

# Town of Raynham, Massachusetts

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## Section 2/43 Synthetic Drugs

### (a) Definitions

As used in this Section, the following terms shall have the meaning ascribed to them below:

Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Synthetic Marijuana:

(i) any substance as defined by 21 U.S.C. §812(d), excluding “marihuana” as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or,

(ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; [ ](ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or [ ](iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

(b) Prohibited Activity

(1) No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.

(2) No person shall knowingly possess or consume synthetic marijuana or synthetic marijuana analogue.

(3) This By-Law shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

(c) Penalty for violation

Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense.

Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.

Each ounce or portion thereof shall be considered a separate offense.

(d) This By-law may be enforced by criminal complaint before the District Court, or, by noncriminal disposition in accordance with General Laws chapter 40 §21D.

~~A police officer may arrest without a warrant whomever there is probable cause to believe is in willful violation of this By-Law, pursuant to G.L. c. 272 §59. (This sentence disapproved by A.G.)~~

(e) Seizure of controlled substances.

All controlled substances described in this By-Law may be seized and held until final adjudication whereupon they shall be destroyed by the seizing agency.

(f) Severability: If any part of this By-Law or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.