

## **ORDINANCE NO. 2011-4**

### **AN ORDINANCE CREATING SEC. 24-150, UNDER DIVISION III – MARIJUANA, OF ARTICLE II. CRIMES AGAINST PUBLIC HEALTH AND SAFETY OF CHAPTER 24, MISCELLANEOUS OFFENSES, OF THE VILLAGE OF HOWARD MUNICIPAL CODE RELATING TO THE REGULATION OF SALVIA AND SYNTHETIC CANNABINOID**

**THE VILLAGE BOARD OF THE VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SEC. 24-150, UNDER DIVISION III – MARIJUANA, OF ARTICLE II. CRIMES AGAINST PUBLIC HEALTH AND SAFETY OF CHAPTER 24, MISCELLANEOUS OFFENSES OF THE VILLAGE OF HOWARD MUNICIPAL CODE BE CREATED TO READ AS FOLLOWS:**

#### **SECTION 1. Sec. 24-150. POSSESSION OF SYNTHETIC CANNABINOID OR SALVIA PROHIBITED.**

(1) INTENT

(a) The open sale of synthetic cannabinoid, commonly known as "K-2", "Spice", or by other street names, and the public consumption and use of so-called incense products and herbals is on the rise.

(b) Synthetic cannabinoid products have yet to be tested by the Federal Drug Administration and certified as safe for human consumption; and because they are sold as incense or potpourri, there is no health or quality assurance regulation to ensure these products are safe.

(c) The National Drug Intelligence Center of the U.S. Department of Justice indicates the adverse effects of synthetic cannabinoid, when smoked, include panic attacks, elevated pulse and blood pressure, intense hallucinations, and in some cases, seizures.

(d) *Salvia divinorum* ("Salvia"), when smoked, produces effects similar to that of marijuana or synthetic cannabinoid on the user.

(e) Regulation of synthetic cannabinoid and *Salvia* is necessary to promote the health, safety and welfare of the village.

(2) DEFINITIONS

(a) "*Salvia divinorum*" means any plant material which contains the active chemical principle called salvinorin A.

(b) "Synthetic cannabinoid" includes the following chemicals, as

identified by their common names: dimethylheptylpyran, "HU-210," "JWH-018," "CP-55940," "HU-331," "WIN 55,212-2," or any cannabinoid derivative designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

(3) PROHIBITION. No person may possess or attempt to possess, sell, or offer for sale. Salvia divinorum or any synthetic cannabinoid without a valid prescription or order of a practitioner who is acting in the course of his or her professional practice.

(4) PENALTIES. Any person who shall violate any provision of this ordinance shall forfeit not less than \$1 or more than \$1,000 for each offense.

(5) SEVERABILITY. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall take effect on and after its passage and publication.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

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Burt R. McIntyre, Village President

ATTEST:

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Robert Bartelt, Village  
Administrator/Clerk

Date of Publication:  
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