



Las Vegas

Agenda Item No.: 3.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 1, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-70 - ABYANCE ITEM 4: Possible Action - Requires a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances, and establishes operational regulations for such businesses. Sponsored by: Councilman Steven Ross

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will require a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances. The bill will also establish operational regulations for such businesses. This item was held in Abeyance from the November 17, 2014 Recommending Committee meeting.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2014-70
2. Submitted at Meeting - PowerPoint Presentation by Captain Christopher Darcy and Proposed First Amendment by Staff

Motion made by STAVROS S. ANTHONY to Approve as Do Pass as a First Amendment

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

COUNCILMAN ROSS indicated that he had been working with CAPTAIN CHRISTOPHER DARCY, Las Vegas Metropolitan Police Department (Metro), and Business Licensing staff on

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this matter to put a stop to the sale of dangerous substances that people should not use. He asked for the Committee's support.

CAPTAIN DARCY stated the single most concerning drug to Metro was Spice, a dangerous, synthetic drug made cheaply in warehouses that is constantly altered in consistency to make it difficult to illegalize and sold at smoke shops to adults and minors. There is extreme profit potential in the illegal sale of this product and the biggest concerns with it are lack of quality control and its adverse effects on people. He referred the Councilmen to a hardcopy of a PowerPoint and went over some data on the sale of Spice and Metro's efforts in combating the sale of this drug.

CAPTAIN DARCY reiterated to COUNCILMAN ANTHONY that Spice was being sold as a legal alternative to cannabis (marijuana), but it is very difficult to keep it illegal because the sellers keep altering the drug with herbal mixtures that are not classified as illegal, so its legality depends on the compound. Smoke shops have been closed because of the illegal sale of Spice, but not permanently. Metro is in the process of working with Clark County to adopt a similar law.

COUNCILMAN COFFIN discussed with CAPTAIN DARCY that Spice could be mass produced for approximately \$4, given that it consists of a variety of herbal mixtures and chemicals. COUNCILMAN COFFIN did not believe its sale could be stopped and added that its effects could differ by individual.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that adoption of this ordinance would help Metro primarily by making smoke shop owners obtain a privileged license; thereby, making the owners and employees subject to background checks. He clarified for COUNCILMAN ANTHONY that a smoke shop is a business which primarily sells tobacco paraphernalia. Non-compliance would give Business Licensing the ability to start the process for revocation of the privileged license.

COUNCILMAN COFFIN discussed with KAREN DUDDLESTEN, Business Licensing Manager, that the City only had one license for the sale of cigars, tobacco. This ordinance would not change any fees and would allow staff to issue citations for violations of state law, which she cited, and makes sure the City has the ability to revoke the licenses for the sale of Spice. It also adds age restrictions, making it illegal for persons under 18 to enter tobacco shops, and requires that all lounge areas be in view. Cigar stores would be impacted, but establishments with tobacco certificates would not be impacted. Regulation of e-cigarettes was not included in this ordinance, but the state would be dealing with adopting restrictions regarding these because of their danger.

CAPTAIN DARCY re-emphasized that some compounds of Spice are illegal at times, because the manufacturers make it with several chemicals and as soon as authorities make those chemicals illegal, the manufacturers change the molecular structure to put it outside of the illegal classification, and it just becomes a cycle. This ordinance would strengthen Metro's enforcement

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options. Metro would still have to go before the Pharmacy Board, but this ordinance would make it easier for Metro to deal with this issue. Spice is not sold openly and is sold through cash transactions.

COUNCILMAN BARLOW asked MS. DUDDLESTEN how the issue of sale the of illegal paraphernalia could be addressed, to which MS DUDDLESTEN replied that the City would need to identify all items that would be made illegal for smoke shops to sell and implement restrictions. The privileged license requirement on smoke shops would require background check of the owners and their employees, so that would greatly help staff.

CHIEF DEPUTY CITY ATTORNEY STED advised COUNCILMAN BARLOW that the ordinance was in order and highlighted the proposed amendments included in the Proposed First Amendment bill draft. He recommended approval.

MS. DUDDLESTEN indicated to COUNCILMAN COFFIN that medical marijuana establishments would be governed under privileged licensing rules and allowed to have very specific and limited products for the sale of medical marijuana.

COUNCILMAN BARLOW declared the Public Hearing closed.

