

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Sheriff - Coroner	(2) MEETING DATE 2/2/2016	(3) CONTACT/PHONE Ian Parkinson 781-4540	
(4) SUBJECT Hearing to consider an ordinance, adding Chapter 7.45 to Title 7 of the County Code banning the possession, distribution, and sale of synthetic drugs. Introduced January 5, 2016. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Adopt the proposed ordinance banning the possession, distribution, and sale of synthetic drugs.</li> <li>2. Waive the reading of the ordinance.</li> <li>3. Authorize the Clerk to publish a summary in a newspaper of general circulation in the County within 15 days after adoption of the proposed ordinance by your Board, which can act as an alternative publication pursuant to Government Code Section 25124(b)(1).</li> </ol>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT { } Consent    { } Presentation <b>{X}</b> Hearing (Time Est. 25 min)    { } Board Business (Time Est.____)			
(11) EXECUTED DOCUMENTS { } Resolutions    { } Contracts <b>{X}</b> Ordinances    { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5 Vote Required <b>{X}</b> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A    Date: <u>1/5/2016</u> Item #19 _____	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Sheriff - Coroner / Ian Parkinson - 781-4540

DATE: 2/2/2016

SUBJECT: Hearing to consider an ordinance, adding Chapter 7.45 to Title 7 of the County Code banning the possession, distribution, and sale of synthetic drugs. Introduced January 5, 2016. All Districts.

## **RECOMMENDATION**

It is recommended that the Board:

1. Adopt the proposed ordinance banning the possession, distribution, and sale of synthetic drugs.
2. Waive the reading of the ordinance.
3. Authorize the Clerk to publish a summary in a newspaper of general circulation in the County within 15 days after adoption of the proposed ordinance by your Board, which can act as an alternative publication pursuant to Government Code Section 25124(b)(1).

## **DISCUSSION**

Recreational use of synthetic drugs, which are frequently distributed and sold as bath salts, herbal incense, spice, and other euphemistic names, have documented adverse effects which include hallucinations, agitation, psychotic episodes, aggression, suicidal and homicidal ideations, seizures, rapid heart rate and death. State and Federal laws and regulations have attempted to prohibit some synthetic drugs but the manufacturers of these drugs continually alter the composition of the drug's compounds to escape the scope of these laws and regulations.

Synthetic drugs are extremely dangerous and are gaining popularity at a disturbing rate, especially among our high school and college aged individuals. These drugs are available for purchase in stores and shops throughout the County despite the State of California and Federal Government's attempts to ban such drugs. Despite their best efforts these State and Federal laws and regulations are not comprehensive enough to eliminate the distribution and sale of all synthetic drugs. Products obviously being marketed for use as a synthetic drug are even being packaged with advertisements stating the product does not contain compounds specifically banned by the State Synthetic Drug Laws.

Unfortunately, we have witnessed the tragedies associated with the use of these synthetic drugs here in our own County. In October 2014, an accident on Highway 1 near Cayucos resulted in four passengers being thrown from a vehicle which resulted in the loss of lives of a 17 year old young man and a 22 month old child. According to the investigation conducted by the California Highway Patrol, the driver of the vehicle had smoked "spice" that he had purchased at a smoke shop in Cambria prior to the accident.

Because of these types of tragedies, this proposed ordinance has become rather common place in California including cities within our County. This ordinance is based on similar ordinances within other counties and cities throughout California. The cities within our County who have already adopted a similar ordinance are Atascadero, Paso Robles, Morro Bay, San Luis Obispo, Pismo Beach, as well as cities along our southern border including Santa Maria, Guadalupe,

and Lompoc. With the majority of the cities within our County already having adopted a similar ordinance, it is imperative that our County adopt an ordinance banning the possession, distribution, and sale of synthetic drugs to avoid the migration of increased sales to the unincorporated areas where currently no ordinance is in place.

This ordinance if passed by the Board of Supervisors will give law enforcement the tools to consider all factors related to the possession for sales and marketing of synthetic drugs within the County. Law enforcement can then make a determination on a case by case basis whether a product that does not come under purview of the State Synthetic Drug Laws or the Controlled Substance Act is a synthetic drug intended for recreational drug use and take appropriate enforcement action.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed and approved the ordinance as to form and legal effect. The District Attorney's office has also reviewed the ordinance.

### **FINANCIAL CONSIDERATIONS**

The ordinance, if approved, will not result in any additional General Fund expense. The cost of enforcement of the ordinance will be absorbed as part of the fixed costs already included in each department's budget.

Failure to comply with any of the requirement of the ordinance is a misdemeanor punishable by imprisonment in the county jail for a period of (6) months or by a fine not exceeding one thousand (\$1,000).

Where the District Attorney determines that, in the interest of Justice, a violation of this ordinance is an infraction, such an infraction is punishable by a fine not exceeding one hundred (\$100) for the first violation, a fine not exceeding two hundred (\$200) for the second violation of the same provision within one year, and a fine not exceeding five hundred (\$500) for each additional infraction violation of the same provision within one year.

Any revenue received from enforcement of this ordinance will be allocated between the Courts Maintenance of Effort Fund (75%) and County General Fund (25%).

### **RESULTS**

The results of this Board action will provide law enforcement in the County of San Luis Obispo the authority to investigate and when appropriate take enforcement action on businesses who possess for sale and/or distribution certain intoxicating chemical substances not regulated by the State Synthetic Drug Laws or the Controlled Substance Act. This meets two of the County's community-wide results:

A Safe Community - "The County will strive to create a community where all people-adults and children alike-have a sense of security and well-being, crime controlled, fire and rescue response is timely, and roads are safe."

A Healthy Community - "The County will strive to ensure all people in our community enjoy healthy, successful and productive lives, and have access to the basic necessities.

### **ATTACHMENTS**

1. Synthetic Drug Ordinance