

CHAPTER 8.07 SUBSTANCE ABUSE

ARTICLE I METHAMPHETAMINES

8.07.010 Definitions

- 1) "Methamphetamine precursor drug(s)" shall mean and refer to any substance that is:
 - a) a drug or product containing as its sole active ingredient pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or
 - b) a combination drug or product containing as one (1) of its active ingredients pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.
- 2) "Over-the-counter sales" shall mean and refer to a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.
- 3) "Retailer" shall mean and refer to any person, corporation, partnership or other business entity conducting business within the Rexburg City Limits who sells or furnishes any over-the-counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product. (Ord. 949 §1, 2005).

8.07.020 Prohibited acts

It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or to otherwise furnish in any single transaction:

- 1) More than three packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs.
- 2) A methamphetamine precursor drug to a person under the age of 18 years.
- 3) The limits established in this section shall not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription. (Ord. 949 §1, 2005).

8.07.030 Accessibility of methamphetamine precursor drugs

A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:

- 1) behind a checkout counter where the public is not permitted; or

- 2) inside a locked display case; and
- 3) all sales shall be conducted with an employee of the retailer and cannot be conducted by a self-service system. (Ord. 949 §1, 2005).

8.07.040 Penalty

It shall be unlawful and punishable as a misdemeanor to violate any of the provisions of this chapter. (Ord. 949 §1(part), 2005).

ARTICLE II INTOXICATING SUBSTANCES

8.07.050 Sale, ingestion or inhalation of intoxicating chemicals prohibited

It shall be unlawful for any person for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of brain or nervous system to intentionally sell, ingest or inhale the fumes of any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors of fumes. (Ord. 532 §1, 1972).

8.07.060 Responsibility of other persons

It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the preview of this article. (Ord. 532 §2, 1972).

8.07.070 Penalty

Violation of this ordinance shall be punishable by imprisonment in the Madison County Jail for a period not to exceed six (6) months or by a fine not to exceed \$300.00, or by both such imprisonment and fine. (Ord. 532 §3, 1972).

ARTICLE III “SPICE” A SYNTHETIC CANNABIS AN “INTOXICATING CHEMICAL SUBSTANCE

8.07.080 Intoxicating chemical substances

1) Definition and application: As used in this ordinance:

- a)“Intoxicating chemical substance” shall only mean one or more of the following chemical compounds or their analogs or homologs, whether isolated or contained in any liquid, fiber, paper, powder, solution, herbal or plant material, aerosol, plasma, incense or other medium:
 - i. 1-pentyl-3-(1-naphthoyl) indole (JWH-018); naphthalen-1-yl-(1-butylyndol-3-yl) methanone (JWH-073); 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP 47,497); OR

ii. any artificial chemical substance simulating, copying to a significant degree, or emulating any of the compounds listed in section 1(a)(i) of this ordinance, or any substance regulated or governed by Idaho Code Title 37, Chapter 27, which substance itself is not presently regulated by that Chapter, capable of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of the brain or nervous system as a result of the ingestion, injection into the bloodstream, or inhalation of the fumes or vapors of such chemical substance; OR

iii. for purposes of sections II(1)(a), II(1)(b) and II(1)(d) only, any substance or product labeled “Not for Human Consumption,” or any other label warning against humans introducing that substance or product into the body.

b) “Paraphernalia” shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in injecting, ingesting, inhaling, or otherwise introducing into the human body, an “intoxicating chemical substance” (as that term is defined herein).

c) Application. Nothing in this ordinance shall be construed to include, govern over, or regulate any controlled substance or item of drug paraphernalia regulated by the provisions of Idaho Code Title 37, Chapter 27, the Uniform Controlled Substances Act. (Ord. 1058 § I, 2010)

8.07.090 Abuse of an intoxicating chemical substance

1) A person is guilty of abuse of intoxicating chemical substances if:

(a) that person intentionally ingests, injects into the bloodstream, inhales the fumes of while being eighteen (18) years of age or older, or otherwise introduces into the body an intoxicating chemical substance, or attempts any of the same; OR

(b) that person is under the influence of an intoxicating chemical substance; OR

(c) that person possesses, purchases, or attempts to possess or purchase an intoxicating chemical substance; OR

(d) that person uses, or possesses with intent to use, paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body, an intoxicating chemical substance. (Ord. 1058 § II, 2010)

8.07.100 Delivery of an intoxicating chemical substance

1) A person is guilty of delivery of an intoxicating chemical substance if that person offers, sells, delivers, or provides an intoxicating chemical substance to another person or entity. (Ord. 1058 § III, 2010)

8.07.110 Manufacture of an intoxicating chemical substance

- 1) A person is guilty of the manufacture of an intoxicating chemical substance if that person creates, manufactures, cultivates, transports, produces, or processes an intoxicating chemical substance. (Ord. 1058 § IV, 2010)

8.07.120 Penalties

- 1) Any person who violates this ordinance with respect to:
 - (a) section II hereof is guilty of a misdemeanor and, upon conviction, may be punished by a fine of up to three hundred dollars (\$300), or by up to sixty (60) days in jail, or both;
 - (b) section III hereof is guilty of a misdemeanor and, upon conviction, may be punished by a fine of up to three hundred dollars (\$300), or by up to one hundred fifty (150) days in jail, or both;
 - (c) section IV hereof is guilty of a misdemeanor and, upon conviction, may be punished by a fine of up to three hundred dollars (\$300), or by up to one hundred eighty (180) days in jail, or both. (Ord. 1058 § V, 2010)