

ORDINANCE NO. _____

An ordinance amending Section 46.20 of the Los Angeles Municipal Code to prohibit the sale, distribution, manufacture and possession of certain controlled substances and their analogs, as well as analogs of synthetic cannabinoid compounds.

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

Section 1. Section 46.20 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 46.20. SALE, DISTRIBUTION, MANUFACTURE, AND POSSESSION OF CONTROLLED SUBSTANCES AND THEIR ANALOGS AND ANALOGS OF SYNTHETIC CANNABINOID COMPOUNDS PROHIBITED.

(a) It is unlawful for any person to sell, distribute, manufacture or possess a controlled substance listed in 21 C.F.R. § 1308.11 (Schedule I of the federal Controlled Substances Act) that is not otherwise regulated or prohibited by California state law.

(b) It is unlawful for any person to sell, distribute, manufacture or possess an analog of a controlled substance listed in 21 C.F.R. § 1308.11 that is not otherwise regulated or prohibited by California state law.

(c) It is unlawful for any person to sell, distribute, manufacture or possess an analog of a synthetic cannabinoid compound that is not otherwise regulated or prohibited by California state law.

(d) For purposes of this section, except as provided in Subdivision (e), an “analog” of a controlled substance listed in 21 C.F.R. § 1308.11 or of a synthetic cannabinoid compound means either of the following:

(1) A substance, the chemical structure of which, is substantially similar to the chemical structure of any controlled substance listed in 21 C.F.R. § 1308.11 or any synthetic cannabinoid compound defined in California Health and Safety Code § 11357.5.

(2) A substance which has, is represented as having, or is intended to have a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of any controlled substance listed in 21 C.F.R. §§ 1308.11 or any synthetic cannabinoid compound defined in California Health and Safety Code § 11357.5.

(e) The term “controlled substance analog” does not mean any of the following:

(1) Any substance for which there is an approved new drug application as defined under Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355) or which is generally recognized as safe and effective for use pursuant to Sections 501, 502 and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 351, 352 and 353) and 21 C.F.R. Section 330 et seq.

(2) Any substance for which an exemption is in effect for investigational use under Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355), to the extent that the conduct with respect to that substance is pursuant to the exemption.

(3) Any substance, before an exemption as specified in Subdivision (2) takes effect with respect to the substance, to the extent the substance is not intended for human consumption.

(f) This section does not affect the recommendation or regulation of medical marijuana pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act, or the Medical Marijuana Regulation and Safety Act.

(g) This section shall not apply to any drug or chemical compound already regulated or prohibited by California law, or approved by the United States Food and Drug Administration, and dispensed or possessed in accordance with state and federal law.

Sec. 2. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: There has been a rise in synthetic drugs created by "street" chemists, most recently the synthetic drug known as "Spice." The foregoing amendments to Section 46.20 will significantly expand the section to include many of the substances that can be used in making Spice, specifically all substances included in Schedule I of the federal Controlled Substances Act and any analogs of those substances, as well as analogs of synthetic cannabinoids. The Council, therefore, with the Mayor's concurrence, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.

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 its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

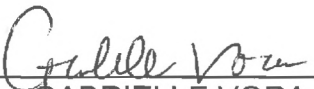
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
GABRIELLE VORA
Deputy City Attorney

Date SEP 27 2016

File No. CF 16-0965