

City of Willoughby Hills

ORDINANCE NO. 2012-56

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 513 – DRUG ABUSE CONTROL, SECTION 513.15 – PROHIBITION ON THE SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC DRUGS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

WHEREAS, on July 14, 2011 the Council of the City of Willoughby Hills adopted Ordinance No. 2011- 52 establishing **Section 513.15 – Prohibition on the Sale of Synthetic Cannabinoids and Other Synthetic Drugs** providing for the regulation of the sale of methylenedioxypropylvalerone (MDPV) and methadones commonly referred to as “Bath Salts” and/or any derivatives for human consumption or human ingestion; and prohibiting the manufacture and production of methylenedioxypropylvalerone (MDPV) and methadones, and regulating the sale of synthetic cannabinoids and/or any derivatives for human consumption or human ingestion; prohibiting the manufacture and production of synthetic cannabinoids and/or any derivatives; providing for enforcement of these provisions, including penalties for violations; and

WHEREAS, to ensure the health, safety and welfare of the citizens of the City, this Ordinance is adopted to prohibit the possession, sale and use of synthetic cannabinoids and other synthetic drugs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Chapter 513 of the Codified Ordinances of the city of Willoughby Hills, Ohio, titled, “Prohibition on the Sale of Synthetic Cannabinoids and Other Synthetic Drugs” is hereby amended to read and provide as follows:

“513.15 PROHIBITION ON THE USE, POSSESSION, DISTRIBUTION AND SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC DRUGS.

(a) DEFINITIONS

- (1) “Synthetic Cannabinoids” means any material, compound, mixture, or preparation containing any detectable quantity of synthetically produced cannabinoids, their salts, isomers and salts of isomer, unless specifically excepted elsewhere in this section. Since nomenclature of these synthetically produced cannabinoids are not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included under this subsection, regardless of their specific numerical designation of atomic positions covered, so long as it can be determined through some form of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

A. Tetrahydrocannabinols

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. And/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

- B. Naphthoylindoles
Any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
- C. Naphthylmethylindoles
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
- D. Naphthoylpyrroles
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.
- E. Naphthylmethylindenes
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.
- F. Phenylacetylindoles
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.
- G. Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- H. Benzoylindoles
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
- I. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1-,4-benzoxazin-6-yl]-1-naphthalenylmethanone
Some trade or other names: WIN 55,212-2.
- J. Tricyclic Benzopyrans
Any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6' dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl(C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways, that is to say--
1. by partial to complete saturation of the C-ring;
 2. by substitution at the 1-position with a hydroxyl or methoxy group; or,

3. by substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group; or,
4. by modification of the possible 3-alkyl group with a 1,1-dimethyl moiety, a 1,1'-cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano, azido, or dimethylcarboxamido group.

Some trade and other names HU-210, JWH-051, JWH-139, JWH-161, JWH-229 & JWH-359

These products include, but are not limited to being contained in preparations such as incense, potpourri, plant fertilizers, insect repellent and are marketed with brand names including but not limited to K2, K3, K4, Spice and Spike.

- (2) "Substituted Cathinones" means any compound (except bupropion), mixture, or preparation structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is modified in any of the following ways, that is to say--
 - A. by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - B. by substitution at the 3-position with an acyclic alkyl substituent;
 - C. by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure

These include but are not limited to 3,4-Methylenedipxypyrovalerone (MDPV), 4-methylmethcathinone (mephedrone, 4-MMC), 4-fluoromethcathinone (flephedrone), 3,4-methylenedioxy-methcathinone (methylone), butylone, and naphyrone. These compounds are often found in a class of novelty products commonly sold as "bath salts" these substances are sold with trade names including but not limited to MDPK, Magic, super Coke, PV, POSH, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanilla Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove.

- (3) "Distribute" means to deliver MDVP, synthetic cannabinoids, or other synthetic drugs and/or their derivatives.
- (4) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of synthetic cannabinoids or synthetic drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabinoids or synthetic drugs or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabinoids or synthetic drugs as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) "Person" means any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) "Possession" possession may be either actual or constructive:
 - A. Actual possession means exercising physical dominion.
 - B. Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabinoids, synthetic drug or drug paraphernalia.
- (7) "Sale" means delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

(b) It shall be unlawful for any person to knowingly or under circumstances where one reasonably should know, to sell, give, exchange, manufacture, or otherwise distribute to any persons any product containing the substances included in the definition of Synthetic Cannabinoids or Substituted Cathinones.

(c) It shall be unlawful for any person, to knowingly, or under any circumstances where one reasonably should know, to display for sale or possess with intent to distribute any product containing the substances included in the definition of Synthetic Cannabinoids or Substituted Cathinones.

(d) It shall be unlawful for any person to use, or to possess with intent to use, ingest, inhale, or otherwise introduce into the human body any product containing the substances included in the definition of Synthetic Cannabinoids or Substituted Cathinones.

(e) Whoever violates this section is guilty of using, possessing, or selling Synthetic Cannabinoids or other synthetic drugs, a misdemeanor of the first degree.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

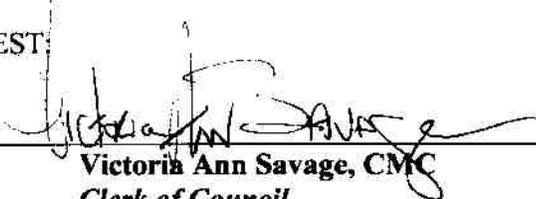
SECTION 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of Municipal Department, and further reason being that the amendment of said Section will immediately provide for the establishment and implementation of a proper comprehensive program to promote the public's health, safety and welfare; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

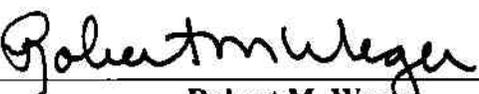
PASSED November 8, 2012


David A. Reichelt
President of Council

Submitted to the Mayor for his approval on this 9 day of November, 2012

Approved by the Mayor
November 8, 2012

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weges
Mayor