

ORDINANCE NO. _____

An ordinance adding Article 6.4 to Chapter IV of the Los Angeles Municipal Code to restrict the sale of butane.

WHEREAS, butane is used in the making of Butane Honey Oil (BHO), a potent form of concentrated cannabis, in order to chemically extract tetrahydrocannabinol (THC) from marijuana;

WHEREAS, butane is highly volatile and can easily explode when exposed to a heat source;

WHEREAS, the type of butane used to make BHO is commonly described on the canister containing it as “refined,” “pure,” “purified,” “premium” and/or “filtered”;

WHEREAS, butane has many legitimate uses, but such uses do not typically necessitate the use of the large quantities associated with BHO production;

WHEREAS, media reports indicate that individuals making BHO have caused numerous explosions and fires in Los Angeles and throughout California, causing fatalities, extensive injuries and property damage;

WHEREAS, it is a felony under California Health and Safety Code Section 11379.6 to manufacture, produce or process a controlled substance, including concentrated cannabis, by chemical extraction; and

WHEREAS, State law was recently amended to authorize a sentencing court to consider the fact that a violation of Health and Safety Code Section 11379.6 involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or structure an aggravating factor.

NOW, THEREFORE,

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

Section 1. Article 6.4 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 6.4

RESTRICTIONS ON BUTANE SALES

SEC. 46.09. RESTRICTIONS ON BUTANE SALES.

(a) **Definitions.**

1. The term "**vendor**," as used in this section, shall mean any person who is engaged in the wholesale or retail sale of "refined butane," as that term is defined below.

2. The term "**refined butane**," as used in this section, shall mean butane contained in a canister whose label includes any or all of the following words: "refined," "pure," "purified," "premium" and "filtered," when said words are used to describe the butane.

3. The term "**sale**" or "**sell**" as used in this section, shall mean to transfer from a vendor to a customer, whether or not that transfer involves an exchange of money.

4. The term "**purchase**," as used in this section, shall mean to acquire from a vendor, whether or not that acquisition involves an exchange of money.

(b) **Vendor Requirements.** Every vendor shall do all of the following:

1. Store refined butane, or cause it to be stored, in a manner that makes it inaccessible, without employee assistance, to the public in the regular course of business pending legal sale or disposition;

2. Limit the quantity of refined butane that may be purchased by a person within a 30-day period to no more than 1200 milliliters (ml) at retail;

3. Sell refined butane only to persons 18 years of age or older;

4. Require any person who wishes to purchase refined butane to present a valid driver's license or other form of government-issued identification bearing the prospective purchaser's photograph, date of birth and current residence address; and

5. Record the following information in connection with each sale of butane and maintain on the premises of the vendor for a period of not less than two (2) years from the date of sale:

A. The full name and residence address of the purchaser, as obtained from identification described in (b)(4);

B. The date and time of the sale;

C. The brand and amount of refined butane sold;

D. The type of sale, i.e., retail or wholesale;

E. If a wholesale sale, the purchaser's seller's permit number as reflected on the resale certificate, if a resale certificate is taken from the purchaser pursuant to California Revenue and Taxation Code section 6091; and

F. The full name of the person who processed the sale.

(c) **Penalty.** Violation of any provision of Subdivision (b) above shall constitute a misdemeanor punishable in accordance with Subdivision (m) of Section 11.00 of this Code.

(d) **Compliance.** Compliance with this section shall in no way relieve a vendor of the responsibility to comply with any other applicable city, state or federal law.

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

Sec. 2. 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, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
HEATHER AUBRY
Deputy City Attorney

Date 0-23-16

File No. CF 16-0212