

CITY OF WILLIAMSBURG, KENTUCKY
ORDINANCE NO. 12-002

An Ordinance to prohibit the possession, sale and use of synthetic marijuana including but not limited to the following: AM Cannabinoids, CP Cannabinoids, JWH Cannabinoids and HU Cannabinoids 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 synthetic cannabis as such action was necessary to protect the public from the imminent hazard posed by these dangerous chemicals.

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, 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:

ARTICLE 1: PURPOSE, DEFINITIONS, PROHIBITIONS AND PENALTY

SECTION 1: PURPOSE

The purpose of this ordinance is to stop the possession or sale of synthetic marijuana including but not limited to the following: AM Cannabinoids, CP Cannabinoids, JWH Cannabinoids and HU Cannabinoids. These substances are harmful if consumed and present a significant public health danger that can result in hospitalization or death.

SECTION 2: DEFINITIONS

2.1 "Synthetic cannabis" means a psychoactive herbal and chemical product that, when consumed, mimics the effects of cannabis.

- 2.2 “AM cannabinoids” means any synthetic cannabinoids created by Alexandros Makriyannis or his research group including but not limited to AM-087; AM-251; AM-281; AM-356; AM-374; AM-381; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-919; AM-1116; AM-1172; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-2102; AM-4030. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law;
- 2.3 “CP cannabinoids” means CP-47, 497; (C6) CP 47, 497,; (C7) CP-47, 497; (C8) CP 47, 497; (C9) CP 47, 497; CP-50 , 558-1; CP-55, 940; CP-945, 598. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law;
- 2.4 “HU cannabinoids” means any synthetic cannabinoids synthesized at the Hebrew University including but not limited to HU-210; HU-211; HU-243; HU -308; HU-320; HU-331; HU-336; HU-345. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law;
- 2.5 “JWH cannabinoids” means any synthetic cannabinoids created by John W. Huffman or his research group including but not limited to JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH 051; JWH-057; JWH-073; JWH-081; JWH-098; JWH-118; JWH-120; JWH-122; JWH-133; JWH-139; JWH-147; JWH-148; JWH-149; JWH-161; JWH 164; JWH-166; JWH-167; JWH-171; JWH-175; JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-192; JWH-193; JWH-194; JWH-195; JWH 196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210; JWH-213; JWH-229; JWH-234; JWH-249; JWH-250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336; JWH-350; JWH-359; JWH-387; JWH-398; JWH-424. The term shall not include synthetic cannabinoids that require a prescription; are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law;
- 2.6 “Cannabicyclohexanol” means a large and complex variety of synthetic cannabinoids.

- 2.7 “Person” means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.
- 2.8 “Possession” means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;
- 2.9 “Traffic” means to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, dispense, or sell a controlled substance; and
- 2.10 “Transfer” means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.
- 2.11 “Manufacture” means," means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container except that this term does not include activities:
- (a) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice;
 - (b) By a practitioner, or by his or her authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or
 - (c) By a pharmacist as an incident to his or her dispensing of a controlled substance in the course of his or her professional practice;

SECTION 3: PROHIBITION OF POSSESSION OR SALE OF SYNTHETIC CANNABIS INCLUDING BUT NOT LIMITED TO AM CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS OR HU CANNABINOIDS

3.1 Trafficking in synthetic cannabinoids

A person is guilty of trafficking in synthetic cannabis when he or she knowingly and unlawfully traffics in AM cannabinoids, CP cannabinoids, JWH cannabinoids, HU cannabinoids or substances containing cannabicyclohexanol.

3.2 Possession of synthetic cannabinoids

A person is guilty of possession of synthetic cannabinoids when he or she knowingly and unlawfully possesses AM cannabinoids, CP cannabinoids, JWH cannabinoids, HU cannabinoids or substances containing cannabicyclohexanol.

3.3 Manufacture of synthetic cannabinoids

A person is guilty of manufacturing synthetic cannabinoids when he or she knowingly and unlawfully produces, prepares, propagates, compounds, converts, or processes AM cannabinoids, CP cannabinoids, JWH cannabinoids, HU cannabinoids or substances containing cannabicyclohexanol.

SECTION 4: PENALTY

Any person violating section 3.1, 3.2, or 3.3 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 5: 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 12th day of March, 2012.

RODDY HARRISON, MAYOR

ATTEST:

TERESA BLACK, CITY CLERK