

Council Bill 15-0584

1 outlets labeled as “incense” or “potpourri”. These products can produce serious
2 psychological and physiological effects including paranoia, panic attacks, increased heart rate
3 and increased blood pressure, agitation, anxiety, nausea, vomiting, tachycardia, tremors,
4 seizures, hallucinations, and non-responsiveness.

5 Synthetic cathinones, also known as “bath salts”, are chemicals that are synthetic derivatives
6 of cathinones, a central nervous system stimulant, and simulate the effect of amphetamines.
7 These products are often available for purchase in various retail outlets labeled as “bath
8 salts”. They can be found in powder, tablet, and capsule form and are usually ingested by
9 sniffing/snorting, but can also be taken orally, smoked, or put into a solution and injected.
10 Users have reported effects such as impaired perception of reality, reduced motor control, and
11 decreased ability to think clearly. These products can produce serious psychological and
12 physiological effects, including agitation, insomnia, irritability, dizziness, depression,
13 paranoia, delusions, suicidal thoughts, seizures, panic attacks, rapid heart rate, nosebleeds,
14 sweating, nausea, vomiting, heart attacks, and strokes.

15 In response to the efforts by federal and state legislators to outlaw the chemicals in these
16 psychoactive substances, chemists immediately reconfigured the specific substances that
17 were prohibited to produce “new” versions of these synthetic drugs. Consumers suffering a
18 reaction to or injury from these products have little chance of obtaining information
19 concerning the contents of the product, as the identity and locations of the manufacturers are
20 unknown.

21 The names and packaging of these substances are designed to appeal to children and young
22 adults, and increased usage among high school youths is a concern for both law enforcement
23 and the medical community.

24 The Mayor and City Council of Baltimore find that the proliferation and availability of illicit
25 psychoactive substances presents a threat to public health and safety, and additional authority
26 is warranted and necessary to eliminate these harmful products from Baltimore City.

27 Now, Therefore ...

28 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
29 Laws of Baltimore City read as follows:

30 **Baltimore City Revised Code**

31 **Article – Health**

32 **TITLE 16. PSYCHOACTIVE SUBSTANCES**

33 **SUBTITLE 1. DEFINITIONS**

34 **§ 16-101. DEFINITIONS.**

35 (A) *IN GENERAL.*

36 IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

Council Bill 15-0584

1 (B) *DISTRIBUTE.*

2 “DISTRIBUTE” MEANS TO:

3 (1) GIVE AWAY, SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE
4 DISTRIBUTE;

5 (2) OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE
6 DISTRIBUTE; OR

7 (3) CAUSE OR HIRE ANY PERSON TO:

8 (I) GIVE AWAY, SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE
9 DISTRIBUTE; OR

10 (II) OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR
11 OTHERWISE DISTRIBUTE.

12 (C) *PSYCHOACTIVE SUBSTANCE.*

13 (1) *IN GENERAL.*

14 “PSYCHOACTIVE SUBSTANCE” MEANS ANY:

15 (I) SYNTHETIC CANNABINOID;

16 (II) SYNTHETIC CATHINONE; OR

17 (III) PSYCHOACTIVE SUBSTANCE ANALOGUE.

18 (2) *EXCLUSIONS.*

19 “PSYCHOACTIVE SUBSTANCE” DOES NOT INCLUDE A SUBSTANCE THAT:

20 (I) HAS AN APPROVED DRUG APPLICATION BY THE U.S. FOOD AND DRUG
21 ADMINISTRATION; AND

22 (II) IS BEING DISTRIBUTED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND
23 STATE LAWS AND REGULATIONS.

24 (D) *PSYCHOACTIVE SUBSTANCE ANALOGUE.*

25 “PSYCHOACTIVE SUBSTANCE ANALOGUE” MEANS A SUBSTANCE THAT:

26 (1) IS AN ALKYL HOMOLOGUE OF A SYNTHETIC CANNABINOID OR SYNTHETIC
27 CATHINONE; OR

28 (2) IN ITS CHEMICAL STRUCTURE, DIFFERS FROM A SYNTHETIC CANNABINOID OR
29 SYNTHETIC CATHINONE ONLY BY:

Council Bill 15-0584

- 1 (I) SUBSTITUTING 1 OR MORE HYDROGENS WITH HALOGENS; OR
- 2 (II) SUBSTITUTING 1 OR MORE HALOGENS WITH DIFFERENT HALOGENS.

3 (E) *SYNTHETIC CANNABINOID*.

4 (1) *IN GENERAL*.

5 “SYNTHETIC CANNABINOID” MEANS A CHEMICALLY ENGINEERED SUBSTANCE THAT:

- 6 (I) HAS BINDING ACTIVITY AT 1 OR MORE CANNABINOID RECEPTORS;
- 7 (II) IS A CHEMICAL ANALOGUE OR ISOMER OF A COMPOUND THAT HAS BINDING
- 8 ACTIVITY AT 1 OR MORE CANNABINOID RECEPTORS; OR
- 9 (III) IS IDENTIFIED AS A CANNABIMIMETIC AGENT, AS DEFINED IN STATE CODE
- 10 CRIMINAL LAW ARTICLE § 5-101.

11 (2) *ILLUSTRATIONS*.

12 A SYNTHETIC CANNABINOID IS COMMONLY, BUT NOT EXCLUSIVELY, FOUND SPRAYED

13 ON DRIED HERBS, TO BE BURNED AND INHALED BY CONSUMERS.

14 (F) *SYNTHETIC CATHINONE*.

15 (1) *IN GENERAL*.

16 “SYNTHETIC CATHINONE” MEANS A CHEMICALLY ENGINEERED DERIVATIVE OF

17 CATHINONE, WHICH IS A NATURALLY OCCURRING BETA-KETONE AMPHETAMINE

18 ANALOGUE FOUND IN THE LEAVES OF THE CATHA EDULIS PLANT.

19 (2) *INCLUSIONS*.

20 “SYNTHETIC CATHINONE” INCLUDES BUTYLONE, DIMETHYLCATHINONE,

21 ETHCATHINONE, ETHYLONE, 3- AND 4-FLUOROMETHCATHINONE, MEPHEDRONE,

22 METHEDRINE, METHYLENEDIOXYPYROVALERONE (MDVP), METHYLONE, AND

23 PYROVALERONE.

24 (3) *ILLUSTRATIONS*.

25 A SYNTHETIC CATHINONE IS COMMONLY, BUT NOT EXCLUSIVELY, FOUND IN THE FORM

26 OF PILLS, CAPSULES, CRYSTALS, POWDERS, TABLETS, OR LIQUIDS.

27 **SUBTITLE 2. PROHIBITED CONDUCT**

28 **§ 16-201. DISTRIBUTION PROHIBITED.**

29 NO PERSON MAY DISTRIBUTE A PSYCHOACTIVE SUBSTANCE.

Council Bill 15-0584

SUBTITLE 3. ADMINISTRATIVE SANCTIONS

PART I. IN GENERAL

§ 16-301. NOTICE OF VIOLATION.

(A) IN GENERAL.

WHENEVER THE COMMISSIONER REASONABLY BELIEVES THAT A PERSON IS DISTRIBUTING A PSYCHOACTIVE SUBSTANCE IN VIOLATION OF THIS TITLE, THE COMMISSIONER SHALL ISSUE A VIOLATION NOTICE TO THE PERSON.

(B) CONTENTS.

THE VIOLATION NOTICE MUST:

- (1) CITE THE VIOLATION;
- (2) SPECIFY ANY CORRECTIVE ACTION TO BE TAKEN AND THE TIME WITHIN WHICH THAT ACTION MUST BE TAKEN; AND
- (3) STATE THAT A HEARING WILL BE PROVIDED TO THE PERSON, IF ONE IS REQUESTED UNDER TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE.

§ 16-302. AUTHORITY TO SEIZE, TEST, ETC.

(A) IN GENERAL.

ON REASONABLE BELIEF THAT A VIOLATION OF THIS TITLE HAS OCCURRED, THE COMMISSIONER MAY:

- (1) SEIZE AND DETAIN ANY PRODUCT SUSPECTED TO BE A PSYCHOACTIVE SUBSTANCE;
- (2) SUBMIT THE SEIZED PRODUCT FOR LABORATORY TESTING AND ANALYSIS;
- (3) RETAIN FOR USE IN FURTHER PROCEEDINGS ANY SEIZED PRODUCT FOUND TO BE A PSYCHOACTIVE SUBSTANCE; AND
- (4) DESTROY ANY PRODUCT ULTIMATELY DETERMINED TO BE A PSYCHOACTIVE SUBSTANCE INVOLVED IN A VIOLATION OF THIS TITLE.

(B) RETURN OF NON-PSYCHOACTIVE SUBSTANCES.

ANY PRODUCT FOUND NOT TO BE A PSYCHOACTIVE SUBSTANCE INVOLVED IN A VIOLATION OF THIS SUBTITLE MUST BE PROMPTLY RETURNED TO THE PERSON FROM WHOM SEIZED, LESS ANY AMOUNT DESTROYED FOR TESTING.

§§ 16-303 TO 16-305. {RESERVED}

Council Bill 15-0584

PART II. LICENSEES

§ 16-306. “LICENSE” DEFINED.

IN THIS PART II, “LICENSE” MEANS A LICENSE OR PERMIT ISSUED BY THE BALTIMORE CITY HEALTH DEPARTMENT.

§ 16-307. SUSPENSION OR REVOCATION OF LICENSE.

(A) *GROUND*S.

THE COMMISSIONER MAY SUSPEND OR REVOKE THE LICENSE OF A PERSON IF:

~~(1)~~ THE LICENSEE HAS FIRST BEEN ISSUED A VIOLATION NOTICE UNDER § 16-301 {“NOTICE OF VIOLATION”} OF THIS SUBTITLE; ~~OR~~

~~(2)~~ THE LICENSEE INTERFERES WITH THE PERFORMANCE OF THE COMMISSIONER’S DUTIES.

(B) *NOTICE AND OPPORTUNITY FOR HEARING*.

BEFORE SUSPENDING OR REVOKING A LICENSE, THE COMMISSIONER MUST PROVIDE THE LICENSEE WITH NOTICE AND OPPORTUNITY FOR HEARING, AS PROVIDED IN TITLE 2, SUBTITLE 3 {“ADMINISTRATIVE HEARINGS”} OF THIS ARTICLE.

§ 16-308. SUSPENSION OF LICENSE WITHOUT NOTICE.

(A) *ORDER OF IMMEDIATE SUSPENSION*.

IF THE COMMISSIONER CONSIDERS IT NECESSARY AND IN THE INTEREST OF PUBLIC HEALTH AND SAFETY BECAUSE OF EXIGENT CIRCUMSTANCES WHERE PUBLIC HEALTH AND SAFETY ARE UNDER IMMINENT THREAT, THE COMMISSIONER MAY ISSUE AN ORDER OF IMMEDIATE SUSPENSION TO A LICENSEE WITHOUT HAVING FIRST ISSUED A VIOLATION NOTICE UNDER § 16-301 {“NOTICE OF VIOLATION”} OF THIS SUBTITLE.

(B) *CONTENT*.

AN ORDER ISSUED UNDER THIS SECTION:

(1) MUST CITE THE VIOLATION;

(2) MUST SPECIFY THE CORRECTIVE ACTION TO BE TAKEN AND THE TIME WITHIN WHICH THAT ACTION MUST BE TAKEN; AND

(3) MAY ORDER ALL OF THE LICENSEE’S OPERATIONS TO BE DISCONTINUED IMMEDIATELY.

Council Bill 15-0584

1 (C) *OPPORTUNITY FOR HEARING.*

2 THE NOTICE MUST ALSO STATE THAT A HEARING WILL BE PROVIDED TO THE LICENSEE
3 UNDER TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE, IF ONE IS
4 REQUESTED.

5 **SUBTITLE 4. CIVIL AND CRIMINAL PENALTIES**

6 **§ 16-401. ENFORCEMENT BY CITATION.**

7 (A) *IN GENERAL.*

8 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
9 THIS TITLE MAY BE ENFORCED BY ISSUANCE OF:

10 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
11 {"ENVIRONMENTAL CONTROL BOARD"}; OR

12 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
13 CITATIONS"}.

14 (B) *PROCESS NOT EXCLUSIVE.*

15 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
16 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

17 **§ 16-402. CRIMINAL PENALTIES.**

18 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE OR OF A RULE OR REGULATION
19 ADOPTED UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT
20 TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR
21 TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

22 **§ 16-403. EACH PACKAGE OR CONTAINER A SEPARATE OFFENSE.**

23 EACH PACKAGE OR CONTAINER OF A PSYCHOACTIVE SUBSTANCE THAT IS DISTRIBUTED OR
24 INTENDED FOR DISTRIBUTION IN VIOLATION OF THIS TITLE IS A SEPARATE OFFENSE.

25 **Baltimore City Code**

26 **Article 1. Mayor, City Council, and Municipal Agencies**

27 **Subtitle 40. Environmental Control Board**

28 **§ 40-14. Violations to which subtitle applies.**

29 (e) *Provisions and penalties enumerated.*

Council Bill 15-0584

1 (7) *Health Code*

2 . . .

3 TITLE 16: PSYCHOACTIVE SUBSTANCES

4 SUBTITLE 2: PROHIBITED CONDUCT \$1,000

5 **Subtitle 41. Civil Citations**

6 **§ 41-14. Offenses to which subtitle applies – Listing.**

7 (6) *Health Code*

8 . . .

9 TITLE 16: PSYCHOACTIVE SUBSTANCES

10 SUBTITLE 2: PROHIBITED CONDUCT \$1,000

11 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
12 are not law and may not be considered to have been enacted as a part of this or any prior
13 Ordinance.

14 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
15 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City