

ORDINANCE NO. 05-20-2010 A

AN ORDINANCE PROHIBITING THE PURCHASE, POSSESSION, SALE, AND OFFERING FOR SALE OF THE SYNTHETIC CANNABINOID, KNOWN AS "SPICE" OR "K-2" AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Elkins, Arkansas has determined that several juveniles within the city limits of the City of Elkins, Arkansas have possessed and ingested certain substances which produce intoxicating effects similar to THC or marijuana; and

WHEREAS, the substances are not yet categorized as illegal controlled substances under state or federal law; and,

WHEREAS, the substances, which are described below, are often used as an alternative to marijuana and are potentially dangerous to users, and further, the long term effects are not yet known; and

WHEREAS, it has been determined that the effects of these substances are a health concern to the citizens of the City of Elkins, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKINS, ARKANSAS THAT:

Section 1. That it is hereby declared to be unlawful for any person, organization, legal entity or other to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following substances, or a counterfeit thereof, within the City of Elkins, Arkansas:

- (1) Salviadinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts;
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a- tetrahydrobenzo{c}chromen-1-ol some other trade names: HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl)indole-some trade or other names: JWH-018\spice;
- (4) 1-Butyl-3-(Inaphtoyl) indole-some trade or other names:JWH-073;
- (5) 1-(3-[trifluoromethylphenyl]) piperazine-some trade or other names: TFMPP;
- (6) or any similar structural analogs.


Section 2. That if any of the aforementioned substances, or a counterfeit thereof, are found in the possession of any person, organization, legal entity or other they may be confiscated and destroyed by law enforcement officials.

Section 3. That it is not an offense under Section 1 above of this Ordinance if the person, organization, legal entity or other was acting at the direction of an authorized agent of law enforcement to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances,

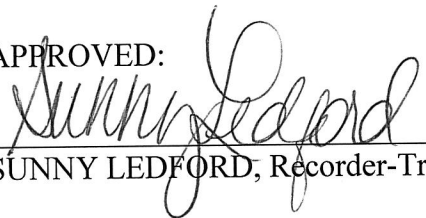
Section 4. That this ordinance does not apply to any person, organization, legal entity or other who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

Section 5. Any person found to be in violation of this ordinance will be guilty of a misdemeanor and subject to a fine not exceed \$1,000.

PASSED AND APPROVED this 20<sup>th</sup> day of May, 2010.

  
JACK LADYMAN, Mayor

APPROVED:

  
SUNNY LEDFORD, Recorder-Treasurer