

AN ORDINANCE PROHIBITING THE SALE OF SUBSTANCES CONTAINING SYNTHETIC CANNABINOIDS AND THEIR USE IN PUBLIC FACILITIES

WHEREAS, I.C. 36-8-2-4 authorizes counties to regulate conduct that may endanger the public health, safety, or welfare; and

WHEREAS, the Floyd County Commissioners (“Commissioners”) have been made aware that substances containing synthetic cannabinoids are, or have been, marketed, sold or offered for sale to the residents of the Floyd County (“County”), including minors; and

WHEREAS, local law enforcement personnel have noted an increased use of synthetic cannabinoids, currently marketed and sold under the name of “K2” and “Spice”, by the citizens of the County; and

WHEREAS, products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental regulatory agency for human consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, medical studies and treatises note various health risks and adverse effects associated with the use of synthetic cannabinoids and products that contain them; and

WHEREAS, many states and municipalities throughout the United States have banned K2, Spice, and synthetic cannabinoids as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of synthetic cannabinoids, K2, and Spice may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, it has been determined that it is in the best interest of the County to prohibit the sale, marketing, or offering for sale of synthetic cannabinoids within the unincorporated limits of the County of Floyd, so as to protect the health, safety and welfare of the citizenry and their children,

NOW, THEREFORE, BE IT ORDAINED BY THE FLOYD COUNTY COMMISSIONERS, COUNTY OF FLOYD, INDIANA, THAT:

Section 1. Title XI, Chapter 122 titled “Sale of Synthetic Cannabinoids Prohibited”, is hereby adopted to read as follows:

Sale of Synthetic Cannabinoids Prohibited

(a) Products containing synthetic cannabinoids such as K2/Spice, or similar products which contain one or more of the following chemical compounds:

- (1) (6aR, 10aR)-9-(hydroxymehtyl)-6, 6 dimethyl-3-(2methyloctan-2-yl)-6a,7, 10, 10a-tetrahydrobenzo[c]chromen-a-ol, also known as HU-210;
- (2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
- (3) 1-utyl-3-(1-naphthoyl)indole, also known as JWH-073;
- (4) Any other equivalent compound or derivative

shall not be sold, marketed, or offered for sale within the unincorporated County of Floyd, Indiana;

- (b) Products containing synthetic cannabinoids may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by Floyd County.
- (c) Persons or entities violating the provisions of this Section shall be guilty of an infraction and shall be punishable by:
 - (1) A fine of Fifty Dollars (\$50.00) for the first violation;
 - (2) A fine of One Hundred Fifty Dollars (\$150) for the second violation;
 - (3) A fine of Three Hundred Dollars (\$300) for the third violation; and
 - (4) A fine of One Thousand Dollars (\$1,000) for fourth and subsequent violations.
- (d) All penalties of shall be processed through the Floyd County Clerk;
- (e) If, after multiple violations by the same person or entity, the Floyd County Attorney and the Floyd County Sheriff's Department have reasons to believe that the imposition of fines will not be effective in enforcing this chapter, the County Attorney shall be empowered to seek any other remedies provided by law.

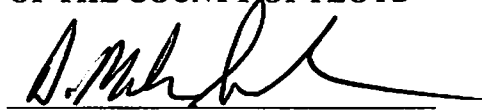
Section 2. The sections paragraphs, sentences, clauses, phrases and words off this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a County of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval and publication according to the law."

SO ORDAINED by the Floyd County Commissioners, Floyd County, Indiana, this

21st day of December, 2010.

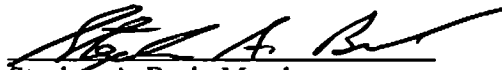
**BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD**



D. Mark Seabrook, President

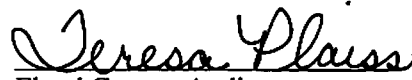


Charles A. Freiburger, Member



Stephen A. Bush, Member

Attest:


Teresa Plaiss
Floyd County Auditor