

REGULATION _____
CONTROL OF SYNTHETIC CANNIBANOIDS

WHEREAS, the Bear River Board of Health (hereinafter “Board of Health”) finds and determines that the substances described hereunder are often used as an alternative to marijuana, that the substances are potentially dangerous to users, that the long term effects are not yet known, that a high number of hospitalizations have been reported in connection with the use of the substances; and

WHEREAS, the substances described hereunder are not yet categorized as illegal controlled substances under State or Federal law, and that it is proper and necessary for the Board of Health to exercise its authority to safeguard and protect the public health and safety; and

WHEREAS, any use of the substances described hereunder, other than the use of these substances to become intoxicated, are of minimal benefit; and

WHEREAS, the Board of Health caused notice of the hearing on Regulation _____ to be advertised at least ____ () days before the date of the public hearing in _____ and _____ both newspapers of general circulation in Cache County, Box Elder County, and Rich County, Utah; and

WHEREAS, on this date, _____, at _____ P.M., the Board of Health held a public hearing to consider any comments regarding the proposed Regulation _____. The Board of Health accepted all comments.

NOW THEREFORE, pursuant to the statutory authority granted the Board of Health pursuant to Utah Code Ann. § 26A -1-121(1) and 26A-1-114 the Board of Health enacts the following:

- A. Except as authorized by Title 58 Chapter 37 of the Utah Code, as amended, it is unlawful for any person to knowingly and intentionally: (i) produce, manufacture, dispense, or (ii) possess with intent to produce, manufacture, or dispense, or (iii) distribute, or agree, consent, offer, or arrange to distribute, or (iv) possess with the intent to distribute or use, synthetic cannabinoids, more specifically identified as follows:
- (a) 1-Pentyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-018
 - (b) 1-Butyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-073
 - (c) N-benzylpiperazine
Some trade or other names: BZP
 - (d) 1-(3-[trifluoromethylphenyl]) piperazine
Some trade or other names: TFMPP; or
 - (e) any structurally similar analogs of the substances listed above.

- B. **Penalty:** Any person who is found guilty of violating any of the provisions of this Regulation, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Ann., 1953, as amended. If a person is found guilty of a subsequent violation within two years, he is guilty of a class A misdemeanor, pursuant to § 26A-1-123, Utah Code Ann., 1953, as amended.
- C. **Subsequent State Action:** If the Utah State Legislature adopts a statute enacting criminal penalties for prohibitions set forth in this Regulation, then upon the effective date of such state statute, provisions of this ordinance that are covered by the state statute shall no longer be deemed effective. Any violations of this Regulation prior to a state statute becoming effective may be prosecuted. If there are provisions of this Regulation that are not covered by the state statute, those provisions will remain in effect and may be prosecuted.
- D. **Effective Date:** This Regulation shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Cache County, Box Elder County, and Rich County, Utah.

This Regulation was approved and adopted by the Bear River Board of Health on the ____ day of _____, 2010, upon the following vote:

BEAR RIVER BOARD OF HEALTH

Chair

ATTEST:

Publication Date: _____, 2010