

Introduced and Read: \_\_\_\_\_, 2013  
Second Reading and Adoption: \_\_\_\_\_, 2013  
Posted: \_\_\_\_\_ to \_\_\_\_\_, 2013  
Effective Date: \_\_\_\_\_, 2013

**CITY OF MOUNT RAINIER, MARYLAND  
ORDINANCE 3-2013**

(Drafted by City Attorney)

Introduced by: \_\_\_\_\_

**An Ordinance amending Chapter 10, Peace and Order,  
of the *Mount Rainier Code* prohibiting the sale and possession of synthetic drugs.**

**WHEREAS**, It shall be unlawful to use or possess with intent to use synthetic drug paraphernalia; and

**WHEREAS**, there have been complaints to the City about the sale of synthetic drugs, particularly in retail establishments in the City; and

**WHEREAS**, It shall be unlawful to offer for sale, deliver, sell or distribute any product that contains a synthetic drug or is chemically enhanced by whatever name called without having appended thereto a list of ingredients and chemical compounds; and

**WHEREAS**, It shall be unlawful to own rent or otherwise utilize a store dwelling building or other facility for (i) the purpose of administering selling displaying distributing possessing or dispensing a cannabimimetic agent or a hallucinogenic chemical substance or (ii) manufacturing distributing dispensing storing or concealing synthetic drug paraphernalia.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF MOUNT RAINIER, MARYLAND**, the *Mount Rainier Code* is amended as follows:

**CHAPTER 10**

**PEACE AND ORDER**

\* \* \*

**Section 10-125. Synthetic drugs.**

A. Definitions:

*Cannabimimetic agent* means any substance that is a cannabinoid receptor type 1 (CB<sub>1</sub> receptor) agonist as demonstrated by binding studies and functional assays within the structural classes identified below:

2-(3-hydroxycyclohexyl) phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

3-(1-naphthoyl) indole or 3-(1-naphthyl) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

1-(1-naphthylmethyl) indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

*Hallucinogenic chemical substance* means any product or substance that contains one or more of the following chemical compounds:

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497)

5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-44, 497 C8-homolog)

1-pentyl-3-(1-naphthoyl) indole (JWH-018 and AM678)

1-butyl-3-(1-naphthoyl) indole (JWH-073)

1-hexyl-3-(1-naphthoyl) indole (JWH-019)

1-[2-(4-morpholinyl) ethyl]-3-(1-naphthoyl)indole (JWH-200)

1-pentyl-3-(2-methoxyphenylacetyl) indole (JWH-250)

1-pentyl-3-[1-(4-methoxynaphthoyl)]I ndole (JWH-081)

1-pentyl-3-(4-methyl-1-naphthoyl) indole (JWH-122)

1-pentyl-3-(4-chloro-1-naphthoyl) indole (JWH-398)

1-(5-fluoropentyl)-3-(1-naphthoyl) indole (AM2201)

1-(5-fluoropentyl)-3-(2-iodobenzoyl)I ndole (AM694)

1-pentyl-3-[(4-methoxy)-benzoyl] indole (SR-19 and RCS-4)

1-cyclohexylethyl-3-(2-methoxyphenylacetyl) indole (SR-18 and RCS-8)

1-pentyl-3-(2-chlorophenylacetyl) indole (JWH-203)

*Prohibited substance* means salvia, a cannabimimetic agent, or a hallucinogenic chemical substance.

*Salvia* means a material, compound, mixture or preparation in any form that contains the component salvinorin A, and is known variously as Salvia, Salvia Divinorum, Ska Pastora, Diviner's Mint, Sally-D, Lady Salvia or any other name.

*Salvia paraphernalia* means equipment, a product, or material that is used, intended for use, or designed for use, in: (i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing salvia; or (ii) injecting, ingesting, inhaling or otherwise introducing salvia into the human body, as defined and set forth in § 5-101 Criminal Law Article, Md Code Ann., pursuant to the factors set forth in § 5-619 of said Criminal Law Article.

*Synthetic drug paraphernalia* means equipment that is used, intended for use, or is designed for use in: (i) manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a cannabimimetic agent or hallucinogenic chemical substance; or (ii) injecting, ingesting, inhaling, or otherwise introducing a cannabimimetic agent or hallucinogenic chemical substance into the human body as defined in Md. Code Ann., Criminal Law Art., § 5-101, pursuant to the factors set forth in Md. Code Ann., Criminal Law Art., § 5-619.

B. Prohibited acts.

A person may not:

1. possess or administer to another a prohibited substance;
2. manufacture, distribute, or dispense a prohibited substance;
3. distribute or attempt to distribute a non-prohibited substance: (i) that the person represents is a prohibited substance; (ii) that the person intends for use or distribution as a prohibited substance; or (iii) knowing, or under circumstances where one reasonably should know, that the non-controlled substance will be used or distributed for use as a prohibited substance;
4. possess or purchase a non-controlled substance that the person believes is a prohibited substance;

5. use or possess with intent to use salvia paraphernalia or synthetic drug paraphernalia;
6. offer for sale, deliver, sell or distribute salvia paraphernalia or synthetic drug paraphernalia;
7. own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing a prohibited substance; or (ii) manufacturing, distributing, dispensing, storing or concealing salvia paraphernalia or synthetic drug paraphernalia; or
8. offer for sale, deliver, sell, or distribute any product that contains a synthetic drug or is chemically enhanced, by whatever name called, without having appended thereto a list of ingredients and chemical compounds.

C. Violations and penalties.

A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for up to six months or a fine of up to \$1,000.00 or both.

**THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

**Attest:**

\_\_\_\_\_  
**Jeannelle B. Wallace, City Manager**

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**Malinda Miles, Mayor**

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**Jimmy Tarlau, Councilmember Ward 1**

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**William Updike, Councilmember Ward 1**

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**Ivy R. Thompson, Councilmember Ward 2**

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**Brent Bolin, Councilmember Ward 2**