



Bill No. _____

Concerning: Synthetic Drugs

Introduced: _____

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-11

Section(s) 1-11.8 and 1-11.9

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

AN ACT to: Amend the Frederick County Code, Chapter 1-11, Health and Sanitation, by adding language to prohibit the sale, delivery, possession and use of synthetic cannabinoids and cathinones.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-11 Section(s) 1-11.8 and 1-11.9

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

Bill No. _____

The County Council of Frederick County, Maryland, recognizes that the use of synthetic cannabinoids and cathinones has been associated with a severe risk to individuals using such drugs, and as well as the general public. These risks include users harming themselves and others, with specific incidents if suicide, murder and driving motor vehicles while under the influence if such drugs.

The County Council finds that it is in the best interest of the public health, safety, and welfare of the citizens of Frederick County to prohibit the sale, delivery, possession and use of synthetic cannabinoids and cathinones.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended to add new section 1-11-8 NUISANCE – Synthetic Cannabinoids and Cathinones and new section 1-11-9 ENFORCEMENT AND PENALTIES, as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-11-8. NUISANCE – SYNTHETIC CANNABINOIDS AND CATHINONES.

(A) Definitions. As used in this section, the following terms shall have the meanings indicated:

(1) "Authorized provider" means:

(a) Any person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State of Maryland in the course of professional practice or research; or

(b) A pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the state in the course of professional practice or research.

Authorized providers include individuals authorized by the State of Maryland to practice medicine, dentistry, or veterinary medicine and animal control facilities licensed under the Maryland Annotated Code, Agriculture Article, § 2-305.

(2) "Controlled dangerous substance" means a drug or substance listed in Schedule I through Schedule V of the Maryland Annotated Code, Criminal Law Article, or an immediate precursor to a drug or substance listed in Schedule I through Schedule V. "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(3) "Synthetic cannabinoid" means any chemical compound that is chemically synthesized and:

(a) Has been demonstrated to have a binding activity at one or more cannabinoid receptors; or

(b) Is a chemical isomer, salt or salt of an isomer of a compound that has been demonstrated to have a binding activity at one or more cannabinoid receptors.

"Synthetic cannabinoid" does not include any products that have been approved for medical use by the United States Food and Drug Administration.

(4) "Synthetic cannabinoid analog" means any chemical that is substantially similar in chemical structure to a chemical compound that has been determined to have a binding activity at

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one or more cannabinoid receptors. It does not include any products that have been approved for medical use by the United States Food and Drug Administration.

(5) "Synthetic cathinone" means any compound structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(a) Substitution in the ring system to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the ring system by one or more univalent substituents;

(b) Substitution at the 3-position with an alkyl substituent;

(c) Substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

These substances include, but are not limited to, those commonly referred to by the street name "bath salts" or "plant food" or the trade name "Bliss", "Blizzard", "Ivory Wave", or "Star Dust".

(B) Nuisance. It is hereby declared to be a nuisance and unlawful to distribute, manufacture, offer for sale, purchase, possess, sell, store, trade, transport, or consume any substance containing a synthetic cannabinoid, synthetic cannabinoid analog, or synthetic cathinone, including but not limited to, those identified on Schedule A attached hereto. Distribution, manufacture, selling, purchasing, possessing, offering for sale, storing, trading, transporting, or consuming any substance sold under a trade name contained in Schedule A is a per se violation of this article.

(C) Exceptions.

(1) An act otherwise prohibited by this article is lawful if done by or under the direction of an authorized provider while acting in the course of his or her profession, provided such act is otherwise permitted by local, State, or Federal law.

(2) This article does not apply to any substances regulated as controlled substances by the United States Food and Drug Administration, including any dosage form that is legally obtainable from a retail establishment without a prescription and is recognized by the United States Food and Drug Administration as a homeopathic drug.

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(3) This article is not intended to, and shall not be construed to, supersede any other Federal or State law pertaining to synthetic drugs now or hereafter in effect, but to supplement any such laws.

(D) Violations.

(1) The distribution, manufacture, offer for sale, purchase, possession, sale, storage, trade, transportation, or consumption of each separate package containing a synthetic cannabinoid, synthetic cannabinoid analog, or synthetic cathinone is a separate offense of this article.

(2) It is not a defense to violation of this article that the item is labeled that it is not intended for human consumption.

Schedule A

<u>8-Bali</u>	<u>Blizzard</u>	<u>Dark Knight II</u>
<u>Acapulco Spices</u>	<u>Blueberry Hayze</u>	<u>Dascents</u>
<u>Afghan Incense</u>	<u>Bombay Blue</u>	<u>Demon</u>
<u>Aztec Gold</u>	<u>Buzz</u>	<u>Diablo</u>
<u>Aztec Midnight Wind</u>	<u>C3</u>	<u>Diamond Black</u>
<u>Tezcatlipoca</u>	<u>C4 Herbal Incense</u>	<u>Diamond Spirit</u>
<u>Back Draft</u>	<u>Caneff</u>	<u>Dragon Spice</u>
<u>Bad 2 the Bone</u>	<u>Cherry Bomb</u>	<u>D-rail</u>
<u>Baked</u>	<u>Cherry Charm</u>	<u>Dream</u>
<u>Banana Cream Nuke</u>	<u>Chill X</u>	<u>Earthquake</u>
<u>Bayou Blaster Black</u>	<u>Chronic Spice</u>	<u>Eruption Spice</u>
<u>Black Magic</u>	<u>Chill Out</u>	<u>Euphoria</u>
<u>Black Magic Smoke</u>	<u>Citrus</u>	<u>exSES</u>
<u>Black Mamba</u>	<u>Colorado Chronic</u>	<u>EX-SES Platinum</u>
<u>Blaze</u>	<u>Da Block</u>	<u>Fire Bird Ultimate Strength</u>
<u>Bliss</u>	<u>Dancing Monkey</u>	<u>Fire 'N' Ice</u>

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<u>Forest Humus</u>	<u>K2 Mint</u>	<u>K3 Mango</u>
<u>Freedom</u>	<u>K2 Orisha</u>	<u>K3 Original</u>
<u>Fully Loaded</u>	<u>K2 Peach</u>	<u>K3 Strawberry</u>
<u>Funky Monkey</u>	<u>K2 Pina Colada</u>	<u>K3 Sun</u>
<u>G Four</u>	<u>K2 Pineapple Express</u>	<u>K3XXX</u>
<u>G Greenies Caramel</u>	<u>K2 Pink</u>	<u>K4</u>
<u>Crunch</u>	<u>K2 Pink Panties</u>	<u>K4 Bubble Bubble</u>
<u>Genie</u>	<u>K2Sex</u>	<u>K4Gold</u>
<u>Gold Spirit Spice</u>	<u>K2 Silver</u>	<u>K4 Purple Haze</u>
<u>Green Monkey Chronic</u>	<u>K2Solid Sex on the</u>	<u>K4 Silver</u>
<u>Salvia</u>	<u>Mountain</u>	<u>K4 Summit</u>
<u>Greenies Strawberry</u>	<u>Mountain</u>	<u>K4 Summit Remix</u>
<u>Heaven Improved</u>	<u>K2 Standard</u>	<u>Kind Spice</u>
<u>Heavenscent Suave</u>	<u>K2 Strawberry</u>	<u>KO Knockout</u>
<u>Humboldt Gold</u>	<u>K2 Summit</u>	<u>Legal Eagle</u>
<u>Jamaican Gold</u>	<u>K2 Thai Dream</u>	<u>Love Potion 69</u>
<u>Ivory Wave</u>	<u>K2 Ultra</u>	<u>Love Strawberry</u>
<u>K2 or K-2</u>	<u>K2 Watermelon</u>	<u>Magic Dragon</u>
<u>K2 Amazonian Shelter</u>	<u>K3</u>	<u>Magic Gold</u>
<u>K2 Blonde</u>	<u>K3 Blueberry</u>	<u>Magic Salvia</u>
<u>K2 Blue</u>	<u>K3 Cosmic Blend</u>	<u>Magic Silver</u>
<u>K2 Blueberry</u>	<u>K3 Dusk</u>	<u>Magic Spice</u>
<u>K2 Citron</u>	<u>K3 Grape</u>	<u>Mega Bomb</u>
<u>K2 Cloud 9</u>	<u>K3 Heaven Improved</u>	<u>Mid-Atlantic Exemplar</u>
<u>K2 Kryptonite</u>	<u>K3 Heaven Legal</u>	<u>Midnight Chill</u>
<u>K2 Latte</u>	<u>K3 Kryptonite</u>	<u>MNGB</u>
	<u>K3 Legal</u>	

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<u>Moe Joe Fire</u>	<u>Sense</u>	<u>Spike Silver</u>
<u>Mojo</u>	<u>Serenity Now</u>	<u>Spike99</u>
<u>Mr. Smiley's</u>	<u>Shanti Spice</u>	<u>Star Dust</u>
<u>MTh-787</u>	<u>Shokotsu</u>	<u>Stinger</u>
<u>Mystery</u>	<u>Silent Black</u>	<u>Suave</u>
<u>Naughty Nights</u>	<u>Silver</u>	<u>Summer Skyy</u>
<u>Ocean Blue</u>	<u>Skunk</u>	<u>Super Kush</u>
<u>Pandora Potpourri</u>	<u>Smoke</u>	<u>Super Summit</u>
<u>Paradise</u>	<u>Smoke Plus</u>	<u>Swagger Grape</u>
<u>p.e.p. pourri</u>	<u>Solar Flare</u>	<u>SYN Chill</u>
<u>Pink Tiger</u>	<u>Solitude</u>	<u>SYN Incense</u>
<u>Potpourri</u>	<u>Space</u>	<u>SYN Smooth</u>
<u>POW</u>	<u>Spice</u>	<u>Texas Gold</u>
<u>Pulse</u>	<u>Spice Cannabanoid</u>	<u>Time Warp</u>
<u>Rasta Citrus Spice</u>	<u>Spice Diamond</u>	<u>Tribal Warrior</u>
<u>Rebel Spice</u>	<u>Spice Gold</u>	<u>Ultra Cloud 10</u>
<u>Red Bird</u>	<u>Spice Silver</u>	<u>Utopia</u>
<u>Red Dawn X</u>	<u>Spice Tropical Synergy</u>	<u>VooDoo Remix</u>
<u>Route 69</u>	<u>Spicy Regular XXX</u>	<u>Voodoo</u>
<u>Safe</u>	<u>Spicy Ultra Strong XXX</u>	<u>Voodoo Child</u>
<u>Sage</u>	<u>Spicy Green</u>	<u>Voodoo Magic</u>
<u>Samurai Spirit</u>	<u>Spicylicious</u>	<u>WhoDat</u>
<u>Sativah</u>	<u>Spike 99 Ultra</u>	<u>Wicked X</u>
<u>Scooby Snax</u>	<u>Spike Diamond</u>	<u>Wicked XXX</u>
<u>Scope</u>	<u>Spike Gold</u>	<u>XTREME Spice</u>
<u>Sence</u>	<u>Spike M x</u>	<u>Yucatan Fire</u>

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§ 1-11-9. ENFORCEMENT AND PENALTIES.

(A) A person who is convicted of any act prohibited under this article is guilty of a misdemeanor and subject to imprisonment for up to 90 days or a fine of one thousand dollars (\$1,000.00), or both in the discretion of the court.

(B) The distribution, manufacture, offer for sale, purchase, possession, sale, storage, trade, transportation, or consumption of each separate package containing a synthetic cannabinoid, synthetic cannabinoid analog, or synthetic cathinone is a separate offense of this article.

(C) It is not a defense to violation of this article that the item is labeled that it is not intended for human consumption.

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