



City of San Antonio

Agenda Memorandum

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In Control: Criminal Justice, Public Safety and Services Committee

DEPARTMENT: San Antonio Police Department

DEPARTMENT HEAD: Anthony Trevino, Interim Police Chief

COUNCIL DISTRICTS IMPACTED: City-wide

SUBJECT:

Briefing on the San Antonio Police Department's (SAPD) Efforts to Address the Use of Synthetic Marijuana

SUMMARY:

This memo is to brief Criminal Justice, Public Safety and Services Committee on the Police Department's research and planning efforts to address issues associated with the use and availability of synthetic marijuana products in the San Antonio area.

BACKGROUND INFORMATION:

Synthetic marijuana products first entered the national markets in 2006 as an alternative to traditional marijuana. These products were designed to mimic the effects of marijuana without the use of THC, the active ingredient found in all traditional marijuana products.

Manufacturers substitute several other chemical compounds to otherwise harmless dried leafy materials and marketed the products under such names as "Spice, Spice Gold and K2". These products are sold online and in head shops, as well as some tobacco and convenience stores across the country. The main allure of these products are that they provide similar effects as marijuana, and in many forms are not illegal to possess. Additionally, the use of such products will not appear in urine analysis testing. Publicly, these products are offered as incense and labeled "not for human consumption."

Cities across Texas have reported incidents where people who have consumed synthetic marijuana have suffered medical complications and become combative and violent. K2 has historically been known to make users violent and cause seizures. Dr. James E'tienne, an emergency physician at Baylor University Medical

Center, told Dallas media outlet WFAA-TV, “*Several... patients came in with similar symptoms of psychosis, altered mental status, abnormal behavior-ranged from very sedated to an agitated state.*” The Dallas Police Department has reported that prisoners under the influence of Kush or similar drugs are usually combative and fight the jail attendants and that they have had numerous injuries to jail attendants by prisoners under the influence of synthetic marijuana.

During the 82nd Regular legislative session in 2011, the Texas State Legislature passed Senate Bill 331 which designated certain synthetic marijuana products as controlled substances under the Texas Controlled Substances Act. Dallas and Houston are among Texas cities that have passed ordinances banning/addressing synthetic marijuana. Despite the legislative efforts synthetic marijuana seems to still be widely available due to the changing composition of the products which often allows it to skirt the laws by falling outside of the parameters of the ordinances.

The San Antonio Police Department has been researching the issue and reached out to various cities in Texas to explore ways to combat this problem. Of the major cities contacted, the following was determined:

- **AUSTIN and EL PASO:** Have no ordinance and no specific enforcement program addressing synthetic marijuana.
- **HOUSTON:** Passed an ordinance October 8, 2014 addressing “*ILLICIT SYNTHETIC DRUGS.*” They have had issues with the prevalence of “Kush” and similar drugs and that most people under the influence of same are usually combative and violent. They do not have any specific strategy or enforcement efforts to address this issue.
- **DALLAS:** Updated their City Code to address “Illegal smoking Products and Related Paraphernalia Prohibited.” They have also issued a Roll call Training Bulletin addressing the issue.
- **FORT WORTH:** Currently works to enforce K2 and synthetic marijuana offenses. Because the offense is for a specific synthetic material in the product, they work the case by seizing all products believed to contain the banned substance, and submit it to their crime lab for testing. If the test comes back positive, they obtain an arrest warrant for the HSC violation.

The SAPD will also work with the Bexar County District Attorney’s Office to develop a program and strategies to address the sale and use of synthetic marijuana in San Antonio and the surrounding area.

ISSUE:

The availability and use of synthetic marijuana has become a concern within San Antonio and presents a health and safety issue within the community. Monitoring the sale and use of synthetic marijuana will help to provide a better understanding the consequences of this substance.

FISCAL IMPACT:

This is memo is for briefing purposes only.

RECOMMENDATION:

SAPD will provide the Committee with an update on enforcement efforts, coordination with the District Attorney's Office, and a proposed City Ordinance in October.