

STATE OF INDIANA

BEFORE THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA

ORDINANCE NO. 20 - 2010

**AN ORDINANCE AMENDING ORDINANCE NO. 17-2010
AND PROHIBITING THE POSSESSION, SALE, EXCHANGE,
OR INCERATION OF SUBSTANCES CONTAINING
SYNTHETIC CANNABINOIDS OR THEIR USE WITHIN
CLARK COUNTY, INDIANA**

WHEREAS, this Board of Commissioners of Clark County 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; or,
- (4) Any other equivalent compound or derivative

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

WHEREAS, the citizens of Clark 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 their fitness 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 Clark County believes it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the Products within Clark County, Indiana, to protect the health, safety, and welfare of the citizens and children of Clark County.

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

1. Products containing synthetic cannabinoids (the "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 possessed, sold, marketed, or offered for sale or exchange at any place within Clark County, Indiana.

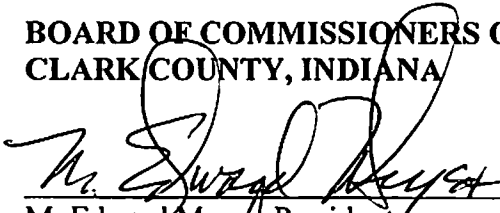
2. Furthermore, Products containing synthetic cannabinoids (the "Products") may not be consumed, burned, incinerated, or ignited in any public place or on any property owned, leased, or controlled by Clark County or any of its political subdivisions, or any property that may be viewed from any such public place.

3. 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 in accordance with the provisions of Indiana Code 34-28-5, *et seq.*

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

SO ORDAINED this 9th day of December, 2010, by this Board of Commissioners of Clark County, Indiana.


**BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA**




M. Edward Meyer, President



Michael G. Moore, Commissioner



Les Young, Commissioner

Attested by:


Keith Groth, Clark County Auditor