

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: December 17, 2013

ANCHORAGE, ALASKA
AO No. 2013-156

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35**
2 **TO ADD A SECTION PROHIBITING ILLICIT SYNTHETIC DRUGS SUCH AS**
3 **“SPICE”, “K2”, AND “BATH SALTS”; AND PROVIDING FOR A MINOR OFFENSE**
4 **PENALTY.**
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7 **WHEREAS**, herbal and/or chemical mixtures are being marketed and sold in the
8 Municipality of Anchorage which are not necessarily controlled by federal or state law
9 but which are designed and marketed to mimic the effects of controlled substances,
10 as detailed in the Assembly Memorandum accompanying this ordinance;
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12 **WHEREAS**, the Anchorage Police Chief has advised that the Anchorage Police
13 Department is concerned that the proliferation and availability of these substances
14 presents a threat to public safety, and police officers’ attempts to address the
15 provision and marketing of these products through application of current state and
16 municipal laws is inefficient and usually ineffective, for the reasons described in the
17 AM. The APD has verified the availability of a significant number of these products
18 in the city. Along with the Municipal Prosecutor’s office, APD supports the adoption
19 of an ordinance that would allow its officers to identify prohibited products through
20 examination of the packaging and/or statements made at the point of sale or seizure;
21 and
22

23 **WHEREAS**, because illicit synthetic drugs are an immediate and ever-present threat
24 to the public safety and to the health of young people in particular, and are causing
25 psychological and physical affects to users, this ordinance is deemed to be an
26 emergency measure and shall become effective immediately in order to protect the
27 public health and safety; now, therefore,
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29 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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31 **Section 1.** Anchorage Municipal Code chapter 8.35, Drug Abuse and
32 Paraphernalia, is hereby amended by adding a new section to read as follows:
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34 **8.35.500 Illicit synthetic drugs.**
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36 A. *Purpose.* The purpose of this section is to regulate the availability of
37 products which are enhanced with synthetic chemicals, which
38 chemicals mimic the effects of controlled substances on users,
39 because these products are a danger to the public health, safety and
40 welfare.
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42 B. *Definitions.* For purposes of this section, the following terms, phrases,
43 words and their derivatives shall have the meanings given herein,

1 unless the context clearly indicates or requires a different meaning:
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3 *BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC*
4 *STIMULANTS, N-BOMB, 251-NBOMe* is any crystalline, liquid or powder
5 product in crystalline, loose powder, block, tablet, tabs, paper, blotter paper or
6 capsule form, or any stimulant-type product, when
7

8 1. the label is in any way false or misleading, or which does not
9 contain a label specifying:

- 10 a. the identity of the commodity; and
11 b. the name and place of business of the manufacturer,
12 packer, or distributor.
13

14 2. Street names for these products include, but are not limited to:
15 Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave,
16 Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Ivory Soft,
17 Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky,
18 White Dove, White Knight, White Lightning, White Rush, White
19 China, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria,
20 Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface,
21 Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane
22 Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone,
23 MCAT, Funky Green Stuff, Reggie's Blend, Hammer Head,
24 Scooby Snax, XXX, Baby Halo, Zombie Matter, El Diablo,
25 Supernova Halo, Dead Man, Smokin' Dragon, Rippler, Twilight
26 Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody Eyes, Mad
27 Hatter, Grape Ape, Smiles, Mr. Happy, Crippler, Diablo, Dragon
28 Blow, Lightning, Caution, Eclipse, Lunar Eclipse, Serenity,
29 Serenity Now, Superman, Synergy, Arctic Synergy, Flight 300,
30 Cotton Cloud, Kush, Kush Blitz, Amp, Space, Dynamite, Sippin
31 Syrup and Dark Night.
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33 3. This definition shall include any product to which any synthetic
34 chemical or synthetic chemical compound has been added
35 which has no legitimate relation to the advertised use of the
36 product, whether or not the label meets the requirements herein.
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39 *DRUG* is an article that is intended to affect the function of the body of
40 humans.
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42 *ILLICIT SYNTHETIC DRUGS* are spice, synthetic cannabinoids,
43 synthetic marijuana, bath salts, synthetic cathinones, n- bombs, 251-NBOMe,
44 synthetic stimulants, and misbranded drugs, as defined herein.
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46 *MISBRANDED DRUG* is any drug for which:

- 47 1. the label is in any way false or misleading;
48 2. the label does not bear the name and place of business of the
49 manufacturer, repackager, or distributor of the finished form of
50 the drug;

- 1 3. the label does not bear adequate directions for customary use;
- 2 or
- 3 4. the label does not bear adequate warnings against customary
- 4 use.

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6 *SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA* is
7 any aromatic plant material in granular, loose leaf or powder form, or in liquid
8 or as a food additive, or any herbal-incense-type stimulant or hallucinogen
9 product, when

- 10
11 1. the label is in any way false or misleading, or which does not
12 contain a label specifying:
 - 13 a. the identity of the commodity; and
 - 14 b. the name and place of business of the manufacturer,
15 packer, or distributor.
- 16
17
18 2. Street names for these products include, but are not limited to:
19 Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice,
20 Zohai, K2, K3, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo,
21 Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue,
22 Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr.
23 Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth
24 Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks,
25 Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare,
26 Makes Scents, g-13, Tiger Shark, California Dreams, Dank,
27 Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix,
28 Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead
29 Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania,
30 Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG,
31 Demon, Barely In, Pineapple Express, Hayze, King Kong, Black
32 Out, Pure Evil, Blue Jay, Honeymoon, Cherry, El Diablo,
33 Scorpion King, Funky Monkey 20X, Funky Green Stuff, Reggie's
34 Blend, Hammer Head, XXX, Baby Halo, Zombie Matter, El
35 Diablo, Supernova Halo, Dead Man, Smokin' Dragon, Rippler,
36 Twilight Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody
37 Eyes, Grape Ape, Crippler, Dr. Feel Good, Mr. Miyagi, Time
38 Out, Warpaint, K6, Black Diamond, Fuego, Green Monster,
39 Matrix, Voodoo, Mojo Extreme, Kush, Cloud 13, Storm, Good
40 Times, The Bomb, Voodoo Spice, Puff, Ninja, The Hampster,
41 Working Joe, Head Trip, Skyscraper, Froge.
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43 3. This definition shall include any plant material to which any
44 synthetic chemical or synthetic chemical compound has been
45 added which has no legitimate relation to the advertised use of
46 the product, whether or not the label meets the requirements
47 herein.

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49 *SYNTHETIC CHEMICAL* or *SYNTHETIC CHEMICAL COMPOUND* is
50 any chemical or chemical compound whose molecular makeup is similar to

1 those substances listed as controlled substances in AS 11.71.160(f)(7)-(16),
2 (including any isomers, esters, ethers, salts, and salts of isomers, esters, and
3 ethers of such substances), or to those substances listed in or pursuant to 21
4 U.S.C. 812(c), 21 U.S.C. 811(h), and 21 U.S.C. 802(32), or those substances
5 listed temporarily subject to emergency scheduling in 21 C.F.R. § 1308.11(h),
6 and whose intended use, when introduced into the human body, is to mimic or
7 simulate the effects of a controlled substance.

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9 C. *Prohibition of illicit synthetic drugs.*

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11 1. It is unlawful for any person to possess, use, provide, sell,
12 produce, manufacture, or distribute, or to offer, display, market,
13 or advertise for sale, any illicit synthetic drug.
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15 2. In determining whether a product is prohibited by this section,
16 statements on package labeling such as "not for human
17 consumption" may be disregarded when other relevant factors
18 (viewed alone or in totality) indicate that the product is intended
19 to be consumed or ingested by humans or is a product
20 regulated by this section. Other relevant factors that may be
21 used to determine whether a product or sale is prohibited by this
22 section include, but are not limited to: verbal or written
23 representations at the point of sale or seizure regarding the
24 purpose, methods, use, or effect of the product; aspects of the
25 packaging or labeling suggesting that the user will achieve a
26 "high," euphoria, relaxation, mood enhancement, or that the
27 product has other effects on the body; the cost of the product is
28 disproportionately higher than other products marketed for the
29 same use; the product contains a warning label stating or
30 suggesting that the product is in compliance with state or federal
31 laws regulating controlled substances; the product's name or
32 packaging uses images or slang referencing an illicit street drug;
33 illicit or underground methods of sale or delivery are employed
34 by the seller or provider; or the product resembles an illicit street
35 drug such as cocaine, methamphetamine, LSD, or marijuana.
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37 3. *Defense.* It shall be a defense to the prosecution of a violation of
38 this section that a product is specifically excepted by, or
39 regulated within and in compliance with, state or federal law. For
40 the purposes of this section, it shall not be a defense that a
41 product is not subject to regulation unless the product is
42 specifically exempt from regulation; mere "nonregulation" by
43 these acts without a specific regulatory exemption does not
44 render a product exempt under this section.

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D. *Sale of certain products for human consumption prohibited.* It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

E. *Violations and penalties; seizure.*

1. Each product, package, tube, vial or container possessed, used, provided, sold, produced, manufactured, distributed, or offered, displayed, marketed, or advertised for sale shall be a separate minor offense. The fine for each minor offense shall be \$500.

2. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 7.25.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of January, 2014.

Chair of the Assembly

ATTEST:

Municipal Clerk