

ORDINANCE NO. 2013-11

**AN ORDINANCE RELATING TO SYNTHETIC DRUGS
AND SYNTHETIC CANNABINOID**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. AMENDMENT OF PROVISIONS.

Section 11-2-12 of the Village of Bristol Code of Ordinances is amended to read as follows:

Sec. 11-2-12 Synthetic Cannabinoid and Drugs Prohibited.

(a) **Purpose; Background.**

- (1) **Background – Synthetic Cannabinoid.** Products that are commonly known as synthetic cannabinoid, marijuana containing synthetic cannabinoids, synthetic THC, or substantially similar chemicals or products often in the form of incense, potpourri, plant food, spice, special dietary supplements or herbal smoking blends, are commonly marketed or sold to the public under names such as, but not limited to: "K2", "K3" or "K4"; "K-2 Summit"; "K-2 Sex"; "Spice"; "Genie"; "Yucatan Fire"; "Dascents"; "Zohal"; "Sage"; "Pep Spice"; "Solar Flare"; "K.O. Knock-Out 2"; "Spice Gold"; "Spice Diamond"; "Spice Cannabinoid"; and "Fire and Ice".
- (2) **Background – Synthetic Drugs.** Like the marketing of synthetic cannabinoids as incense [such as, but not limited to, Spice or K2], synthetic drugs are also commercially available, and in some instances are marketed as bath salts under such names as Bliss, Vanilla Sky, White Lightning, Ivory Snow, Ivory Wave, Purple Wave, Red Dove, Hurricane Charlie or other names, or are packaged or marketed as potpourri, incense, plant food, spice, tobacco, or dietary supplements.
- (3) **Scientific Background.** The Village Board finds that the United States Drug Enforcement Agency in 2008 alerted law enforcement and public officials that synthetic cannabinoid products are structurally and pharmacologically similar to the active ingredient of marijuana (THC), a Schedule I controlled substance. While there are hundreds of synthetic compounds and their analogs, some are more common synthetic cannabinoids and synthetic drugs include, but are not limited to:

- a. *Salviadinorum* or *Salvinorum* A. All parts of the plant presently classified botanically as *salvia divinorum*.
- b. *JWH-018*. (1-Pentyl-3-(1-naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a full agonist at both the CB1 and CB2 cannabinoid receptors, with some selectivity for CB2. It produces effects in animals similar to those of THC, a cannabinoid naturally present in cannabis, leading to its use in synthetic cannabis.
- c. *JWH-073*. 1-butyl-3-(1naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a partial agonist at both the CB1 and CB2 cannabinoid receptors. It is somewhat selective for the CB2 subtype with affinity at this subtype approximately 5x the affinity at CB1. The abbreviation JWH stands for John W. Huffman, one of the inventors of the compound.
- d. *JWH-200*. 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a K_i of 11nM at CB1 and 33nM at CB2. Unlike many of the older JWH series of compounds, this compound does not have a naphthalene ring, instead occupying this position with a 2'-methoxyphenyl group making JWH-250 a representative member of a new class of cannabinoid ligands.
- e. *CP 47, 497*. 2-(3-hydroxycyclohexyl)-5-(2-methylcycatan-2-yl) phenol [some trade and other names: CP-47, 497] and 2-(3-hydroxycyclohexyl)-5-(2 methylnonan-2-yl) phenol [some trade names and other names: CP-47, 497, C8 homologue, cannabicyclohexanol] is a cannabinoid receptor agonist drug, developed by Prizer in the 1980's. It has analgesic effects and is used in scientific research. It is a potent CB1 agonist with a K_d of 2.1nM.
- f. *JWH-081*. 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl) methanone is an analgesic chemical from the naphthoylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors. It is fairly selective for the CB1 subtype, with affinity at this subtype approximately 10x the affinity at CB2.
- g. *JWH-250*. (1-pentyl-1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a K_i of 11nM at CB2. Unlike many of the older JWH series compounds, this compound does not have a naphalene ring, instead occupying this position with a 2'-methoxyphenyl-phenylacetyl group making JWH-250 a representative member of a new class of cannabinoid ligands.
- h. *HU-210*. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol

is structurally and pharmacologically similar to tetrahydrocannabinol.

- (4) **Federal Health and Law Enforcement Warning.** The Village Board notes that the National Drug Intelligence Center of the United States Department of Justice issued an immediate alert to law enforcement and public health officials of potential substance abuse problems and harmful side effects related to the use of these synthetic cannabinoid products in EWS 000006 dated May 18, 2010.
 - (5) **Statutory Status.** The Village Board finds that while these synthetic cannabinoids and synthetic drugs listed above may be prohibited controlled substance analogs under Chapter 961, Wis. Stats., the State of Wisconsin may not specifically list all varieties of synthetic cannabinoids and synthetic drugs as controlled substances in Chapter 961, Wis. Stats.
 - (6) **Municipal Determination.** The Village Board finds that, in order to promote the public health, safety and welfare, products containing synthetic cannabinoids or synthetic drugs, and their derivatives, analogues, homologues, salts, optical isomers and salts of optical isomers with substantially similar chemical structure and pharmacological activity intended to mimic the effects of marijuana or other controlled substance, such synthetic substance(s) should be prohibited in the Village of Bristol. Ingestion of synthetic drugs has been shown to produce dangerous side effects such as, but not limited, to:
 - a. Nausea;
 - b. Vomiting;
 - c. Hallucinations;
 - d. Blurred vision;
 - e. Delusions;
 - f. Headaches;
 - g. Agitation;
 - h. Anxiety;
 - i. Insomnia;
 - j. Convulsions;
 - k. Addiction;
 - l. Psychosis;
 - m. Elevated blood pressure;
 - n. Loss of consciousness;
 - o. Tremors;
 - p. Suicidal thoughts;
 - q. Seizures;
 - r. Paranoid behavior;
 - s. Elevated or irregular heart rates; and
 - t. Death.
- (b) **Possession and Sale of Synthetic Cannabinoids Prohibited.** It shall be illegal for any person in the Village of Bristol to possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, or barter

any material, chemical, compound, mixture or preparation that is intended to have the same or similar effects of the controlled substance marijuana including, but not limited to, synthetic cannabinoids, JWH-018, JWH-073, JWH-200, JWH-081, JWH-250, Hu-210; cannabicyclohexanol, cp 47, 497; or any similar structural analogs commonly found in, referred to, or marketed or sold under the names "K2", "K3", "K4", "Spice", "Genie", "Yucatan Fire", "Fake", "new or legal marijuana", or by any other name, label or description:

- (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 (2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name(s); HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl) indole or some trade or other name(s); JWH-018, Spice;
- (4) 1-Butyl-3-(1-naphthoyl) indole or some trade or other name(s); JWH-073;
- (5) 1-(3{trifluoromethylphenyl}) piperazine or some trade or other name(s); TFMPP;
- (6) 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole or some trade or other name(s); JWH-200;
- (7) 2-(3-hydroxycyclohexyl)-5-(2-methylocatan-2-yl) phenol or some trade or other name(s); CP-47, 497;
- (8) 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl) methanone or some trade or other name(s);
- (9) (1-pentyl 1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone or some trade or other name(s); JWH;
- (10) Any similar structural analogs or synthetic cannabinoids specified in Section 961.14(4)(tb) through (ty), Wis. Stats., if not otherwise listed above.

(c) **Possession and Sale of Synthetic Drugs Prohibited.** It shall be illegal in the Village of Bristol for any person to possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give or barter any material, chemical, compound, mixture or preparation that is a synthetic drug, including, but not limited to the following:

- (1) Methylenedioxypropylvalerone, commonly known as "MDPV" or "bath salts".
- (2) 4-methylmethcathinone, commonly known as "mephedrone" or "4-MMC".
- (3) 4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "Nexus" or "2C-B".
- (4) 4-iodo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-I".

- (5) Any other substance which has been listed as a synthetic drug in the Wisconsin Statutes or Village ordinances, including this Section, and their derivatives, analogues, homologues, salts, optical isomers and salt of isomers with substantially similar chemical structure and pharmacological activity as a synthetic drug or other controlled substance.
- (d) **Use or Possession of Synthetic Cannabinoids or Synthetic Drugs.** It shall be unlawful for any person in the Village of Bristol to use, possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite the any substance prohibited by this Section. For purposes of this Section, a person knowingly possesses such substances when the person knows the substance induces the effects described in this Section, regardless of whether the person knows whether a chemical compound specifically described in this Section is present in the product being used or possessed.
- (e) **Additional Statutory-Derived Prohibitions.** Section 961.14 and 961.41, Wis. Stats., are adopted and incorporated herein by reference. The following are prohibitions based upon those statutory regulations:
- (1) The possession of any controlled substance (i.e. synthetic cannabinoids) specified in Section 961.14(4)(tb) through (ty), Wis. Stats., is prohibited.
 - (2) Any act prohibited by Section 961.41(3g)(em), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of synthetic cannabinoids is prohibited.
 - (3) Any act prohibited by Section 961.41(3g)(d), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of MDPV or mephedrone is prohibited.
- (f) **Medical or Dental Use Allowed.** Acts otherwise prohibited under this Section shall not be unlawful if done by or under the direction of 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 law.
- (g) **Definitions.** The following words, terms or phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the text clearly indicates a different meaning or the word, term or phrase is defined in the Wisconsin Statutes:
- (1) **Analogue.** A chemical compound that is structurally similar to another but differs slightly in composition, such as in the replacement of an atom by an atom of a different element or in the presence of a particular functional group.
 - (2) **Homologue.** One of a series of compounds distinguished by the addition of a CH₂ group in successive members.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. CONFLICTING PROVISIONS REPEALED.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION IV. NON-EXCLUSIVITY.

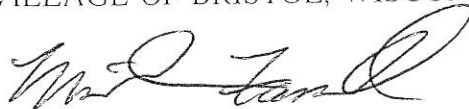
- (a) This Section (Ordinance) may be enforced by the use of a citation by law enforcement officers pursuant to Section 66.0113, Wis. Stats. The authorization for use of a citation under this Ordinance shall not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
- (b) The issuance of a citation under this Ordinance shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
- (c) The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Ordinance.

SECTION V. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28th day of October, 2013.

VILLAGE OF BRISTOL, WISCONSIN



Village President

Amy Klecko
Village Clerk-Treasurer

INTRODUCED: October 28, 2013

PASSED: October 28, 2013

PUBLISHED: November 6, 2013

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct, and complete copy of an ordinance duly and regularly enacted by the Village Board of the Village of Bristol on the 28th day of October, 2013 and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 28th day of October, 2013

Amy Klecko
Village Clerk-Treasurer

