

**ORDINANCE PROHIBITING THE USE, PURCHASE, POSSESSION,  
DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC  
CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS**

**WHEREAS**, the Mayor and Board of Aldermen of the City of Aberdeen have determined that certain substances are being sold within the City of Aberdeen, Mississippi, that, when ingested, produce intoxicating effects similar to THC or marijuana and/or Methcathinone; and

**WHEREAS**, the substances described below are not yet categorized as illegal controlled substances under state or federal law; and

**WHEREAS**, the substances described below often used as an alternative to marijuana and other controlled substances and are potentially dangerous to users; and

**WHEREAS**, it has been determined that the effects of these substances are a health concern to the citizens of the City of Aberdeen, Mississippi; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Aberdeen, Mississippi, have determined the need to establish regulations preventing the use, possession, purchase, distribution or sale or public display for sale of any one or more of the following chemicals or substances within the city limits of the City of Aberdeen, Mississippi; and therefore adopt the following regulations and penalties; and

**WHEREAS**, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids Or Other Synthetic Products is for the immediate and temporary preservation of the public peace, health and safety, and shall become effective immediately upon its adoption, and prior to being recorded and

published, as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Aberdeen, Mississippi, as follows:**

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** That the Code of Ordinances of the City of Aberdeen, Mississippi, be and the same is hereby amended by amending Chapter 19, to add Article VII, Prohibition of the Use, Purchase, Possession, Distribution, Sale or Offering for Sale of Synthetic Cannabinoids or Other Synthetic Products, to read as follows:

## **CHAPTER 19**

### **ARTICLE VII. PROHIBITION OF THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS**

#### **Section 19-131. Prohibition**

No person shall use, posses, purchase, distribute, sale or attempt to use, possess, purchase or sale or publicly display for sale any one or more of the following chemicals within the city limits of the City of Aberdeen, Mississippi:

- (A) Salviadivinorum or salvinorum A: all part of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof an extract from any part of such plant, and every compound, manufactures salts derivative, mixture or preparation of such plant , its seeds or extracts;
- (B) (6aR,10aR)-9-(hydroxymethyl)-6,6dimethyl-3-(2-methyloctan-2-yl)-6a7, 10. 10a-tetrahydrobenzo[c]chromen-1-ol – some trade or other names: HU-210;
- (C) 1-Pentyl-3-(1-naphthoyl) indole – some trades or other names: JWH-018/spice;
- (D) 1-Butyl-3-(1-naphthoyl) indole – some trade or other names: JWH-073;
- (E) 1-(3-[trifluoromethylphenyl]) piperazine – some trade or other names: TFMIP;
- (F) 4-methoxymethcathione and Ethylcathinone;

(G) or any similar structural analogs.

If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.

**Section 19-132. Exemption.**

It shall not be an offense under Section 19-131 above of this Ordinance if a person shall be acting at the direction of an authorized agent of the City of Aberdeen, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale or the attempt to use, possess, purchase, distribute or sale or publicly display for sale the aforementioned substances.

This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose, which inhalation of anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

**Section 19-133. Penalties.**

Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000) or imprisonment not exceeding six (6) months, or both.

**SECTION 2.** That all provisions of the ordinances of the City of Aberdeen in conflict

with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Aberdeen not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision

thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** This ordinance shall become effective immediately. The City Clerk shall cause the ordinance to be published in a local newspaper with a general circulation.

The forgoing ordinance was proposed in a motion by Alderman Garth, seconded by Alderman Ewing and after discussion, and no board member having called for a reading, was brought to a vote as follows:

Ward I Alderman – Alonzo Sykes	Voted <u>Aye</u>
Ward II Alderman – Cloyd Garth	Voted <u>Aye</u>
Ward III Alderman – David Ewing	Voted <u>Aye</u>
Ward IV Alderman – Randy Nichols	Voted <u>Aye</u>
Ward V Alderman – John Allen	Voted <u>Aye</u>

Whereupon, the motion having received a majority of affirmative votes, the Mayor and Board of Aldermen declared that the Ordinance has been passed and adopted on this the 17<sup>th</sup> day of August, 2010.

**CITY OF ABERDEEN, MISSISSIPPI**

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**JIM BALLARD, MAYOR**

**ATTEST:**

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**JACKIE BENSON, CITY CLERK**