

COMMONWEALTH OF KENTUCKY
BRECKINRIDGE COUNTY

ORDINANCE NO. 2012-0312

ORDINANCE PROHIBITING THE POSSESSION OR SALE OF AM
CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS, OR
HU CANNABINOIDS SYNTHETIC CANNABINOIDS AGNOSTIS

WHEREAS, herbal incense products marketed in the United States that provide a marijuana-like high when smoked have become increasingly popular, particularly among teens and young adults; and,

WHEREAS, these products consist of plant material that has been laced with chemicals that have not been approved by the FDA for human consumption; and,

WHEREAS, the Commonwealth of Kentucky has moved to prohibit the sale and possession of similar products, but the changing nature of the products has resulted in the availability of herbal incense products that exceed the Commonwealth's definition and statues; and,

WHEREAS, federal, state, and local officials are receiving reports from poison control centers, hospitals, and emergency room doctors that individuals who use these types of products experience dangerous side effects including convulsions, anxiety attacks, dangerously elevated heart rates, increased blood pressure, vomiting and disorientation; and,

WHEREAS, the side effects of the unregulated herbal incense products pose a threat to the public health and safety of the citizens of the County of Breckinridge and it is in the best interests of the County to regulate the sale and use of such products.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Breckinridge, Commonwealth of Kentucky, as follows:

SECTION I:**DECLARATION OF FINDINGS AND POLICY**

Breckinridge Fiscal Court finds that herbal incense products marketed in the United States that provide a marijuana-like high when smoked have become increasingly popular, particularly among teens and young adults and that these products consist of plant material that has been laced with chemicals that have not been approved by the FDA for human consumption.

The Court further finds that the Commonwealth of Kentucky has moved to prohibit the sale and possession of similar products, but the changing nature of the products has resulted in the availability of herbal incense products that exceed the Commonwealth's definition and statutes and therefore are not properly regulated by the Commonwealth of Kentucky. The Court is aware that the side effects of the unregulated herbal incense products pose a threat to the public health and safety of the citizens of the County of Breckinridge, and it is in the best interests of the County to regulate the sale and use of such products.

SECTION II:**DEFINITIONS**

- A. "AM cannabinoids" means any synthetic cannabinoids including but not limited to AM-087; AM-251; AM-281; AM-356; AM-374; AM-381; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-919; AM-926; AM-938; AM-1116; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-2102; AM-4030. The term shall not include synthetic cannabinoids that require a prescription,

are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

- B. "CP cannabinoids" means CP-47,497; (C6)-CP-47,497; (C7)-CP-47,497; (C8)-CP-47,497;(C9)-CP-47,497; CP-50,556-1; CP-55,244; CP-55,940; CP-945,598. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.
- C. "HU cannabinoids" means any synthetic cannabinoids including but not limited to HU-210;HU-211; HU-243; HU-308; HU-320; HU-331; HU-336; HU-345. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with the state and federal law.
- D. "JWH cannabinoids" means any synthetic cannabinoids including but not limited to JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH-051; JWH-057;JWH-073;JWH-081; JWH-098; JWH-116;JWH-120;JWH-122;JWH;133;JWH-139;JWF-147;JWH-148; WH-149; JWH-161; JWH-164; JWH-166; JWH-167; JWH-171; JWH-175;JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-192; JWH-193; JWH-194; JWH-195; JWH-196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210;JWH-213; JWH-229; JWH-234; JWH-249; JWH-250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336; JWH-350; WH-359; JWH-387; JWH-398; JWH-424. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United

States Food and Drug Administration and are dispensed in accordance with state and federal law.

- E. "Person" shall mean any person, firm, group, association, organization, partnership, business, trust, estate, corporation, company, Limited Liability Company or any other business entity. For the purposes of this Ordinance, the president, managers, owners, shareholders, partners, members or other persons in charge of the business shall be responsible to require the business to comply with this ordinance and shall likewise be subject to the penalties imposed for violations of this Ordinance by the business entity.
- F. "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object.
- G. "Traffic" means to manufacture, distribute, dispense, sell, transfer, possess with intent to manufacture, distribute, dispense, or sell a controlled substance.
- H. "Transfer" means to dispose of a controlled substance to another person without considerable and not in furtherance of commercial distribution.

SECTION III:

POSSESSION OF AM CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS OR HUCANNABOINIDS

A person is guilty of possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids when he or she knowingly and unlawfully possesses AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.

SECTION IV:

TRAFFICKING IN AM CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS OR HUCANNABINOIDS

A person is guilty of trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids when he or she knowingly and unlawfully traffics in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.

SECTION V:

APPLICABILITY OF STATE LAW

If current or future Kentucky law prohibits any substance(s) contained in this ordinance, the Kentucky law shall be applied instead of this ordinance for both prosecution and penalty.

SECTION VI:

PENALTIES

- A. Any person who violates the provision of this Chapter concerning Possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids shall be guilty of a Class B Misdemeanor and upon conviction shall be punished by a fine not to exceed two-hundred and fifty (\$250) dollars or be imprisoned in the county jail for a period not to exceed ninety (90) days or both so fined and imprisoned.
- B. Any person who violates the provision of this Chapter concerning Trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids shall be guilty of a Class A Misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred (\$500) dollars or be imprisoned in the county jail for a period not to exceed twelve (12) months, or both so fined and imprisoned.
- C. Each day of such violation shall constitute a separate offense and no additional notice other than notice of the original offense shall be required to convict a person for multiple violations resulting from a continuation of such offense.

SECTION VII:

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

SECTION VIII:

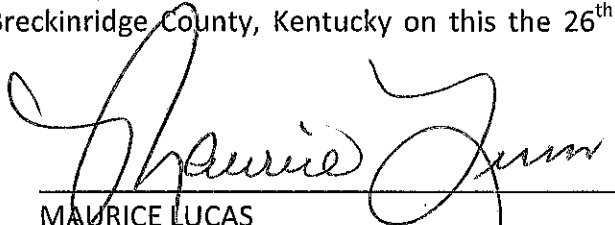
ORDINANCES/ORDERS IN CONFLICT REPEALED

All prior Orders or Ordinances or parts of any Order or Ordinance in conflict here with are hereby repealed.

Introduced and given first reading by the Fiscal Court on this the 12th day of March, 2012.

Given second reading on this 26th day of March, 2012.

Adopted by the Fiscal Court of Breckinridge County, Kentucky on this the 26th day of March, 2012.



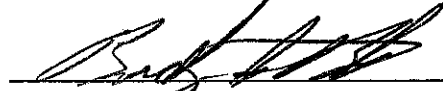
MAURICE LUCAS
BRECKINRIDGE COUNTY JUDGE EXECUTIVE

ATTESTED:



KATHINA BELL
BRECKINRIDGE COUNTY FISCAL COURT CLERK

APPROVED AS TO FORM AND LEGALITY BY:



BRADLEY S. BUTLER
BRECKINRIDGE COUNTY ATTORNEY

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Monday, March 26, 2012
6:00 P.M.

RE: Claims

Subsequent to discussion, Esquire Henning moved, seconded by Esquire Beavin, to approve the March 26th Claims and additional claim as submitted by Finance Officer, Odessa Hobbs. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-032612"

OLD BUSINESS

RE: 2nd Reading, Ord No. 2012-0312, Prohibit the Sale and Possession of Cannabinoids
Fiscal Court Clerk, Kathina Bell presented for Second Reading Ordinance No. 2012-0312, an ordinance of the Breckinridge County Fiscal Court prohibiting the possession or sale of AM Cannabinoids, CP Cannabinoids, JWH Cannabinoids or HU Cannabinoids Synthetic Cannabinoids Agnostis. Esquire Bosley moved, seconded by Esquire Moore, to approve 2nd Reading of Ordinance No. 2012-0312. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-032612"

NEW BUSINESS

RE: Resolution No. 2012-0326, LTADD Enhanced Communications Radios Grant
Fiscal Court Clerk, Kathina Bell presented for approval Resolution No. 2012-0326, a resolution of the County of Breckinridge, Kentucky authorizing the Judge-Executive to make application for and, upon approval, to enter into an agreement with the Kentucky Office of Homeland Security (KOHS), to execute any documents which are deemed necessary by KOHS to facilitate and administer the project and to act as the authorized correspondent for this project.

Esquire Henning moved, seconded by Esquire Beavin, to approve Resolution No. 2012-0326. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-032612"

RE: Resolution No. 2012-0326A, LTADD Enhanced Communications Repeater Grant
Fiscal Court Clerk, Kathina Bell presented for approval Resolution No. 2012-0326A, a resolution of the County of Breckinridge, Kentucky authorizing the Judge-Executive to make application for and, upon approval, to enter into an agreement with the Kentucky Office of Homeland Security (KOHS), to execute any documents which are deemed necessary by KOHS to facilitate and administer the project and to act as the authorized correspondent for this project.