

ORDINANCE NO. 2 -2012

**AN ORDINANCE OF THE TOWN OF MORRISTOWN, INDIANA, CONCERNING
THE SALE AND POSSESSION OF CANNABINOIDS**

WHEREAS, I.C. 36-8-2-4 authorizes municipalities to regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare; and

WHEREAS, the Town Council for the Town of Morristown, Indiana ("Council") has been made aware that substances containing chemicals perceived as mimics of marijuana, cocaine, LSD, MDMA, methamphetamine, and/or other controlled substances ("Synthetic Drugs") have been marketed, sold, or offered for sale to the residents of Morristown, including minors as well as possessed and consumed by the residents of Morristown, including minors; and

WHEREAS, the Synthetic Drugs have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental agency for human consumption and contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, the State and Federal Government have banned classes of these Synthetic Drugs as a danger to public health and welfare and are in the process of banning others; and

WHEREAS, the Council believes it is in the best interests of its citizens to prohibit the possession, sale, marketing, or offering for sale of Synthetic Drugs within the Town of Morristown, to protect the health, safety and welfare of the citizens and children of Morristown.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Morristown, Indiana, as follows:

Sale and Possession of Synthetic Drugs

(A) Substances containing chemicals perceived as mimics of marijuana, cocaine, LSD, MDMA, methamphetamine, and/or other controlled substances ("Synthetic Drugs"), shall not be possessed, sold, marketed, or offered for sale within the Town of Morristown, Indiana.

(B) Synthetic Drugs include, but are not limited to:

(1) a substance containing (1) or more of the following chemical compounds, including an analogue, congener, derivative, isomer, homologue, salt, salt of analogue, salt of congener, salt of derivative, salt of isomer, and salt of the compound:

- (a) JWH-015 ((2-Methyl-1-propyl-1H- indol-3-yl)-1-naphthalenylmethanone).
- (b) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- (c) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- (d) JWH-073 (naphthalen-1-yl-(1-butyldol-3-yl)methanone).
- (e) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol- 3-

yl)methanone).

- (f) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- (g) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-

ylm ethanone).

- (h) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
- (i) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
- (j) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- (k) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl- 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).
- (l) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl- 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
- (m) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4- (2-methyloctan- 2-yl)phenyl]- 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- (n) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6- (1-methylethenyl)-2-cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).
- (o) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).

(p) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7.

- (q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin- 6-yl]-1-naphthalenylmethanone).
- (r) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
- (s) RCS-8 (1-(1-(2-cyclohexylethyl)-1H- indol-3-yl)-2-(2-methoxyphenyl)ethanone).

(t) 4-Methylmethcathinone. Other name: mephedrone.

(u) 3,4-Methylenedioxymethcathinone. Other name:

methyllone.

- (v) Fluoromethcathinone.
- (w) 4-Methoxymethcathinone. Other name: methedrone.
- (x) 4-Ethylmethcathinone (4-EMC).
- (y) Methylenedioxypropylvalerone. Other name: MDPV.
- (z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
- (aa) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
- (bb) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
- (cc) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
- (dd) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.
- (ee) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
- (ff) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- (gg) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenyl pentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri din-1-yl] acetate.
- (hh) Dimethylheptylpyran, or DMHP.
- (ii) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
- (jj) 6-APB.
- (ll) 7-hydroxymitragynine.
- (mm) .-PPP.

- (nn) .-PVP (desmethylpyrovalerone).
- (oo) AM-251.
- (pp) AM-1241.
- (qq) AM-2201.
- (rr) AM-2233.
- (ss) Buphedrone.
- (tt) Butylone.
- (uu) CP-47,497-C7.
- (vv) CP-47,497-C8.
- (ww) Desoxypipradol.
- (xx) Ethylone.
- (yy) Eutylone.
- (zz) Flephedrone.
- (aaa) JWH-011.
- (bbb) JWH-020.
- (ccc) JWH-022.
- (ddd) JWH-030.
- (eee) JWH-182.
- (fff) JWH-302.
- (ggg) MDAI.
- (hhh) Mitragynine.
- (iii) Naphyrone.
- (jjj) Pentedrone.
- (lll) Pentylone.
- (mmm) Pyrovalerone.
- (nnn) Methoxetamine (MXE), or 3-MeO-2-Oxo-PCE
- (ooo) 5-MeO-DALT, or *N,N*-diallyl-5-methoxytryptamine
- (ppp) Fluoroamphetamine
- (qqq) 3-(4-Hydroxymethylbenzoyl)-1-pentylindol
- (rrr) 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) or

Desmethylprodine

- (sss) 4-Methylethcathinone, or 4-MEC.

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)l)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.

(3) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)l)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)l)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the

naphthyl ring to any extent.

(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with 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.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by 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.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by 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.

(8) Any compound, except bupropion or a compound listed under a different schedule, 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 further modified:

- (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
- (d) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(C) Persons or entities violating the provisions of this section involving the sale, marketing, or offering for sale of Synthetic Drugs shall be subject to a minimum fine of \$1,000 for a first time offense and \$2,500 for each offense thereafter. Persons or entities violating the provisions of this section involving the possession of Synthetic Drugs shall be subject to a minimum fine of \$500 for a first time offense and \$1,000 for each offense thereafter. Any Synthetic Drugs within the Town of Morristown may be seized by law enforcement.

(D) If, after multiple violations by the same person or entity, the Town Attorney and the Morristown Police Department have reason to believe that the imposition of fines will not be effective in enforcing this chapter, the Town Attorney shall be empowered to seek any other remedies provided by law."

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

ALL OF WHICH IS SO ORDAINED this 8th day of February, 2012.

MORRISTOWN TOWN COUNCIL









Attest: Donald Robert, Clerk-Treasurer