

SPICE



Submitted At Meeting

Date *12/1/14* Item *3*
by *Capt. Christopher Darcy*

WHAT IS SPICE?

Spice is a synthetic cannabinoid which is a psychoactive herbal and chemical product that is supposed to mimic the effects of marijuana; simply put, plants and/or herbal products that are sprayed with various types of chemicals.

Spice has nothing to do with spices or incense. The look is similar to marijuana, but it does not smell or taste good.

Spice is more potent than marijuana, and its effects (vomiting and intense anxiety) are widespread and vary among users. Most significantly, synthetic cannabinoids attack brain cells which can lead to severe psychosis.

Documented Smoke Shops

- District A – 206
- District B – 34
- District C – 0
- District D – 27
- District E – 210
- District F – 162
- District G – 110

● County – 749

- Ward 1 – 53
- Ward 2 – 12
- Ward 3 – 40
- Ward 4 – 18
- Ward 5 – 28
- Ward 6 – 11

● City—162

Active Investigations Conducted by LVMPD

LVMPD has a total of 15 open Spice investigations.

By Districts and Ward:

- District B – 1
- District D – 3
- District E – 4
- District G – 4
- Ward 3 – 3

2013 Southern Nevada Health District Youth Risk Survey

A random group of high school students (9th – 12th grades) were sampled. 1185 students took the survey. Of those 1185 students, 181 (16%) students admitted to using spice or synthetic drugs.

SPICE PARAPHERNALIA



SPICE - LIQUID AND WAX FORM



SPICE DISTRIBUTION CENTERS



SPICE IN BULK FORM



DANGERS OF SPICE RESIDENTIAL FIRE DUE TO SPICE



Video of Spice User



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PROPOSED FIRST AMENDMENT

BILL NO. 2014-70

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE A PRIVILEGED LICENSE FOR SMOKING LOUNGES AND FOR CERTAIN BUSINESSES THAT SELL TOBACCO PARAPHERNALIA OR DESIGNATED SUBSTANCES; ESTABLISH REGULATIONS REGARDING THE OPERATION OF SUCH BUSINESSES, PROVIDE A PERIOD FOR EXISTING BUSINESSES TO COME INTO COMPLIANCE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: 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.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: Title 6, Chapter 6, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.06.010: (A) The provisions of this Chapter apply to those businesses which are found by the City Council to require a high degree of supervision and to more seriously affect the economic, social and moral well-being of the City and its residents. These businesses have been commonly referred to as “privileged” and require specific consideration for approval of a license for the business by an approving authority, and specific consideration for approval of the suitability of the principals by an approving authority.

(B) For purposes of this Chapter, the term “approving authority” means:

(1) The Director, for licenses and suitability determinations for principals issued under the provisions of Chapters 6.06A, 6.06B, 6.12, 6.14, 6.18, 6.35, 6.47, 6.51, 6.53, 6.55, 6.69, 6.74, 6.82 and 6.84; and

(2) The City Council, for all other categories.

SECTION 2: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 82 and consisting of

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Sections 10 to 100, inclusive, reading as follows:

6.82.010: As used in this Chapter, the following terms shall have the meanings indicated:

“Designated substance” means salvia divinorum or Salvinorum A, including all parts of the plant botanically classified as salvia divinorum, whether growing or not; any extract thereof; the seeds thereof; and every compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or extracts.

“Sell” (and related forms of the word) refer to the sale, offer to sell, exchange or offer to exchange for any form of consideration.

“Smoke shop” means a business which has, as its principal activity or a primary activity, the sale of tobacco paraphernalia or designated substances, or a business that holds itself out to the public as a business engaging in that activity.

“Smoking lounge” means a business which offers, as its principal activity or a primary activity, a location and equipment for the consumption of tobacco products.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or consumption of tobacco products. The term does not include tobacco products.

“Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. The term does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence, or any electronic device that enables the introduction of nicotine into the human body but without the presence of tobacco.

6.82.020: (A) No person shall engage in business as a smoke shop within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.

(B) Each employee of a smoke shop who sells or handles tobacco paraphernalia or

designated substances, or has daily control of the operations of the smoke shop shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.

6.82.030: It is unlawful for any business subject to licensing as a smoke shop to:

(A) Employ a person under the age of eighteen years (or allow such an employee) to sell or handle tobacco paraphernalia or designated substances.

(B) Sell tobacco paraphernalia or any designated substance to a person under the age of eighteen.

6.82.040: (A) In any smoke shop, tobacco paraphernalia that is being stored or displayed must be stored or displayed in a designated area within the business premises that is not open to view by persons under the age of eighteen and to which such persons do not have access. Except in an establishment that does not permit entry to persons under the age of eighteen, each entrance to the designated area shall have a sign clearly posted in letters not less than three inches tall indicating that persons under the age of eighteen are not permitted within that area unless accompanied by a parent or legal guardian. Any such designated area and signage are subject to prior approval by the Director as part of the license approval process.

(B) No principal or employee of a smoke shop shall permit a person under the age of eighteen years to enter or remain within the designated area unless that person is accompanied by his or her parent or legal guardian.

6.82.050: (A) No person shall engage in business as a smoking lounge within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.

(B) Each employee of a smoking lounge who serves patrons of the establishment, handles tobacco products or tobacco paraphernalia, or has daily control of the operations of the smoking lounge shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.

6.82.060: It is unlawful for any business subject to licensing as a smoking lounge to:

(A) Employ a person under the age of eighteen years (or allow such an employee) to

1 sell or handle tobacco products or tobacco paraphernalia; or

2 (B) Allow a person under the age of eighteen years to consume tobacco products.

3 **6.82.070:** Within a smoking lounge:

4 (A) All smoking areas must be open to view by employees and patrons.

5 (B) No live entertainment may be provided unless the establishment has a night club
6 license or other appropriate license for that activity.

7 **6.82.080:** A business that desires to operate both as a smoke shop and a smoking lounge may apply
8 for and obtain a license for each operation under this Chapter, or the Department may at its option issue a
9 combined license to authorize both types of activity. Under a combination license, the licensee must
10 comply with the provisions of this Chapter that apply to both types of operations.

11 **6.82.090:** Businesses that are existing on the effective date of the Ordinance codified in this Chapter
12 shall have six months from that date to come into compliance with this Chapter.

13 **6.82.100:** Nothing in this Chapter is intended to limit the application of State law and regulations
14 governing tobacco products, drug paraphernalia, or substances that are classified or to be classified as
15 controlled substances under State law and regulations, including without limitation NRS Chapters 453 and
16 453A and regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance
17 with State law and regulations in accordance with the terms thereof, notwithstanding any provisions of this
18 Chapter that pertain specifically to and are an exercise of the City's licensing and regulatory powers and
19 jurisdiction.

20 SECTION 3: Title 6, Chapter 2 Section 370, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.02.370:** [The doing of any act for which a license is required or the violation of any provision of
23 this Title is declared to be unlawful. In addition, any such act or violation, if harmful to the safety, welfare,
24 health, or peace of the residents and taxpayers of the City, constitutes a public nuisance per se, unless such
25 act is done by a person who is authorized to do so by a license issued pursuant to this Title.]

26 (A) It is unlawful to:

1 (1) Engage in any activity for which a license is required by this Title without
2 having obtained and maintained in force the license that pertains to that activity;

3 (2) Violate any provision of this Title in connection with the operation of a
4 business; or

5 (3) Violate any provision of State law governing the operation of a business.

6 (B) In addition, any activity or violation described in Subsection (A), if harmful to the
7 safety, welfare, health, or peace of the residents and taxpayers of the City, constitutes a public nuisance.

8 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
9 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
10 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
11 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
12 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
13 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
14 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

15 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to
16 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
17 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
18 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
19 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
20 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
21 of this ordinance shall constitute a separate offense.

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SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Deputy City Attorney	Date
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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