



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**

**#12-1265**

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**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Ginger E. Wald, Assistant City Attorney

**THRU:** Harry A. Stewart, City Attorney

**DATE:** August 21, 2012

**TITLE:** Ordinance Prohibiting Sale, Display, Delivery and Possession of Herbal Incense, Synthetic Marijuana and Bath Salts

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**Recommendation**

It is recommended that the City Commission approve on second reading an ordinance creating Section 16-55 of the Code of Ordinances, Prohibiting Sale, Display, Delivery and Possession of Herbal Incense, Synthetic Marijuana and Bath Salts.

**Background**

On June 5, 2012, the City Commission discussed the growing problem of herbal incense products sold in the State and the danger of these products to consumers. City Commission directed staff to draft an ordinance.

On July 10, 2012, the City Commission passed the Ordinance on first reading.

There is evidence of a growing public safety and health concern regarding the proliferation and sale of incense and bath salts products which contain chemical compounds designed as synthetic alternatives to illegal controlled substances in the City. These incense and bath salts products evade classification as controlled substances by being displayed and sold as loose-leaf or granular herbal incense in packages which do not contain any warnings of the contents therein. These products are not regulated by the Food and Drug Administration because they are not for human consumption. A large number of individuals, including minor children, are obtaining these herbal and bath salts products and ingesting them. The ingestion of these herbal and bath salts products has been documented to cause severe health problems.

The City wishes to prohibit the sale, delivery, display and possession of these herbal and bath salts products that cause or could cause health, welfare and safety issues. The City wishes to identify these herbal and bath salts products as dangerous products and require

all ingredients labeled on the packaging and a warning as to the consumption of these products.

Staff changed the Ordinance from 1<sup>st</sup> reading to 2<sup>nd</sup> reading to clarify the violation and also to make the violator responsible for payment of costs of prosecution and investigation, including laboratory testing of products.

**Resource Impact**

There is no fiscal impact associated with this action

**Attachment(s)**

Exhibit 1 CAR No. 12-1160

Exhibit 2 Ordinance 12-27