

ORDINANCE NO. 9152 (NEW SERIES)

AN ORDINANCE ADDING SECTION 32.1106 TO THE
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATING TO POSSESSION OF CLONAZEPAM,
TO TAKE EFFECT IMMEDIATELY BASED ON A
DECLARATION OF URGENCY

The Board of Supervisors of the County of San Diego do ordain as follows:

Section 1. Section 32.1106 is hereby added to the San Diego County Code of Regulatory Ordinances to read as follows:

Sec. 32.1106. PROHIBITION OF POSSESSION OF CLONAZEPAM.

(a) PURPOSE. The San Diego County Board of Supervisors finds and declares that:

(1) In addition to its legal uses, adults and juveniles are abusing clonazepam to become intoxicated and/or to facilitate sexual assault.

(2) There are reports of clonazepam being used to facilitate sexual assault.

(3) There is a current and immediate threat to the public safety and welfare, in that the use of clonazepam by juveniles and adults is increasing at an alarming rate in the unincorporated area of the County of San Diego due to its easy access, low price and powerful effect.

(4) Currently there is no law that prohibits mere possession of this drug without a valid prescription.

(b) DEFINITION. "Clonazepam" means any drug, substance or compound, whether legal or illegal, that contains clonazepam as described in California Health and Safety Code section 11057(d) (6).

(c) PROHIBITION. Except as authorized by law or Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, it is unlawful for any person to possess clonazepam or any substance that contains clonazepam

without a valid prescription. Mere possession of clonazepam or any substance that contains clonazepam without a valid prescription is a violation of this section and shall be treated as a strict liability offense regardless of the person's intent regarding such possession.

(d) PENALTY. Any person who violates any provision of this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail, or both such fine and imprisonment.

Section 2. This Ordinance is declared to be an Ordinance necessary for immediate preservation of the public peace, health and safety within the meaning of section 25123 of the Government Code and shall take effect immediately on May 16, 2000. The facts constituting such necessity are as follows:

Possession of clonazepam without a prescription facilitates its use for recreational purposes, which produces serious motor impairment, disorientation, amnesia, and, in some cases, coma and respiratory failure. Possession of non-prescribed clonazepam also has led to its use in sexual assaults. An urgency ordinance is needed to immediately allow law enforcement personnel to arrest persons who possess clonazepam without a valid prescription in order to prevent the health dangers associated with its use and to increase public safety by impeding the use of clonazepam in sexual assaults.

PASSED, APPROVED AND ADOPTED this 16th day of May, 2000.