

## EMERGENCY ORDINANCE NO. 2010-016

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF FULTON, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE PROHIBITING THE PURCHASE, POSSESSION, SALE, AND OFFERING FOR SALE OF THE SYNTHETIC CANNABINOID, KNOWN AS "SPICE" OR "K-2" AND DECLARING AN EMERGENCY

WHEREAS, the Quorum Court of Fulton County, Arkansas has determined that certain businesses within Fulton County are selling certain substances, which when ingested, produce intoxicating effects similar to THC or marijuana; and

WHEREAS, the substances are not yet categorized as illegal controlled substances under state or federal law; and

WHEREAS, the substances, which are described below, are often used as an alternative to marijuana and are potentially dangerous to users, and further, the long term effects are not yet known; and

WHEREAS, it has been determined that the effects of these substances are a health concern to the citizens of Fulton County, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF FULTON, STATE OF ARKANSAS:

ARTICLE 1. That it is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following substances within Fulton County, Arkansas:

- (1) Salvia divinorum 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-(2-methyloctan-2yl)-6a, 7, 10, 10a-tetrahydrobenzo{c} chromen-1-ol some other trade names: HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl) indole - some trade or other names: JWH-018\spice;
- (4) 1-Butyl-3-(1naphthoyl) indole - some trade or other names: JWH-073;
- (5) 1-(3-[trifluoremthylphenyl]) piperazine - some trade or other names: TFMPP;
- (6) or any similar structural analogs.

ARTICLE 2. That if any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

ARTICLE 3. That it is not an offense under Section 1 above of this Ordinance if the person was acting at the direction of an authorized agent of law enforcement to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances,

ARTICLE 4. That this ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

ARTICLE 5. Any person found to be in violation of this ordinance will be guilty of a misdemeanor and subject to a term of imprisonment not to exceed one year or a fine not to exceed \$1,000.00 or both imprisonment not to exceed one year and a fine not to exceed \$1,000.00.

ARTICLE 6. Emergency Clause. The sale and use of the substances addressed in this ordinance are a danger to the health, safety, and welfare of the citizens of Fulton County, including particularly, the children of Fulton County. These substances are, at the present time, being purchased and used in Fulton County, including by children. Accordingly, an emergency is declared to exist, and this ordinance shall be effective immediately upon its passage and approval.

ADOPTED this 14<sup>th</sup> day of June, 2010.

APPROVED:

Charles Willett  
CHARLES WILLETT, COUNTY JUDGE

ATTEST:

Vickie Bishop  
VICKIE BISHOP, COUNTY CLERK

