

ORDINANCE NO. 13-2010

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

WHEREAS, the Indiana General Assembly has authorized the Town of Plainfield, Indiana, to exercise legislative and police powers to conserve or promote the health, safety, or welfare of the community;

WHEREAS, the Plainfield Town Council has been made aware that substances containing synthetic cannabinoids that include substances containing one or more of the following chemical compounds:

- (1) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
- (2) 1-Pentyl-3-(1-naphthoyl) indole, also known as JWH-018;
- (3) 1-Butyl-3-(1-naphthoyl) indole, also known as JWH-073;
- (4) 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;
- (5) TFMPP, a substance also known as 1-(3-[trifluoromethylphenyl]) piperazine; or
- (6) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl) phenol; and
- (7) any other relevant compound or derivative

("Products") have been marketed, sold, and offered for sale to Plainfield residents, including minors;

WHEREAS, the citizens of the Town of Plainfield and various elected and law enforcement officials have noted an increased use of such Products currently marketed and sold

under the following names: K2, Spice, Pep, Zohai, Yucatan Fire, Genie, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire “N” Ice, Pulse, Solitude, Voodoo, or Mr. Smiley;

WHEREAS, the Products have not been tested by the Food and Drug Administration (United States Department of Agriculture) or any other governmental agency for human consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them;

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products;

WHEREAS, synthetic cannabinoids and the Products are not yet categorized as controlled substances under State or Federal law;

WHEREAS, several states and municipalities throughout the State of Indiana and the United States have banned the Products and synthetic cannabinoids as a danger to the public health and welfare;

WHEREAS, the smoke emanating from the burning or incinerating of the Products may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, the Town Council of the Town of Plainfield, Indiana, believe it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the Products within the Town of Plainfield, Indiana, in order to protect the health, safety, and welfare of the citizens the Town of Plainfield, Indiana.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Plainfield, Indiana, as follows:

1. It is unlawful for any person to sell, market, or offer for sale within the Town of Plainfield, Indiana, products containing synthetic cannabinoids such as K2 or Spice or similar products which contain one or more of the following chemical compounds:

- (a) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
- (b) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
- (c) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;
- (d) 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;
- (e) TFMPP, a substance also known as 1-(3-[trifluoromethylphenyl]) piperazine; or
- (f) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl) phenol; or
- (g) any other relevant compound or derivative

("Products").

2. It is unlawful for any person to burn, incinerate, or ignite in any public place or on any property owned, leased, or controlled by the Town of Plainfield, Indiana, the Products or any other product containing synthetic cannabinoids.

3. It is unlawful for any person, entity, or business/retail establishment to sell, publicly display for sale, or attempt to sell, give, or barter the Products or any other synthetic marijuana or synthetic equivalents of substances contained in the plant *Cannabis* or in the resinous extractives of *Cannabis* or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity or any substance which claims such properties even if in actuality they do not. Because the nomenclature of these substances and

Products are not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are similarly prohibited.

4. Persons violating the provisions of this Ordinance shall be subject to a civil fine of not less than \$100.00 and not more than \$1,000.00, plus court costs. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

5. Entities, including businesses and retail establishments, violating the provisions of this Ordinance shall be subject to a civil fine of not less than \$250.00 and not more than \$2,500.00, plus court costs. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

6. If any of the aforementioned substances or Products is found in the possession of any person or entity, they may be confiscated and destroyed by any law enforcement official as provided by law, and any aforementioned substance(s) or Product(s) reasonably suspected to be described herein may be photographed as evidence pending adjudication of the alleged violation.

7. This Ordinance shall be in full force and effect from and after its passage and adoption by the Plainfield Town Council and publication, if any, required by law.

SAID ORDINANCE is hereby passed and adopted this 11th October day of September, 2010.

TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA

Robin G. Brandgard
Robin G. Brandgard, President

Kent McPhail
Kent McPhail

Bill Kirchoff
Bill Kirchoff

Edmund L. Gaddie, Jr.
Renea S. Whicker
Renea S. Whicker

Constituting a majority of all of the members of the
Town Council

ATTEST:

Wesley R. Bennett
Wesley R. Bennett, Clerk-Treasurer
The Town of Plainfield, Indiana

PUBLISHED:
Hendricks County Flyer OCT 26 2010
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