

ORDINANCE NO. 181908

An ordinance adding a new Article 6.6 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession, sale and use of products containing Mephedrone, Methylenedioxypropylvalerone (MDPV), or any other chemical derivative of Methcathinone.

WHEREAS, the United States Drug Enforcement Administration (DEA) has exercised its emergency scheduling authority to temporarily control synthetic stimulants including Mephedrone, MDPV and Methyone sold under the guise of "bath salts" or "plant food" as such action was necessary to protect the public from the imminent hazard posed by these dangerous chemicals. Mephedrone, MDPV and other chemical derivatives of Methcathinone have reportedly produced an intense high, euphoria, extreme energy, hallucinations and insomnia and cause users to be easily provoked to anger; and

WHEREAS, the DEA's action will make possessing and selling these synthetic stimulants or the products that contain them illegal in the United States for at least one year while the DEA and the United States Department of Health and Human Services further study whether these chemicals should be permanently controlled. These synthetic stimulants will become temporarily designated as Schedule I substances under the Controlled Substances Act; and

WHEREAS, substances that contain these synthetic stimulants or their chemical derivatives, are being marketed and sold as bath salts; and

WHEREAS, the California Poison Control System reports that products marketed as "bath salts" containing synthetic stimulants such as Mephedrone and MDPV, which are chemical derivatives of Methcathinone and have been linked to adverse physical effects to persons resulting in hospitalization and death; and

WHEREAS, the sale and use of products containing synthetic stimulants such as Mephedrone and MDPV are becoming a growing trend and problem across the United States. When ingested, snorted, smoked or injected, these synthetic stimulants produce effects similar to those of cocaine and methamphetamines, including chest pains, increased blood pressure, increased heart rate, extreme paranoia, suicidal tendencies and delusions; and

WHEREAS, several states and cities have issued emergency bans or ordinances prohibiting these types of synthetic stimulants; and

WHEREAS, there has been little public education and outreach relative to the risks and effects associated with the use of substances containing these types of synthetic stimulants; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6.6 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE 6.6
BATH SALTS – SALE AND USE PROHIBITED**

**SEC. 46.20. PRODUCTS CONTAINING MEPHEDRONE,
METHYLENEDIOXYPYROVALERONE (MDPV) OR ANY OTHER CHEMICAL
DERIVATIVE OF METHCATHINONE – SALE AND USE PROHIBITED.**

(a) It is unlawful for any person to display for sale, sell, give, exchange, or otherwise distribute to any person products containing Mephedrone, Methylendioxypropylone (MDPV) or any other chemical derivative of Methcathinone except as authorized by law.

(b) It is unlawful for any person to use, or to possess with intent to use, ingest, inhale, or otherwise introduce into the human body products containing Mephedrone, MDPV or any other chemical derivative of Methcathinone except as authorized by law.

(c) **Penalty.** Violation of this Section shall constitute a misdemeanor.

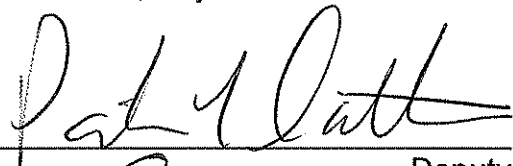
(d) **Severability.** If any provision of this Section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this Section are declared to be severable.

Sec. 2. Urgency Clause. The City Council finds and declares that this ordinance is adopted pursuant to the police power of the City of Los Angeles and the authority provided by the City Charter, and further finds that this ordinance is required because there is a current and immediate threat to the public health, safety, and welfare posed by the proliferation and use of products containing Mephedrone, MDPV and other chemical derivatives of Methcathinone.


Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members, at its meeting of OCT 11 2011.

JUNE LAGMAY, City Clerk


By  Deputy

Approved OCT 17 2011

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
BRIAN L. SOTTILE
Deputy City Attorney

Date 9-29-11

File No. 11-0171