

BOARD OF COMMISSIONERS OF DELAWARE COUNTY

ORDINANCE NO. 2010- 030

ORIGINAL

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

**WHEREAS,** The Board of Commissioners of Delaware County have 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-3,2-methyloctan-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

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

**WHEREAS,** the citizens of Delaware County and various elected and law enforcement officials have noted an increased use of such Products, currently marketed and sold under the name of 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 of Commissioners of Delaware County believe it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the Products within Delaware County, Indiana, to protect the health, safety and welfare of the citizens and children of Delaware County.

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

1. Products containing synthetic cannabinoids ("Products") such as K2/Spice, or similar products which contain one or more of the following chemical compounds:
  - (1) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3,2-methyloctan-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 Delaware County, Indiana; and

2. 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 Delaware County

Persons or entities violating the provisions of this ordinance shall be subject to the penalty imposed for a Class B infraction, as set forth in Indiana Code 34-28-5-4. Accordingly, this ordinance shall be enforced by the provisions of Indiana Code 34-28-5.

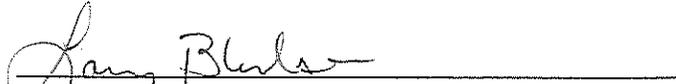
This Ordinance shall be in full force and effect upon publication pursuant to Indiana law.

**ALL OF WHICH IS ORDAINED** by the Board of Commissioners of Delaware County, Indiana, this 4 day of October, 2010.

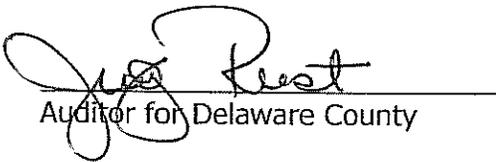


Todd Donati, Delaware County Commissioner

Don Dunnuck, Delaware County Commissioner

  
Larry Bledsoe, Delaware County Commissioner

ATTEST:

  
Auditor for Delaware County