

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Washington

SUBMITTAL DATE: April 5, 2016

SUBJECT: INITIATION OF AN ORDINANCE BANNING THE POSSESSION, DISTRIBUTION, AND SALE OF ILLICIT SYNTHETIC DRUGS AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE – ALL DISTRICTS – [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating a new ordinance banning the possession, distribution, and sale of illicit synthetic drugs and declare such actions to be a public nuisance; and
2. Direct County Counsel and the Code Enforcement Department to prepare and process the new ordinance, in consultation with the Sheriff's Department and District Attorney.

BACKGROUND:

Recreational use of synthetic cannabinoids and synthetic cathinones, commonly known as bath salts, spice, herbal incense, and other euphemistic names, have documented adverse effects and pose a serious threat to the public.

Reports of extremely violent reactions from the abuse of such illicit synthetic drugs have resulted, in the most extreme instances, in hallucinations, psychotic episodes, aggression, suicidal and homicidal ideations, self-mutilation, and death. Most concerning, illicit synthetic drugs are primarily marketed to young people, with reports of the drugs being sold from ice cream trucks, gas stations, and convenience stores. Individuals incorrectly thinking that such synthetic drug alternatives are "healthier" or cheaper than other illicit substances are often unaware of the serious side effects they can cause.

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Background Summary (continued)

Although there are both federal and state laws in place prohibiting most illicit synthetic drugs, those federal and state laws are not comprehensive enough to ban all synthetic drugs because the manufacturers can easily and quickly replace any illegal chemicals listed in the law with other analogues or chemical compounds to alter the composition of the compounds in their products and evade the scope of the existing laws and regulations. This allows the illicit synthetic drug industry to skirt around the federal and state prohibitions.

The purpose of the proposed ordinance is to provide the County with the means to address the dangers posed to the community by illicit synthetic drugs that are not regulated by state or federal law. The ordinance shall not apply to any activity that is already regulated by the State Synthetic Drug Laws, the Federal Controlled Substances Act or any other applicable state or federal law or regulation. Several other counties and cities have enacted similar ordinances to expand the definition of illicit synthetic drugs to encompass a broader range of substances than just those listed in federal and state law. Those local governments include but are not limited to: San Luis Obispo County, San Bernardino County, San Diego County, Kern County, and the City of Los Angeles.

A collaborative multi-department ordinance preparation and enforcement strategy is recommended. The Sheriff's Department, the Code Enforcement Department, the District Attorney's Office, and the County Counsel's Office will likely each be required to enforce or process some provision of the ordinance once effective. A determination will need to be made, on a case by case basis, whether a product that does not come under the purview of the State Synthetic Drug Laws or the Controlled Substances Act is an illicit synthetic drug intended for recreational drug use and take appropriate enforcement action. For this reason, it is crucial that each of these departments be fully involved during the ordinance preparation process.

Impact on Residents and Businesses

It is intended that the ordinance will provide the County with the ability to address the dangers to the residents posed by illicit synthetic drugs that are not regulated by state or federal law.