

ORDINANCE NO. 2010-4

AMENDING MONTGOMERY COUNTY CODE
ADDING NEW CHAPTER §113
REGULATING THE SALE, POSSESSION AND USE
OF SYNTHETIC CANNABINOID

WHEREAS, pursuant to IC 36-8-2-4, a county may regulate conduct, use, or possession of property, that might endanger the public health, safety, or welfare, and under IC 36-8-2-10, a county may regulate the operation of businesses; and

WHEREAS, the Board of Commissioners of Montgomery County, Indiana desires to adopt regulations concerning the use, possession, and sale of synthetic cannabinoids and other substances which, when ingested, produce intoxicating effects similar to THC or marijuana to decrease the chances of injury to persons and help preserve the health of its citizens; and

WHEREAS, the effects of synthetic cannabinoids and other substances, which are described below are a health concern to the citizens of Montgomery County; the substances are not yet categorized as illegal controlled substances under state or federal law; and the substances, used as an alternative to marijuana, are potentially dangerous to users and have unknown long term effects;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Montgomery County, Indiana, that the Montgomery County Code, be amended to add a new Chapter 113 regulating the use, possession, and sale of synthetic cannabiniods and other substances, which are described below, reading as follows:

SYNTHETIC CANNABINOIDS

Section **113.01** Definitions.

Synthetic Cannabinoid. As used in this chapter, the term "synthetic cannabinoid" means any of the following:

- (A) All parts of the plant presently classified botanically as *Salvia Divinorum*, whether growing or not, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or its extracts;
- (B) HU-210 a substance also known as (6aR,10aR)- 9-(Hydroxymethyl) 6,6-dimethyl- 3-(2-methyloctan-2-yl)- 6a, 7, 10, 10a-tetrahydrobenzo[c]chromen- 1-ol;
- (C) JWH-018, a substance also known as Naphthalen-1-yl-(1-pentylindol-3-yl) methanone;
- (D) JWH-073, a substance also known as Naphthalen-1-yl(1butylindol-3-yl) methanone;

- (E) TFMPP, a substance also known as 1-[3-(trifluoromethyl)phenyl]piperazine;
- (F) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl)phenol;
- (G) CP-47,497, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol;
- (H) JWH-250, a substance also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone;
- (I) Structural analogs of any of these substances.
- (J) Any herbal-based substance sold under the name of K2, Spice, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire " NIce, Pulse, Solitude or Voodoo, or any other herbal-based substance containing the foregoing described substances.

Section 113.02 Sale of synthetic cannabinoids prohibited.

A person may not sell, barter, give, publicly display for sale, or attempt to sell, give or barter, or to possess any synthetic cannabinoid.

Section 113.03 Enforcement.

- (A) The Montgomery County Sheriffs Department is responsible for the interpretation and civil enforcement of this chapter.
- (B) Enforcement personnel from the Montgomery County Sheriffs, Department may seize and destroy synthetic cannabinoids that are in violation of this chapter.
- (C) A person in violation of this chapter shall be fined two hundred and fifty dollars (\$250.00). Each day a violation occurs or continues constitutes a separate offense.

Section 113.04 Defenses.

- (A) It is a defense under this Chapter that a person otherwise in violation is acting at the direction of an authorized agent of the County of Montgomery to enforce or ensure compliance with this Chapter.
- (B) It is a defense under this Chapter that a person otherwise in violation is acting, with respect to the violation, under the direction or prescription of a person who holds an unlimited license to practice medicine under IC 22-22.5 or a license to practice dentistry under IC 25-14.

(C) It is a defense under this Chapter that a person otherwise in violation is acting, with respect to the violation, in connection with a **bona fide** research or scientific endeavor funded by public entities or non-profit organizations.

This Ordinance shall be in full force and effect immediately upon passage.

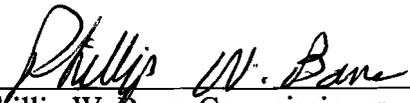
Presented to the Board of Commissioners of Montgomery County, Indiana, and approved this 8 day of November, 2010.

BOARD OF COMMISSIONERS OF
MONTGOMERY COUNTY

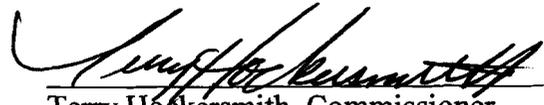
VOTE
Yes No

X _____

X _____



Phillip W. Bane, Commissioner



Terry Hockersmith, Commissioner

ATTEST:



Michelle Cash, Auditor