

San Diego's Synthetic and Psychoactive Drug Laws

The San Diego City Council approved an ordinance on Tuesday, June 14, 2016 that prohibits the manufacturing, sale, distribution and possession of spice, bath salts, kratom, and other synthetic and psychoactive drugs.

Due to the threat these substances pose to the health and welfare of the public these laws became effective immediately.

With the enactment of these laws the following are now prohibited in the city of San Diego:

San Diego Municipal Code section 52.3303 – Manufacture, Distribution and Sale Prohibited. It is unlawful to manufacture, sell, offer to sell, offer for sale, distribute, or possess for sale any Federal Schedule I Drug, Novel Synthetic Drug, or Novel Psychoactive Drug.

San Diego Municipal Code section 52.3304 – Possession Prohibited. It is unlawful to possess any Federal Schedule I Drug, Novel Synthetic Drug, or Novel Psychoactive Drug.

The Municipal Code also deems the manufacturing, sale, offering to sell, distribution, or possession for sale of a Federal Schedule I Drug, Novel Synthetic Drug, or Novel Psychoactive Drug to be a public nuisance.

Additionally, the ordinance, under section 52.3307, makes it unlawful for a property owner or other responsible person, after receiving written notice by the City of a violation of the ordinance, to fail to abate the public nuisance within 30 calendar days from the date of the notice.

This new ordinance is posted in its entirety at

<http://docs.sandiego.gov/municode/MuniCodeChapter05/Ch05Art02Division33.pdf>.

It is incumbent upon every business owner and employee in San Diego to know and understand these new laws and how they apply to them.

Enforcement of these laws has commenced. Those who violate these laws are subject to citation and/or arrest. Violators are also subject to administrative and civil sanctions.

Should you have any questions please call the San Diego Police Department's Narcotics Unit at (619) 531-2468.

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