

AMENDING CHAPTER 34 OF THE DANE COUNTY CODE OF ORDINANCES,
PROHIBITING THE POSSESSION AND SALE OF SYNTHETIC CANNABINOIDS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 34.09 is created to read as follows:

34.09 SALE AND POSSESSION OF SYNTHETIC CANNABINOIDS. (1) Purpose and authority. The purpose of this ordinance is to protect the public health and safety of the citizens of Dane County by prohibiting the sale and possession of synthetic cannabinoids. This section is enacted under the authority of s. 59.03(2)(a), Wis. Stats.

(2) Applicability. This ordinance shall apply in the unincorporated areas of Dane County.

(3) Possession and sale are prohibited. No person shall possess, transport, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals, or chemical derivatives of marijuana, whether under the common street or trade names of "Spice", "Pep Pourri", "Black Mamba", "Kind Spice", "Life Spice", "Cloud 9", "K2", "Genie", "Flash II", "Yucatan Fire", "legal weed", "synthetic", "fake" or "new" marijuana, or by any other name, label or description:

(a) synthetic cannabinoids, including but not limited to those with the following chemical formulas: 1-Pentyl-3-(1-naphthoyl)indole)) or known as JWH-018, [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol] or known as HU-210, 1-Butyl-3-(1-naphthoyl) indole or known as JWH-073, 1-(3{trifluoromethylphenyl} piperazine or known as TFMP, 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) or known as CP 47, 497, and (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) or known as HU-211, or

(b) any other chemical compound with similar structural analogs that are designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

(4) Exceptions. The provisions of sub. (3) shall not apply if done by or under the direction or prescription of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such, provided that such use is permitted under state and federal laws.

(5) Enforcement. Violations of this ordinance shall be enforced by the Department of Public Health for Madison and Dane County.

(6) Penalties. Any person who violates this section shall be subject to a forfeiture of \$100 for each violation.

(7) Severability. If any section, provision or portion of this ordinance is for any reason held to be invalid by reason of any decision of any court of competent jurisdiction, the remainder of the ordinance shall not for that reason be rendered ineffective or invalid.

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[EXPLANATION: This newly created ordinance seeks to prohibit the sale and possession of synthetic cannabinoids]

Submitted By:

Melissa Sargent

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Referred to:

- ☐ Executive
- ☒ Hlth/Hum Needs
- ☐ Pers/Finance
- ☒ Pub Prot/Jud
- ☐ Pub Wks/Transp
- ☐ Envir/Ag/Nat Res
- ☐ Zoning/Land Reg
- ☒ Board of Health

- ☐ Approved as Submitted
- ☐ Fiscal Note Not Required
- ☐ Policy Note Not Required

- ☒ Forward to: Public Health - Mr. [Signature]
- ☒ Policy Note
- ☒ Fiscal Note