

AN ORDINANCE RELATING TO SYNTHETIC CANNABINOID

Introduced by Aldermen Wisneski and Benner

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 11, Chapter 2, SEC. 11-2-9 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 11 – Offenses and Nuisances

CHAPTER 2

Offenses Against Public Safety and Peace

SEC. 11-2-9 POSSESSION OF DANGEROUS AND CONTROLLED SUBSTANCES.

- (a) **CONTROLLED SUBSTANCES.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes; or chemicals or products that contain chemicals temporarily controlled by the United States Drug Enforcement Administration, using its emergency scheduling authority, as published in the Federal Register.
- (b) **POSSESSION OF MARIJUANA.** No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose and the use of the marijuana is permitted under State and Federal laws.
- (c) **POSSESSION OF DRUG PARAPHERNALIA.** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section. State Law Reference: Chapter 961, Wis. Stats.
- (d) **POSSESSION SYNTHETIC CANNABINOID.**
 - (1) No person shall 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 or products that contain them whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "Fake", "Mr. Smiley", "Budz", "Summit 420" or "new marijuana", or by any other name, label, or description:
 - a. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7,10, 10a-tetrahydrobenzo[c]chromen-1-01 - some trade or other names: HU-210
 - b. 2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone - some trade or other names: JWH-015
 - c. 1-Pentyl-3-(1-naphthoyl) indole - some trade or other names: JWH-018

- d. 1-Butyl-3-(1naphthoyl) indole - some trade or other names: JWH-073
 - e. (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro -6,6,9-trimethyl-6H-dibenzo[b,d]pyran) – some trade or other names: JWH-133
 - f. 1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone – some trade or other names: JWH-200
 - g. 1-pentyl-3-(2-methoxyphenylacetyl) indole – some trade or other names: JWH-250
 - h. 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol - some trade or other names: CP47,497 and homologues
 - i. Any similar structural analogs of the identified in chemical compounds (a-h).
 - j. Any other compounds containing cannabinoid receptor agonists that are designed, produced, manufactured, synthesized, grown, cultivated, harvested, used or otherwise prepared to produce or mimic the effects of tetrahydrocannabinol (THC).
- (2) The unlawful acts in this section shall not be applicable to a person who is under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under State and Federal laws.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this _____ day of _____, 2010.

Donald J. Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk