



## Board of Health

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### **ARTICLE 22**

### **REGULATION FOR RESTRICTION OF SYNTHETIC DRUGS**

#### **SECTION 22.1**

#### **AUTHORITY**

This regulation is promulgated under the authority granted to the Needham Board of Health under Massachusetts General Laws Chapter 111, Section 31 which states that “boards of health may make reasonable health regulations”.

#### **SECTION 22.2**

#### **PURPOSE**

The Needham Board of Health has found that synthetic marijuana, consisting of plant or other material treated with various chemicals or other synthetic substances not approved for human consumption, may be marketed and sold as herbal incense in the greater Boston area, although they are being used in the same manner and for the same purposes as scheduled drugs. In addition, the use of these products has become particularly popular among teens and young adults.

Based on information and reports from hospitals, emergency room doctors, and police agencies, individuals who use these products experience dangerous side effects including convulsions, hallucinations, and dangerously elevated heart rates. This is evidence that synthetic marijuana products are harmful if inhaled or consumed, and present a significant public health danger. These synthetic compounds and others have a high potential for abuse and lack of any accepted medical use, these dangerous products, while not approved for human consumption, are marketed and sold in a form that allows for such consumption, putting at risk the individuals who come into contact with them.

Therefore, the Needham Board of Health adopts this regulation for the purpose and with the intent to protect the public health and safety of the Town of Needham and its residents from the threat posed by the availability and use of synthetic marijuana, synthetic stimulants,

synthetic hallucinogens, and other dangerous products by prohibiting persons from trafficking in, possessing, and using them within the town.

## **SECTION 22.3**

### **DEFINITIONS**

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are the federal Controlled Substances Act ([21 U.S.C. Chapter 13 § 801et seq.](#)) or in its Massachusetts analog ([M.G.L. Chapter 94C](#)).

Act means the federal Controlled Substances Act ([21 U.S.C. Chapter 13 § 801et seq.](#)).

Board of Health means the Town of Needham Board of Health and its designated agents.

Board of Health Agent means the Director of Public Health and any town employee or contractor designated by the Director, which may include Public Health Department staff, law enforcement officers, fire officials, and code enforcement officials.

Chemical agent means any chemical or organic compound, substance, or agent that is not made, intended and approved for consumption by humans.

Consumable product or material means a product or material, that regardless of packaging disclaimers or disclosures that it is not for human consumption or use, is in a form that readily allows for human consumption by inhalation, ingestion, injection, or application, through means including but not limited to smoking, or ingestion by mouth with or without mixing with food or drink.

Controlled substance means a substance included as a controlled substance in schedules 1 through 5 of the Act or a substance temporarily scheduled or rescheduled as a controlled substance as provided in the Act.

Controlled substance analogue has the same meaning as defined in the Act, which is a substance, the chemical structure of which is substantially similar to that of a controlled substance in schedules 1 and 2 of the Act.

Dangerous product means a consumable product or material containing a dangerous substance, including, but not limited to, cannabinoids, stimulants, psychedelic hallucinogens, and synthetic chemical agents as outlined in the subsequent Prohibitions.

Director means the Director of Public Health

Traffic and trafficking means to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, sell, or transfer.

Transfer means to dispose of a dangerous product to another person without consideration and not in furtherance of commercial distribution.

## SECTION 22.4

## PROHIBITIONS

It shall be unlawful to possess, sell, deliver, transfer, or attempt to possess, sell, or deliver these synthetic drugs within the Town of Needham.

1. A synthetic cannabinoid or any laboratory-created compound that functions similarly to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a synthetic substance, compound, mixture, preparation, or analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist. The trade names of such synthetic cannabinoid compounds include, but are not limited to:
  - a) 2NE1;
  - b) 5-bromopentyl-UR-144, 5-bromo-UR-144;  
5-chloropentyl-UR-144, 5-chloro-UR-144;  
5-fluoropentyl-UR-144, 5-fluoro-UR-144;
  - c) A-796,260; A-834,735; A-836,339; AB-001; AB-034; AKB-48; AM-087; AM-356 (methanandamide); AM-411; AM-630; AM-661; AM-679; AM-694; AM-855; AM-905; AM-906; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2232; AM-2233; AM-2389;
  - d) BAY 38-7271;
  - e) Cannabipiperidiethanone; CB-13, SAB-378; CP 47,497 and its homologues; CP 50,556-1 (levonantradol); CP 55,490; CP 55,940; CP 56,667;
  - f) HU-210; HU-211 (dexanabinol); HU-210; HU-211; HU-243; HU-308; HU-331;
  - g) JTE-907;
  - h) JWH cannabinoid compounds from JWH-001 through JWH-424;
  - i) MAM-2201;
  - j) RCS-4, SR-19; RCS-8;
  - k) STS-135;
  - l) UR-144; fluoro-UR-144; 5-fluoro-UR-144; URB-597; URB-602; URB-754; URB-937
  - m) WIN 48,098 (pravadoline); WIN 55,212-2;
  - n) XLR-11.
  
2. A synthetic stimulant or any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic substance, compound, mixture, preparation, or analog (including salts, isomers, and salts of isomers) containing central nervous system stimulants. The trade names of such synthetic stimulants include, but are not limited to:
  - a) 2-diphenylmethylpyrrolidine; 2-DPMP; 2-FMC;
  - b) 3,4-DMMC; 3-FMC;
  - c) 4-EMC; 4-FMC (flephedrone); 4-MBC (benzedrone); 4-MEC; 4-MeMABP;
  - d) Alpha-PBP; alpha-PPP; alpha-PVP; amfepramone, diethylcathinone, or diethylpropion;
  - e) BZ-6378; buphedrone; bk-MBDB (butylone); BZP;

- f) D2PM; dimethocaine; DMBDB, bk-DMBDB, or dibutylone; DMEC; DMMC;
  - g) Ephedrone; ethcathinone; ethylethcathinone; ethylmethcathinone; ethylone; eutylone;
  - h) Fluorococaine; fluoroethcathinone; fluoroisocathinone;
  - i) HMMC;
  - j) Isopentadrone;
  - k) MaPPP, 4-MePPP, or MPPP; MBP; MBZP; MDAI; MDAT; MDDMA; MDMC; MDPBP; MDPPP; MDPV; MDPK; MEC; mephedrone or 4-MMC; metamfepramone or N,N-DMMC; methedrone, bk-PMMA, or PMMC; methylone, bk-MDMA, or MDMC; MOMC; MOPPP; MPBP;
  - l) N-ethyl-N-methylcathinone; NEB; NRG-1 (naphyrone); NRG-2;
  - m) Pentadrone; pentylone.
3. A synthetic psychedelic/hallucinogen or compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain. Trade names of such synthetic hallucinogens include, but are not limited to: 2C-C, 2C-D, 2C-E, 2C-H, 2C-I, 2C-N, 2C-P, 2C-T-2, and 2C-T-4.
  4. Any other substance which mimics the effects of any controlled substance (such as opiates, hallucinogenic substances, methamphetamine, MDMA, cocaine, PCP, cannabinoids, and tetrahydrocannabinols), including, but not limited to, "bath salts," "plant food," "incense," or "insect repellent," but excluding legitimate bath salts containing as the main ingredient the chemicals sodium chloride (sea salt) and/or magnesium sulfate (Epsom salts), or legitimate plant foods or insect repellent, or legitimate incense used as an odor elimination product.
  5. *Salvia divinorum* or *salvinorum A*; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts.
  6. Any similar substances to the above which when inhaled, or otherwise ingested, may produce intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changes, distorts, or disturbs the auditory, visual, or mental process, and which has no other apparent legitimate purpose for consumers.
  7. A product containing a substance that is defined herein, but not limited to the examples of brand names or identifiers listed within Exhibit "A" attached hereto and incorporated herein. Each year, or from time to time as may be required, the list of such substances may be redefined, so as to be representative of any products which may have been altered by the changing nature of chemicals in manufacture, and such lists will be available to the public. This list will be provided by the Director of Public Health in consultation with the Chief of the Needham Police Department (please see Appendix A).

8. Public display for the sale of such dangerous products in unlawful. It shall be unlawful for any store owner, store manager, store purchasing agent or any other person to publicly display for sale any natural or synthetic materials defined in this article. Any dangerous product housed within a facility, shall be assumed for sale, and shall constitute a separate violation of this Board of Health regulation.

## **SECTION 22.5**

### **DANGEROUS PRODUCT EXEMPTION**

The following shall be exempt from section 22.4 herein.

1. A physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a dangerous product as defined herein in the course of professional practice or research.
2. A pharmacy, hospital or other institution licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a dangerous product as defined herein in the course of professional practice or research.

## **SECTION 22.6**

### **RIGHT OF ENTRY**

The Chief of Police of the Town of Needham, the Director of Public Health and his designated agents may enter upon any privately owned property, which serves the public, for the purpose of performing their duties under this Board of Health regulation.

## **SECTION 22.7**

### **ENFORCEMENT**

This regulation may be enforced by the Director and his/her designated agents, especially the Chief of Police for the Town of Needham and his law enforcement staff as well as other code enforcement personnel so designated by the Director.

In addition to the restrictions defined herein, the Director and his/her designated agents may consider these items as violations of this section.

- a) Refusal to permit an agent of the Police or Public Health Departments to inspect the facility or any part thereof;
- b) Interference with an agent of the Police or Public Health Departments in the performance of their duty;
- c) A criminal conviction of the facility owner or employee in control of the facility, relating to the operation of the facility;
- d) Failure to pay assessed fines or penalties;
- e) The facility owner, operator, or employee's failure to comply with this ordinance;
- f) Keeping or submitting any misleading or false records, documents, or verbally stating false information related to the possession or sale of dangerous products or paraphernalia.

Any resident who desires to register a complaint pursuant to this Regulation may do so by contacting the Board of Health, the Public Health Department, or the Needham Police Department.

**SECTION 22.6** **FINES FOR VIOLATIONS OF ORDERS AND SUSPENSIONS**

Any person or entity violating any term or condition of this Board of Health regulation, shall be subject to a fine of fifty dollars (\$50) for the first violation and a fine of one hundred dollars (\$100) for the second violation, and increasing for each subsequent violation up to the amount of three hundred dollars (\$300). Each day that a violation continues shall constitute a separate and distinct offense.

This regulation shall be enforced pursuant to M.G.L. Chapter 40, section 21D, as a noncriminal offense, or may be punished under M.G.L. Chapter 111, section 31 as a criminal offense in which the criminal fine imposed shall not exceed \$1,000.

**SECTION 22.7** **SEVERABILITY**

If any word, clause, phrase, sentence, paragraph, or section of this Board of Health regulation shall be declared invalid for any reason whatsoever, that portion shall be severed and all other provisions of this regulation shall remain in full effect.

**SECTION 22.8** **COMMUNITY PARTNERSHIP**

Any police officer, code enforcement officer, physician, nurse, or other concerned individual that has knowledge of the sale or possession of a dangerous product within the Town of Needham may inform the Needham Police Department Business Line (781-455-7570) or the Public Health Department Main Line (781-455-7500 x511) of the location of the dangerous product. Nothing within this subsection shall be enforced herein, but considered goodwill toward the betterment of the community.

**SECTION 22.9** **EFFECTIVE DATE**

This regulation was approved by a unanimous vote of the Board of Health on September 9, 2016 and the regulation became effective on October 15, 2016. Adoption of this regulation occurred following open meetings held on May 13, 2016 and on June 17, 2016, and public hearings on July 29, 2016 and September 9, 2016.

# Exhibit A

2010		8-Ball
Aztec Gold	Aztec Midnight Wind	Tezcatlipoca
Back Draft	Bad 2 the Bone	Banana Cream Nuke
Bayou Blaster	Black Diamond	Black Magic Salvia
Black Mamba	Blueberry Hayze	Bombay Blue
Buzz	C3	C4 Herbal Incense
Caneff	Cherry Bomb	Chill X
Chronic Spice	Cill Out	Citrus
Colorado Chronic	DaBlock	Dark Night II
Demon	Diamond Spirit	Dragon Spice
D-Rail	Dream	Earthquake
Eruption Spice	Euphoria	exSES
EX-SES Platinum	EX-SES Platinum Blueberry	EX-SES Platinum Cherry
EX-SES Platinum Strawberry	EX-SES Platinum Vanilla	Fire Bird Ultimate Strength Cinnamon
Forest Humus	Freedom	Fully Loaded
Funky Monkey	Funky Monkey XXXX	G Four
G Greenies Caramel Crunch	Genie	Gold Spirit Spice
Green Monkey Chronic Salvia	Greenies Strawberry	Heaven Improved
Heavenscent Suave	Humboldt Gold	Jamaican Gold
K Royal	K1 Gravity	K1 Orbit
K2	K2 (unknown variety)	K2 Amazonian Shelter
K2 Blonde	K2 Blue	K2 Blueberry
K2 Citron	K2 Cloud 9	K2 Kryptonite
K2 Latte	K2 Mellon	K2 Mint
K2 Orisha Black Magic Max	K2 Orisha Max	K2 Orisha Regular
K2 orisha Super	K2 Orisha White Magic Super	K2 Peach
K2 Pina Colada	K2 Pineapple	K2 Pineapple Express
K2 Pink	K2 Pink Panties	K2 Sex
K2 Silver	K2 Solid Sex on the Mountain	K2 Standard
K2 Strawberry	K2 Summit	K2 Summit Coffee Wonk
K2 Thai Dream	K2 Ultra	K2 Watermelon
K3	K3 Blueberry	K3 Cosmic Blend
K3 Dusk	K3 Grape	K3 Heaven Improved
K3 Heaven Legal	K3 Kryptonite	K3 Legal
K3 Legal- Original (Black)	K3 Legal- Earth (silver)	K3 Legal- Sea (silver)
K3 Legal- Sun (Black)	K3 Mango	K3 Original
K3 Original Improved	K3 Strawberry	K3 Sun
K3 Sun Improved	K3 Sun Legal	K3 XXX
K4 Bubble Bubble	K4 Gold	K4 purple Haze
K4 Silver	K4 Summit	K4 Summit Remix
Kind Spice	Legal Eagle	Legal Eagle Apple Pie

Love Potion 69	Love Strawberry	Magic Dragon Platinum
Magic Gold	Magic Silver	Magic Spice
Mega Bomb	Mid-Atlantic Exemplar	Mid-Atlantic Exemplar (K2 Summit)
Midnight Chill	MNGB Almond/Vanilla	MNGB Peppermint
MNGB Pinata Colada	MNGB Spear Mint	MNGB Tropical Thunder
Moe Joe Fire	Mojo	Mr. Smiley's
MTN-787	Mystery	Naughty Nights
New Improved K3	New Improved K3 Cosmic Blend	New Improved K3 Dynamite
New Improved K3 Kryptonite	New K3 Earth	New K3 heaven
New K3 Improved	New K3 Sea Improved	New-Kron Bomb
Nitro	Ocean Blue	P O W
p.e.p. pourri Love Strawberry	p.e.p. pourri Original Spearmint	p.e.p. pourri Twisted Vanilla
p.e.p. pourri X Blueberry	Paradise	Pink Tiger
Potpourri	Potpourri Gold	Pulse
Rasta Citrus Spice	Rebel Spice	Red Bird
S1. S Werve	Samurai Spirit	Sativah
Scope Vanilla	Scope Wildberry	Sence
Shanti Spice	Shanti Spice Blueberry	Silent Black
Skunk	Smoke	Smoke Plus
Space	Spice Artic Synergy	Spice Diamond
Spice Gold	Spice Silver	Spice Tropical Synergy
Spicey Regular XXX Blueberry	Spicey Regular XXX Strawberry	Spicey Ultra Strong XXX Strawberry
Spicylicious	Spike 99	Spike 99 Ultra
Spike 99 Ultra Blueberry	Spike 99 Ultra Cherry	Spike 99 Ultra Strawberry
Spike Diamond	Spike Gold	Spike Maxx
Spike Silver	Stinger	Summer Skyy
Super Kush	Super Summit	Swagger Grape
SYN Chill	SYN Incense LemonLime	SYN Incense Smooth
SYN Incense Spearmint	SYN Lemon Lime	SYN Lemon Lime #2
SYN Smooth	SYN Spearmint	SYN Spearmint #2
SYN Swagg	SYN Vanilla	SYN Vanilla #2
Texas Gold	Time Warp	Tribal Warrior
Ultra Cloud 10	Utopia	Utopia- Blue Berry
Voo Doo Remix (black package)	Voo Doo Remix (orange package)	Voodoo Child
Voodoo Magic	Voodoo Remix	Who Dat
Who Dat Herbal Incense	Wicked X	Winter Boost
Wood Stock	XTREME Spice	Yucatan Fire
Zombie World		