

## **CHAPTER 950. SYNTHETIC DRUG ESTABLISHMENTS.**

**950.01. Findings.** The Common Council of the City of Ashland finds as follows:

(a) Synthetic drugs have become a serious public health problem in the City of Ashland. By some reliable accounts, the drug abuse problem represented by synthetic drugs is second only to the problem of alcohol abuse.

(b) The effects of synthetic marijuana use, in particular, are seen by health care providers, mental health care providers, and law enforcement officers, far more frequently than the effect of the abuse of other “legal” substances such as paint, glue, or aerosols.

(c) The use of synthetic marijuana can result in headaches, vomiting, confusion, agitation, anxiety, aggressive behavior, paranoia, inability to speak, dystonia, short-term memory deficits, seizures, hallucination, and loss of consciousness.

(d) For some individuals, the use of synthetic marijuana can be seriously destabilizing to their mental health. The effects of synthetic drug use can sometimes be long-term.

(e) Members of the Ashland community have been incarcerated as a result of their behaviors stemming from synthetic drug use, causing expense to them, their families, and the criminal justice system, and causing heartache to their family members and friends.

(f) In one period of less than a year, the Behavioral Health Services unit of Ashland’s Memorial Medical Center, managed 80 patients who admitted to the use of synthetic drugs.

(g) During the same period, eight patients were seen at Memorial Medical Center whose primary reason for seeking hospital services was synthetic drug use. The cost of hospital care in these eight cases ranged from \$3,652.36 to \$64,458.80. The total hospital cost for the eight cases was \$181,978.92, for an average per-patient average cost of \$22,747.37. The hospital charges represent only a portion of the total costs of care for each of these individuals.

(h) The Ashland Police Department reports that, even though it has only recently started formally tracking synthetic drug cases, it has estimated that during the period from January 1, 2012, to September 12, 2013, no fewer than 26 cases requiring approximately 322 hours of police time were attributable or partly attributable to the use of synthetic drugs. These cases involve emergency (mental health) detentions, theft, operation while intoxicated, drug calls, traffic accidents, fraud, bail jumping, probation hold, sexual assault, and warrants.

(i) At least some of the synthetic drugs used in the City of Ashland have been purchased from local commercial sources.

(j) The Ashland City Council has received numerous oral and written statements, at two separate City Council meetings, from individuals who have been negatively affected by synthetic

drugs, and has received a petition bearing several hundred signatures seeking the control of their sale.

**950.02. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meaning hereinafter ascribed to them:

(a) Synthetic drug. The term synthetic drug means one or more of the following:

(1) A substance that a reasonable person would believe is a synthetic drug; or

(2) A substance that a reasonable person would believe is being purchased or sold synthetic drug; or

(3) A substance that a person knows or should have known was intended to be consumed by injection, inhalation, ingestion, or any other immediate means, and consumption was intended to cause or simulate 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 a controlled substance on Schedule 1. Synthetic drug does not mean food and drug ingredients, alcohol, legend drugs, tobacco, or dietary supplements.

(b) Synthetic drug establishment. Synthetic drug establishment means any business establishment where any person engages in the sale of synthetic drugs.

**950.03. License required.** No person shall engage in the business of operating a synthetic drug establishment either exclusively or in connection with any other business enterprise without first obtaining a license for each synthetic drug establishment.

**950.04. Application for license.** Application for a synthetic drug establishment license shall be made to the City Clerk on forms supplied by the city containing the following information:

(a) A description of the business.

(b) A description of the location of the premises to be licensed.

(c) The full name and addresses of the property owner, business owner, lessee and manager, operator and the date of birth of each.

(d) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the synthetic drug establishment.

(e) Whether any of the aforementioned individuals have ever been convicted of any crime or offense other than a traffic offense, and if so, a description of the offense as to time, place, date and disposition.

**950.05. Annual license.**

- (a) The annual license fee shall be \$100.
- (b) A separate license shall be obtained for each place of business.
- (c) The licensee shall display the license in a prominent place on the licensed premises at all times.
- (d) A license, unless revoked, shall be effective July 1st through June 30th annually.

**950.06. Issuance.**

(a) No license under this chapter shall be issued unless it is approved by the City Clerk upon advice from the police department and unless the establishment has passed fire and health inspections. The City Clerk shall not approve any license if he or she has reasonable grounds to believe:

- (1) That the granting of said license would result in violations of the law;
- (2) That the license application contains false and misleading statements;
- (3) The establishment is a public nuisance under Codification Ordinance 450; or
- (4) That other good cause exists for denying the license.

(b) If the Chief of Police or the City Clerk finds that they do not have adequate information to evaluate the license application, they may direct the applicant, manager or agent to appear at any reasonable time and place to give under oath information concerning the application. No license shall be granted to any applicant who refuses to appear and cooperate with the investigation.

**950.07. Prohibited acts.** No synthetic drug establishment shall:

- (a) Remain open between 8:00 p.m. and 8:00 a.m. on any day.
- (b) Sell synthetic drug products that do not include the name, phone number and address of the manufacturer, packer and distributor of the product.
- (c) Sell synthetic drug products that do not identify all commodities within the package, including organic and non-organic, chemically synthesized substances and compounds.
- (d) Sell synthetic drug products to any individual under the age of 21.

(e) Sell synthetic drug products that do not comply with all state and federal laws and regulations, including those related to packaging, labeling and weights and measures.

(f) Be located within 500 feet of any park, school, day care facility or area zoned residential or mixed-use neighborhood. This restriction shall not apply to a synthetic drug establishment that was conducting business at the location indicated in the application and making sales of synthetic drugs at that location on or before the effective date of this Ordinance.

**950.08. Suspension and revocation of licenses.** The City Clerk may revoke or suspend any license issued pursuant to the chapter, if, after giving the licensee an opportunity to be heard on the matter, the City Clerk finds:

(a) The licensee has violated a provision of this Ordinance or any other law relating to the conduct of its operation including, but not limited to state, federal or local laws; or

(b) The licensee secured the license through misrepresentation or fraud or misstated any material fact in the application; or

(c) Failure of the licensee to cooperate with the police, fire or health officers in any investigation relating to their operations or failure to admit police officers into the establishment at any time when people are present in the establishment; or

(d) The establishment is operated in such a way as to endanger public health or safety as evidenced by one or more incidents involving serious health effects or law enforcement involvement resulting from the sale of synthetic drug products; or

(e) The establishment is operated in such a way as to constitute a public nuisance under Chapter 450, Ashland City Ordinances.

**950.09. Appeals.** Any person aggrieved by a licensing decision of the City Clerk under this chapter may appeal such decision to the City Council by filing a written notice of appeal with the City Clerk within 15 days after such decision is rendered. The decision of the City Council is the final administrative decision of the city.

**950.10. Other applicable laws.** This chapter is intended to complement state and federal laws regulating synthetic drugs.

**ADOPTED:** 950 (1817) 9/23/2013

