

Report

MEETING OF THE CITY COUNCIL

MEETING DATE: February 28, 2012

SUBJECT: Psychoactive Bath Salts and Psychoactive Herbal Incense and other Synthetic Drugs Ordinance

Recommendation

Consider adopting the Psychoactive Bath Salts and Psychoactive Herbal Incense and other Synthetic Drugs Ordinance.

Background

At the request of Council Member Jones, staff has brought back for City Council consideration an ordinance that would make psychoactive bath salts and psychoactive herbal incense and other synthetic drugs a public nuisance.

Before the City Council is an ordinance that would make the distribution, possession, use, purchase or advertisement of psychoactive bath salts and psychoactive herbal incense and other synthetic drugs either a criminal or civil enforcement action. This ordinance is similar to that which was adopted by the City of Chula Vista.

Discussion

The proposed ordinance would prohibit the distribution, possession, use, purchase or advertisement of psychoactive bath salts and psychoactive herbal incense in the City of San Marcos. This ordinance would give code compliance and law enforcement another tool to reduce the availability and use of these dangerous drugs.

Psychoactive bath salts, commonly marketed as "bath salts" and psychoactive herbal incense, commonly marketed as "spice" or "K2," are becoming increasingly popular with teenagers and young adults as an illegal alternative to marijuana and other drugs. These products contain dangerous chemical compounds that are designed to mimic the psychotropic effects of illegal stimulants and hallucinogens, such as LSD, cocaine, methamphetamine and marijuana. Manufacturers of these products are exploiting a loop hole in the Federal Controlled Substances Act by manipulating the chemical compounds of these products to technically remain legal. Health effects of these substances have been reported to include cardiac arrest, seizures, extreme anxiety/agitation, violent behavior, extreme paranoia, delusional thinking, visual and auditory hallucinations, suicidal thoughts, increased blood pressure and heart rate, renal and kidney failure and death.

The U.S. Drug Enforcement Agency has used its emergency powers to name three of the chemical compounds as Schedule 1 controlled substances to control the manufacturing of these so-called "bath salts." Last year, the legislature passed and the governor signed AB 486 and SB 420, banning the sale of "bath salts" and "spice," but not the possession of these substances. Notwithstanding these efforts, a gap remains in the law governing both these products. The loop hole arises from the naming of specific substances, leaving the potential for the manufacturers of these products to manipulate the chemical ingredients in a way that could avoid criminal prosecution. This new compound has the same or similar psychoactive effects of the banned compound. The ordinance before the City Council fills the vacuum and allows for immediate action at the local level.

In August of last year, the City Council and the San Marcos Sheriff's Captain Barnett jointly authored a letter that asked San Marcos retailers to voluntarily agree not to sell or market either "bath salts" or "spice" in the community. However, according to San Marcos Sheriff's Deputies, these dangerous products are being used by the youth in our community.

In January of this year, the San Diego County District Attorney sent a similar letter to businesses in the county warning that they will be prosecuting under the new state law.

This ordinance is similar to ordinances passed in Chula Vista and is similar to an ordinance being considered by the County of San Diego.

Fiscal Effect:

The city currently has the resources in code compliance and in law enforcement to enact the provisions of this ordinance. There is no anticipated fiscal effect.

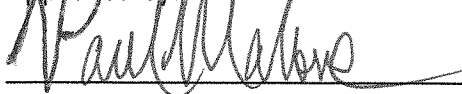
Attachments

- Psychoactive Bath Salts and Psychoactive Herbal Incense and Other Synthetic Drugs Ordinance
- August 2011 letter mailed to San Marcos business
- San Diego County DA's press release on "spice and bath salts"
- DEA drug fact sheet

Prepared by:


Lydia Romero, Deputy City Manager

Approved by:


Paul Malone, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS AMENDING THE SAN MUNICIPAL CODE TO ADD CHAPTER 10.50 (PSYCHOACTIVE BATH SALTS AND PSYCHOACTIVE HERBAL INCENSE AND OTHER SYNTHETIC DRUGS) TO TITLE 10 (PUBLIC SAFETY, MORALS AND WELFARE) MAKING THE DISTRIBUTION, POSSESSION, USE, PURCHASE OR ADVERTISEMENT OF PSYCHOACTIVE BATH SALTS AND PSYCHOACTIVE HERBAL INCENSE A PUBLIC NUISANCE SUBJECT TO EITHER CRIMINAL OR CIVIL ENFORCEMENT ACTION

WHEREAS, the City Council is concerned for the safety and health of San Marcos citizens because the use, sale and distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense pose serious threats to their health, safety and general welfare;

WHEREAS, according to credible news reports and authorities, Psychoactive Bath Salts and Psychoactive Herbal Incense have caused or been linked to numerous deaths, medical emergencies, acts of violence, and other incidents throughout the United States and Europe;

WHEREAS, calls to the United States Poison Control Center have substantially increased over the past year with regard to the ill-effects of Psychoactive Bath Salts and Psychoactive Herbal Incense;

WHEREAS, Psychoactive Bath Salts have been falsely marketed as standard bath salts for use in one's bath, but in fact have been ingested, snorted and used intravenously by many people throughout the United States with serious, deleterious effects to such persons' health including extreme anxiety/agitation, sometimes progressing to violent behavior, extreme paranoia, delusional thinking, visual and auditory hallucinations, suicidal thoughts/actions, increased blood pressure and heart rate, renal and kidney failure;

WHEREAS, Psychoactive Bath Salts, are in fact "designer drugs" which have been manufactured with chemical substances that are intended to mimic and recreate the effects of cocaine and methamphetamine which are illegal, controlled substances under state and federal law;

WHEREAS, Psychoactive Herbal Incense has been falsely marketed as standard incense used for its aromatic qualities, but in fact has been ingested or smoked by many people throughout the United States with serious, deleterious effects to the person's health including cardiac arrest, seizures, anxiety/agitation, sometimes progressing to violent behavior, extreme paranoia, delusional thinking, visual and auditory hallucinations, suicidal thoughts/actions, increased blood pressure and heart rate, renal and kidney failure;

WHEREAS, Psychoactive Herbal Incense, are in fact “designer drugs” which have been manufactured with chemical substances that are intended to mimic and recreate the euphoric effects of marijuana which is an illegal, controlled substance under federal law;

WEHREAS, California and many other states have banned the use, sale, and distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense and the chemical substances contained therein;

WHEREAS, the Federal Drug Enforcement Agency has used its emergency powers under the Controlled Substances Act to declare many of the chemical substances contained in Psychoactive Bath Salts and Psychoactive Herbal Incense illegal;

WHEREAS, notwithstanding the federal and state laws, there remain serious gaps in the applicable law that warrant further action at a local level including, but not limited to, rapid alteration of the chemical structure, compound or content of Psychoactive Bath Salts and Psychoactive Herbal Incense to avoid earlier enacted bans and regulations;

WHEREAS, San Marcos retailers are or should be aware of significant ill-effects of Psychoactive Bath Salts and Psychoactive Herbal Incense, yet some continue to sell these dangerous products;

WHEREAS, the ordinance is not designed to control the use, sale or distribution of normal bath salts or incense that do not contain designer chemical compounds that elicit psychotropic effects;

WHEREAS, based upon the facts described above, and other good and reliable information presented to and considered thereby, the City Council determined that the distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos constitutes a public nuisance because it is injurious to the health, safety and general welfare of San Marcos citizens;

WHEREAS, the City has the authority to regulate matters relating to municipal affairs pursuant to its Charter in addition to the authority provided by Government Code § 38771 authorizing municipalities to declare public nuisances; and

NOW, THEREFORE, the City Council of the City of San Marcos does, hereby, ordain as follows:

SECTION I. Based upon the facts described above, and other good and reliable information presented to and considered thereby, the City Council finds, determines and declares that:

- A. The distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos is a public nuisance; and

B. This ordinance is necessary as an emergency measure for preserving the public peace, health, safety and general welfare of the community given the immediate and serious threat thereto posed by the distribution and use of Psychoactive Bath Salts and Psychoactive Herbal Incense.

SECTION II. Chapter 10.50 of San Marcos Municipal code is hereby approved and enacted as follows:

CHAPTER 10.50 PSYCHOACTIVE BATH SALTS AND PSYCHOACTIVE HERBAL INCENSE AND OTHER SYNTHETIC DRUGS

- 10.50.010 Purpose and Intent.
- 10.50.020 Definitions.
- 10.50.030 Sale and/or Distribution of Synthetic Cannabinoids or Substituted Cathinones Prohibited
- 10.50.040 Possession of Synthetic Cannabinoids or Substituted Cathinones Prohibited
- 10.50.050 Public Nuisance
- 10.50.060 Enforcement
- 10.50.070 Exemption for Approval by FDA or California Law.

10.50.010 Purpose and Intent.

The purpose and intent of this ordinance is to address the dangers to the community posed by the distribution, use, purchase or advertisement of Psychoactive Bath Salts, Psychoactive Herbal Incense, and similar products, and to provide the City with reasonable measures to abate the public nuisance created by such conduct.

10.50.20 Definitions.

A. Psychoactive Bath Salts are defined as follows:

1. Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to, the following substances: 3,4-Methylenedioxymethcathinone (Methylone), 3,4-Methylenedioxypropylvalerone (MDPV), 4-Methylmethcathinone (Mephedrone), 4-methoxymethcathinone (Methedrone), 4-Fluoromethcathinone (Flephedrone), 3-Fluoromethcathinone (3-FMC), naphthylpyrovalerone and 2-amino-1-phenyl-1-propanone (cathinone) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

2. Psychoactive Bath Salts are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning but may be marketed under other trade names and contain a common disclaimer that these products are “not safe for human consumption.”

3. Psychoactive Bath Salts do not include normal, standard bath salts that do not contain synthetic chemical compounds such as those listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

B. Psychoactive Herbal Incense is defined as follows:

1. Any organic product consisting of plant material that contains a synthetic chemical compound that elicits psychoactive or psychotropic euphoric effects including but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-2-(4-morpholinyl) ethyl]-3-(1-naphthoyl) indole (JWH-200), 5-(1,1-dimethylheptyl)-2-(1R, 3S)-3-hydroxycyclohexyl]-phenol, (CP-47, 497), 5-(1,1-dimethyloctyl)-2-(1R, 3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol; CP-47, 497 C8 homologue) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

2. Psychoactive Herbal Incense products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Stinger, Serenity, Fake Weed, Black Mamba, but may be marketed under other trade names and may contain a common disclaimer that these products are “not safe for human consumption.”

3. Psychoactive Herbal Incense does not include normal, standard incense that are sold as incense sticks, oils or cones that are commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above that elicit psychoactive or psychotropic euphoric effects.

- C. "Distribute", "distributing" or "distribution" means and covers the following activity: to offer for sale, distribute, furnish, gift, transfer, exchange or give, to any person and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.
- D. "Person" means any individual, corporation, business trust, estate, trust, partnership or association, or any other entity responsible for "distributing" Psychoactive Bath Salts and Psychoactive Herbal Incense.
- E. "Advertising" means printed matter that calls the public's attention to things for sale.
- F. "Possession" means having for use or sale in one's actual or constructive custody and/or control, and/or under one's authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.

10.50.30 Sale and/or Distribution of Cannabinoids or Substituted Cathinones Prohibited

- A. It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.
- B. It is unlawful for any person to offer for sale, distribution, delivery, trade or barter any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.
- C. It is unlawful for any person to advertise or display any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.
- D. It is unlawful for any person to claim or represent that a product or substance is a Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

10.50.040 Possession of Synthetic Cannabinoids or Substituted Cathinones Prohibited

It is unlawful for any person to possess any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

10.50.050 Public Nuisance.

- A. It is a public nuisance for any person to distribute Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos.

- B. It is a public nuisance for any person to distribute any product or substance represented as or designed to resemble Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos. Indications of distribution of substances represented as or designed to resemble Psychoactive Bath Salts and Psychoactive Herbal Incense shall include, without limitation, one or more of the following: the manner in which such substances are packaged, branded, described, marketed and/or portioned.
- C. It is a public nuisance for any person to allow the distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense on property owned, controlled or managed by such person within the City of San Marcos.
- D. Merely disclaiming these products as “not safe for human consumption” will not avoid the application of this ordinance.

10.50.060 Enforcement.

- A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter shall be punishable in accordance with the provisions of Section 1.12.010 of the San Marcos Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.
- B. Civil Action. In addition to any other remedies provided in this Chapter, any violation of this Chapter may be enforced by civil action brought by the City pursuant to section 1.12.020 of this Code.
- C. Administrative Citation. Alternatively, any violation of this Chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.14 of this code, to include civil fines not exceeding one thousand dollars (\$1,000.00) per offense and per occurrence.

10.50.070 Exemption for approval by FDA or California Law.

This chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds which have been approved by the federal Food and Drug Administration or which are specifically permitted by California law.

Section III. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Section IV. Effective Date. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance of the title thereof, as a summary as required by state law.

Section V. Certification. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in accordance with the provisions of State Law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the ____ day of _____, 2012, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos held on the ____ day of _____, 2012, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Susie Vasquez, City Clerk
City of San Marcos

APPROVED AS TO FORM:

Helen Holmes Peak, City Attorney
City of San Marcos



San Diego County Sheriff's Department

182 Santar Place • San Marcos, California 92069-6450



William D. Gore, Sheriff

Thomas J. Cooke, Undersheriff

August 4, 2011

Dear Retailer,

On behalf of the City of San Marcos and the San Diego County Sheriff's Department and in cooperation with Mental Health Systems' North Inland Community Prevention Program (NICPP), we need your help with an important public safety issue.

Your help is needed to reduce the availability of dangerous synthetic drug products. The availability of synthetic drugs in products such as herbal incense and bath salts poses a real danger to our young people and anyone else who uses or comes into contact with such substances. These products are commonly called "Spice" or "Bath Salts".

On March 1, 2011, the U.S. Drug Enforcement Administration (DEA) issued a final order published in the Federal Register (76 Fed. Reg. 11075) temporarily placing five (5) synthetic cannabinoids (similar to the active ingredient in marijuana) into the Controlled Substances Act as Schedule I substances. Additionally, federal legislators are proposing new legislation to curtail the growing marketing and use of these dangerous products. In addition, a proposed California law would make it a misdemeanor to sell, dispense, distribute, or possess for sale any synthetic cannabinoid compound or any synthetic cannabinoid derivative. This law may take effect January 1, 2012.

We call upon our local business community to simply say "no" to the sale of products used as synthetic marijuana and stimulants to demonstrate their community-minded support for public health and safety. Whether or not the law has caught up to the ever-changing chemical makeup of these dangerous drugs, we know they pose a health and safety risk to consumers. By simply refusing to stock or sell these items you prevent customers from suffering serious illness or injury. Additional information from the Mental Health Systems' North Inland Community Prevention Program (NICPP) is enclosed.

The San Marcos City Council has taken a strong stand against the sale or distribution of marijuana within the city limits. Nationally, calls to poison control centers for problems resulting from herbal incense and bath salts containing synthetic cannabinoids have increased dramatically – from 13 such calls in 2009 to over 1,000 in 2010. Despite the misleading labels on many of these herbal incense, bath salts, or similar products that read "Not for Human Consumption", many retailers and purchasers are aware that these products are simply an alternative to illegal marijuana.

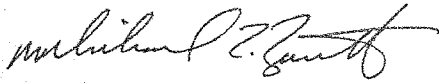
"Keeping the Peace Since 1850"

AGENDA ITEM
16.10

If you have any questions, please contact the San Marcos Sheriff's Station at (760) 510-5200.

Very Truly Yours,

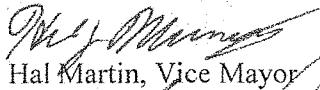
WILLIAM D. GORE, SHERIFF



Michael R. Barnett, Captain
San Marcos Station



Jim Desmond, Mayor



Hal Martin, Vice Mayor



Chris Orlando, Council Member



Rebecca Jones, Council Member

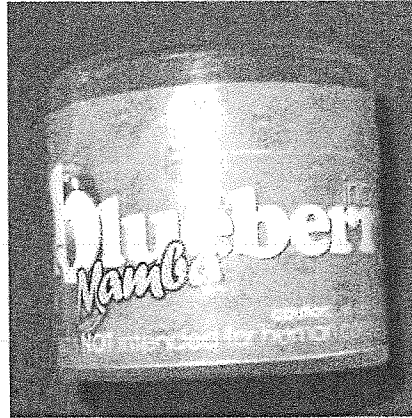


Kristal Jabara, Council Member

MRB

Enclosure

News and Photos of Synthetic Drugs



LOS ANGELES TIMES, MAY 17, 2011, BY SHARI ROAN

Synthetic marijuana is linked to psychosis that can last for months

HONOLULU – Synthetic marijuana, known on the street as Spice, can cause a lengthy bout of psychosis in some users, according to research presented at the American Psychiatric Assn. annual meeting.

Doctors at the Naval Medical Center in San Diego reported on 10 patients who were hospitalized for psychosis after using Spice. The synthetic cannabis is also known as K2, Blaze or Red X Dawn. The drug consists of plant material coated with synthetic chemicals meant to produce a high similar to marijuana.

However, symptoms in the 10 patients, who were ages 21-25, included auditory and visual hallucinations, paranoid delusions and thoughts of suicide. Most of the patients recovered from the psychosis in five to eight days but symptoms lasted as long as three months in some people.

Synthetic marijuana has become an issue in the military, in substance-abuse treatment facilities and other settings because it cannot be detected in standard, urine-based drug tests.

BALTIMORE SUN NEWS MAY 27, 2011

"Bath salts" new designer drug craze

Designer drugs designed to look like benign "bath salts" are the newest narcotic, and they're available legally in shops and over the Internet. Still, federal authorities are cracking down, going after people for improperly packaging and labeling the material.

Feds earlier this week raided a storage facility in of all places New Market and seized two barrels of white powder that is marketed as bath salts and gives a high similar to cocaine. The Sun's Jessica Anderston takes us inside a bust in Howard County that led to a broader investigation. Pictured at left is a stock image from the U.S. Drug Enforcement Administration.

And health officials warn that these new synthetic drugs are dangerous. Eight midshipmen got expelled earlier this year after being found with synthetic marijuana. Here, Jessica writes about visiting a "head shop" in Towson:

Geoff Gentry, who has owned Elevation Underground smoke shop in Towson since 2007, said customers began asking for bath salts late last year, and he still gets calls, including one that came as he was speaking to a reporter Tuesday afternoon.

"People are so afraid of losing their jobs because of drug tests," he said, so they look for alternatives that are not detected. "[Distributors] are capitalizing on the whole random drug test thing," he said, adding that "the populace of people after this stuff is astounding."

And when there's a demand, there's a supplier. "I go to trade shows, and the stuff is practically thrown at me," he said.

But Gentry said he's never been interested in selling bath salts or spice. "To me, it's really a moral question. I just sleep better at night knowing I'm not encouraging this synthetic drug."

For local information, please contact North Inland Community Prevention Program to reduce the harm of alcohol, marijuana and other drugs. 858-391-9303

(funded in part by the County of San Diego, HHS, Alcohol and Drug Services)

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

San Diego
330 West Broadway
San Diego, CA 92101
(619) 531-4040

BONNIE M. DUMANIS
DISTRICT ATTORNEY

<http://www.SanDiegoDa.com>

January 31, 2012
For Immediate Release

See Video

Contact: Steve Walker, (619) 531-3890
Tanya Sierra, (619) 531-3315
En Español Jesse Navarro, (619) 531-3053

DA, Sheriff Enforce New Law Banning Dangerous 'Bath Salts,' Designer Drugs

Warning Letters Sent to Businesses; Public Educated on Dangers

San Diego County District Attorney Bonnie M. Dumanis and San Diego County Sheriff Bill Gore today announced their offices are sending letters to nearly 100 businesses in the county, warning they could face criminal or civil penalties if they don't follow a new state law banning the sale of synthetic drugs, including an increasingly popular and dangerous drug commonly known as 'bath salts.'

"We're taking this action to let businesses know about the new law and penalties they could face," Dumanis said. "More importantly, we want to be proactive to let San Diegans know how dangerous these drugs can be. 'Bath salts' in particular have been linked to an alarming number of calls to poison control centers and scary emergency room visits."

The first wave of letters is being mailed today to mini-marts, convenience stores and other businesses that have been known to sell 'bath salts.' The letters inform store owners about the new law and explain that failure to comply with the law could result in criminal prosecution or a civil enforcement action. Potential sanctions include fines and imprisonment or permanent injunctions and substantial civil penalties.

"One of our concerns surrounding the use of these designer drugs is the inherent innocence in their names," Sheriff Bill Gore said. "Make no mistake: these are toxic substances that can and have resulted in death. Our goal in sending this letter and holding this news event is to educate parents, businesses and the public on the dangers of 'spice' and 'bath salts.'"

"We are taking this new threat to our children seriously," said Supervisor Greg Cox. "That's why I will soon partner with the District Attorney and the Sheriff to seek a civil abatement ordinance that will allow us to target those in the unincorporated area who sell or provide these dangerous drugs to our children."

Assembly Bill 486, authored by Assemblyman Ben Hueso, went into effect October 9, 2011 and makes it illegal to sell, dispense, distribute, furnish, administer or possess for sale synthetic stimulants commonly known as 'bath salts.' California joined several other states, Canada,

Australia and the United Kingdom in acting to place bans on the drugs. Last September, the U.S. Drug Enforcement Administration (DEA) invoked its "emergency scheduling authority" to control the three synthetic stimulants contained in 'bath salts.'

"The Governor's signature on this bill gives law enforcement the authority it needs to go into stores and remove these harmful drugs from the shelves," Hueso said. "This new law is making a huge difference, especially in the lives of children in San Diego County."

'Bath salts' are a synthetic stimulant that contains amphetamine-like chemicals, including mephedrone, which can have a high risk for overdose. Doctors at poison centers and emergency rooms have reported the drug can cause rapid heartbeat, high blood pressure, chest pain, agitation, hallucinations, extreme paranoia, delusions and suicidal thoughts. The drugs come in powder and crystal forms like traditional bath salts—hence the name. Users typically snort, inject or smoke them. The drugs are sold under names such as "Ivory Wave," "Purple Wave," "Vanilla Sky," and "Bliss."

On January 19, the San Diego County Board of Education adopted a resolution granting school districts express authority to discipline students for conduct involving or related to 'bath salts' and other synthetic drugs.

Poison control centers have reported a huge increase in the number of calls about exposure to bath salts. In 2010, the American Association of Poison Control Centers reported 303 calls; in 2011 it reported 6,072 calls.

Also attending the news conference in support of the District Attorney's letters to businesses were San Diego Police Chief William Lansdowne; Naval Criminal Investigative Service (NCIS) Special Agent-in-Charge Jeffery Morrow; and Deputy District Attorneys Steve Robinson and Thomas Papageorge along with Neighborhood Market Association President Mark Arabo.

"The San Diego Police Department is committed to enforcing the laws of the State of California, as well as ensuring public safety," said San Diego Police Chief William Lansdowne. "This includes warning business owners who engage in the sales of illegal synthetic drugs, commonly known as 'bath salts,' that they may face criminal and civil penalties, if found to be in violation of the new state law."

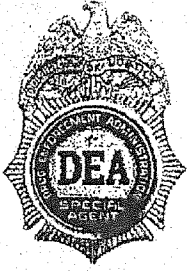
"NCIS wholeheartedly endorses changes in the drug laws and commends the District Attorney's initiative to eliminate the local retail sales of synthetic stimulants," said Jeffrey Morrow, Naval Criminal Investigative Service Special Agent-in-Charge. "These products present serious health and safety risks and are a public nuisance. Our sailors and marines work in complex and dangerous environments every day; this makes the use of illicit drugs incompatible with military service. The armed services have a 'zero tolerance' policy regarding synthetic cannabinoids: If you use them you will be caught and your career is over. While drug use in the Navy and Marine Corps is certainly not widespread, the loss of even just one sailor can weaken readiness and morale. The efforts of our friends and partners in the DA's Office, the San Diego Police Department, the Sheriff's Department and other agencies not only protect the entire community, they strengthen the ability of the Navy and Marine Corps to accomplish our vital national defense missions."

“The Neighborhood Market Association and our 2,000 small businesses are proud to have supported AB 486,” said Mark Arabo, President of the Neighborhood Market Association. “Bath salts and spice have no place on our retailers’ shelves and no place in California. We are honored to be part of this proactive coalition led by District Attorney Bonnie Dumanis and our association will work to make sure businesses are in compliance with the new law. We also encourage any retailers who are not members of the association to stop selling these dangerous drugs, if you haven't already done so.”

Anecdotal reports from emergency rooms across the country about people who have used the drug are alarming, including users who were so agitated, violent and psychotic that large doses of sedatives failed to calm them.

“These designer drugs can be frightening,” said Richard F. Clark, MD, emergency room physician and director of UCSD’s Division of Medical Toxicology. “Based on our experience in the emergency department, these drugs seem to make users more violent, more aggressive and more easily addicted. Our best defense right now is public education and prevention.”

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Drug Fact Sheet

Bath Salts or Designer Cathinones (Synthetic Stimulants)

Overview

Synthetic stimulants that are marketed as "bath salts" are often found in a number of retail products. These synthetic stimulants are chemicals. The chemicals are synthetic derivatives of cathinone, a central nervous system stimulant, which is an active chemical found naturally in the Khat plant. Mephedrone and MDPV (3,4-methylenedioxypyrovalerone) are two of the designer cathinones most commonly found in these "bath salt" products. Many of these products are sold over the Internet, in convenience stores, and in "head shops."

Street names

Bilss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightening

Looks like

"Bath salt" stimulant products are sold in powder form in small plastic or foil packages of 200 and 500 milligrams under various brand names. Mephedrone is a fine white, off-white, or slightly yellow-colored powder. It can also be found in tablet and capsule form. MDPV is a fine white or off-white powder.

Methods of abuse

"Bath salts" are usually ingested by sniffing/snorting. They can also be taken orally, smoked, or put into a solution and injected into veins.

Affect on mind

People who abuse these substances have reported agitation, insomnia, irritability, dizziness, depression, paranoia, delusions, suicidal thoughts, seizures, and panic attacks. Users have also reported effects including impaired perception of reality, reduced motor control, and decreased ability to think clearly.

Affect on body

Cathinone derivatives act as central nervous system stimulants causing rapid heart rate (which may lead to heart attacks and strokes), chest pains, nosebleeds, sweating, nausea, and vomiting.

Drugs causing similar effects

Drugs that have similar effects include: amphetamines, cocaine, Khat, LSD, and MDMA.

Overdose effects

These substances are usually marketed with the warning "not intended for human consumption." Any time that users put uncontrolled or unregulated substances into their bodies, the effects are unknown and can be dangerous.

Legal status in the United States

Mephedrone has no approved medical use in the United States. It is not specifically scheduled under the Controlled Substances Act, but it is a chemical analogue of methcathinone, which is a Schedule I controlled substance. Incidents involving mephedrone can be prosecuted under the Federal Analog Act of the Controlled Substances Act. MDPV (3,4-methylenedioxypyrovalerone) has no approved medical use in the United States. MDPV is not scheduled under the CSA.

Common places of origin

Law enforcement officials believe that the stimulant chemicals contained in these products are manufactured in China and India and packaged for wholesale distribution in Eastern Europe. Many countries have banned these products.