

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



FROM : Supervisor Chuck Washington

SUBMITTAL DATE:
October 25, 2016

SUBJECT: ADOPTION OF ORDINANCE NO. 932 PROHIBITING THE POSSESSION, DISTRIBUTION, AND SALE OF SYNTHETIC DRUGS AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE – ALL DISTRICTS – [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:
1. Adopt Ordinance No. 932, an ordinance of the County of Riverside prohibiting the possession, distribution and sale of illicit synthetic drugs and declaring such actions to be a public nuisance.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: Budget Adjustment:					
				For Fiscal Year:	

C.E.O. RECOMMENDATION:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 932 is adopted with waiver of the reading.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: October 25, 2016
xc: Supvr. Washington, MC, COB

Kecia Harper-Ihem
 Clerk of the Board
 By: *[Signature]*
 Deputy

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

BACKGROUND:

On October 4, 2016, the Board introduced Ordinance No. 932 prohibiting the possession, distribution and sale of synthetic drugs and declaring such actions to be a public nuisance. The Board's adoption of Ordinance No. 932 will finalize the Board's approval of the prohibitions contained in the ordinance.

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

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 Ordinance No. 932 is to supplement state and federal laws so as to provide the County with the means to address the dangers posed to the community by illicit synthetic drugs not regulated by state or federal law. Ordinance No. 932 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. 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.

Ordinance No. 932 makes it a unlawful to provide, distribute, sell, or to possess with the intent to sell or to possess with the intent of providing, distributing or selling synthetic drugs. In addition, it will be a public nuisance for any person to provide, distribute, or sell any synthetic drug or any substance represented as a synthetic drug or to allow this activity to take place on his or her property. The ordinance also provides that a violation of the ordinance may result in seizure of the synthetic drugs as evidence, as well as modification, suspension, or revocation of business licenses and permits.

Ordinance No. 932 has been reviewed by the Sheriff's Office, the District Attorney's Office, the Public Health Officer, and County Counsel. All are in support of the ordinance as it provides another tool for enforcement.

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.

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ORDINANCE NO. 932

AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING THE POSSESSION,
DISTRIBUTION AND SALE OF SYNTHETIC DRUGS
AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that:

- a. Recreational use of psychoactive bath salts, psychoactive herbal incense, and similar products, commonly known as “synthetic drugs,” has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, seizures, rapid heart rate, and death. 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 scope of those laws and regulations. The purpose and intent of this ordinance is to provide the County with the means to address the dangers to the community posed by synthetic drugs that are not regulated by state or federal law.
 - b. Synthetic drugs are extremely dangerous and are gaining popularity at an alarming rate among high school and college-aged individuals, as well as among the homeless, parolees and probationers. These drugs are available for purchase in stores and shops throughout the County, despite the State’s attempt to ban such drugs under Health & Safety Code sections 11375.5 (banning synthetic stimulant compounds and derivatives) and 11401 (banning “analogs” of controlled substances) (collectively “State Synthetic Drug Laws”), and the Federal Government’s attempt to ban such drugs under the Controlled Substances Act (the “CSA”) (21 U.S.C. § 81, et seq).
- The Board of Supervisors further finds that synthetic drugs, which have

1 been documented to cause hallucinations, agitations, psychosis, aggression,
2 suicidal and homicidal ideations, seizures, rapid heart rate, and death,
3 require regulation.

4 c. While the State Synthetic Drug Laws and the CSA prohibit certain
5 compounds that are used to create synthetic drugs, those laws are not
6 comprehensive enough to eliminate the distribution and sale of all synthetic
7 drugs. Specifically, the Board of Supervisors finds that the makers of
8 synthetic drugs continually alter the composition of the compounds in their
9 products so as to not come under the prohibition of the State Synthetic
10 Drugs Laws, the CSA, and other laws and regulations that attempt to
11 prohibit the sale of synthetic drugs. In fact, products that plainly are being
12 marketed for use as synthetic drugs are now being packaged with
13 advertisements stating that the product does not contain compounds
14 specifically banned by the State Synthetic Drug Laws. Thus, the Board of
15 Supervisors finds that in order to implement an effective measure
16 prohibiting the distribution and sale of synthetic drugs, it is necessary to
17 look at all factors related to the sales and marketing of synthetic drugs.
18 These factors will help County officials determine whether a product that
19 does not come under the purview of State Synthetic Drug Laws or the CSA,
20 is nevertheless a synthetic drug because it is intended for recreational drug
21 use.

22 d. While the question of whether a given product is being distributed or sold
23 for use as a recreational drug must be determined on a case-by-case basis,
24 the Board of Supervisors finds that the following evidentiary factors are
25 helpful in determining whether a given product is in fact a synthetic drug:

- 26 1. Marketing: synthetic drugs are rarely, if ever, suitable for
27 their marketed uses. For example, a synthetic drug in the
28 form of a powder might be marketed as a "glass cleaner,"

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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 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 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 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 or use brand names and packaging that are designed to make the product appear

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

- 13 e. The penalties in this ordinance are an effective way to prevent and
14 abate the health, safety, and welfare concerns that exist as a result of
15 the marketing, distribution, and sale of synthetic drugs in manners
16 that brazenly seek to circumvent state and federal law.

17 Section 2. PURPOSE. Recreational use of psychoactive bath salts, psychoactive
18 herbal incense, and similar products, commonly known as "synthetic drugs," has been documented to
19 cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, seizures, rapid
20 heart rate, and death. While state and federal laws and regulations prohibit some synthetic drugs, the
21 makers of these drugs continually alter the composition of the compounds in their products so as to escape
22 the purview of these laws and regulations. The purpose of this ordinance is to provide the County of
23 Riverside with reasonable means to address the dangers to the community posed by the provision,
24 distribution, sale, or possession of synthetic drugs not regulated by state or federal law. Nothing in this
25 ordinance shall be construed, limit, or encroach in any way upon any field of law occupied by state or
26 federal law.

27 Section 3. AUTHORITY. This ordinance is adopted pursuant to the authority granted
28 by Article XI, section 7 of the California Constitution.

1 Section 4. EXEMPTIONS. This ordinance shall not apply to any of the following:

- 2 a. Drugs or substances lawfully prescribed or to chemical compounds that are
3 approved by the Food and Drug Administration or that are permitted by
4 state law, including compounds that are exempt under the California
5 Uniform Controlled Substances Act (Health and Safety Code section 11000
6 et seq.).
- 7 b. Drugs or substances that are prohibited by state or federal law, including,
8 without limitation, Health and Safety Code sections 11357.5, 11375.5,
9 11401 and the Federal Controlled Substances Act.
- 10 c. Any activity already regulated by the State Synthetic Drug Laws, the CSA,
11 or any other applicable state or federal law or regulation.
- 12 d. Any act that is permitted by any state or federal law or regulation.

13 Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have
14 the following meanings:

- 15 a. Consume. To ingest, inhale, inject, smoke, or snort (insufflate).
- 16 b. Distribute. To furnish, give away, exchange, transfer, deliver, or supply,
17 whether for monetary gain or not.
- 18 c. Enforcing officer. The Sheriff, District Attorney, County Counsel, or
19 their designees.
- 20 d. Possess. To have for consumption, distribution, or sale in a person's
21 actual or constructive custody or control, or under a person's authority or
22 power, whether such custody, control, authority, or power is exercised
23 solely or jointly with others.
- 24 e. Provide. Offering to distribute or sell a product or substance to any
25 person.
- 26 f. Psychoactive bath salts. Any crystalline or powder product that
27 contains a synthetic chemical compound that, when consumed, elicits
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1 psychoactive or psychotropic stimulant effects. The term "psychoactive
2 bath salts" includes without limitation:

3 1. Products that elicit psychoactive or psychotropic stimulant
4 effects and contain any of the following intoxicating
5 chemical compounds:

6 A. Cathinone (2-amino-1-phenyl-1-propanone), 4-
7 methylmethcathinone (2-methylamino-1-(4-
8 methylphenyl)propan-1-one), 4-
9 methoxymethcathinone (1-(4-methoxyphenyl)-2-
10 (methylamino)propan-1-one), MDP
11 (methylenedioxyprovalerone), MDMA (3,4-
12 methylenedioxy-N-methylamphetamline), methylene
13 (3,4-methylenedioxy-N-methylcathinone),
14 methcathinone (2-(methylamino)-1-phenyl-propan-1-
15 one), flephedrone (4-fluoromethcathinone), 3-FMC
16 (3-fluoromethcathinone), ethcathinone (2-
17 ethylamino-1-phenyl-propan-1-one), butylone (13-
18 keto-N-methylbenzodioxolylbutanamine), a-PPP (a-
19 pyrrolidinopropiophenone), MPPP (4'-methyl-
20 pyrrolidinopropiophenone), MDPPP (3',4-
21 methylenedioxy-a-pyrrolidinopropiophenone), a-PVP
22 (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone) or
23 naphyrone (1-naphthalen-2-yl-2-pyrrolidin-1-
24 ylpentan-1-one);

25 B. Any derivative of the above listed intoxicating
26 chemical compounds;

1 C. Any synthetic substance and its isomers with a
2 chemical structure similar to the above listed
3 compounds;

4 D. Any chemical alteration of the above listed
5 intoxicating chemical compounds; or

6 E. Any other substantially similar chemical structure or
7 compound; and

8 2. Products that elicit psychoactive or psychotropic stimulant
9 effects and are marketed under any of the following trade
10 names: Bliss, Blizzard, Blue Silk, Banzai Grow, Charge
11 Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory Snow,
12 Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust,
13 Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow
14 Leopard, Stardust, Vanilla Sky, White Dove, White Night
15 and White Lightning. The term "psychoactive bath salts"
16 shall not include any product, substance, material,
17 compound, mixture or preparation that is specifically
18 excepted by the California Uniform Controlled Substances
19 Act ("UCSA") (Health and Safety Code sections 11000 et
20 seq.), listed in one of the UCSA's schedules of controlled
21 substances (Health and Safety Code sections 11053-11058),
22 regulated by one of the UCSA's Synthetic Drug Laws
23 (Health and Safety Code sections 11357.5, 11375.5, and
24 11401), regulated by the Federal Controlled Substances Act
25 (the "CSA") (21 U.S.C. section 81 et seq.) or approved by
26 the Food and Drug Administration ("FDA").

27 g. Psychoactive herbal incense. Any organic product consisting of
28 plant material that contains a synthetic stimulant compound that,

1 when consumed, elicits psychoactive or psychotropic euphoric
2 effects. The term "psychoactive herbal incense" includes without
3 limitation:

4 1. Products that elicit psychoactive or psychotropic euphoric
5 effects and contain any of the following intoxicating
6 chemical compounds:

7 A. Cannabicyclohexanol (2-[(1R,3S)-3-
8 hydroxycyclohexyl]- 5- (2-methylnonan-2-
9 yl)phenol), JWH-018 (naphthalen-1-yl-(1-
10 pentyndol-3 yl)methanone), JWH-073 (naphthalen-
11 1-yl-(1-butylindol-3-yl) methanone), JWH-200 ((1-
12 (2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-
13 ylmethanone), HU-210 ((6aR, 10aR)- 9-
14 (Hydroxymethyl)- 6,6-dimethyl- 3-(2-methyloctan-2-
15 yl)-6a, 7,10,10a-tetrahydrobenzo [c]chromen- 1-ol),
16 CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-
17 methyloctan-2-yl)phenol) CP 47,497 (2-[(1R,3S)-3-
18 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol)
19 or AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
20 (naphthalen-1-yl)methanone);

21 B. Any derivative of the above listed intoxicating
22 chemical compounds;

23 C. Any synthetic substance and its isomers with a
24 chemical structure similar to the above listed
25 intoxicating chemical compounds;

26 D. Any chemical alteration of the above listed
27 intoxicating chemical compounds; or
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1 E. Any other substantially similar chemical structure or
2 compound; and

3 2. Products that elicit psychoactive or psychotropic euphoric
4 effects and are marketed under any of the following trade
5 names: K2, K3, Spice, Genie, Smoke, Potpourri, Buzz, Spice
6 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Ocean Blue,
7 Stinger, Serenity, Fake Weed, and Black Mamba. The term
8 “psychoactive herbal incense” shall not include any product,
9 substance, material, compound, mixture, or preparation that
10 is specifically excepted by the UCSA (Health and Safety
11 Code section 11000 et seq.), listed in one of the UCSA’s
12 schedules of controlled substances (Health and Safety Code
13 sections 11053-11058), regulated by one of the UCSA’s
14 Synthetic Drug Laws (Health and Safety Code sections
15 11357.5, 11375.5, and 11401), regulated by the CSA (21
16 U.S.C. section 81 et seq.), or approved by the FDA.

17 h. Psychoactive or psychotropic stimulant effects. Affecting the
18 central nervous system or brain function to change perception,
19 mood, consciousness, cognition, or behavior in ways that are similar
20 to the effects of cocaine, methylphenidate, or amphetamines.

21 i. Psychoactive or psychotropic euphoric effects. Affecting the
22 central nervous system or brain function to change perception,
23 mood, consciousness, cognition, or behavior in ways that are similar
24 to the effects of cannabis.

25 j. Sell. To furnish, exchange, transfer, deliver, or supply for
26 monetary gain.

27 k. Synthetic Drug. Psychoactive bath salts and psychoactive
28 herbal incense, as those terms are defined in this ordinance.

1 Section 6. PROVISION, SALE, OR DISTRIBUTION OF SYNTHETIC DRUGS IS
2 PROHIBITED.

- 3 a. It is unlawful for any person to provide, distribute, or sell any prohibited
4 synthetic drug.
5 b. Disclaiming a synthetic drug as “not safe for human consumption” will not
6 avoid the application of this ordinance.

7 Section 7. PROVISION, SALE, OR DISTRIBUTION OF SUBSTANCES CLAIMED
8 OR REPRESENTED TO BE SYNTHETIC DRUGS IS PROHIBITED.

- 9 a. It is unlawful for any person to claim or represent that a product that the
10 person is providing, distributing, or selling is a prohibited synthetic drug.
11 b. To determine if a person is claiming or representing that a product is a
12 synthetic drug, the enforcing officer may consider any of the following
13 evidentiary factors:

- 14 1. The product is not suitable for its marketed use (such as a crystalline
15 or powder product being marketed as “glass cleaner”);
16 2. The person providing, distributing, or selling the product does not
17 typically provide, distribute, or sell products that are used for that
18 product’s marketed use (such as a liquor store selling “plant food”);
19 3. The product contains a warning label that is not typically present on
20 products that are used for that product's marketed use (such as “not
21 for human consumption,” “not for purchase by minors,” or “does not
22 contain chemicals banned by Section 11357.5”);
23 4. The product is significantly more expensive than products that are
24 used for that product’s marketed use (e.g. a half of a gram of a
25 substance marketed as “glass cleaner” costing multiple times the
26 price of actual glass cleaner);
27 5. The product resembles an illicit street drug such as cocaine,
28 methamphetamine, or marijuana; or

1 6. The product’s name or packaging uses images or slang referencing
2 an illicit street drug (such as “Eight Ballz” or “Green Buddha”).

3 c. Disclaiming a substance claimed or represented to be a synthetic drug as
4 “not safe for human consumption” will not avoid the application of this
5 ordinance.

6 Section 8. POSSESSION OF SYNTHETIC DRUGS IS PROHIBITED. It is unlawful
7 for any person to possess any prohibited synthetic drug for the purpose of providing, distributing, or
8 selling the synthetic drug.

9 Section 9. PUBLIC NUISANCE.

10 a. It is a public nuisance for any person to provide, distribute, or sell any
11 prohibited synthetic drug.

12 b. It is a public nuisance for any person to allow the provision, distribution, or
13 sale of any prohibited synthetic drug on property owned, controlled, or
14 managed by such person.

15 c. It is a public nuisance for any person to provide, distribute, or sell any
16 substance claimed or represented to be a prohibited synthetic drug.

17 d. It is a public nuisance for any person to allow the provision, distribution, or
18 sale of any substance claimed or represented to be a prohibited synthetic
19 drug on property owned, controlled, or managed by such person.

20 Section 10. SEIZURE OF EVIDENCE. Any product or substance provided, distributed,
21 sold, or possessed for the purpose of providing, distributing, or selling the product or substance, in
22 violation of any provision of this ordinance, may be seized by any enforcing officer who issues a criminal
23 citation under this ordinance and may be removed and stored as evidence in accordance with law.

24 Section 11. SUMMARY ABATEMENT. Because the use of synthetic drugs has been
25 documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations,
26 seizures, rapid heart rate, and death, any violation of this ordinance presents a grave and imminent danger
27 not only to the person consuming the synthetic drug, but also to the public at large. Thus, if the enforcing
28 officer, based on the facts then known, determines that a violation of this ordinance has occurred or is

1 occurring, then that violation may be subject to the summary abatement procedures authorized by County
2 ordinances or other law.

3 Section 12. MODIFICATION, SUSPENSION, OR REVOCATION OF PERMIT,
4 LICENSE, OR OTHER GRANT OF AUTHORITY. If a person violates any provision of this ordinance
5 and is convicted of such violation, then in addition to any other enforcement action or remedy authorized
6 by County ordinances or other applicable law, such conviction may be grounds for modification,
7 suspension, or revocation of any permit, license, or other grant of authority by the County issued to the
8 person, or issued to any business, firm, company, corporation, public corporation, club, trust, partnership,
9 association, or similar organization owned, controlled, or managed by such person, in accordance with the
10 procedure of County ordinances or other law applicable to the respective permit, license, or other grant of
11 authority.

12 Section 13. VIOLATIONS AND PENALTIES. Any person violating any provision of
13 this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such
14 person shall be deemed guilty of a separate offense for each and every day or portion thereof during
15 which any violation of any of the provisions of this ordinance is committed, continued, or permitted. Any
16 person convicted of violating this ordinance shall be: (1) guilty of an infraction offense and punished by a
17 fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense
18 and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1)
19 year. The third and any additional violations within one (1) year shall be punishable by a fine not
20 exceeding five hundred dollars (\$500.00) for each additional infraction violation within one (1) year.
21 Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor punishable
22 by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or
23 by both such fine and imprisonment. The penalties herein are in addition to any other remedies provided
24 by law and the payment of any penalty herein shall not relieve a person of the obligation to correct the
25 violation. Nothing in this ordinance shall be construed to prevent the County from pursuing any and all
26 other legal remedies that may be available by County ordinances or other applicable law, including, but
27 not limited to, civil actions filed by County Counsel seeking any and all appropriate relief such as civil
28 injunctions, penalties and forfeiture to abate the public nuisance.

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Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA
By: John J. Benoit
Chairman
JOHN J. BENOIT

ATTEST:

CLERK OF THE BOARD:

By: [Handwritten Signature]
Deputy

(SEAL)

APPROVED AS TO FORM

September 27, 2016

By: [Handwritten Signature]
TIFRANY N. NORTH
Chief Deputy County Counsel

TNN:pt

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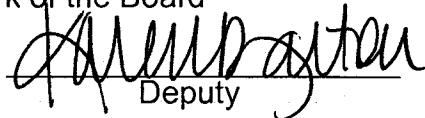
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 25, 2016, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

AYES: Jeffriès, Tavaglione, Washington, Benoit and Ashley
NAYS: None
ABSENT: None

DATE: October 25, 2016

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

(2565)

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



FROM: Supervisor Chuck Washington

SUBMITTAL DATE:
[DATE]

SUBJECT: INTRODUCTION OF ORDINANCE NO. 932 PROHIBITING THE POSSESSION, DISTRIBUTION, AND SALE OF SYNTHETIC DRUGS AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE – ALL DISTRICTS – [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, waive further reading of the ordinance, and adopt on successive weeks Ordinance No. 932, an ordinance of the County of Riverside prohibiting the possession, distribution and sale of illicit synthetic drugs and declaring such actions to be a public nuisance.

BACKGROUND:

Recreational use of psychoactive bath salts and psychoactive herbal incense, commonly known as bath salts, spice, herbal incense, and other euphemistic names, have documented adverse effects and pose a serious threat to the public. Recently, more than two dozen people from Los Angeles' Skid Row neighborhood were transported to local hospitals between August 19th and August 22nd due to using spice, and at least one death during that time frame is being investigated for a possible link to the synthetic drug. On one day alone, 12 paramedic ambulances and 75 firefighters were in the area due to the spice incident, straining City of Los Angeles resources.

Departmental Concurrence

(continued on page 2)

Chuck Washington
Supervisor Chuck Washington
Third District Supervisor

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:
For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: October 4, 2016
xc: Supvr. Washington, COB

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3-1 of 4/12/16 | District: ALL | Agenda Number:

3-17

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: INTRODUCTION OF ORDINANCE NO. 932 PROHIBITING THE POSSESSION,
DISTRIBUTION, AND SALE OF SYNTHETIC DRUGS AND DECLARING SUCH ACTIONS TO BE A
PUBLIC NUISANCE – ALL DISTRICTS – [\$0]**

DATE: [DATE]

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

Reports of extremely violent reactions from the abuse of 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.

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.

On September 25, 2016, the Governor signed Senate Bill 139 regarding controlled substances. Effective, January 1, 2016, SB 139 expands the state’s definition of “synthetic cannabinoid compound” in an effort to close the loopholes being used by synthetic drug manufacturers. The purpose of proposed Ordinance No. 932 is to supplement state and federal laws so as to provide the County with the means to address the dangers posed to the community by illicit synthetic drugs not regulated by state or federal law. Ordinance No. 932 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. 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.

Ordinance No. 932 makes it a unlawful to provide, distribute, sell, or to possess with the intent to sell or to possess with the intent of providing, distributing or selling synthetic drugs. In addition, it will be a public nuisance for any person to provide, distribute, or sell any synthetic drug or any substance represented as a synthetic drug or to allow this activity to take place on his or her property. The ordinance also provides that a violation of the ordinance may result in seizure of the synthetic drugs as evidence, as well as modification, suspension, or revocation of business licenses and permits.

Proposed Ordinance No. 932 has been reviewed by the Sheriff’s Office, the District Attorney’s Office, the Public Health Officer, and County Counsel. All are in support of the ordinance as it provides another tool for enforcement. The ordinance, if adopted, will provide the County with the authority to investigate and when appropriate take enforcement action on businesses and individuals who possess for sale or distribution certain intoxicating chemical substances that are not already regulated by the State Synthetic Drug Laws or the Controlled Substances Act.

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.

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.

Attachments:

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ORDINANCE NO. 932

AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING THE POSSESSION,
DISTRIBUTION AND SALE OF SYNTHETIC DRUGS
AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that:

- a. Recreational use of psychoactive bath salts, psychoactive herbal incense, and similar products, commonly known as “synthetic drugs,” has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, seizures, rapid heart rate, and death. 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 scope of those laws and regulations. The purpose and intent of this ordinance is to provide the County with the means to address the dangers to the community posed by synthetic drugs that are not regulated by state or federal law.
- b. Synthetic drugs are extremely dangerous and are gaining popularity at an alarming rate among high school and college-aged individuals, as well as among the homeless, parolees and probationers. These drugs are available for purchase in stores and shops throughout the County, despite the State’s attempt to ban such drugs under Health & Safety Code sections 11375.5 (banning synthetic stimulant compounds and derivatives) and 11401 (banning “analogs” of controlled substances) (collectively “State Synthetic Drug Laws”), and the Federal Government’s attempt to ban such drugs under the Controlled Substances Act (the “CSA”) (21 U.S.C. § 81, et seq). The Board of Supervisors further finds that synthetic drugs, which have

1 been documented to cause hallucinations, agitations, psychosis, aggression,
2 suicidal and homicidal ideations, seizures, rapid heart rate, and death,
3 require regulation.

4 c. While the State Synthetic Drug Laws and the CSA prohibit certain
5 compounds that are used to create synthetic drugs, those laws are not
6 comprehensive enough to eliminate the distribution and sale of all synthetic
7 drugs. Specifically, the Board of Supervisors finds that the makers of
8 synthetic drugs continually alter the composition of the compounds in their
9 products so as to not come under the prohibition of the State Synthetic
10 Drugs Laws, the CSA, and other laws and regulations that attempt to
11 prohibit the sale of synthetic drugs. In fact, products that plainly are being
12 marketed for use as synthetic drugs are now being packaged with
13 advertisements stating that the product does not contain compounds
14 specifically banned by the State Synthetic Drug Laws. Thus, the Board of
15 Supervisors finds that in order to implement an effective measure
16 prohibiting the distribution and sale of synthetic drugs, it is necessary to
17 look at all factors related to the sales and marketing of synthetic drugs.
18 These factors will help County officials determine whether a product that
19 does not come under the purview of State Synthetic Drug Laws or the CSA,
20 is nevertheless a synthetic drug because it is intended for recreational drug
21 use.

22 d. While the question of whether a given product is being distributed or sold
23 for use as a recreational drug must be determined on a case-by-case basis,
24 the Board of Supervisors finds that the following evidentiary factors are
25 helpful in determining whether a given product is in fact a synthetic drug:

- 26 1. Marketing: synthetic drugs are rarely, if ever, suitable for
27 their marketed uses. For example, a synthetic drug in the
28 form of a powder might be marketed as a "glass cleaner,"

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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 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 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 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 or use brand names and packaging that are designed to make the product appear

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

- 13 e. The penalties in this ordinance are an effective way to prevent and
14 abate the health, safety, and welfare concerns that exist as a result of
15 the marketing, distribution, and sale of synthetic drugs in manners
16 that brazenly seek to circumvent state and federal law.

17 Section 2. PURPOSE. Recreational use of psychoactive bath salts, psychoactive
18 herbal incense, and similar products, commonly known as "synthetic drugs," has been documented to
19 cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, seizures, rapid
20 heart rate, and death. While state and federal laws and regulations prohibit some synthetic drugs, the
21 makers of these drugs continually alter the composition of the compounds in their products so as to escape
22 the purview of these laws and regulations. The purpose of this ordinance is to provide the County of
23 Riverside with reasonable means to address the dangers to the community posed by the provision,
24 distribution, sale, or possession of synthetic drugs not regulated by state or federal law. Nothing in this
25 ordinance shall be construed, limit, or encroach in any way upon any field of law occupied by state or
26 federal law.

27 Section 3. AUTHORITY. This ordinance is adopted pursuant to the authority granted
28 by Article XI, section 7 of the California Constitution.

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Section 4. EXEMPTIONS. This ordinance shall not apply to any of the following:

- a. Drugs or substances lawfully prescribed or to chemical compounds that are approved by the Food and Drug Administration or that are permitted by state law, including compounds that are exempt under the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.).
- b. Drugs or substances that are prohibited by state or federal law, including, without limitation, Health and Safety Code sections 11357.5, 11375.5, 11401 and the Federal Controlled Substances Act.
- c. Any activity already regulated by the State Synthetic Drug Laws, the CSA, or any other applicable state or federal law or regulation.
- d. Any act that is permitted by any state or federal law or regulation.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have

the following meanings:

- a. Consume. To ingest, inhale, inject, smoke, or snort (insufflate).
- b. Distribute. To furnish, give away, exchange, transfer, deliver, or supply, whether for monetary gain or not.
- c. Enforcing officer. The Sheriff, District Attorney, County Counsel, or their designees.
- d. Possess. To have for consumption, distribution, or sale in a person's actual or constructive custody or control, or under a person's authority or power, whether such custody, control, authority, or power is exercised solely or jointly with others.
- e. Provide. Offering to distribute or sell a product or substance to any person.
- f. Psychoactive bath salts. Any crystalline or powder product that contains a synthetic chemical compound that, when consumed, elicits

1 psychoactive or psychotropic stimulant effects. The term "psychoactive
2 bath salts" includes without limitation:

3 1. Products that elicit psychoactive or psychotropic stimulant
4 effects and contain any of the following intoxicating
5 chemical compounds:

6 A. Cathinone (2-amino-1-phenyl-1-propanone), 4-
7 methylmethcathinone (2-methylamino-1-(4-
8 methylphenyl)propan-1-one), 4-
9 methoxymethcathinone (1-(4-methoxyphenyl)-2-
10 (methylamino)propan-1-one), MDP
11 (methylenedioxyprovalerone), MDMA (3,4-
12 methylenedioxy-N-methylamphetamine), methylene
13 (3, 4-methylenedioxy-N-methylcathinone),
14 methcathinone (2-(methylamino)-1-phenyl-propan-1-
15 one), flephedrone (4-fluoromethcathinone), 3-FMC
16 (3- fluoromethcathinone), ethcathinone (2-
17 ethylamino-1-phenyl-propan-1-one), butylone (13-
18 keto-N-methylbenzodioxolylbutanamine), a-PPP (a-
19 pyrrolidinopropiophenone), MPPP (4'-methyl-
20 pyrrolidinopropiophenone), MDPPP (3',4-
21 methylenedioxy-a-pyrrolidinopropiophenone), a-PVP
22 (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone) or
23 naphyrone (1-naphthalen-2-yl-2-pyrrolidin-1-
24 ylpentan-1-one);

25 B. Any derivative of the above listed intoxicating
26 chemical compounds;

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- C. Any synthetic substance and its isomers with a chemical structure similar to the above listed compounds;
- D. Any chemical alteration of the above listed intoxicating chemical compounds; or
- E. Any other substantially similar chemical structure or compound; and

2. Products that elicit psychoactive or psychotropic stimulant effects and are marketed under any of the following trade names: Bliss, Blizzard, Blue Silk, Banzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning. The term "psychoactive bath salts" shall not include any product, substance, material, compound, mixture or preparation that is specifically excepted by the California Uniform Controlled Substances Act ("UCSA") (Health and Safety Code sections 11000 et seq.), listed in one of the UCSA's schedules of controlled substances (Health and Safety Code sections 11053-11058), regulated by one of the UCSA's Synthetic Drug Laws (Health and Safety Code sections 11357.5, 11375.5, and 11401), regulated by the Federal Controlled Substances Act (the "CSA") (21 U.S.C. section 81 et seq.) or approved by the Food and Drug Administration ("FDA").

g. Psychoactive herbal incense. Any organic product consisting of plant material that contains a synthetic stimulant compound that,

1 when consumed, elicits psychoactive or psychotropic euphoric
2 effects. The term "psychoactive herbal incense" includes without
3 limitation:

4 1. Products that elicit psychoactive or psychotropic euphoric
5 effects and contain any of the following intoxicating
6 chemical compounds:

7 A. Cannabicyclohexanol (2-[(1R,3S)-3-
8 hydroxycyclohexyl]- 5- (2-methylnonan-2-
9 yl)phenol), JWH-018 (naphthalen-1-yl-(1-
10 pentyndol-3 yl)methanone), JWH-073 (naphthalen-
11 1-yl-(1-butylindol-3-yl) methanone), JWH-200 ((1-
12 (2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-
13 ylmethanone), HU-210 ((6aR, 10aR)- 9-
14 (Hydroxymethyl)- 6,6-dimethyl- 3-(2-methyloctan-2-
15 yl)-6a, 7,10,10a-tetrahydrobenzo [c]chromen- 1-ol),
16 CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-
17 methyloctan-2-yl)phenol) CP 47,497 (2-[(1R,3S)-3-
18 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol)
19 or AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
20 (naphthalen-1-yl)methanone);

21 B. Any derivative of the above listed intoxicating
22 chemical compounds;

23 C. Any synthetic substance and its isomers with a
24 chemical structure similar to the above listed
25 intoxicating chemical compounds;

26 D. Any chemical alteration of the above listed
27 intoxicating chemical compounds; or
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E. Any other substantially similar chemical structure or compound; and

2. Products that elicit psychoactive or psychotropic euphoric effects and are marketed under any of the following trade names: K2, K3, Spice, Genie, Smoke, Potpourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Ocean Blue, Stinger, Serenity, Fake Weed, and Black Mamba. The term “psychoactive herbal incense” shall not include any product, substance, material, compound, mixture, or preparation that is specifically excepted by the UCSA (Health and Safety Code section 11000 et seq.), listed in one of the UCSA’s schedules of controlled substances (Health and Safety Code sections 11053-11058), regulated by one of the UCSA’s Synthetic Drug Laws (Health and Safety Code sections 11357.5, 11375.5, and 11401), regulated by the CSA (21 U.S.C. section 81 et seq.), or approved by the FDA.

h. Psychoactive or psychotropic stimulant effects. 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.

i. Psychoactive or psychotropic euphoric effects. 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.

j. Sell. To furnish, exchange, transfer, deliver, or supply for monetary gain.

k. Synthetic Drug. Psychoactive bath salts and psychoactive herbal incense, as those terms are defined in this ordinance.

1 Section 6. PROVISION, SALE, OR DISTRIBUTION OF SYNTHETIC DRUGS IS
2 PROHIBITED.

- 3 a. It is unlawful for any person to provide, distribute, or sell any prohibited
4 synthetic drug.
- 5 b. Disclaiming a synthetic drug as “not safe for human consumption” will not
6 avoid the application of this ordinance.

7 Section 7. PROVISION, SALE, OR DISTRIBUTION OF SUBSTANCES CLAIMED
8 OR REPRESENTED TO BE SYNTHETIC DRUGS IS PROHIBITED.

- 9 a. It is unlawful for any person to claim or represent that a product that the
10 person is providing, distributing, or selling is a prohibited synthetic drug.
- 11 b. To determine if a person is claiming or representing that a product is a
12 synthetic drug, the enforcing officer may consider any of the following
13 evidentiary factors:
 - 14 1. The product is not suitable for its marketed use (such as a crystalline
15 or powder product being marketed as “glass cleaner”);
 - 16 2. The person providing, distributing, or selling the product does not
17 typically provide, distribute, or sell products that are used for that
18 product’s marketed use (such as a liquor store selling “plant food”);
 - 19 3. The product contains a warning label that is not typically present on
20 products that are used for that product's marketed use (such as “not
21 for human consumption,” “not for purchase by minors,” or “does not
22 contain chemicals banned by Section 11357.5”);
 - 23 4. The product is significantly more expensive than products that are
24 used for that product’s marketed use (e.g. a half of a gram of a
25 substance marketed as “glass cleaner” costing multiple times the
26 price of actual glass cleaner);
 - 27 5. The product resembles an illicit street drug such as cocaine,
28 methamphetamine, or marijuana; or

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6. The product's name or packaging uses images or slang referencing an illicit street drug (such as "Eight Ballz" or "Green Buddha").

c. Disclaiming a substance claimed or represented to be a synthetic drug as "not safe for human consumption" will not avoid the application of this ordinance.

Section 8. POSSESSION OF SYNTHETIC DRUGS IS PROHIBITED. It is unlawful for any person to possess any prohibited synthetic drug for the purpose of providing, distributing, or selling the synthetic drug.

Section 9. PUBLIC NUISANCE.

a. It is a public nuisance for any person to provide, distribute, or sell any prohibited synthetic drug.

b. It is a public nuisance for any person to allow the provision, distribution, or sale of any prohibited synthetic drug on property owned, controlled, or managed by such person.

c. It is a public nuisance for any person to provide, distribute, or sell any substance claimed or represented to be a prohibited synthetic drug.

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

Section 10. SEIZURE OF EVIDENCE. Any product or substance provided, distributed, sold, or possessed for the purpose of providing, distributing, or selling the product or substance, in violation of any provision of this ordinance, may be seized by any enforcing officer who issues a criminal citation under this ordinance and may be removed and stored as evidence in accordance with law.

Section 11. SUMMARY ABATEMENT. Because the use of synthetic drugs has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, seizures, rapid heart rate, and death, any violation of this ordinance presents a grave and imminent danger not only to the person consuming the synthetic drug, but also to the public at large. Thus, if the enforcing officer, based on the facts then known, determines that a violation of this ordinance has occurred or is

1 occurring, then that violation may be subject to the summary abatement procedures authorized by County
2 ordinances or other law.

3 Section 12. MODIFICATION, SUSPENSION, OR REVOCATION OF PERMIT,
4 LICENSE, OR OTHER GRANT OF AUTHORITY. If a person violates any provision of this ordinance
5 and is convicted of such violation, then in addition to any other enforcement action or remedy authorized
6 by County ordinances or other applicable law, such conviction may be grounds for modification,
7 suspension, or revocation of any permit, license, or other grant of authority by the County issued to the
8 person, or issued to any business, firm, company, corporation, public corporation, club, trust, partnership,
9 association, or similar organization owned, controlled, or managed by such person, in accordance with the
10 procedure of County ordinances or other law applicable to the respective permit, license, or other grant of
11 authority.

12 Section 13. VIOLATIONS AND PENALTIES. Any person violating any provision of
13 this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such
14 person shall be deemed guilty of a separate offense for each and every day or portion thereof during
15 which any violation of any of the provisions of this ordinance is committed, continued, or permitted. Any
16 person convicted of violating this ordinance shall be: (1) guilty of an infraction offense and punished by a
17 fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense
18 and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1)
19 year. The third and any additional violations within one (1) year shall be punishable by a fine not
20 exceeding five hundred dollars (\$500.00) for each additional infraction violation within one (1) year.
21 Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor punishable
22 by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or
23 by both such fine and imprisonment. The penalties herein are in addition to any other remedies provided
24 by law and the payment of any penalty herein shall not relieve a person of the obligation to correct the
25 violation. Nothing in this ordinance shall be construed to prevent the County from pursuing any and all
26 other legal remedies that may be available by County ordinances or other applicable law, including, but
27 not limited to, civil actions filed by County Counsel seeking any and all appropriate relief such as civil
28 injunctions, penalties and forfeiture to abate the public nuisance.

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Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

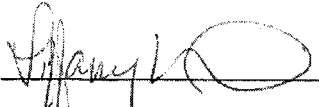
ATTEST:
CLERK OF THE BOARD:

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM

September 27, 2016

By: 
TIFFANY N. NORTH
Chief Deputy County Counsel

TNN:pt

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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

November 2, 2016

THE PRESS ENTERPRISE
P.O. BOX 792
RIVERSIDE, CA 92501

TEL: (951) 368-9268
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 932

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, November 5, 2016**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Legals <legals@pe.com>
Sent: Wednesday, November 2, 2016 8:48 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Adoption of Ord. No. 932

Received for publication on 11/5. Proof with cost to follow.

Nick Eller

Legal Advertising Phone: **951-368-9222** / Fax: 951-368-9018 / E-mail: legals@pe.com

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On Wed, Nov 2, 2016 at 8:05 AM, Gil, Cecilia <CCGIL@rcbos.org> wrote:

Adoption of Ordinance, for publication on Saturday, Nov. 5, 2016. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant

Clerk of the Board of Supervisors

(951) 955-8464

MS# 1010

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SUMMARY OF ORDINANCE NO. 932
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROHIBITING THE POSSESSION, DISTRIBUTION AND SALE OF ILLICIT SYNTHETIC
DRUGS AND DECLARING SUCH ACTIONS TO BE A PUBLIC NUISANCE

This summary is presented pursuant to California Government Code section 25124(b). A certified copy of the full text of Ordinance No. 932 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California, 92501.

Ordinance No. 932 declares it a misdemeanor or infraction to provide, distribute, sell, or to possess with the intent to sell or to possess with the intent of providing, distributing or selling synthetic drugs. In addition, it will be a public nuisance for any person to provide, distribute, or sell any synthetic drug or any substance represented as a synthetic drug or to allow this activity to take place on his or her property. The ordinance also provides that a violation of the ordinance may result in seizure of the synthetic drugs as evidence, as well as modification, suspension, or revocation of business licenses and permits. The penalties in the ordinance are in addition to any other remedies provided by law. Ordinance No. 932 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.

Ordinance No. 932 would become effective thirty days after its adoption.

John J. Benoit, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **October 25, 2016** the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Washington, Benoit and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant