

§ 201-9 Ban on Sale of Drug Paraphernalia and Synthetic Cannabinoids
(Added 12-11-12, effective 1-1-2013; Amended 4-29-14, effective 5-9-2014)

- A. **Purpose.** Whereas, it has been reported by various agencies that synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body; and whereas these synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens pose health, safety, and welfare issues; now therefore the Board of Health of the Town of Northbridge adopts these regulations banning the sale of drug paraphernalia and synthetic cannabinoids as part of our mission to protect the health, safety and welfare of the public.
- B. **Authority.** These regulations are promulgated under the authority granted to the Board of Health under MGL Ch. 111, § 31.
- C. **Definitions.** The following terms shall have the meaning ascribed to them below:

Cannabimimetic Agents: Unless specifically exempted by law, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. As used in this regulation, cannabimimetic agents mean:

1. Any substance that is a cannabinoid receptor type 1 (CB 1 receptor) as demonstrated by binding studies and functional assays within the following structural classes:
 - a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
 - b. 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;
 - c. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;
 - d. 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or
 - e. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.
2. Any substance which includes any one (1) or more of the following chemicals:
 - a. CP 47,497; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

- b. Cannabicyclohexanol;5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- c. JWH-015;(2methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
- d. JWH-018; 1-pentyl-3-(1-naphthoyl) indole;
- e. JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
- f. JWH-073; 1-butyl-3-(1-naphthoyl)indole;
- g. JWH-081;1-pentyl-3-(1-4-methoxynaphthoyl)indole;
- h. JWH-122; 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- i. JWH-200; 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
- j. JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
- k. JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- l. JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- m. AM2201; 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;
- n. AM694; 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- o. SR-19 and RCS-4; 1-pentyl-3-(4-methoxy-benzoyl)indole; and
- p. SR-18 and RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole.

3. Any substance which includes any one (1) or more of the following chemicals:

- a. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- b. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- c. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- d. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- e. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- f. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- g. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- h. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine(2C-N); and

i. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)

Illegal Chemical Product: Any substance which includes any one (1) or more of the following chemicals:

1. 3,4 – methylenedioxymethcathinone, MDMC;
2. Medphradone (4-methylmethcathinone);
3. 4 – methylmethcathinone, 4 – MMC;
4. 4 – methoxymethcathinone, bk – PMMA, PMMC;
5. 3, 4 – fluoromethcathinone, FMC;
6. Naphthylpyrovalerone, NRG -1;
7. Beta-keto-N-methylbenzodioxolylpropylamine;
8. 2-(methylamino)-propiofenone; OR alpha-(methylamino) propiofenone;
9. 3-methoxymethcathinone;
10. 2-(methylamino)-1-phenylpropan-1-one;
11. 4-ethylmethcathinone;
12. 3,4-dimethylmethcathinone;
13. Alpha-Pyrrolidinopentiophenone;
14. Beto-Keto-Ethylbenzodioxolybutanamine;
15. 3,4-methylenedioxy-N-ethylcathinone;
16. 4-methyl-alpha-pyrrolidinobutyrophenone;
17. Methylenedioxypropiovalerone or [(MDPV) (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone]; and
18. MDAI; 5, 6-methylenedioxy-2-aminoindamine.

Drug Paraphernalia: Drug paraphernalia shall be defined pursuant to M.G.L.A c. 94C sec. 1. Drug paraphernalia shall, in addition to the definition under M.G.L.A. c. 94C, sec. 1, include blunt wrappers and rosebud glass tubes or other non-traditional tobacco smoking apparatus.

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

- D. No person shall sell, offer to sell, gift, or publicly display for sale any drug paraphernalia within the Town of Northbridge. Any loose products, including but not limited to steel wool pads and plastic bags, displayed in a business establishment for sale or distribution, individually, out of the manufacturer's customary packaging, will be considered drug paraphernalia. In determining whether an object is being sold or offered for sale as drug paraphernalia, the enforcing officer, court and/or reviewing authority should consider all other logically relevant factors.

Exception: A Registered Marijuana Dispensary possessing a current registration issued by the Commonwealth of Massachusetts and a License to Operate a Registered Marijuana Dispensary issued by the Northbridge Board of Health in accordance with § 201-22 of the Code of Regulations of the Northbridge Board of Health governing the Sale of Marijuana, and upon approval of the Northbridge Police Department, shall be exempt from § 201-9 (D) of this Board of Health regulation banning the sale of drug paraphernalia provided that all retail sales of paraphernalia are face-to-face between the Dispensary Agent and the Card Holder at the licensed Registered Marijuana Dispensary. (Added 4-29-14, effective 5-9-2014)

- E. No person shall sell, offer to sell, gift, or publicly display for sale any cannabimimetic agent, illegal chemical product, or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual, or mental processes, that is similar to a controlled substance or imitation controlled substance.
- F. No person shall knowingly possess, inhale, or ingest any cannabimimetic agent or illegal chemical product or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual, or mental processes, that is similar to a controlled substance or imitation controlled substance.
- G. This regulation shall apply whether the cannabimimetic agents or illegal chemical products, as herein defined, are desired as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or ingested.
- H. **Violations and Penalties.** This Regulation shall be enforced by the Northbridge Board of Health and/or the Northbridge Police Department through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, by noncriminal disposition pursuant to M.G.L. c. 40, § 21D, and/or through revocation of any or all licenses and permits issued by the Town of Northbridge. The fine for violation of this regulation shall be three hundred dollars (\$300) for each offense. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale.
- I. **Enforcement.** The enforcement of this regulation shall be by the Northbridge Police Department, the Northbridge Board of Health, or its designated agent.

- J. **Seizure of Controlled Substances.** All substances, found in plain view, being used in violation of this regulation may be seized and held until final adjudication whereupon they will be destroyed by the Northbridge Police Department.
- K. **Effective Date.** These regulations shall become effective on January 1, 2013.