

ORDINANCE NO. 2010- 07

BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA
AN ORDINANCE PROHIBITING THE SALE OF SUBSTANCES CONTAINING
SYNTHETIC CANNABINOIDS AND THEIR USE IN OR AT PUBLIC FACILITIES

WHEREAS, the Board of Commissioners of LaPorte County (the "Board") has adopted a Code of Ordinances; and

WHEREAS, the Board has deemed it necessary to pass an ordinance for inclusion in said Code; and

WHEREAS, I.C. § 36-1-3-2 grants the Board all the powers necessary for the effective operation of government as to local affairs; and

WHEREAS, I.C. § 36-1-3-6 states that when there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, pursuant to I.C. § 36-8-2-4 the Board, as the executive of LaPorte County, may regulate conduct or use or possession of property that might endanger the public health, safety, or welfare of the people; and

WHEREAS, the Board has been made aware that substances containing synthetic cannabinoids, which 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; and/or
4. Any other equivalent compound or derivative

("Products"), have been marketed, sold, and offered for sale to the residents of LaPorte County, including minors; and

WHEREAS, the citizens of LaPorte County and various elected and law enforcement officials have noted an increased use of such Products, currently marketed and sold under the name K2 and Spice; and

WHEREAS, Indiana law provides that the county executive may enact ordinances to promote and protect the safety, health, and welfare of its citizenry; and

WHEREAS, the Products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental 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 deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products; and

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

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

WHEREAS, the Board believes it is in the best interest of its citizens to prohibit the sale, marketing, or offering for sale of the Products within LaPorte County, Indiana, in order to protect the health, safety and welfare of the citizens and children of LaPorte County,

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of LaPorte County, Indiana, as follows:

1. Title IX, General Regulations, in the LaPorte County Code of Ordinances is hereby amended through the addition of Chapter 100 entitled; Ordinance Prohibiting the Sale of Substances Containing Synthetic Cannabinoids and Their Use in or at Public Facilities.

2. Section 100.01 is added to Title IX, Chapter 100, of the LaPorte County Code of Ordinances to read as follows:

100.01 Ordinance established.

A. Products containing synthetic cannabinoids (“products”), such as K1/Spice, or similar products which contain 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; or
- 4.) Any other equivalent compound or derivative,

shall not be sold, marketed or offered for sale within LaPorte County, Indiana; and

B. Products containing synthetic cannabinoids (“Products”) may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by LaPorte County.

3. Section 100.02 is added to Title IX, Chapter 100, of the LaPorte County Code of Ordinances to read as follows: