

SECTION 6: Synthetic Drugs

Statement of Purpose

Whereas it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/ hallucinogens pose health, safety, and welfare issues for the residents of Wareham.

- 1. Authority:** This regulation is promulgated pursuant to the authority granted to the Wareham Board of Health by Massachusetts General Laws Chapter 111, Section 31 that “Boards of Health may make reasonable health regulations.”
- 2. Definitions:** As used in this Section, the following terms shall have the meaning ascribed to them below:
 - A. Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.
 - B. Synthetic Marijuana: (i) any substance as defined by 21 U.S.C. §812(d), excluding "marijuana" as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or, (ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.
 - C. Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.
 - D. Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

3. Prohibited Activity:

- A. No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.
 - B. This Regulation shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".
- 4. **Penalty for violation:** Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense. Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.
 - 5. This regulation may be enforced by criminal complaint before the District Court, or, by noncriminal disposition.
 - 6. **Severability:** If any part of this regulation or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

This regulation was approved by the Board at a legally posted and regularly scheduled meeting held October 2, 2013. This regulation shall take effect immediately upon publication of a summary in a newspaper of general circulation in the Town, which date shall be posted on the front page of this regulation.