

JUN-14-2010 MON 09:27 AM SEBASTIAN COUNTY JUDGE

FAX NO.

P. 02/04

**EMERGENCY ORDINANCE NO. 2010-9**

"BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF SEBASTIAN, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:"

AN EMERGENCY ORDINANCE PROHIBITING THE PURCHASE, POSSESSION, SALE AND OFFERING FOR SALE OF THE SYNTHETIC CANNABINOID, KNOWN AS "SPICE" OR "K-2" AND DECLARING AN EMERGENCY.

Whereas, the Quorum Court of Sebastian County, Arkansas has determined that certain businesses within Sebastian County are selling certain substances, which when ingested, produce intoxicating effects similar to THC or marijuana; and

Whereas, the substances are not yet categorized as illegal controlled substances under state or federal law; and

Whereas, the substances, which are described below, are often used as an alternative to marijuana and are potentially dangerous to users, and further, the long term effects are not yet known; and

Whereas, it has been determined that the effects of these substances are a health concern to the citizens of Sebastian County, Arkansas;

NOW, THEREFORE, BE IT ORDAINED by the Quorum Court of Sebastian County, Arkansas:

Section 1. That it is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following substances within the boundaries of Sebastian County, Arkansas:

- (a) Salvia divinorum or salvinatorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts;
- (b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2yl)-6a, 7, 10, 10a-tetrahydrobenzo(c) chromen-1-ol some other trade names: HU-210;

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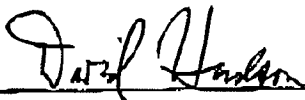
- (c) 1-Pentyl-3-(1-naphthoyl)indole - some trade or other names:  
JWH-018\spice;
- (d) 1-Butyl-3-(1naphthoyl)indole - some trade or other names:  
JWH-073;
- (e) 1-(3-[trifluoremethylphenyl]) piperazine - some trade or other  
names: TFMPP;
- (f) or any similar structural analogs.

Section 2. That it is not an offense under Section 1 above of this Ordinance if the person was acting at the direction of an authorized agent of law enforcement to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances.

Section 3. That this Ordinance does not apply to any person who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

Section 4. Any person found to be in violation of this Ordinance will be guilty of a misdemeanor and subject to a fine not to exceed \$1,000.

Section 5. Emergency Clause. The sale and use of the substances addressed in this Ordinance are a danger to the health, safety, and welfare of the citizens of Sebastian County, including particularly, the children of Sebastian County. These substances are, at the present time, being purchased and used in Sebastian County, including by children. Accordingly, an emergency is declared to exist, and this Ordinance shall be effective immediately upon its passage and approval.

DATED: 5/18/2010APPROVED:   
COUNTY JUDGEATTEST: 

COUNTY CLERK