TOWN OF LANCASTER – New Hampshire

"The Friendly Town in the Friendly State"

03584

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Ordinance No. PS1

Prohibiting the Public Display or Solicitation of Certain Psychoactive Substances

CHAPTER 1 – PSYCHOACTIVE SUBSTANCES

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Psychoactive Substances Ordinance of the Town of Lancaster, New Hampshire."

Section 1.02 Purpose and Findings

The Town of Lancaster finds that the public display for sale of drugs i.e. synthetic cannabinoids, and substances and their analogs with trade names including but not limited to "K2," "Spice," "Kush," "Scooby Snax," "AK-47," "Moon Rocks,", "Skunk,", "Mad Hatter," "Bizarro," "Blaze," "Geeked Up," "Smacked!," "Zohai," "bath salts," "monkey dust," "plant food," "Vanilla Sky," "synthetic marijuana," "kratom," "Thang,", "Krypton," "Biak-Biak," "El Diablo," and "Whippets" or "nitrous oxide" for recreational inhalation or ingestion pose serious risks to public health, safety, and welfare. Not all of the substances are categorized as illegal controlled substances under State or Federal law. Certain substances not subject to State or Federal law are often used for psychoactive or intoxicating effects having actual or relative potential for abuse, are unregulated for human consumption, lack pharmaceutical-grade quality control standards during manufacture, packaged without labelled warnings of potential health risks and addiction, have no legitimate nor accepted medical or industrial use, are undetectable in most acute healthcare drug screens, and are inconsistent with the Town's goal to promote and maintain a safe and healthy community.

According to the Centers for Disease Control and Drug Enforcement Administration, kratom and its analogs, marketed as an herbal supplement and not FDA-approved for any medical use, contain psychoactive alkaloids that, when ingested/inhaled in inconsistent dosages, elevate risk of mixed cholestatic (affecting bile flow) and hepatocellular (affecting liver cells) injury manifested as psychosis or psychosis-like symptoms often with paranoid delusional thought content. Kratom and its analogs are dose-dependent having a stimulant effect at low doses and sedative effects at higher doses. While it is known that the active compounds in kratom and its derivatives activate the same brain receptors correlated to addiction, research data has mixed results regarding kratom-derived-products' addictive potential. Regardless, serious side effects from erratic recreational use include agitation, seizure, withdrawal, vomiting, confusion, hallucinations, respiratory depression, tachycardia, cardiac/respiratory arrest, acute liver failure with jaundice and pruritus (itching), and coma.

Nitrous oxide is a dissociative drug that inactivates vitamin B12 (essential to nerve function), when ingested/inhaled leads to short-term psychoactive effects including rapid, short-lived feelings of being detached or separated from one's body, distortions of sound and vision, changes in perception of time and space, relaxation, and giddiness. Frequent or heavy recreational use can lead to potentially permanent health complications including neuropathy (numbness or tingling in extremities), muscle weakness, loss of coordination and impaired ambulation, and paralysis. Regular use of nitrous oxide is linked to not only physical health impacts, but also mental health impacts including depression, anxiety,

paranoia, psychosis with delusions and hallucinations, and memory loss and cognitive impairment. Addictive potential is primarily psychological dependence.

It is therefore the intent of this Ordinance to prohibit within the Town of Lancaster the public display with intent to distribute or sell, and solicitation to distribute or sell such substances when intended for human consumption, inhalation, or otherwise introduction into the human body.

Section 1.03 Authority

This Ordinance is adopted pursuant to the Town's general police powers and the authority granted under RSA 31:39(I) and other applicable provisions of New Hampshire law.

Section 1.04 Definitions

(a) **Synthetic Cannabinoids** (Agonists or Piperazines): Any chemical compound or chemical derivative, whether synthetic or natural, that mimics or is intended to mimic the physiological effects of tetrahydrocannabinol (THC);

(b) **Kratom** (Partial Agonists): Any herbal substance and vein type of the plant *Mitragyna speciosa* having stimulant and opiod-like effects that mimic the physiological effects of morphine;

(c) **Nitrous Oxide** (Dinitrogen oxide or dinitrogen monoxide): The colorless, nonflammable, faintly sweet-smelling gas with the chemical formula N2O that when ingested recreationally creates brief euphoric effects upon inhalation. Legitimate medical, dental, laboratory, or industrial uses are excluded; such uses include but are not limited to anesthetics, fuel oxidizers, and frothing vectors;

(d) **Bath salts**: Synthetic cathinones (component of khat shrub) and their derivatives, typically a white powder, granule, or crystal, usually containing cathinones, methyloenedioxypyrovalerone "MPDV", methylone, mephedrone "MCAT," pyrovalerone, naphyrone, or pipradrol that have central nervous system stimulant effects similar to cocaine, methamphetamine, and ecstasy "MDMA" when ingested (orally, snorted, smoked, plugged or injected);

(e) **Person**: Any individual, corporation, partnership, wholesaler, retailer, and any licensed or unlicensed business;

(f) **Public display with intent to distribute or sell**: Actions of showing, making visible, making accessible, advertising, marketing, or offering for commercial or disseminative purposes items in public places, demonstrating a goal to transfer ownership or make available for purchase and sharing;

(g) **Solicitation to distribute or sell:** Actions of asking, requesting, or encouraging a person to purchase, use, or share something;

(f) **Sell, Offer for Sale, or Distribute**: To transfer, barter, give, exchange, deliver, or otherwise make available for consideration.

Section 1.05 Prohibited Conduct

(a) It shall be unlawful for any person to publicly display for sale, offer for sale, or distribution any substance described in Section 1.04, Subsections (a) through (d);

(b) It shall be unlawful to solicit for sale, offer for sale, or distribution any product described in Section 1.04, Subsections (a) through (d);

(c) Each sale, distribution, or possession for sale of any product described in Section 1.04, Subsection (a) through (d) shall constitute a separate violation.

Section 1.06 Exceptions

This Ordinance shall not apply to:

1. Legitimate, authorized, professional use of nitrous oxide in licensed medical, dental, or veterinary practice;

2. Commercial, industrial, or laboratory uses of nitrous oxide not intended for human consumption;

3. Substances otherwise lawful under federal or state law and not advertised, marketed, or promoted for human consumption as psychoactive substances;

4. Actions at the direction of federal, state, or local law enforcement agencies and their officers to enforce or ensure compliance with this ordinance.

Section 1.07 Enforcement

This Ordinance shall be enforced by any local official with the authority to prosecute an offense under any municipal code, ordinance, bylaw or regulation, any local, State, or Federal law enforcement, the Lancaster Code Enforcement Officer, the Lancaster Health and Life Safety Officer, or other duly authorized agents of the Town and law enforcement.

Section 1.08 Penalties

Any person violating any provision of this Ordinance shall be guilty of a violation-level offense and subject to a fine not to exceed $1,000 per offense. Each day a violation continues shall constitute a separate offense.

Pursuant to NH RSA 318-B Controlled Drug Act, penalties for possession of synthetic drugs is a misdemeanor level offense and is subject to imprisonment for up to one (1) year and a fine not to exceed two thousand ($2000) dollars. For sale and distribution of synthetic drug(s), the penalty of imprisonment is up to seven (7) years and the fine shall not exceed one hundred thousand ($100,000) dollars.

Section 1.09 Severability

If any section or provision of this Ordinance shall be held invalid, such invalidity shall not affect the remainder of this Ordinance.

Section 1.10 Effective Date

This Ordinance shall take effect immediately upon adoption and publication as required by New Hampshire law.

Adopted by the Town of Lancaster, New Hampshire, this 16 day of March, 2026.

By vote of the Lancaster Board of Selectmen / Town Meeting:

_____ Chair, Board of Selectmen

_____ Selectman

_____ Selectman