

ORDINANCE NUMBER O- 20657 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 15 2016

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 33, TITLED PROHIBITING THE MANUFACTURING, SALE, DISTRIBUTION, AND POSSESSION OF FEDERAL SCHEDULE I DRUGS, NOVEL SYNTHETIC DRUGS, AND NOVEL PSYCHOACTIVE DRUGS

WHEREAS, in the City of San Diego, there is an immediate threat to the public safety and welfare, in that unregulated novel drugs, including synthetic drugs, some of which are commonly known as “spice” or “bath salts,” continue to proliferate at an alarming rate due to easy access, low price, and powerful effect; and

WHEREAS, these drugs are widely available in stores; and

WHEREAS, according to the San Diego Fire-Rescue Department, emergency medical personnel have responded to over 650 “spice” synthetic drug related incidents between April 2015 and March 2016; and

WHEREAS, use of unregulated novel drugs has been documented to produce psychological effects similar to those of cocaine, marijuana, MDMA (commonly known as “ecstasy” or “molly”) and methamphetamine, including paranoia, panic attacks, psychotic episodes, aggression, and suicidal ideations, as well as physiological effects including increased blood pressure, agitation, anxiety, nausea, vomiting, tachycardia, tremors, seizures, intense hallucinations, kidney damage, catatonia, or death; and

WHEREAS, unregulated novel drugs are extremely dangerous and are gaining popularity at an alarming rate among diverse sections of San Diego’s population, including minors; and

WHEREAS, certain types of “spice” have been marketed under various trade names, including the following: AK47, Aroma, Scope, Atomic, Barely In, Black Mamba, Bliss, Bombay Blue, Brain Storm, Bullet, Buzz, California Dreams, Chill X, Chronic Spice, D-ZL, Dank, Daylights, Dead Man Walking, Demon, Dragons Fire, Earth Impact, Earthquake, Fake Weed, G13, G-20, Galaxy Gold, Genie, Guerrilla Warfare, Hayze, Mystery, Hush, Hypnotiq, Jazz, Joker, K2, K3 Legal, K3, Kush, Kush Mania, Lucid, Mad Hatter, Makes Scents, Matrix, Maui Wowie, Mind Trip, Moon Rocks, Mr. Happy, Mr. Nice Guy, Mystery, Nightlights, Ocean Blue, OMG, Pineapple Express, Pot-Pourri, Potpourri, Pulse, Scooby Snax, Sence, Serenity, Skunk, Sky High, Smacked, Smoke, Solar Flare, Soul Sence, Space Truckin, Spice, Spice 99, Spice Gold, Spice Silver, Spike, Stinger, Tiger Shark, Voodoo, Voodoo Child, and Zohai; and

WHEREAS, certain types of “bath salts” have been marketed under various trade names, including the following: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine (9), Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, TranQuility, Vanilla Sky, White Dove, White Night, and White Lightning; and

WHEREAS, unregulated novel drugs have been found to contain new, unique combinations of chemical compounds currently unregulated by state law; and

WHEREAS, California law prohibits only ten types of synthetic drugs in California Health and Safety Code (Health and Safety Code) section 11357.5 (banning five enumerated synthetic cannabinoid compounds and derivatives) and Health and Safety Code section 11375.5 (banning five enumerated synthetic stimulant compounds and derivatives); and

WHEREAS, federal law prohibits additional synthetic drugs as well as many new psychoactive drugs, as listed in Schedule I of the Federal Controlled Substances Act (Federal CSA); and

WHEREAS, Federal Schedule I drugs, as described in 21 U.S.C. § 812(b)(1)(A)-(C), “have a high potential for abuse, . . . have no currently accepted medical use in treatment in the United States, . . . [and have no] accepted safety for use of the drug or other substance under medical supervision”; and

WHEREAS, the Federal Schedules of Controlled Substances (21 C.F.R. §§ 1308.11-1308.15), are far more comprehensive than California’s Drug Schedules (Cal. Health & Safety Code §§ 11054-11058); and

WHEREAS, the Federal Schedules of Controlled Substances are updated annually and allow for emergency scheduling, but California has no similar system in place; and

WHEREAS, state and federal laws prohibit certain compounds that are used to create synthetic drugs, but they are not comprehensive enough to eliminate the distribution, sale, or possession of all unregulated novel drugs and their derivatives and analogs in the City of San Diego. These drugs are unscheduled in California and most are unregulated by the state; and

WHEREAS, in response to the efforts by federal and state legislators to outlaw the chemicals in such drugs, chemists continually reconfigure and alter the composition of the specific substances to produce novel versions of such drugs, escaping the scope of the law. They accomplish this by altering the molecular architecture of the chemicals used in the products to produce a series of different compounds which are closely related to the prohibited substances, but which are not listed in the state or federal schedules of controlled substances and are not recognized analogs of any listed controlled substance; and

WHEREAS, at least ten cities or local governments in California have adopted local laws to prohibit unregulated novel drugs, including Adelanto, Barstow, Chula Vista, Encinitas, Oceanside, Redlands, Rialto, San Bernardino, San Diego County, South Lake Tahoe, Twenty Nine Palms, and Victorville; and

WHEREAS, the Council of the City of San Diego finds that the dangers of unregulated novel drugs and the inadequate regulation at the state level require local regulation; and

WHEREAS, the Council of the City of San Diego finds that the manufacturing, sale, distribution, and possession of unregulated novel drugs as defined in this Ordinance is a public nuisance as defined in the San Diego Municipal Code (Municipal Code) in that it that adversely affects the public health, safety, and general welfare; and

WHEREAS, the administrative, civil, and criminal enforcement remedies set forth in the Municipal Code provide an effective way to address the health, safety, and welfare concerns surrounding the manufacturing, sale, distribution, and possession of unregulated novel drugs and their derivatives and analogs; and

WHEREAS, it is the intent of the Council of the City of San Diego, in enacting this Ordinance, to protect the public health, safety, and welfare by discouraging the inherently dangerous behavior of ingesting intoxicating, unregulated novel drugs; by protecting the public from exposure to crime and violence often associated with ingesting such substances; by reducing the potential for children to obtain such substances; and by promoting a healthy environment in the City; and

WHEREAS, the purpose and intent of this Division is to provide the City with measures to address the dangers to the community posed by the unregulated novel drugs described in this Ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 2, of the San Diego Municipal Code is amended by adding a new Division 33, and new sections 52.3301, 52.3302, 52.3303, 52.3304, 52.3305, 52.3306, 52.3307, and 52.3308 to read as follows:

Article 2: Police — Police Regulations — Offenses Against Government

Division 33

**Manufacturing, Sale, Distribution, and Possession of Federal Schedule I
Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs**

§ 52.3301 Purpose and Intent

The Council for the City of San Diego finds and declares that:

- (a) Use of *Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs* has been documented to cause effects such as hallucinations, agitation, psychosis, aggression, suicidal ideations and death, a significant increase in medical aid emergencies, and may also lead to an increase in associated criminal activity. Some of these drugs are commonly known as “spice” or “bath salts.”
- (b) Although state and federal laws prohibit some synthetic drugs, drug makers continually alter the composition of the compounds in their products so as to escape the purview of the law.
- (c) While newly created drugs often go unregulated in California for years, many new drugs receive emergency scheduling in the federal drug schedules within months of their discovery.
- (d) The purpose and intent of this Division is to provide the City with reasonable measures to address the dangers to the community posed by *Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs*.

- (e) This Division is not intended to apply to any drug or chemical compound already regulated or prohibited by California law or approved by the United States Food and Drug Administration and dispensed or possessed in accordance with state and federal law.

§ 52.3302 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Analog(s) means either of the following:

- (a) A substance the chemical structure of which is substantially similar to the chemical structure of a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug*; or
- (b) A substance which has, is represented as having, or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the stimulant, depressant, or hallucinogenic effect on the central nervous system of a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug*.

Distribute, distributing, or distribution means to furnish, give away, exchange, transfer, deliver or supply, whether or not for monetary gain.

Federal Schedule I Drug(s) means any drug scheduled in Schedule I, as listed in 21 C. F.R. § 1308.11, as may be amended from time to time, and any *analog* of these drugs, that is not regulated or prohibited by state law.

Manufacture and *manufacturing* have the same meaning as in 21 U.S.C.

§ 802(15).

Novel Psychoactive Drug means any compound, mixture, preparation, or substance, or its *analog* (including salts, isomers, esters, ethers, and salts of isomers), containing substances which have a psychedelic, psychotropic, hallucinogenic or other effect on the central nervous system or brain similar to the effect of any Federal Schedule I Drug or Federal Schedule II Drug, as listed in 21 C.F.R. §§ 1308.11 – 1308.12, not otherwise regulated or prohibited by state law. Examples of *Novel Psychoactive Drugs* include:

1. 1-[1-(3-methoxyphenyl)cyclohexyl]-piperidine
2. 1-(3-chlorophenyl)piperazine
3. 1-(4-bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine
4. 1,4-dibenzylpiperazine
5. 1-(4-methoxyphenyl)piperazine
6. 1-[4-(trifluoromethylphenyl)]piperazine
7. 1-(5-methoxy-1H-indol-3-yl)propan-2-amine
8. 1-(thiophen-2-yl)-2-methylaminopropane
9. ((2-aminopropyl)-2,3-dihydrobenzofuran)
10. ((2-aminopropyl)benzofuran
11. 2-(2-chlorophenyl)-2-(ethylamino)cyclohexanone
12. 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine
13. 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
14. 2,3-dihydro-1H-inden-2-amine
15. 2-(4-bromo-2,3,6,7-tetrahydrofurobensofuran-8-yl)-1-methyl-ethylamine

16. 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine
17. 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
18. 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
19. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-fluorophenyl)methyl]ethanamine
20. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
21. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2,3-methylenedioxyphenyl)methyl]ethanamine
22. 2-(4-trifluoromethyl-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
23. 2,5-dimethoxy-4-bromoamphetamine
24. 2,5-dimethoxy-4-chloroamphetamine
25. 2,5-dimethoxy-4-ethylthiophenethylamine
26. 2,5-dimethoxy-4-iodoamphetamine
27. 2,5-dimethoxy-4-isopropylthiophenethylamine
28. 2,5-dimethoxy-4-propylphenethylamine
29. 2,5-dimethoxy-4-(n)-propylthiophenethylamine
30. 2-(7-bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
31. 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine

32. 2-(10-bromo-2,3,4,7,8,9-hexahydropyrano
[2,3-g]chromen-5-yl)ethanamine
33. 2-fluoromethamphetamine
34. 3-[1-(ethylamino)cyclohexyl]phenol
35. 3-[2-(1-amino-1-methylethyl)-1-hydroxycyclohexyl]phenol
36. 3-(2-diethylaminoethyl)-1H-indol-4-yl acetate
37. 3-(2-[isopropyl(methyl)amino]ethyl)-1H-indol-4-ol
38. 3-(2-[methyl(propyl)amino]ethyl)-1H-indol-4-ol
39. 3,4-methylenedioxy-N-ethylcathinone (ethylone)
40. 3-hydroxyphencyclidine
41. 3-methoxyeticyclidine
42. 3-trifluoromethylphenylpiperazine
43. 4-acetoxy-N,N-dimethyltryptamine
44. 4-acetoxy-N,N-dipropyltryptamine
45. 4-chlorophenylisobutylamine
46. 4-ethyl-2,5-dimethoxyphenethylamine
47. 4-fluoromethamphetamine
48. 4-hydroxy-di-isopropyl-tryptamine
49. 4-hydroxy-N-methyl-N-ethyltryptamine
50. 4-iodo-2,5-dimethoxyphenethylamine
51. 4-methyl- α -ethyltryptamine
52. 4-methoxy-N-methyl-N-isopropyltryptamine
53. 4-methoxyphencyclidine
54. 5-(2-aminopropyl)-2,3-dihydrobenzofuran

55. 5-(2-aminopropyl)benzofuran
56. 5-iodo-2-aminoindane
57. 5-methyl-ethylone
58. 5-methoxy-diisopropyltryptamine
59. 6-(2-aminopropyl)-2,3,-dihydrobenzofuran
60. 6-(2-aminopropyl)benzofuran
61. 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-
1,4-benzodiazepin-2-one
62. 7-hydroxymitragynine
63. Benzothiophenylcyclohexylpiperidine
64. Butyrylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-
phenylbutanamide]
65. Deschloroketamine
66. Fluoroamphetamine
67. Fluoromethamphetamine
68. Methyl-alpha-pyrrolidinohexiophenone
69. Methylendioxyetadron (Pentylone)
70. Methoxyketamine
71. Mitragynine
72. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-propylpropan-1-amine
73. N-(2-hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine
74. N-(2-methoxybenzyl)-1-[(7R)-3-bromo-2,5-
dimethoxybicyclo[4.2.0]octa-1,3,5-trien-7-yl]methanamine

75. N-(2-methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo
[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane
76. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-methylpropan-2-amine
77. N-(2-methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine
78. NBOMe compounds, including 2,5-dimethoxy-N-(2-
methoxybenzyl)phenethylamine derivatives; 2-(4-bromo-2,5-
dimethoxyphenyl)-N-(2-methoxybenzy)ethamamine.
79. N-isopropyl-N-methyltryptamine
80. N-methyltryptamine
81. N,N-diethyl-5-methoxytryptamine
82. N,N-diallyl-5-methoxytryptamine
83. N,N-diisopropyltryptamine
84. N,N-dipropyltryptamine
85. Para-fluoroamphetamine
86. Para-fluorophenylpiperazine
87. Para-methoxy-N-methylamphetamine
88. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole
89. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-5-methoxyindole
90. (R,S)2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone
91. Valerylentanyl [N-(1-phenethylpiperidin-4-yl)-N-
phenypentanamide]

Novel Synthetic Drug means any *Synthetic Cannabinoid* or *Synthetic Cathinone* not regulated or prohibited by state law.

Property Owner has the same meaning as in Municipal Code section 11.0210.

Public Nuisance has the same meaning as in Municipal Code section 11.0210.

Responsible Person has the same meaning as in Municipal Code section 11.0210.

Sell, selling, or sale means to furnish, exchange, transfer, deliver, or supply for monetary gain.

Synthetic Cannabinoid(s) means:

(a) Any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, that contains 1,1-dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-butyl-3-(1-naphthoyl)indole; 1-pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any compound in the following structural classes:

- (1) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, and AM-2201;
- (2) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include JWH-167, JWH-250, JWH-251, and RCS-8;

- (3) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;
- (4) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include CP 47,497 and its C8 homologue (cannabicyclohexanol);
- (5) Naphthylmethylinindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,

cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-175, JWH-184, and JWH-185;

- (6) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;
- (7) Naphthylmethylenes: Any compound containing a 1-(1-naphthylmethyl)indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-176; or

- (8) Indazoles: Any compounds with indazole scaffolds and featuring L-valinamide or L-*tert*-leucinamide side chains such as N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA).
- (b) This definition includes any *analogs* of the chemical compounds listed in subsection (a).

Synthetic Cathinone means:

- (a) Any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, not including bupropion, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or more of the following ways:
- (1) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents. Examples of this class include 3,4-methylenedioxycathinone (bk-MDA);
 - (2) By substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include 2-methylamino-1-phenylbutan-1-one (Buphedrone);

(3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure. Examples of this class include Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP).

(b) This definition includes any *analogs* of the chemical compounds listed in subsection (a).

§ 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.*

§ 52.3304 Possession Prohibited

It is unlawful to possess any *Federal Schedule I Drug, Novel Synthetic Drug, or Novel Psychoactive Drug.*

§ 52.3305 Evidentiary Factors

The following factors, in addition to the specific circumstances of each situation, may be considered to determine if a violation of this Division has occurred:

- (1) Marketing: The product is not suitable for its marketed use (such as a crystalline or powder product being marketed as “glass cleaner”);
- (2) Sales Location: The business providing, displaying for sale, distributing or selling the product does not typically provide, distribute or sell products that are used for that product’s marketed use (such as a liquor store selling “plant food” or “potpourri”);

- (3) Warning Labels: The product contains a warning label that is not typically present on products that are used for that product's marketed use (such as "not for human consumption," or "does not contain chemicals banned by the Federal Controlled Substances Act, Cal. Health & Safety Code § 11357.5 or § 11375.5");
- (4) Price: The product is significantly more expensive than products actually used for that product's marketed use (such as half of a gram of a substance marketed as "glass cleaner" costing \$50.00);
- (5) Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, methamphetamine, or marijuana);
- (6) Brand Names Targeting Youth: The product's name or packaging uses images or slang targeted at youth or referencing an illicit street drug (such as Eight Ballz, Green Buddha, Black Mamba, Fruit Punch, Joker, K-2, Next Generation, OMG, Puff, Purple Diesel, Scooby Snax Potpourri, Spice, Strawberry Smacked, or Tropical Punch Smacked);
- (7) Effect: Aspects of the packaging or labeling suggesting the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other psychoactive or psychotropic effects on the brain or body;
- (8) Distribution: The methods by which the substance is distributed, including any methods similar to unlawful distribution of illicit street drugs;

- (9) Display: The product is not displayed in a business such as lawful products are displayed but is hidden away or can only be purchased through secretive means;
- (10) Age Restrictions: The product label contains a restriction that it is not for sale to minors or anyone under the age of 18 when the product's marketed use would not contain such restrictions;
- (11) Verbal or Written Communication: Verbal or written representations regarding the purpose, methods, use, or effect of the product.

Disclaiming a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug* as “not safe for human consumption” will not avoid the application of this Division.

§ 52.3306 Public Nuisance

The *manufacturing, sale, offering to sell, distribution, or possession for sale of a Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug* is a *public nuisance*.

§ 52.3307 Property Owner and Responsible Person Liability

It is unlawful for a *property owner* or other *responsible person*, after receiving written notice by the City of a violation of this Division, to fail to abate the *public nuisance* within 30 calendar days from the date of the notice.

§ 52.3308 Exclusions

- (a) This Division shall not apply to persons who *manufacture, sell, offer to sell, distribute, or possess* drugs or substances that have been approved by the United States Food and Drug Administration and are dispensed or possessed in accordance with state and federal law, or to persons who are

otherwise specifically permitted by federal or state law to possess such drugs or substances based on the laws in effect at the time of the *manufacture, sale, distribution, or possession.*

- (b) This Division does not affect the recommendation or regulation of medical marijuana pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the Medical Marijuana Regulation and Safety Act, or Chapter 4, Article 2, Divisions 13 and 15 of this Code, or Chapter 14, Article 1, Division 6 of this Code.
- (c) This Division shall not apply to any drug listed in one of the California Uniform Controlled Substances Act schedules of controlled substances (Cal. Health & Safety Code §§ 11053-11058), or that is otherwise regulated by California or local law in effect at the time.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

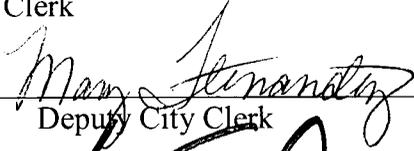
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Michelle A. Garland
Deputy City Attorney

MAG:amt:jvg:ccm
May 13, 2016
Or.Dept: Police
Doc. No.: 1253748_17

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/15/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

#200
5/23/16

(O-2016-125)
COR. COPY

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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Article 2: Police — Police Regulations — Offenses Against Government
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- (d) The purpose and intent of this Division is to provide the City with reasonable measures to address the dangers to the community posed by *Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs.*
- (e) This Division is not intended to apply to any drug or chemical compound already regulated or prohibited by California law or approved by the United States Food and Drug Administration and dispensed or possessed in accordance with state and federal law.

§ 52.3302 **Definitions**

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Analog(s) means either of the following:

- (a) A substance the chemical structure of which is substantially similar to the chemical structure of a *Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug;* or
- (b) A substance which has, is represented as having, or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the stimulant, depressant, or hallucinogenic effect on the central nervous system of a

Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug.

Distribute, distributing, or distribution means to furnish, give away, exchange, transfer, deliver or supply, whether or not for monetary gain.

Federal Schedule I Drug(s) means any drug scheduled in Schedule I, as listed in 21 C. F.R. § 1308.11, as may be amended from time to time, and any analog of these drugs, that is not regulated or prohibited by state law.

Manufacture and manufacturing have the same meaning as in 21 U.S.C. § 802(15).

Novel Psychoactive Drug means any compound, mixture, preparation, or substance, or its analog (including salts, isomers, esters, ethers, and salts of isomers), containing substances which have a psychedelic, psychotropic, hallucinogenic or other effect on the central nervous system or brain similar to the effect of any Federal Schedule I Drug or Federal Schedule II Drug, as listed in 21 C.F.R. §§ 1308.11 – 1308.12, not otherwise regulated or prohibited by state law. Examples of Novel Psychoactive Drugs include:

1. 1-[1-(3-methoxyphenyl)cyclohexyl]-piperidine
2. 1-(3-chlorophenyl)piperazine
3. 1-(4-bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine
4. 1,4-dibenzylpiperazine
5. 1-(4-methoxyphenyl)piperazine
6. 1-[4-(trifluoromethylphenyl)]piperazine
7. 1-(5-methoxy-1H-indol-3-yl)propan-2-amine

8. 1-(thiophen-2-yl)-2-methylaminopropane
9. ((2-aminopropyl)-2,3-dihydrobenzofuran)
10. ((2-aminopropyl)benzofuran
11. 2-(2-chlorophenyl)-2-(ethylamino)cyclohexanone
12. 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine
13. 2-(2,5-dimethoxyphenyl)-N-[(2-
methoxyphenyl)methyl]ethanamine
14. 2,3-dihydro-1H-inden-2-amine
15. 2-(4-bromo-2,3,6,7-tetrahydrofurobenzofuran-8-yl)-1-methyl-
ethanamine
16. 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine
17. 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
methoxyphenyl)methyl]ethanamine
18. 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
methoxyphenyl)methyl]ethanamine
19. 2-(4-iodo-2,5-dimethoxyphenyl)-N-
[(2-fluorophenyl)methyl]ethanamine
20. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
methoxyphenyl)methyl]ethanamine
21. 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2,3-
methylenedioxyphenyl)methyl]ethanamine
22. 2-(4-trifluoromethyl-2,5-dimethoxyphenyl)-N-[(2-
methoxyphenyl)methyl]ethanamine

23. 2,5-dimethoxy-4-bromoamphetamine
24. 2,5-dimethoxy-4-chloroamphetamine
25. 2,5-dimethoxy-4-ethylthiophenethylamine
26. 2,5-dimethoxy-4-iodoamphetamine
27. 2,5-dimethoxy-4-isopropylthiophenethylamine
28. 2,5-dimethoxy-4-propylphenethylamine
29. 2,5-dimethoxy-4-(n)-propylthiophenethylamine
30. 2-(7-bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
31. 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f]
[1]benzofuran-4-yl)ethanamine
32. 2-(10-bromo-2,3,4,7,8,9-hexahydropyrano
[2,3-g]chromen-5-yl)ethanamine
33. 2-fluoromethamphetamine
34. 3-[1-(ethylamino)cyclohexyl]phenol
35. 3-[2-(1-amino-1-methylethyl)-1-hydroxycyclohexyl]phenol
36. 3-(2-diethylaminoethyl)-1H-indol-4-yl acetate
37. 3-(2-[isopropyl(methyl)amino]ethyl)-1H-indol-4-ol
38. 3-(2-[methyl(propyl)amino]ethyl)-1H-indol-4-ol
39. 3,4-methylenedioxy-N-ethylcathinone (ethylone)
40. 3-hydroxyphencyclidine
41. 3-methoxyeticyclidine
42. 3-trifluoromethylphenylpiperazine
43. 4-acetoxy-N,N-dimethyltryptamine

44. 4-acetoxy-N,N-dipropyltryptamine
45. 4-chlorophenylisobutylamine
46. 4-ethyl-2,5-dimethoxyphenethylamine
47. 4-fluoromethamphetamine
48. 4-hydroxy-di-isopropyl-tryptamine
49. 4-hydroxy-N-methyl-N-ethyltryptamine
50. 4-iodo-2,5-dimethoxyphenethylamine
51. 4-methyl- α -ethyltryptamine
52. 4-methoxy-N-methyl-N-isopropyltryptamine
53. 4-methoxyphencyclidine
54. 5-(2-aminopropyl)-2,3-dihydrobenzofuran
55. 5-(2-aminopropyl)benzofuran
56. 5-iodo-2-aminoindane
57. 5-methyl-ethylone
58. 5-methoxy-diisopropyltryptamine
59. 6-(2-aminopropyl)-2,3,-dihydrobenzofuran
60. 6-(2-aminopropyl)benzofuran
61. 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-
1,4-benzodiazepin-2-one
62. 7-hydroxymitragynine
63. Benzothiophenylcyclohexylpiperidine
64. Butyrylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-
phenylbutanamide]

65. Deschloroketamine
66. Fluoroamphetamine
67. Fluoromethamphetamine
68. Methyl-alpha-pyrrolidinohexiophenone
69. Methylenedioxypropetadone (Pentylone)
70. Methoxyketamine
71. Mitragynine
72. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-propylpropan-1-amine
73. N-(2-hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine
74. N-(2-methoxybenzyl)-1-[(7R)-3-bromo-2,5-dimethoxybicyclo[4.2.0]octa-1,3,5-trien-7-yl]methanamine
75. N-(2-methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane
76. N-[2-(5-methoxy-1H-indol-3-yl)ethyl]-N-methylpropan-2-amine
77. N-(2-methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine
78. NBOMe compounds, including 2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine derivatives: 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.
79. N-isopropyl-N-methyltryptamine
80. N-methyltryptamine
81. N,N-diethyl-5-methoxytryptamine
82. N,N-diallyl-5-methoxytryptamine
83. N,N-diisopropyltryptamine

84. N,N-dipropyltryptamine
85. Para-fluoroamphetamine
86. Para-fluorophenylpiperazine
87. Para-methoxy-N-methylamphetamine
88. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole
89. (R)-3-(N-methylpyrrolidin-2-ylmethyl)-5-methoxyindole
90. (R,S)-2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone
91. Valeryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenypentanamide]

Novel Synthetic Drug means any Synthetic Cannabinoid or Synthetic Cathinone not regulated or prohibited by state law.

Property Owner has the same meaning as in Municipal Code section 11.0210.

Public Nuisance has the same meaning as in Municipal Code section 11.0210.

Responsible Person has the same meaning as in Municipal Code section 11.0210.

Sell, selling, or sale means to furnish, exchange, transfer, deliver, or supply for monetary gain.

Synthetic Cannabinoid(s) means:

- (a) Any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, that contains 1,1-dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-butyl-3-(1-naphthoyl)indole; 1-pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any compound in the following structural classes:

- (1) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, and AM- 2201;
- (2) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include JWH-167, JWH-250, JWH-251, and RCS-8;
- (3) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any

extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

- (4) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include CP 47,497 and its C8 homologue (cannabicyclohexanol);
- (5) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-175, JWH-184, and JWH-185;
- (6) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

- (7) Naphthylmethylindenes: Any compound containing a 1-(1-naphthylmethyl)indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include JWH-176; or
- (8) Indazoles: Any compounds with indazole scaffolds and featuring 1-valinamide or 1-tert-leucinamide side chains such as N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA).
- (b) This definition includes any *analogs* of the chemical compounds listed in subsection (a).

Synthetic Cathinone means:

- (a) Any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, not including bupropion, structurally derived from

2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or more of the following ways:

- (1) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents. Examples of this class include 3,4-methylenedioxcathinone (bk-MDA);
 - (2) By substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include 2-methylamino-1-phenylbutan-1-one (Buphedrone);
 - (3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure. Examples of this class include Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP).
- (b) This definition includes any *analogs* of the chemical compounds listed in subsection (a).

§ 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.*

§ 52.3304 Possession Prohibited

It is unlawful to possess any Federal Schedule I Drug, Novel Synthetic Drug, or Novel Psychoactive Drug.

§ 52.3305 Evidentiary Factors

The following factors, in addition to the specific circumstances of each situation, may be considered to determine if a violation of this Division has occurred:

- (1) Marketing: The product is not suitable for its marketed use (such as a crystalline or powder product being marketed as “glass cleaner”);
- (2) Sales Location: The business providing, displaying for sale, distributing or selling the product does not typically provide, distribute or sell products that are used for that product’s marketed use (such as a liquor store selling “plant food” or “potpourri”);
- (3) Warning Labels: The product contains a warning label that is not typically present on products that are used for that product’s marketed use (such as “not for human consumption,” or “does not contain chemicals banned by the Federal Controlled Substances Act, Cal. Health & Safety Code § 11357.5 or § 11375.5”);
- (4) Price: The product is significantly more expensive than products actually used for that product’s marketed use (such as half of a gram of a substance marketed as “glass cleaner” costing \$50.00);
- (5) Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, methamphetamine, or marijuana);

- (6) Brand Names Targeting Youth: The product's name or packaging uses images or slang targeted at youth or referencing an illicit street drug (such as Eight Ballz, Green Buddha, Black Mamba, Fruit Punch, Joker, K-2, Next Generation, OMG, Puff, Purple Diesel, Scooby Snax Potpourri, Spice, Strawberry Smacked, or Tropical Punch Smacked);
- (7) Effect: Aspects of the packaging or labeling suggesting the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other psychoactive or psychotropic effects on the brain or body;
- (8) Distribution: The methods by which the substance is distributed, including any methods similar to unlawful distribution of illicit street drugs;
- (9) Display: The product is not displayed in a business such as lawful products are displayed but is hidden away or can only be purchased through secretive means;
- (10) Age Restrictions: The product label contains a restriction that it is not for sale to minors or anyone under the age of 18 when the product's marketed use would not contain such restrictions;
- (11) Verbal or Written Communication: Verbal or written representations regarding the purpose, methods, use, or effect of the product.

Disclaiming a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug* as "not safe for human consumption" will not avoid the application of this Division.

§ 52.3306 **Public Nuisance**

The manufacturing, sale, offering to sell, distribution, or possession for sale of a Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug is a public nuisance.

§ 52.3307 **Property Owner and Responsible Person Liability**

It is unlawful for a property owner or other responsible person, after receiving written notice by the City of a violation of this Division, to fail to abate the public nuisance within 30 calendar days from the date of the notice.

§ 52.3308 **Exclusions**

(a) This Division shall not apply to persons who manufacture, sell, offer to sell, distribute, or possess drugs or substances that have been approved by the United States Food and Drug Administration and are dispensed or possessed in accordance with state and federal law, or to persons who are otherwise specifically permitted by federal or state law to possess such drugs or substances based on the laws in effect at the time of the manufacture, sale, distribution, or possession.

(b) This Division does not affect the recommendation or regulation of medical marijuana pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the Medical Marijuana Regulation and Safety Act, or Chapter 4, Article 2, Divisions 13 and 15 of this Code, or Chapter 14, Article 1, Division 6 of this Code.

- (c) This Division shall not apply to any drug listed in one of the California Uniform Controlled Substances Act schedules of controlled substances (Cal. Health & Safety Code §§ 11053-11058), or that is otherwise regulated by California or local law in effect at the time.

MAG:amt:jvg:cm
May 23, 2016 COR. COPY
May 13, 2016
Or.Dept:CityAtty
Doc. No.: 1250672_3

Passed by the Council of The City of San Diego on JUN 14 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 15 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Fernandez*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 23 2016, and on JUN 15 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20657