

TOWN OF THURMONT, MARYLAND

ORDINANCE NO. 2012--04

AN ORDINANCE TO ADD CHAPTER 42 OF THE CODE OF THE TOWN OF THURMONT ENTITLED "SYNTHETIC DRUGS"

WHEREAS, the Board of Commissioners has determined that an addition of Chapter 42 would benefit the Town; and

WHEREAS, the Town of Thurmont has encountered products being sold at commercial businesses to individuals that purchase and/or consume these products within its corporate boundaries containing compounds originally designed as synthetic alternatives to prohibited controlled substances such as tetrahydrocannabinol (THC) and cathinones; and

WHEREAS, the Town of Thurmont finds that products containing such synthetic alternatives may be purchased for recreational use currently as an alternative to otherwise regulated controlled substances banned at the local, State, and Federal levels; and

WHEREAS, the Town of Thurmont finds that products containing these synthetic alternatives are particularly enticing to children and young adults due to their availability in small packages for minimal costs, as well as due to the names being given to these substances which appeal to children and young adults, and their marketing as being legal; and

WHEREAS, the United States Drug Enforcement Administration has determined that consumption of synthetic cannabinoids and cathinones can cause extreme anxiety, suicidal thoughts, seizures, hallucinations, delusions, extreme paranoia, tachyarrhythmias, precipitation of psychotic episodes; and

WHEREAS, in 2011, the American Association of Poison Control Centers reported that poison control centers nationwide responded to about 13,000 calls related to synthetic marijuana and bath salts and sixty percent (60%) of those cases involved patients twenty-five (25) years old or younger; and

WHEREAS, use of synthetic cannabinoids and cathinones have been associated with severe risks to individual users as well as the public at large, including users harming themselves or others, and specific instances of suicide, murder, and driving under the influence linked to abuse of these substances; and

WHEREAS, the Town of Thurmont hereby finds that it is in the best interest of the public health, safety and welfare to prohibit the sale, delivery, possession, and use of synthetic cannabinoids and cathinones in the Town of Thurmont;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT:

Chapter 42

SYNTHETIC DRUGS

INDEX

Article I - Definitions

§ 42-10 - Definitions

Article II - Sales and Consumption

§ 42-20 - Sales

§ 42-21 - Consumption

§42-22 - Violations and Penalties

**Article I
Definitions**

§ 42-10. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

1. **SYNTHETIC CANNABINOIDS:** any compound that is a cannabinoid, or CB₁, receptor agonist and is structurally distinct from the substance tetrahydrocannabinol (THC), which naturally occurs in cannabinoids. These substances include, but are not limited to those commonly referred to by the street name “fake marijuana” or “spice” and/or the trade name “Spice”, “K2”, or “Yucatan Fire.”

2. **SYNTHETIC CATHINONES:** 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.

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

3. **TOWN:** Town of Thurmont, Maryland.
4. **STATE:** State of Maryland.
5. **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 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.
 - c. Authorized providers include individuals authorized by the State to practice medicine, dentistry, or veterinary medicine and animal control facilities licensed under Maryland Agriculture Article § 2-305.
6. **CONTROLLED DANGEROUS SUBSTANCE:** a drug or substance listed in Schedule I through Schedule V of the Maryland 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.

Article II Nuisance and Penalties

§42-20 - 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 synthetic cathinone(s) or synthetic cannabinoid(s), including but not limited to, those identified on Schedule A attached hereto, within the corporate limits of the Town.

§ 42-21 - Exceptions

1. An act otherwise prohibited by this Chapter shall be 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 Chapter shall 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.

3. This Chapter is not intended to and shall not be construed to supercede any other federal or state law pertaining to synthetic drugs now or hereafter in effect, but to supplement any such laws.

§ 42-22 - Violations and Penalties

1. The violation of this Chapter is a municipal infraction. The penalty for violation shall be the sum of \$250.00.

2. Each day of violation shall be deemed a separate violation of this Chapter.

3. The distribution, manufacture, offer for sale, purchase, possession, sale, storage, trade, or transportation of *each separate package* containing a synthetic cannabinoid or synthetic cathinone shall be deemed separate violation of this Chapter.

4. If any individual or entity in the Town fails to comply with this Chapter after receiving a civil citation for violation of this Chapter, the Town shall have the authority to secure an injunction to compel compliance with the Chapter from any individual or entity which fails or refuses to comply with this Chapter.

5. It is not a defense to this municipal infraction that the item is labeled that it is not intended for human consumption.

6. 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 ordinance.

7. This Ordinance may be enforced by any code enforcement officer or any law enforcement officer of this Town.

§ 42-23 - Severability

If any portion of this Chapter is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Chapter or any part thereof.

And be it further resolved that a complete and exact copy of this ordinance be posted at the Thurmont Town Office for a period of at least eight (8) days, commencing September 26, 2012, and the adoption of this ordinance be scheduled for Public Hearing on October 23, 2012.

Introduced: September 26, 2012

Adopted: October 23, 2012

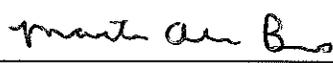
Effective: October 30, 2012

ATTEST:

THE COMMISSIONERS OF THURMONT



William H. Blakeslee
Chief Administrative Officer



Mayor Martin A. Burns
President, Board of Commissioners

SCHEDULE A

It is a per se violation of this ordinance to distribute, manufacture, offer for sale, purchase, possess, sell, store, trade, transport, or consume any substance sold under the following trade names:

8-Bali	Diamond Spirit	K2 Mint
Acapulco Spices	Dragon Spice	K2 Orisha
Afghan Incense	D-rail	K2 Peach
Aztec Gold	Dream	K2 Pina Colada
Aztec Midnight Wind	Earthquake	K2 Pineapple Express
Tezcatlipoca	Eruption Spice	K2 Pink
Back Draft	Euphoria	K2 Pink Panties
Bad 2 the Bone	exSES	K2 Sex
Baked	EX-SES Platinum	K2 Silver
Banana Cream Nuke	Fire Bird Ultimate Strength	K2 Solid Sex on the
Bayou Blaster Black	Fire 'N' Ice	Mountain
Black Magic	Forest Humus	K2 Standard
Black Magic Smoke	Freedom	K2 Strawberry
Black Mamba	Fully Loaded	K2 Summit
Blaze	Funky Monkey	K2 Thai Dream
Bliss	G Four	K2 Ultra
Blizzard	G Greenies Caramel	K2 Watermelon
Blueberry Hayze	Crunch	K3
Bombay Blue	Genie	K3 Blueberry
Buzz	Gold Spirit Spice	K3 Cosmic Blend
C3	Green Monkey Chronic	K3 Dusk
C4 Herbal Incense	Salvia	K3 Grape
Caneff	Greenies Strawberry	K3 Heaven Improved
Cherry Bomb	Heaven Improved	K3 Heaven Legal
Cherry Charm	Heavenscent Suave	K3 Kryptonite
Chill X	Humboldt Gold	K3 Legal
Chronic Spice	Jamaican Gold	K3 Mango
Cill Out	Ivory Wave	K3 Original
Citrus	K2 or K-2	K3 Strawberry
Colorado Chronic	K2 Amazonian Shelter	K3 Sun
Da Block	K2 Blonde	K3 XXX
Dancing Monkey	K2 Blue	K4
Dark Knight II	K2 Blueberry	K4 Bubble Bubble
Dascents	K2 Citron	K4 Gold
Demon	K2 Cloud 9	K4 Purple Haze
Diablo	K2 Kryptonite	K4 Silver
Diamond Black	K2 Latte	K4 Summit

K4 Summit Remix	Red Bird	Spike 99 Ultra
Kind Spice	Red Dawn X	Spike Diamond
KO Knockout	Route 69	Spike Gold
Legal Eagle	Safe	Spike M x
Love Potion 69	Sage	Spike Silver
Love Strawberry	Samurai Spirit	Spike99
Magic Dragon	Sativah	Star Dust
Magic Gold	Scope	Stinger
Magic Salvia	Sence	Summer Skyy
Magic Silver	Sense	Super Kush
Magic Spice	Serenity Now	Super Summit
Mega Bomb	Shanti Spice	Swagger Grape
Mid-Atlantic Exemplar	Shokotsu	SYN Chill
Midnight Chill	Silent Black	SYN Incense
MNGB	Silver	SYN Smooth
Moe Joe Fire	Skunk	Suave
Mojo	Smoke	Texas Gold
Mr. Smiley's	Smoke Plus	Time Warp
MTh-787	Solar Flare	Tribal Warrior
Mystery	Solitude	Ultra Cloud 10
Naughty Nights	Space	Utopia
Ocean Blue	Spice	Voo Doo Remix
Pandora Potpourri	Spice Cannabanoid	Voodoo
Paradise	Spice Diamond	Voodoo Child
p.e.p. pourri	Spice Gold	Voodoo Magic
Pink Tiger	Spice Silver	Who Dat
Potpourri	Spice Tropical Synergy	Wicked X
POW	Spicy Regular XXX	XTREME Spice
Pulse	Spicy Ultra Strong XXX	Yucatan Fire
Rasta Citrus Spice	Spicy Green	Zohai
Rebel Spice	Spicylicious	Zombie World