

# **ENFORCEMENT WILL BEGIN 11/01/2019**

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

WHEREAS, the Mayor and Board of Aldermen of the City of Batesville, Mississippi, have determined that certain substances are being sold within the municipal boundaries of the City of Batesville, Mississippi, that, when ingested, produce intoxicating effects similar to THCA, marijuana, Methcathinone, opioids, and/or prescription pain relieving medications; and

WHEREAS, not all of the substances described below are yet categorized as illegal controlled substances under Mississippi or the laws of the United States; and

WHEREAS, the substances described below are often used as an alternative to marijuana, opioids and other controlled substances and are dangerous to the health, safety, and welfare of individuals who ingest such substances and dangerous as well to the general welfare of their families and the citizens of this City; and

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

WHEREAS, the Mayor and Board of Aldermen of the City of Batesville, Mississippi, have determined the need to establish an ordinance preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals or substances within the municipal boundaries of the City of Batesville, Mississippi; and therefore adopt the following ordinance and penalties; and

WHEREAS, pursuant to Section 21-13-1 *et seq* of the Mississippi Code Annotated of 1972 as may be amended from time to time, 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 welfare and for the good causes described herein, pursuant to Section 21-13-1, this Ordinance shall become effective immediately upon its unanimous adoption, prior to being recorded and published, as being in the best interests of the public to become immediately effective.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, as follows:

1.

No person shall use, possess, purchase, distribute, sale or attempt to use, possess, purchase, distribute or sell or publicly display for sale any one or more of the following chemicals within the city limits of Batesville, Mississippi.

- (a) Salviadinorum or salvinorum A: all parts 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, manufacture 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-o1. Some trade or other names, including, but not limited to: HU-210.

- (c) 1 -Pentyl-3-(1-naphthoyl) indole. Some trade or other names, including, but not limited to: JWH-018/spice;
- (d) 1- Butyl-3- (1-naphthoyl) indole. Some trade or other names, including, but not limited to: JWH-073;
- (e) 1 -(3-[trifluoromethylphenyl] piperazine. Some trade or other names, including, but not limited to: TFMIP;
- (f) 4-methoxymethcathinone and Ethyl cathinone;
- (g) Mitragyna speciosa korth, Mitragyna speciosa leaf extract, Mitragyna speciosa extract, and M. speciosa alkaloids, including ajmalicine, mitraphylline, rhynchophylline and mitragynine pseudoindoxyl, raubasine, pausinystalia johimbe and corynanthidine, 7-acetoxymitragynine, Corynoxin, Corinnoxin, 3-Dehydromitragynin, (-)-Epicatechin, 3-Isocorynantheidin, 3-Isopaynanthein, Isomitraphyllin, Isospeciofolin, Isospecionoxein, Mitraciliatin, Mitrafolin, Mitragynalin, Mitraphyllin, Mitraspecin, Mitraversin, Paynanthein, Speciociliatin, Speciofolin, Speciogynin, Specionoxein, Speciogynin, Speciofolin, Stipulatin. Some trade or other names, including but not limited to: Kratom, krathom, kakuam, ketum, ithang, thom, biak-biak, kratum, mambog, Super K, Life Force K, K-Chill, K-shot, or;

2.

Any similar structural analogs.

3.

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.

4.

It shall not be an offence under Section 1 above of this Ordinance if a person shall be acting at the direction of an authorized agent of Batesville, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution, or sale of the aforementioned substance.

5.

This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the lawful direction or prescription of the 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.

6.

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 no/100 Dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both.

7.

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.

8.

This Ordinance shall become effective immediately. The Clerk shall cause the Ordinance to be published in a local newspaper with a general circulation.

ORDAINED, APPROVED, AND ADOPTED on this the 17th day of September, 2019.

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JERRY AUTREY, Mayor

ATTEST:

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SUSAN S. BERRYHILL, City Clerk