



City of Quincy, Massachusetts

OFFICE OF THE COUNCIL

BRIAN PALMUCCI
COUNCILLOR - WARD FOUR

Cell: (617) 376-1354
Office: (617) 376-1341
Fax: (617) 376-1345
Email: bpalmucci@quincyma.gov

**TO: ALL MEMBERS OF THE PUBLIC SAFETY
COMMITTEE OF THE QUINCY CITY COUNCIL
(Councillors Coughlin, Finn, Gutro, Laforest)**

FROM: COUNCILLOR BRIAN PALMUCCI, CHAIRMAN

The **PUBLIC SAFETY COMMITTEE** of the Quincy City Council will meet on **MONDAY, OCTOBER 28, 2013, AT 6:30 PM** in the Park Department **Community Room at the Koch Family Complex, 100 Southern Artery** to discuss items pending in Committee including:

#2013-146 Resolve Seeking Host Agreements for Medical Marijuana Dispensaries

#2013-175 Proposed Ordinance re: Synthetic Drugs

Please attend this very important meeting.

**Copy to All Councillors
Patriot Ledger, Boston Globe
Quincy Sun, Quincy Access TV
Chief Keenan, Capt. Dougan
Messrs. Fatseas, Walker, Timmins, Shea**

#2013-146

September 3, 2013

Introduced by Doug Gutro, Councilor At Large
Co-Sponsor: Brian Palmucci, Ward 4 City Councilor
Co-Sponsor: Brad Croall, Ward 2 City Councilor

Resolution seeking Host Agreements for Medical Marijuana Dispensaries

Whereas a state ballot initiative passed by the voters in November 6 2012, allow up to 35 medical marijuana dispensaries in each county; and

Whereas the City Council Passed Council Order 2013-061, regulating registered marijuana dispensaries on June 17, 2013 in the City of Quincy; and

Whereas the Massachusetts Department of Public Health required phase 1 application forms be completed by potential medical marijuana dispensaries by August 22, 2013; and

Whereas 12 applications have been submitted for consideration in Norfolk County, and

Whereas; several applicants to made inquiries about potential locations in Quincy, and

Whereas concern exists about the potential impact dispensaries could have on neighborhoods or unregulated drug use;

Now therefore be it resolved that the Quincy City Council urge the Koch Administration to request applicants to sign a "Host Agreement," which could provide community benefits including but not limited to drug abuse education and prevention programs.

Be it further resolved that the Quincy City Council invite Impact Quincy to appear before the Council or appropriate Committee to provide insight on community drug use including marijuana.

####

introduced by:

Kevin F. Coughlin, Ward Three Councillor
Douglas S. Gutro, Councillor at Large
Kirsten L. Hughes, Ward Five Councillor

Order No:

October 21, 2013

#2013-175

Synthetic Drugs 8.36

WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens pose health, safety, and welfare issues for the residents of the City of Quincy.

Be it ordained by the Quincy City Council as follows:

That the Revised Ordinances of the City of Quincy, as amended, be and hereby are further amended by adding the following section:

Section 8.36 : Synthetic Drugs

8.36.010 Definitions

As used in this Section, the following terms shall have the meaning ascribed to them below:

Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Synthetic Marijuana:

(i) any substance as defined by 21 U.S.C. §812(d), excluding "marihuana" as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or, (ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of

synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

(Reference: Modeled after: 21 U.S.C. 802(32); 21 U.S.C. 813)

Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

8.36.020 Prohibited Activity

(1) No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.

(2) No person shall knowingly possess or consume synthetic marijuana or synthetic marijuana analogue.

(3) This Ordinance shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

8.36.030 Penalty for violation

Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense.

Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.

Each ounce or portion thereof shall be considered a separate offense.

8.36.040 This ordinance may be enforced by criminal complaint before the District Court, or, by noncriminal disposition in accordance with General Laws chapter 40 §21D. (Statutory Reference: G.L. chapter 40 §21; c. 218 §26)

A police officer may arrest without a warrant whomever there is probable cause to believe is in willful violation of this Ordinance, pursuant to G.L. c. 272 §59.

8.36.050 Seizure of controlled substances.

All controlled substances described in this ordinance may be seized and held until final adjudication whereupon they shall be destroyed by the seizing agency.

8.36.060 Severability: If any part of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

8.36.070 Effect: This Ordinance shall take effect immediately upon its passage.

Passed To Be Ordained