

ORDINANCE NO. 01-2010

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

WHEREAS, the City Council of the City of Austin, Arkansas has determined that certain businesses within the City of Austin, Arkansas are selling certain substances, when ingested, 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 Austin, Arkansas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF AUSTIN, ARKANSAS:

Section 1. It is hereby declared to be unlawful for any person 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 chemicals within the city limits of the City of Austin, Arkansas:

- (1) Salviadinorum or salvinatorum 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 trade or other names: HU-210;
- (3) 1-Pertyl-3-(1-naphthoyl)indole-some trade or other names: JWH-018\spice;
- (4) 1-Butyl-3-(1naphthoyl)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. If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

Section 3. It is not an offense under Section 1 above of this Ordinance if the person was acting at the direction of an authorized agent of the City of Austin to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

Section 4. This ordinance does not apply to any person 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.

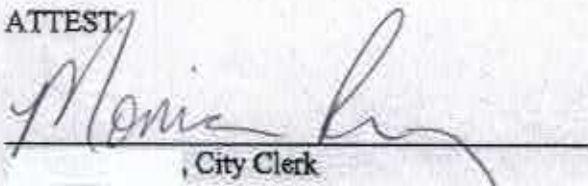
Section 5. Any person found to be in violation of this ordinance will be guilty of a misdemeanor and/or subject to a term of imprisonment not to exceed one year and a fine not to exceed \$1,000 and/or both.

Section 6. Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Austin, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 28th day of June, 2010.


Bernie Chamberlin, Mayor

ATTEST



, City Clerk

APPROVED AS TO FORM: