



City of Las Cruces[®]

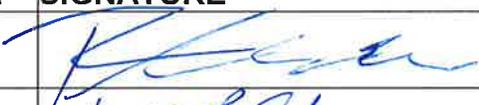
PEOPLE HELPING PEOPLE

COUNCIL WORK SESSION SUMMARY ROUTING SLIP

Meeting Date May 9, 2016

TITLE: Approaches to Spice Regulations.

- Are there attachments to the Council Work Session Summary? Yes No
- Will there be a Video Presentation for this item? Yes No
- Will there be a PowerPoint Presentation for this item? Yes No
- If "yes", will a copy of the PowerPoint Presentation be included on the Council Work Session Agenda? Yes No

DEPARTMENT / ORGANIZATION	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		541-2128	05.03.16
Department Director		541-2128	05.03.16
Other			
Assistant City Manager/CAO (if applicable)			
Assistant City Manager/COO (if applicable)			
City Manager		541-2076	5-4-16



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Work Session Summary

Meeting Date May 9, 2016

TITLE: Approaches to Spice Regulations

PURPOSE(S) OF DISCUSSION:

- Inform/Update
- Direction/Guidance
- Legislative Development/Policy

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

New synthetic intoxicants such as spice (synthetic cannabinoids) and bath salts (synthetic cathinones) are psychoactive drugs that can cause long term mental health and neurological problems. Hence the sale and marketing of these new synthetic intoxicants is a public nuisance as it poses a danger to the public health and safety of Las Cruces. Producers and vendors avoid prosecution through continuous changes to the chemical composition, packaging and labeling of these synthetic intoxicants.

As a result of the growing danger of the sale of synthetic intoxicants in Las Cruces, the City Attorney's Office of the City of Las Cruces (hereinafter the "City") investigated ordinances in other jurisdictions to eliminate these synthetic intoxicants. Some jurisdictions ban the sale and/or possession of individual chemicals, entire classes of chemicals, or chemical analogues of substances that are already illegal by federal or state law. However, the result of these laws are continuous growing lists and schedules of chemical compounds as producers regularly change their compounds to skirt the law. Other jurisdictions prohibit labeling and packaging common to all synthetic intoxicants under agricultural, food and/or drug regulations. However, these laws require developed regulations and authority over agricultural, food, and drugs.

The City proposes an ordinance that makes it a public nuisance to sell spice, bath salts, or other synthetic intoxicants pursuant to NMSA 1978, §§ 3-17-1 and 3-18-17A. Under the proposed ordinance, the City would revoke the business license of a vendor for selling synthetic intoxicants. The proposed ordinance would include provisions that provide vendors with an administrative hearing and then a hearing in the Third Judicial District Court upon appeal.

SUPPORT INFORMATION:

N/A

Approaches to Spice Regulations



“New” Synthetic Intoxicants

- Synthetic Cannabinoids: chemically engineered substances similar to tetrahydrocannabinol (“THC”)
- Synthetic Cathinones: “bath salts” are a bi-product of cathinone, a psychoactive substance found in the khat plant.



Legislative Approaches

- Ban individual substances
- Ban categories of substances
- Ban analogue substances
- Use product labeling and branding laws
- Use business license revocation.



Proposed Ordinance

- Define synthetic intoxicant
- Ban the sale of synthetic intoxicants
- Public nuisance law to sell synthetic intoxicants (NMSA 1978, §§ 3-17-1 and 3-18-17A)
- Revoke a business license for violating nuisance law
- Enumerate the public safety purpose for legislation
- Provide an administrative hearing



Questions

