

**CHAPTER 9.29****REGULATION OF CLONAZEPAM****(Ordinance 2000-02)****9.29.010 Purpose and Intent**

The City Council of the City of Encinitas finds and declares that:

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

B. There are reports of clonazepam being used to facilitate sexual assault.

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

D. At the present time no law exists prohibiting the possession of clonazepam without a valid prescription.

**9.29.020 Clonazepam – Definition**

“Clonazepam” means any drug, substance or compound, whether legal or illegal containing clonazepam as described in California Health and Safety Code Section 11057(d)(6).

**9.29.030 Possession Prohibited**

Except as authorized by law and as otherwise provided in subdivision (b) of Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the California Business and Professions Code, it shall be unlawful for any person to possess the drug clonazepam or any substance containing the same without a validly issued prescription.

**9.29.040 Enforcement Authority**

The City Attorney and the Chief of police, or any designated representative of the City, shall be authorized to administer and enforce the provisions of this Chapter.

9.29.050 Enforcement Remedies

Violations of this Chapter may be prosecuted as misdemeanors subject to the maximum fines and jail time as prescribed by law. The City Attorney and the Chief of Police may also pursue injunctive relief, civil penalties or administrative remedies as may be authorized by law.

9.29.060 Strict Liability Offense

Violations of this Chapter shall be treated as strict liability offenses irrespective of intent.