

CITY OF WILLIAMSBURG, KENTUCKY
ORDINANCE NO. 12-001

An ordinance to prohibit the possession, sale and use of product containing Mephedrone, Methylenedioxypropylamphetamine (MDPV), or any other chemical derivative of Methcathinone in the City of Williamsburg, Kentucky.

WHEREAS, the United States Drug Enforcement Administration (DEA) has exercised its emergency scheduling authority to temporarily control synthetic stimulants including Mephedrone, MDPV and Methyone sold under the guise of "bath salts" or "plant food" as such action was necessary to protect the public from the imminent hazard posed by these dangerous chemicals. Mephedrone, MDPV and other chemical derivatives of Methcathinone have reportedly produced an intense high, euphoria, extreme energy, hallucinations and insomnia and cause users to be easily provoked to anger; and

WHEREAS, the DEA's action will make possessing and selling these synthetic stimulants or the products that contain them illegal in the United States for at least one year while the DEA and the United States Department of Health and Human Services further study whether these chemicals should be permanently controlled. These synthetic stimulants will become temporarily designated as Schedule I substances under the Controlled Substances Act; and

WHEREAS, substances that contain these synthetic stimulants or their chemical derivatives, are being marketed and sold as bath salts; and

WHEREAS, the Kentucky Poison Control System reports that products marketed as "bath salts" containing synthetic stimulants such as Mephedrone and MDPV, which are chemical derivatives of Methcathinone and have been linked to adverse physical effects to persons resulting in hospitalization and death; and

WHEREAS, the sale and use of products containing synthetic stimulants such as Mephedrone and MDPV are becoming a growing trend and problem across the United States. When ingested, snorted, smoked or injected, these synthetic stimulants produce effects similar to those of cocaine and methamphetamines, including chest pains, increased blood pressure, increased heart rate, extreme paranoia, suicidal tendencies and delusions; and

WHEREAS, several states and cities have issued emergency bans or ordinances prohibiting these types of synthetic stimulants; and

WHEREAS, there has been little public education and outreach relative to the risks and effects associated with the use of substances containing these types of synthetic stimulants; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WILLIAMSBURG, KENTUCKY, AS FOLLOWS:

SECTION 1: PROHIBITION OF POSSESSION OR SALE OF PRODUCTS CONTAINING MEPHEDRONE, METHYLENEDIOXYPYROVALERONE (MDPV) OR ANY OTHER CHEMICAL DERIVATIVE OF METHCATHINONE

1.1 It is unlawful for any person to display for sale, sell, give, exchange, or otherwise distribute to any person products containing Mephedrone, Methylendioxypropylone (MDPV) or any other chemical derivative of Methcathinone except as authorized by law.

1.2 It is unlawful for any person to use, or to possess with intent to use, ingest, inhale, or otherwise introduce into the human body products containing Mephedrone, MDPV or any other chemical derivative of Methcathinone except as authorized by law.

SECTION 2: PENALTY

Any person violating section 1.1 or 1.2 of this ordinance shall be guilty of a Class A Misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500.00 or imprisonment for not more than 12 months, or both, for each offense. If current or future Kentucky Law(s) (KRS, etc.) prohibits any substance(s) contained in this ordinance, the Kentucky Law(s) (KRS, etc.) shall be applied instead of this ordinance for both prosecution and penalty.

SECTION 3: CONSTITUTIONALITY

If any article, section, sentence or part of a sentence in this ordinance is found to be unconstitutional, it is the intent of the drafter to strike only the unconstitutional provision (s) and for the remainder of the ordinance to remain in effect.

First Reading: February 13, 2012.

Enacted upon Second Reading this 12 day of March, 2012.

RODDY HARRISON, MAYOR

ATTEST:

TERESA H. BLACK, CITY CLERK