

**CITY OF BALTIMORE
COUNCIL BILL 10-0616
(First Reader)**

Introduced by: Councilmembers Middleton, Henry, D’Adamo, Kraft, Cole, Branch, Holton,
Spector, Welch, Clarke, President Young, Councilmember Curran

Introduced and read first time: October 18, 2010

Assigned to: Public Safety and Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Police Department,
Department of Finance, Mayor’s Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Prohibited Distribution of K2 or “Spice”**

3 FOR the purpose of prohibiting the distribution of certain synthetic products or compounds,
4 variously known as K2, “Spice”, or otherwise; defining certain terms; establishing certain
5 exceptions; imposing certain penalties; and generally relating to the regulation of these
6 products or compounds.

7 BY adding

8 Article - Health

9 Section(s) 18-103

10 Baltimore City Revised Code

11 (Edition 2000)

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

14 **Baltimore City Revised Code**

15 **Article – Health**

16 **Title 18. Miscellaneous Regulations**

17
18 **§ 18-103. DISTRIBUTION OF K2 OR “SPICE”**

19 (A) *DEFINITIONS.*

20 (1) *IN GENERAL.*

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

22 (2) *DISTRIBUTE.*

23 “DISTRIBUTE” MEANS TO:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 10-0616

- 1 (I) GIVE, SELL, DELIVER, DISPENSE, OR ISSUE;
- 2 (II) OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE; OR
- 3 (III) CAUSE OR HIRE ANY PERSON TO:
 - 4 A. GIVE, SELL, DELIVER, DISPENSE, OR ISSUE; OR
 - 5 B. OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE.

6 (3) *SPICE*.

7 "SPICE" MEANS ANY MATERIAL, SUBSTANCE, COMPOUND, MIXTURE, OR PREPARATION,
8 IN ANY FORM AND BY WHATEVER NAME KNOWN ("SPICE", "K2", OR OTHERWISE),
9 THAT CONTAINS THE COMPOUND JWH-018 OR JWH-073.

10 (B) *SCOPE*.

11 THIS SECTION DOES NOT APPLY TO ANY ACCREDITED ACADEMIC, MEDICAL, OR RESEARCH
12 FACILITY, OR ANY OF THEIR AUTHORIZED AGENTS, CONDUCTING RESEARCH ON SPICE.

13 (C) *PROHIBITED CONDUCT*.

14 (1) A PERSON MAY NOT PURCHASE, USE, OR POSSESS SPICE.

15 (2) A PERSON MAY NOT DISTRIBUTE ANY SUBSTANCE:

- 16 (I) THAT THE PERSON REPRESENTS TO BE SPICE;
- 17 (II) THAT THE PERSON INTENDS TO BE USED OR DISTRIBUTED AS SPICE; OR
- 18 (III) UNDER CIRCUMSTANCES THAT ONE REASONABLE SHOULD KNOW THAT THE
19 SUBSTANCE WILL BE USED OR DISTRIBUTED AS SPICE.

20 (D) *CRIMINAL PENALTIES: \$500 60 DAYS*.

21 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR
23 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR
24 EACH OFFENSE.

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

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