



County of Lackawanna

Lackawanna County
Administration Building
200 Adams Avenue
Scranton, Pennsylvania
18503

Certified Copy

Ordinance: 11-0097

File Number: 11-0097

Lackawanna County Emergency Ordinance # 206 Banning Bath Salts

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Banning Bath Salts

County of Lackawanna, Pennsylvania

April 13, 2011

Section 1. Authority

Section 1.3-310 of the Lackawanna County Home Rule Charter authorizes the Board of Commissioners to adopt emergency ordinances necessary for the protection of public well being whenever there is an immediate threat to the life, liberty and/or property of the inhabitants of Lackawanna County.

Section 2. Definitions

"Bath Salt" or "Bath Salts" means bath salts and any of its derivatives, Methylenedioxymethcathinone (Methylone), 3, 4-Methylenedioxypyrovalerone (MDPV), 4-Methylmethcathinone (Mephedrone), 3-Methoxymethcathinone, 3-Fluoromethcathinone and 4-Fluoromethcathinone.

"Person" means individual, corporation, business trust, estate, trust, partnership or association or any other legal entity.

Section 3. Bath Salts Deemed Immediate Threat to Life of County Inhabitants

Marketed as bath crystals, plant food, and herbal incense, the synthetic chemicals MDPV and mephedrone have a similar effect on the body as cocaine and methamphetamines. Unlike cocaine and methamphetamines, however, "bath salts" are sold legally in most states, including Pennsylvania.

A series of recent crimes and violent attacks by individuals using "bath salts" have shown that these drugs pose an imminent and immediate threat to life and public safety. According to the American Association of Poison Control Centers, U.S Poison Centers have taken 1,196 calls regarding "bath salts" already this year, up from 298 calls in 2010.

Incidents related to "bath salts" requiring police response have increased rapidly. According to a criminal complaint filed against a 25-year old male who was high on bath salts and acting under an increasing sense of paranoia, broke into a church monastery in West Scranton and stabbed a priest in the face and hand.

In addition, two Lackawanna County women who were high on bath salts were recently arraigned for driving recklessly through the City of Wilkes-Barre with a one-year old boy and three-year old girl in the vehicle. While the reckless driving was cited in the City of Wilkes-Barre, since both women are inhabitants of Lackawanna County and had the opportunity to travel through Lackawanna County, their actions posed an immediate threat to the lives of the inhabitants of Lackawanna County.

Bath Salts are an immediate threat to the lives of the inhabitants of Lackawanna County, as demonstrated by the above referenced matters, among other recent events.

Section 4. Prohibited Acts

This emergency ordinance dated April 13, 2011 entitled Lackawanna County Emergency Ordinance Banning Bath Salts ("Emergency Ordinance") prohibits: (1) the manufacture, sale, acquisition, purchase, possession, use or transfer of any bath salt in Lackawanna County; and (2) the use of, delivery of, or possession of any item used for the purpose of manufacturing, compounding, converting, testing, or using bath salt.

Section 5. Penalties

Any person who violates Section 4 of this Emergency Ordinance is guilty of a summary offense and is subject to a One Thousand Dollar (\$1,000) fine or to imprisonment of ten days, or both, along with costs.

Section 6. Effective Date

This Emergency Ordinance shall take effect this 13th day of April 2011.

Section 7. Re-Enactment

After enactment, the Emergency Ordinance shall be automatically re-enacted every 31-days until such time as the United States Government and/or Commonwealth of Pennsylvania take legislative action to address the immediate threat to the lives of the inhabitants of the County of Lackawanna, Pennsylvania.

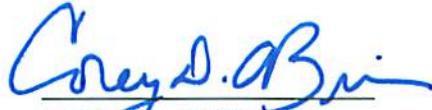
Section 8. Enforcement

Pursuant to Section 1.3-313 of the Lackawanna County Home Rule Charter, all proceedings for the violation of this Emergency Ordinance and for recovery of fines or penalties imposed thereby shall be brought in the Lackawanna County Court of Common Pleas. All penalties and fines shall be executed through the Office of the Sheriff.

Section 9. Signatures

The Board of Commissioners hereby deems Bath Salts an immediate threat to the lives of the inhabitants of Lackawanna County and therefore executes this Emergency Ordinance this 13th day of April 2011.

COUNTY OF LACKAWANNA


COREY D. O'BRIEN


MICHAEL J. WASHO


A.J. MUNCHAK

ATTEST:


MARIA ELKINS
CHIEF OF STAFF

Approved as to form and legality:


JOHN R. O'BRIEN, ESQUIRE
COUNTY SOLICITOR