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Dartmouth Board of Health Prohibited Products Regulations

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Section 1. Purpose:

These Regulations are adopted by the Board in recognition of certain products posing an inherent risk to public health and safety, and to thereby ensure that these products are banned from the display, distribution, possession, sale or stocking at any place of business within the Town of Dartmouth.

Section 2. Authority:

These Regulations are adopted by the Board pursuant to the authority that is granted to it in Massachusetts General Laws, Chapter 111, Sections 31 and 143.

Section 3. Prohibited Products:

Any product is prohibited under these Regulations if, but only if, it both: 1) meets any of the listed criteria in Paragraph A of this Section 3; and 2) has an applicable product name that is described in Paragraph B of this Section 3; provided, that these Regulations shall not apply to any product that is registered with the United States Food and Drug Administration in accordance with 21 CFR Part 1, Subpart H or 21 CFR Part 207.

A.) List of Possible Criteria for prohibited products:

1. Labeled as bath salts, synthetic marijuana, potpourri, cleaner, incense, spice, air freshener or aroma;
2. Intended or designed to be, or likely capable of being, burned as incense, sniffed, snorted, smelled, inhaled (whether directly or after burning), ingested or otherwise consumed; or
3. Manufactured in the shape or form of a pill capsule or tablet, or converted into or presented in such shape or form when packaged or labeled;

B.) Applicable Product Names shall include all names that are specifically listed in Appendix A that is attached to these Regulations, and additionally shall include all sub-brands that utilize adjectives or other modifiers of said listed product names in order to specify a particular flavor, size, quantity, intensity, potency, form or purpose of said product, regardless of whether any such specific sub-brand is expressly so listed in Appendix A:

C.) The following criteria shall be irrelevant in determining whether a product is prohibited under these Regulations:

1. The chemical composition of the product;
2. Any use of the product that is described on the label;
3. Whether the product is labeled as not being for human consumption;
4. Whether, the product is listed in Massachusetts General Laws, Chapter 94C, Section 31 or is otherwise banned by the federal Drug Enforcement Administration.

Section 4: Prohibited Activities:

- A.) No wholesale business or retail business (including any person who individually constitutes such a business) shall display, distribute, possess, sell, stock, offer for purchase, trade or barter, provide as a gift, or include as a promotion with the purchase, trade or barter of any other item, any Prohibited Product as determined by Section 3.
- B.) Should any employee, manager, agent or owner of a wholesale business or retail business have in his possession any Prohibited Product, as determined by Section 3, there shall be a rebuttable presumption that there is an intent by said business to violate Paragraph A of this Section 4.
- C.) Should any Prohibited Product, as determined by Section 3, be stored on any property that is owned, leased or licensed by any wholesale business or retail business, there shall be a rebuttable presumption that there is an intent by said business to violate Paragraph A of this Section 4.

Section 5: Nuisance Trade

In accordance with its authority pursuant to Massachusetts General Laws, Chapter 111, Section 143, the Board has determined that the sale, trade or bartering of any Prohibited Products, as determined by Section 3, may be harmful to the inhabitants of the Town and may be dangerous to the public health, and therefore that any wholesale business or retail business (including any person who individually constitutes such a business) that engages in any such sale, trade or barter

constitutes a nuisance trade that is prohibited from being established, operated or undertaken in any manner within the Town.

Section 6: Enforcement:

A.) If any wholes business or retail business fails to comply with the provisions of these Regulations, penalties may be imposed through the non-criminal method of disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D; provided, that this enforcement method is subject to the adoption of a general by-law to that effect by the Dartmouth Town Meeting; further provided, that for such enforcement purposes, non-criminal fines may be imposed upon both the owner(s) of said business, and any manager or other employee who was in charge of the physical location of said business at which the violation occurred at that time of said violation.

B.) The Board may seek the enforcement of these Regulations through the issuance of injunctive or other equitable relief by the Superior Court, as well as through any other enforcement mechanism that it is afforded through Massachusetts General Laws, Chapter 111, Sections 143 through 150.

Section 7: Severability:

The provisions of these Regulations are severable. If any court of competent jurisdiction determines that any provision is in violation of the laws, constitutions or regulations of the Commonwealth of Massachusetts or the United States of America, the remaining provisions shall not be affected thereby and shall continue in full force and effect.

Section 8: Effective Date:

A.) These Regulations shall be effective as of August 23, 2017.

Lynne Brodeur



Leslie E.J. McKinley



Appendix A:

-A-

Ak-47, Alice in Wonderland, Aloha, Am-Hi C, Amsterdam Attic, Angry Birds Space, Aroma All Star, Aroma Horror Story, Atomic Bomb, Australian Wax, Avalanche, Aztec Dream, Aztec Gold, Aztec Midnight Wind, Aztec Temple

-B-

Be Mine, Bee, Bermuda Triangle, Big Bang, Bizarro, Bizarro Hypnotic, Bizarro Rainbow, Black Diamond, Black Dragon, Black Label, Black Lion, Black Mamba, Black Sabbath, Blast Off, Blayze, Blayze Skunk, Blaze, Bling Bling Monkey, Bloody Eyes, Bloody Zombie, Blossoms, Blue Caution, Blue Coyote, Blue Genie, Blue Hurricane, Blue Label, Blue Magic, Blueberry Haze, Blueberry Hurricane, Bomb Hurricane, Brain Freeze, Buddha Shack, Budha 777, Buzzed Bunny

-C-

Calamus Root, California Dreams, California Kronie, Caution, Caution Diablo, Caution Rasta, Cherry Cheech, Climax, Cloud 9 Platinum, Code Black Black, Code Black Blue, Coltsfoot, Crazy Monkey

-D-

Da Bomb, Da Buzz, Damiana, D2E Reggie, Demon Passion, Devils Inferno, Dank, Dead Man Walking, Death Grip, Diablo, Deez Nutcrackers, Demon, Demon Dream, Diablo Kush, Disobey Dizzles Herbal Kush, D-ZL, Down2Earth Climaxx

-E-

El Pollo, Evil Clown, Exclusive Mystery Box, Exotic Wild Dagga, Earthquake

-F-

Faery Incense, Fairy Legal, Fiesta, Flamingo, Freakin Stoned, Fresh Apple, Fresh Blueberry, Fresh Pineapple, Fruit Punch, Frutti Tutti, Funky Monkey, Fusion

-G-

G.P.D, G-10, G-13, G-20, Geeked Up, Genie Strawberry, Get Real, Go Pluck Yourself, Godfather, Gorilla Dro, Green Blossom, Green Giant, Green Malay Kratom, Grind Time, Guano Amanito

-H-

H.O.D, Hammer Head, Happy Devil, Hard Core, Hawaiian Harvest, Head Trip, Heat, Heavens Grass, High Octane, High Voltage, Hindu Magic, Hops Magic, Hulk

-I-

I am on One, iBlown, iBlown iPad, Incredible Hulk, Insane, Ipad, iPhone

-J-

Jamaican, Jazz, Joker, Joker II Generation, Jucy Chong

-K-

Kanna, Kava Kava, Klimax, King Gorilla, King Kong, Kisha Cole, Klassic Klimax, Klimax, KMA, Kratom, Kratom Red Horn, Kush

-L-

Lavender Flower, LD, Lightning, Lobella Leaf, Lol, Lucky Clover, Lucky Strike, LV

-M-

Mad Hatter, Mad Monkey, Maeng Da Kratom, Magma, Make Aroma Great Again, Mardi Gras, Marjoram Leaves, Mater Kush, Meltdown, Mind Trip, Mind Twist, Moon Walk, Most Dope, Motherswort, Mowie Wowie, Mr. Big Shot, Mr. Devil, Mr. Happy, Mr. High, Mr. Marley, Mr. Nice and Legal, Mr. Nice Guy, Mr. Sin, Mugwort, Mullein Leaf

-N-

Nettle Leaf, Night Rider, Northern Lights, Mya Zombie, Navy Seal Elite Wax, Ninja, Nitro, Nuclear Bomb, No Names, Nola Go

-O-

Orgazmo, O.M.G., OG Digs

-P-

Panama Red Bull, Passion Flower, Pink Blossom, Pink Panther, Planet X, Platinum Caution, Platinum XXX, Psycho, Pure Evil, Pure Fire, Purple Blossom, Purple Diesel, Purple Drip

-R-

Red Eye Jack, Red Giant, Red Leaf, Red Planet, Red Thai Kratom, Rocket Fuel

-S-

Sacred Blue Lily of the Nile, Saint John's Wart, Sassafras Root Bark, Sativah, Scooby Snax, Scullcap, Sedona Gold, Sexy Monkey, Sexy Zombie, Shamrocks, Smacked, Smokey, Smokey Smokables, Soma Legal, Stona Lisa, Strawberry Daze, Strawberry Maui Wowie, Summit, Super Kryptom Kratom, Super Kush, Super Nova, Syn

-T-

The Fresh & Stinky Aroma, The Great Bulldog of Amsterdam, Tiger Tiger Eye, Tokemon, Tornado, Total Impact, Toxic, Toxic Blue Magic, Tribulus, Terrestris, Tsunami, Twilite

-U-

Ultimate Aztec, Ultra Chronic Ultra E. Indo Kratom, USPS, UVA-URSI-Bearberry

-V-

Valentine's Bae, Vity, Voodoo Daddy

-W-

Wanted Purple, Wild Dagga Flowers, WTF?, WTF Mann, Warp Speed, White Tiger Wood

-X-

XXX, XXX Banana, XXX Platinum

-Y-

Yellow Caution, Yerba Santa

-Z-

Zan-E-Bars, Zero Gravity

-Miscellaneous-

15X Kratom, 24K Monkey, 69,777 Extreme, 7H, 7H Dragon, 7H Hydro