

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 21

Bill No. 78-13

Councilmembers Almond, Bevins & Marks

By the County Council, December 16, 2013

A BILL
ENTITLED

AN ACT concerning

Synthetic Cannabinoids

FOR the purpose of specifying the term synthetic cannabinoid in the prohibition on the distribution, use, purchase, or possession of certain synthetic products or compounds heretofore indicated as Spice or K-2; defining the terms synthetic cannabinoid and synthetic marijuana; amending the monetary penalty; providing for forfeiture of property; and generally relating to certain synthetic products or compounds.

BY repealing and re-enacting, with amendments

Section 17-1-118
Article 17 - Miscellaneous Provisions and Offenses
Title 1 - Miscellaneous Provisions and Offenses
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 § 17-1-118. [SPICE] SYNTHETIC CANNABINOID.

5 (a) *Definitions.*

6 (1) As used in this section, the following words have the meanings indicated.

7 (2) “Distribute” means to:

8 (I) Give, sell, deliver, dispense, or issue; or

9 (ii) Offer to give, sell, deliver, dispense, or issue; or

10 (iii) Cause or hire any person to give, sell, deliver, dispense, or issue or offer
11 to give, sell, deliver, dispense, or issue.

12 (3) “[Spice] SYNTHETIC CANNABINOID” means a material, substance,
13 compound, mixture or preparation in any form that WOULD REASONABLY INDICATE UNDER
14 ALL CIRCUMSTANCES TO BE SYNTHETIC MARIJUANA, INCLUDING BUT NOT LIMITED
15 TO PRODUCTS [contains the compound JWH-018 or JWH-073 and is] known as Spice [or], K2,
16 SCOOPY SNAX, POTPOURRI, or any other name.

17 (4) “SYNTHETIC MARIJUANA” MEANS A PSYCHOACTIVE SUBSTANCE
18 OR COMPOUND CREATED WITH MAN-MADE SYNTHETIC CHEMICALS THAT, WHEN
19 CONSUMED OR INGESTED, MIMICS THE INTOXICATING EFFECTS OF MARIJUANA
20 THC, THE PSYCHOACTIVE INGREDIENT IN THE NATURALLY GROWN MARIJUANA
21 PLANT.

22 (b) *Scope.* This section does not apply to an accredited academic or medical institution or

1 research facility, or any authorized agent of such facilities, that conducts research on [Spice] A
2 SYNTHETIC CANNABINOID.

3 (C) *Prohibition.*

4 (1) A person may not purchase, use or possess [Spice] A SYNTHETIC
5 CANNABINOID.

6 (2) A person may not distribute a substance:

7 (i) That the person represents is [Spice] ANY FORM OF SYNTHETIC
8 CANNABINOID.

9 (ii) That the person intends for use or distribution as [Spice] A SYNTHETIC
10 CANNABINOID; or

11 (iii) Under circumstances that one reasonably should know that the substance
12 will be used or distributed for use as [Spice] A SYNTHETIC CANNABINOID.

13 (d) *Penalty.*

14 (1) A person who violates this section is guilty of a misdemeanor and on
15 conviction is subject to a fine of NOT EXCEEDING \$500 or imprisonment not exceeding 60 days
16 or both.

17 (2) PROPERTY SEIZED IN CONNECTION WITH ENFORCEMENT OF THIS
18 SECTION IS SUBJECT TO FORFEITURE IN ACCORDANCE WITH THE DRUG ASSET
19 FORFEITURE STATUTE SET FORTH IN SECTIONS 12-101 TO 12-505 OF THE CRIMINAL
20 PROCEDURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

21
22 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
23 from the date of its enactment.