vomiting, tachycardia, tremors, seizures, intense hallucinations, paranoid behavior,
6 catatonia, and death; severe agitation, and anxiety. According to the National Institute on Drug
7 Abuse, synthetic cannabinoids can also raise blood pressure and cause reduced blood supply to
8 the heart, as well as kidney damage and seizures.

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

18 WHEREAS, while the state synthetic drug laws and the CSA prohibit certain compounds
19 that are used to create synthetic drugs, they are not comprehensive enough to eliminate the
20 distribution, sale or possession of all synthetic drugs or their derivatives in the City. New herbal
21 and/or chemical mixtures are being marketed and sold in they City of Oceanside which are not
22 controlled by federal or state law but which are designed and marketed to mimic the effects of
23 illegal scheduled synthetic substances. In fact, products which plainly are being marketed for
24 use as synthetic drugs are now being packaged with advertisements stating that the product does
25 not contain compounds specifically banned by the state and federal synthetic drug laws. Thus,
26 the City Council finds that the dangers of synthetic drugs require local regulation, and that in
27 order to implement an effective measure prohibiting the distribution, sale, and possession of

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1 synthetic drugs, it is necessary to look at all factors related to the sales and marketing of
2 synthetic drugs. These factors will help City officials determine whether a product that does not
3 come under the purview of state synthetic drug laws or the CSA is nevertheless a synthetic drug
4 or a derivative thereof.

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

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

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

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

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

27 5. Similarity to Illicit Street Drugs. Synthetic drugs often resemble illicit street
28 drugs and/or use brand names and packaging that are designed to make the product appear

1 similar to illicit drugs. For example, many synthetic drugs are sold as white powders
2 packaged in vials (resembling cocaine) or dyed green to appear similar to marijuana.
3 Additionally, brand names are often targeted toward youth by utilizing names similar to
4 street slang for illicit drugs that have no relation to the products that are purportedly being
5 sold. These brand names are always changing, but include "Eight Ballz," "Spice," "Black
6 Mamba," "K-2," "Puff," "Sugar Sticks," "Green Buddha," "Diablo Botanical Incense,"
7 "Scooby Snax Potpourri," "Grape Ape Herbal Incense," "Three Monkey Incense," "Mr.
8 and Mrs. Marley," "Cloud 9 Incense," and a group of synthetic drugs marketed from "The
9 Spice Guy."

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

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

25 WHEREAS, an effective way to prevent and abate the health, safety and welfare
26 concerns that exist as a result of the marketing, distribution, sale, mislabeling and possession of
27 synthetic drugs and their derivatives and analogues in manners that seek to circumvent state and
28 federal law is through the administrative, civil and criminal enforcement procedures set forth in

1 the Oceanside City Code. Laws offering additional protections and/or duplicating state and
2 federal regulations concerning misbranded drugs and mislabeled commodities are not
3 preempted; and this Ordinance is enacted under the home rule powers of the City, and in
4 accordance with the allowance of certain local regulation under the Fair Packaging and
5 Labeling Act, 15 U.S.C. §§ 1461, 1548; and

6 WHEREAS, the City Council finds that Synthetic Drugs are distributed, labeled, and
7 marketed in a way that poses dangerous consequences to the consumer, and the City Council
8 deems it to be in the best interests of the citizens and residents to prohibit the possession, sale,
9 use, and distribution of Synthetic Drugs and mislabeled/misbranded drugs; and

10 WHEREAS, it is the intent of the City Council, in enacting this ordinance, to provide for
11 the public health, safety, and welfare by discouraging the inherently dangerous behavior of
12 ingesting intoxicating synthetic compounds in public; by protecting the public from exposure to
13 crime and violence often associated with ingesting such substances; by reducing the potential
14 for children to obtain such substances; by promoting fair business practices in the identification
15 and labeling of products, by ensuring the sale of lawful products; and by affirming and
16 promoting a healthy environment in the City; and

17 WHEREAS, the purpose and intent of this Article is to provide the City with measures to
18 address the dangers to the community posed by synthetic drugs that are not otherwise regulated
19 by state or federal law. Thus, this Article shall not apply to any activity already regulated by the
20 state synthetic drug laws, the CSA, or any other applicable state or federal law or regulation.

21 **NOW, THEREFORE,** the City Council of the City of Oceanside does ordain as
22 follows:

23 SECTION 1. Article VI of Chapter 20 of the Oceanside City Code, to be entitled
24 SYNTHETIC DRUGS AND MISLABELED/MISBRANDED PRODUCTS CONTAINING
25 PSYCHOACTIVE SUBSTANCES – DISPLAY, SALE, DISTRIBUTION, POSSESSION,
26 AND USE PROHIBITED, is hereby enacted as follows:

27 20.55.1 – Legislative Findings of Fact

28 20.55.2 – Purpose and Intent.

1 20.55.3 – Definitions

2 20.55.4 – Provision, Display for sale, Sale, or Distribution of Synthetic Drugs or
3 Mislabeled/Misbranded Products Prohibited

4 20.55.5 – Provision, Display for Sale, Sale, or Distribution of Substances Claimed or
5 Represented to be Synthetic Drugs Prohibited.

6 20.55.6 – Possession and Use of Synthetic Drugs or Mislabeled/Misbranded Drugs
7 Prohibited.

8 20.55.7 – Public Nuisance.

9 20.55.8 – Seizure of evidence.

10 20.55.9 - Suspension/Revocation of Business License.

11 20.55.10 - Criminal Penalties.

12 20.55.11 - Civil Penalties

13 20.55.12 - Penalties Cumulative

14 20.55.13 - Exclusions/Exemptions.

15 **20.55.1 - Legislative Findings of Fact.**

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

19 **20.55.2 - Purpose and intent.**

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

3 **20.55.3 – Definitions**

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

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

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

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

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

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

- 25 1. 2,5-dimethoxy-amphetamine
- 26 2. 2,3-dihydro-1H-inden-2-amine
- 27 3. 2-fluoromethamphetamine
- 28 4. methoxyketamine

- 1 5. 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine
- 2 6. 4-Chloro-2,5-dimethoxyphenethylamine
- 3 7. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine
- 4 8. 4-Ethyl-2,5-dimethoxyphenethylamine
- 5 9. 2-(2,5-Dimethoxyphenyl)ethanamine
- 6 10. 4-Iodo-2,5-dimethoxyphenethylamine
- 7 11. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine
- 8 12. 2,5-Dimethoxy-4-propylphenethylamine
- 9 13. 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine
- 10 14. 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine
- 11 15. 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 12 16. 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
- 13 17. N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-
- 14 2-aminoethane
- 15 18. 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
- 16 19. N-(2-methoxybenzyl)-1-[(7R)-3-bromo-2,5-dimethoxybicyclo[4.2.0]octa-1,3,5-trien-
- 17 7-yl]methanamine
- 18 20. 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
- 19 21. 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
- 20 22. N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine
- 21 23. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
- 22 24. 2,5-Dimethoxy-4-ethylthiophenethylamine
- 23 25. 2,5-Dimethoxy-4-isopropylthiophenethylamine
- 24 26. 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
- 25 27. 2-(4-trifluoromethyl-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
- 26 28. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-fluorophenyl)methyl]ethanamine
- 27 29. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2,3-methylenedioxyphenyl)methyl]ethanamine
- 28 30. 3-[1-(ethylamino)cyclohexyl]phenol

- 1 31. 3-hydroxyphencyclidine
- 2 32. 3-Methoxyeticyclidine
- 3 33. 1-[1-(3-methoxyphenyl)cyclohexyl]-piperidine
- 4 34. 2-(4-bromo-2,3,6,7-tetrahydrofurobensofuran-8-yl)-1-methyl-ethylamine
- 5 35. 3-(2-Diethylaminoethyl)-1H-indol-4-yl acetate
- 6 36. 4-acetoxy-N,N-dimethyltryptamine
- 7 37. 4-acetoxy-N,N-dipropyltryptamine
- 8 38. 4-Chlorophenylisobutylamine
- 9 39. para-fluoroamphetamine
- 10 40. 4-fluoromethamphetamine
- 11 41. 4-Hydroxy-di-isopropyl-tryptamine
- 12 42. 4-hydroxy-N-methyl-N-ethyltryptamine
- 13 43. 3-(2-[Isopropyl(methyl)amino]ethyl)-1H-indol-4-ol
- 14 44. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole
- 15 45. 3-(2-[methyl(propyl)amino]ethyl)-1H-indol-4-ol
- 16 46. 4-methoxy-N-methyl-N-isopropyltryptamine
- 17 47. 4-Methoxyphencyclidine
- 18 48. 4-Methyl- α -ethyltryptamine
- 19 49. 4-methyl- α -pyrrolidinohexphenone
- 20 50. 5-(2-Aminopropyl)benzofuran
- 21 51. 5-(2-Aminopropyl)-2,3-dihydrobenzofuran
- 22 52. 5-Iodo-2-aminoindane
- 23 53. 5-methyl-ethylone
- 24 54. 1-(5-methoxy-1H-indol-3-yl)propan-2-amine
- 25 55. N,N-diallyl-5-methoxytryptamine
- 26 56. N,N-Dethyl-5-Methoxytryptamine
- 27 57. 5-methoxy-diisopropyltryptamine
- 28 58. 5-methoxy-N,N-dimethyltryptamine

- 1 59. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-propylpropan-1-amine
- 2 60. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-methylpropan-2-amine
- 3 61. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-5-methoxyindole
- 4 62. 6-(2-aminopropyl)benzofuran
- 5 63. 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran
- 6 64. ((2-aminopropyl)benzofuran
- 7 65. ((2-aminopropyl)-2,3-dihydrobenzofuran)
- 8 66. 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine
- 9 67. Benzothiophenylcyclohexylpiperidine
- 10 68. N,N-Diisopropyltryptamine
- 11 69. 1,4-Dibenzylpiperazine
- 12 70. 1,4-dibenzylpiperazine
- 13 71. 2,5-Dimethoxy-4-bromoamphetamine
- 14 72. 2,5-Dimethoxy-4-chloroamphetamine
- 15 73. 2,5-dimethoxy-4-iodoamphetamine
- 16 74. N,N-Dipropyltryptamine
- 17 75. 2-(2-chlorophenyl)-2-(ethylamino)cyclohexanone
- 18 76. Fluoroamphetamine
- 19 77. Fluoromethamphetamine
- 20 78. Para-fluorophenylpiperazine
- 21 79. 7-hydroxymitragynine
- 22 80. 1-(3-Chlorophenyl)piperazine
- 23 81. N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine
- 24 82. 1-(thiophen-2-yl)-2-methylaminopropane
- 25 83. (RS)2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone
- 26 84. N-methyltryptamine
- 27 85. N-isopropyl-N-methyltryptamine
- 28 86. Methyl-alpha-pyrrolidinohexiophenone

- 1 87. N,N-dimethylamphetamine
2 88. 3-[2-(1-Amino-1-methylethyl)-1-hydroxycyclohexyl]phenol
3 89. 7-Bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
4 90. 1-(4-Methoxyphenyl)piperazine
5 91. para-Methoxy-N-methylamphetamine
6 92. 1-[4-(trifluoromethylphenyl)]piperazine
7 93. 3-trifluoromethylphenylpiperazine
8 94. Kratom – drug “of concern” for the DEA

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

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

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

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

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

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

- 27 1. Adamantoylindoles or adamantoylindazoles, including adamantyl carboxamide
28 indoles and adamantyl carboxamide indazoles, or any compound structurally derived from

1 3-(1-adamantoyl) indole, 3-(1-adamantoyl)indazole, 3-(2-adamantoyl)indole, N-(1-
2 adamantyl)-1H-indole-3-carboxamide, or N-(1-adamantyl)-1H-indazole-3-carboxamide by
3 substitution at the nitrogen atom of the indole or indazole ring with alkyl, haloalkyl,
4 alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
5 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
6 methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not
7 further substituted in the indole or indazole ring to any extent and whether or not
8 substituted in the adamantyl ring to any extent, including, but not limited to, the following:
9 2NE1, 5F-AKB-48, AB-001, AKB-48, AM-1248, JWH-018 adamantyl carboxamide,
10 STS-135.

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

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

27 4. Cyclopropanoylindoles - any compound structurally derived from 3-
28 (cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-

1 (cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the
2 nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any
3 extent, whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to
4 any extent.

5 5. Naphthoylindoles – any compound structurally derived from 3-(1-
6 naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen
7 atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl,
8 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
9 morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
10 morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further
11 substituted in the naphthyl ring to any extent, including, but not limited to, the following:
12 AM-678, AM-1220, AM-1221, AM-1235, AM-2201, AM-2232, EAM-2201, JWH-004,
13 JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
14 JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071,
15 JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094,
16 JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164,
17 JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200,
18 JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239,
19 JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394,
20 JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414,
21 JWH-415, JWH-424, MAM-2201, WIN 55,212.

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

25 7. Naphthoylpyrroles - any compound structurally derived from 3-(1-
26 naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl,
27 haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
28 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-

1 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl
2 group, whether or not further substituted in the pyrrole ring to any extent and whether or
3 not substituted in the naphthyl ring to any extent, including, but not limited to, the
4 following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156,
5 JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308,
6 JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368,
7 JWH-369, JWH-370, JWH-371, JWH-373, JWH-392.

8 8. Naphthylmethylenes - any compound containing a naphthylideneindene
9 structure or which is structurally derived from 1-(1-naphthylmethyl)indene with
10 substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl,
11 hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
12 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
13 methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not
14 further substituted in the indene ring to any extent and whether or not substituted in the
15 naphthyl ring to any extent, including, but not limited to, the following: JWH-171, JWH-
16 176, JWH-220.

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

26 10. Phenylacetylindoles - any compound structurally derived from 3-
27 phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl,
28 haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-

1 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-
2 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl
3 group, whether or not further substituted in the indole ring to any extent and whether or
4 not substituted in the phenyl ring to any extent, including, but not limited to, the following:
5 Cannabipiperidiethanone, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-
6 205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-
7 250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-
8 311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8.

9 11. Quinolinyndolecarboxylates – any compound structurally derived from quinolin-
10 8-yl-1H-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with
11 alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl,
12 hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-
13 tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the
14 indole ring to any extent, whether or not substituted in the quinoline ring to any extent,
15 including, but not limited to, the following: BB-22, 5-Fluoro-PB-22, PB-22.

16 12. Tetramethylcyclopropanoylindoles – any compound structurally derived from 3-
17 tetramethylcyclopropanoylindole, 3-(1-tetramethylcyclopropyl)indole, 3-(2,2,3,3-
18 tetramethylcyclopropyl)indole or 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole with
19 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
20 hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
21 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
22 methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not
23 further substituted in the indole ring to any extent and whether or not substituted in the
24 tetramethylcyclopropanoyl ring to any extent, including, but not limited to, the following:
25 5-bromo-UR-144, 5-chloro-UR-144, 5-fluoro-UR-144, A-796,260, A-834,735, AB-034,
26 UR-144, XLR11.

27 13. Tetramethylcyclopropane-thiazole carboxamides – any compound structurally
28 derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by

1 substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl,
2 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
3 cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-
4 morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent,
5 whether or not substituted in the tetramethylcyclopropyl ring to any extent, including: A-
6 836,339.

7 14. Unclassified Synthetic Cannabinoids:

8 a. AM-087 (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-
9 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

10 b. AM-356 (methanandamide) (5Z,8Z,11Z,14Z)-N-[(1R)-2-hydroxy-1-
11 methylethyl]icosa-5,8,11,14-tetraenamide; OR arachidonyl-1'-hydroxy-2'-
12 propylamide

13 c. AM-411 (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-
14 tetrahydrobenzo[c]chromen-1-ol AM-855 (4aR,12bR)-8-hexyl-2,5,5-trimethyl-
15 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol

16 d. AM-905 (6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-
17 dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol

18 e. AM-906 (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-
19 dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol

20 f. AM-2389 (6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-
21 hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol

22 g. BAY 38-7271 (-)-(R)-3-(2-Hydroxymethylindanyl-4-oxy)phenyl-4,4,4-
23 trifluorobutyl-1-sulfonate

24 h. CP 50,556-1 (Levonantradol) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-
25 yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; OR [(6S,6aR,9R,
26 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-
27 octahydrophenanthridin-1-yl] acetate; OR [9-hydroxy-6-methyl-3-[5-
28 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate

- 1 i. HU-210 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-
2 2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol; OR [(6aR,10aR)-9-
3 (hydroxymethyl)-6,6-dimethyl-3-(2-methyl octan-2-yl)-6a,7,10,10a-
4 tetrahydrobenzo[c]chromen-1-ol; OR 1,1-Dimethylheptyl-11-
5 hydroxytetrahydrocannabinol
- 6 j. HU-211 (Dexanabinol) (6aS, 10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-
7 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; OR (6aS,
8 10aS)-9-(hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-
9 tetrahydrobenzo[c]chromen-1-ol
- 10 k. HU-243 3-dimethylheptyl-11-hydroxyhexahydrocannabinol
- 11 l. HU-308 [(91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-
12 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol
- 13 m. HU-331 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-
14 cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione
- 15 n. HU-336 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-
16 benzo[c]chromene-1,4(6H)-dione
- 17 o. JTE-907 N-(benzol[1,3]dioxol-5-ylmethyl)-7-methoxy-2-oxo-8-pentyloxy-
18 1,2-dihydroquinoline-3-carboxamide
- 19 p. JWH-051 ((6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
20 tetrahydrobenzo[c]chromen-9-yl)methanol
- 21 q. JWH-057 (6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-
22 6,6,9-trimethyl-6H-Dibenzo[b,d]pyran
- 23 r. JWH-133 (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro -
24 6,6,9-trimethyl-6H-dibenzo[b,d]pyran
- 25 s. JWH-359 (6aR,10aR)- 1-methoxy- 6,6,9-trimethyl- 3-[(2R)-1,1,2-
26 trimethylbutyl]- 6a,7,10,10a-tetrahydrobenzo[c]chromene
- 27 t. URB-597 [3-(3-carbamoylphenyl)phenyl]-N-cyclohexylcarbamate
28

1 u. URB-602 [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester; OR
2 cyclohexyl [1,1'-biphenyl]-3-ylcarbamate

3 v. URB-754 6-methyl-2-[(4-methylphenyl)amino]-4H-3,1-benzoxazin-4-one

4 w. URB-937 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl
5 cyclohexylcarbamate

6 x. WIN 55,212-2 (R)-(+)-[2,3-dihydro-5-methyl-3-(4-
7 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
8 naphthalenylmethanone; OR [2,3-Dihydro-5-methyl-3-(4-
9 morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-
10 naphthalenylmethanone

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

23 (D) The term Synthetic Cannabinoid shall not include any product, substance, material,
24 compound, mixture, or preparation that is specifically excepted by the California Uniform
25 Controlled Substances Act ("California UCSA") (Health and Safety Code §§11000 *et seq.*),
26 listed in one of the California UCSA's schedules of controlled substances (Health and Safety
27 Code §§11053-11058), regulated by one of the California UCSA's synthetic drug laws (Health
28 and Safety Code §§11357.5, 11375.5 and 11401), regulated by the Federal Controlled

1 Substances Act (the “CSA”) (21 USC §§ 81 *et seq.*) or approved by the Food and Drug
2 Administration (“FDA”).

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

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

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

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

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

- 18 1. 2-diphenylmethylpyrrolidine
- 19 2. 2-diphenylmethylpiperidine
- 20 3. 2-fluoromethcathinone
- 21 4. 3,4-dimethylmethcathinone
- 22 5. 3-fluoromethcathinone
- 23 6. 4-ethylmethcathinone
- 24 7. 4-fluoromethcathinone
- 25 8. 4-methyl-N-benzylcathinone
- 26 9. 4-methyl-N-ethylcathinone
- 27 10. 4-methylbuphedrone
- 28 11. alpha-Pyrrolidinobutiophenone

- 1 12. alpha-pyrrolidinopropiophenone
- 2 13. alpha-Pyrrolidinopentiophenone
- 3 14. 4-methylephedrone
- 4 15. 2-(methylamino)-1-phenylbutan-1-one
- 5 16. beta-Keto-N-methylbenzodioxolylpropylamine
- 6 17. benzylpiperazine
- 7 18. diphenyl-2-pyrrolidinyl-methanol
- 8 19. (3-diethylamino-2,2-dimethylpropyl)-4-aminobenzoate
- 9 20. 1-(Benzo[d][1,3]dioxol-5-yl)-2-(dimethylamino)butan-1-one
- 10 21. dimethylethcathinone
- 11 22. dimethylmethcathinone
- 12 23. 2-(methylamino)-1-phenylpropan-1-one
- 13 24. 2-ethylamino-1-phenyl-propan-1-one
- 14 25. Ethylethcathinone
- 15 26. Ethylmethcathinone
- 16 27. 3,4-methylenedioxy-N-ethylcathinone
- 17 28. beta-Keto-Ethylbenziodioxolylbutanamine
- 18 29. Fluorococaine
- 19 30. Fluoroethcathinone
- 20 31. Fluoroisocathinone
- 21 32. Fluoromethcathinone
- 22 33. 3-methoxymethcathinone
- 23 34. Isopentedrone
- 24 35. 4-methyl-alpha-pyrrolidinopropiophenone
- 25 36. Methylbuphedrone
- 26 37. 1-methyl-4-benzylpiperazine
- 27 38. 5,6-methylenedioxy-2-aminoindane
- 28 39. 6,7-methylenedioxy-2-aminotetralin

- 1 40. Dimethylone
- 2 41. Methylenedioxy-methcathinone
- 3 42. 3,4-methylenedioxy-alpha-pyrrolidinobutiophenone
- 4 43. 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
- 5 44. 3,4-methylenedioxy-pyrovalerone ; mephadrone
- 6 45. Methylethcathinone
- 7 46. 4-methylmethcathinone
- 8 47. N,N-dimethylcathinone
- 9 48. 4-methoxymethcathinone
- 10 49. Methylmethcathinone
- 11 50. 3,4-methylenedioxy-N-methylcathinone
- 12 51. Methoxymethcathinone
- 13 52. 4-methoxy-alpha-pyrrolidinopropiophenone
- 14 53. 4-methyl-alpha-pyrrolidinobutyrophenone
- 15 54. Naphthylpyrovalerone
- 16 55. NRG-2
- 17 56. 2-(methylamino)-1-phenyl-1-pentanone
- 18 57. beta-Keto-N-methylbenzodioxolypentanamine

19 (B) Any compound (not being bupropion) structurally derived from 2-amino-1-
20 phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the
21 phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents,
22 whether or not further substituted in the phenyl ring by one or more other univalent substituents;
23 (ii) by substitution at the 3-position with an alkyl substituent; (iii) by substitution at the nitrogen
24 atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

25 (C) Any other crystalline or powder product that contains a synthetic compound that,
26 when consumed, elicits psychoactive stimulant effects. These drugs are marketed under names
27 including, but not to: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud
28 Nine (9), Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst,

1 Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust,
2 TranQuility, Vanilla Sky, White Dove, White Night, and White Lightning; or

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

6 (E) The term “synthetic cathinone” shall not include any product, substance, material,
7 compound, mixture or preparation that is specifically excepted by the California UCSA (Health
8 and Safety Code §§ 11000 *et seq.*), listed in one of the California UCSA’s schedules of
9 controlled substances (Health and Safety Code §§ 11053-11058), regulated by one of the
10 California UCSA’s Synthetic Drug Laws (Health and Safety Code §§ 11357.5, 11375.5 and
11 11401), regulated by the CSA (21 USC §§ 81 *et seq.*) or approved by the FDA.

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

23 **20.55.4 - Provision, Display for Sale, Sale, or Distribution of Synthetic Drugs or**
24 **Mislabeled/Misbranded Products Prohibited.**

25 A. It is unlawful for any person or business to sell, offer to sell, offer for sale,
26 distribute, display, or deliver any Synthetic Drug or any Mislabeled/Misbranded Product in the
27 City of Oceanside.

28 ///

1 B. It is unlawful for any person to provide or sell or offer for sale a product for
2 human consumption when the product is labeled “not for human consumption” or contains
3 similar warnings when such product is in fact intended for human consumption.

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

- 11 (1) The product is not suitable for its marketed use (such as a crystalline or powder
12 product being marketed as “glass cleaner”);
- 13 (2) The business providing, displaying for sale, distributing or selling the product
14 does not typically provide, distribute or sell products that are used for that
15 product’s marketed use (such as a liquor store selling “plant food” or
16 “potpourri”);
- 17 (3) The product contains a warning label that is not typically present on products that
18 are used for that product’s marketed use (such as “not for human consumption,”
19 or “does not contain chemicals banned by the CSA, H&S Code sections 11357.5
20 and/or 11375.5”);
- 21 (4) The product is significantly more expensive than products that are used for that
22 product’s marketed use (such as half of a gram of a substance marketed as “glass
23 cleaner” costing \$50.00);
- 24 (5) The product resembles an illicit street drug (such as cocaine, methamphetamine or
25 marijuana); or
- 26 (6) The product’s name or packaging uses images or slang referencing an illicit street
27 drug (such as “Eight Ballz” or “Green Buddha”).

- 1 (7) Aspects of the packaging or labeling suggesting the user will achieve a “high,”
2 euphoria, relaxation, mood enhancement, or that the product has other
3 psychoactive or psychotropic effects on the brain or body;
- 4 (8) The methods by which the substance is distributed;
- 5 (9) The manner in which the substance is displayed, distributed, or sold to the public;
6 or,
- 7 (10) The product label contains a restriction that it is not for sale to minors or anyone
8 under the age of 18 when the product’s marketed use would not contain such
9 restrictions.
- 10 (11) Comparisons with accepted methods of marketing a legitimate nonprescription
11 drug for medicinal purposes rather than for the purpose of drug abuse or any
12 similar nonmedical use;
- 13 (12) Verbal or written representations regarding the purpose, methods, use, or effect of
14 the product;

15 **20.55.5 - Provision, Display for Sale, Sale or Distribution of Substances Claimed or**
16 **Represented to be Synthetic Drugs Prohibited.**

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

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

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

24 **20.55.6 - Possession or Use of Synthetic Drugs Prohibited.**

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

27 B. In addition to the psychological and physiological effects visible to an officer that
28 are typically exhibited by a person using a Synthetic Drug, including but not limited to

1 hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism,
2 panic attacks, psychosis, aggression, increased heart rate, increased blood pressure, agitation,
3 anxiety, nausea, vomiting, tachycardia, tremors, seizures, paranoid behavior, or catatonia, the
4 factors listed in 20.55.4 (C) shall also be considered to determine if a person is in possession or
5 using a Synthetic Drug.

6 **20.55.7 - Public Nuisance**

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

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

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

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

17 E. To determine if a person is claiming or representing that a substance or product is
18 a Synthetic Drug, the enforcing officer may consider any of the evidentiary factors set forth in
19 20.55.4(C) of this Article.

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

22 **20.55.8 - Seizure of Evidence.**

23 A. The use of Synthetic Drugs has been documented to cause hallucinations,
24 agitation, psychosis, intense aggression, suicidal and homicidal ideations, cannibalism and
25 death. Any violation of this Article presents a grave and imminent danger not only to the person
26 consuming the Synthetic Drug, but also to the public at large. If the enforcing officer, based on
27 the facts then known, determines that a violation of this Article presents an imminent danger or
28 hazard or is imminently injurious to the public health or safety, then any Synthetic Drug or

1 Mislabeled/Misbranded Product possessed, provided, distributed, displayed, or sold in violation
2 of any provision of this Article shall be deemed a drug-related nuisance and shall result in
3 seizure of the entire inventory of all such products by the enforcing officers, and will be
4 removed, stored and disposed of in accordance with applicable law.

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

10 **20.55.9 – Suspension/Revocation of Business License.**

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

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

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

25 **20.55.10 – Criminal Penalties.**

26 A. The owner(s), occupant(s), proprietor(s), or other person(s) having possession or
27 control of any buildings, business, or premises which constitute a public nuisance as defined in
28 this Article, or anyone who violates any order of abatement made pursuant to this Article

1 commits a public offense which may be prosecuted as a misdemeanor or infraction offense as
2 defined in section 1.7 of Chapter 1 of this Code.

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

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

8 **20.55.11 – Civil Penalties.**

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

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

16 **20.55.12 – Penalties Cumulative**

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

23 **20.55.13 – Exclusions/Exemptions.**

24 A. This Article shall not apply to drugs or substances lawfully prescribed or to
25 intoxicating chemical compounds that have been approved by the federal Food and Drug
26 Administration or which are specifically permitted by California law, including without
27 limitation, intoxicating chemical compounds that are specifically excepted by the California
28 UCSA (Health and Safety Code § 11000 *et seq.*) or the CSA (21 USC §§ 801, *et seq.*).

1 B. This Article shall not apply to drugs or substances that are prohibited by state or
2 federal law, including without limitation, California Health and Safety Code §§ 11357.5,
3 11375.5, 11401 and the Federal Controlled Substances Act.

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

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

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

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

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

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

24 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
25 California, held on the 17th of February, 2016 and, thereafter,

26 ///

27 ///

28 ///

1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside California, held on the 2nd day of March, 2016, by the following vote:

3 AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ

4 NAYS: NONE

5 ABSENT: NONE

6 ABSTAIN: NONE

7
8 
MAYOR OF THE CITY OF OCEANSIDE

9
10 APPROVED AS TO FORM:

11 ATTEST:

12 
CITY CLERK

13 
CITY ATTORNEY

14 [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE
15 ADDING ARTICLE VI TO CHAPTER 20 OF THE OCEANSIDE CITY CODE
16 PROHIBITING THE DISPLAY, SALES, DISTRIBUTION, POSSESSION, AND
17 USE OF SYNTHETIC DRUGS AND MISLABELED/MISBRANDED
18 PRODUCTS CONTAINING PSYCHOACTIVE SUBSTANCES WITHIN THE
19 CITY OF OCEANSIDE]

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