

ORDINANCE NO. 109.10-2010

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

WHEREAS, the City Council of the City of Eustace, Texas has determined that certain businesses Within the City of Eustace, Texas are selling certain substances 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, it has been determined that the effects of these substances are a health concern to the citizens of the City of Eustace, Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF EUSTACE, TEXAS:

Section 1. 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 chemicals within the city limits of the City of Eustace, Texas:

- (1) Salviadinorum or salvinorum 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;
- (2) (6aR, 10aR)-9-9hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol some trade or other names: HU-210;
- (3) 1-Pentyl 3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
- (4) 1-Butyl-3-(naphthoyl) indole-some trade or other names: JWH-073;
- (5) 1-(3-[trifluoromethylpheny]) piperazine-some trade or other names: TFMPP;
- (6) or any similar structural analogs.

Section 2. If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

Section 3. 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 the City of Eustace to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

Section 4. This ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction of 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 5. Any person found to be in violation of this ordinance will be guilty of a misdemeanor and subject to a fine not to exceed \$500.00.

Section 6. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety, and welfare of the citizens of Eustace, Texas shall be effective upon its passage and approval.

PASSED AND APPROVED this 12th day of October, 2010.

Approved:

Mayor, Laura R. Ward

Attest:

City Secretary, Sandy Lane