

ORDINANCE NUMBER 37a

ORDINANCE PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS USED AS ALTERNATIVES FOR MARIJUANA AND OTHER CONTROLLED SUBSTANCES, AND PROVIDING FOR PENALTIES

WHEREAS, the Mayor and the City Council of the City of Bonifay, Florida, have determined that certain businesses within the City limits are selling substances that, when ingested, produce intoxicating effects similar to those produced by THC, marijuana and/or methcathinone; and,

WHEREAS, the substance described below 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 Bonifay, Florida; and,

WHEREAS, the Mayor and the City Council of Bonifay, Florida, have determined the need to establish regulations preventing the use, possession, purchase, distribution or sale; or the attempt to use, possess, purchase, distribute, or sale; or the public display for sale of any one or more of the following substances (See Section 1, A-J) within the City limits of the City of Bonifay, Florida; and therefore adopt the following regulation and penalties; and,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, THAT THE FOLLOWING BE ADDED AND MADE A PART OF THE BONIFAY, FLORIDA CODE OF ORDINANCES, TO WIT:

SECTION 1: No person shall use, possess, purchase, distribute or sale, or attempt to use, possess, purchase, distribute or sale, or publicly display for sale, any one or more of the following substances within the City of Bonifay, Florida:

- A. Salvia divinorum 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 compound, salt, derivative, mixture, or preparation of such plant;

- B. [$\{6aR, 10aR\}$] - 9 (hydroxymethyl) - 6, 6-dimethyl -3- (2-methyloctan -2-yl) -6a, 7, 10, 10a- tetrahydrobenzo [c] (chromen -1-ol), known by trade name or other names such as HU-210 or Spice or K2.
- C. 1-Pentyl-3-(1-naphthoyl) indole, known by trade name or other names such as JWH-018 or Spice or K2;
- D. 1-Butyl-3-(1-naphthoyl) indole, known by trade name or other names such as JWH-018 or Spice or K2;
- E. 1-(3-trifluoromethylphenyl) piperazine, known by trade name or other names such as TFMPP or MDMA/Ecstasy;
- F. 4 Methylmethcathinone, Nethylcathinone;
- G. 3, 4- Methylenedioxyprovalerone, and related analogs, known by trade name or other names such as MDPV;
- H. 2- [$\{1R, 3S\}$ -3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) Phenol, and related homologues known by trade name or other names such as CP 47, 497, or Spice;
- I. Any structural analogs similar to those specified in (A) through (H); and
- J. Any other synthetic cannabinoid including, but not limited to, those substances known by the trade name of Spice or K2.

SECTION 2: If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substance shall be confiscated and destroyed by law enforcement officials.

SECTION 3: It shall not be an offense under Section 1 above of this ordinance if a person shall be acting at the direction of an authorized agent of the City of Bonifay, Florida, 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 the public display for the sale of the aforementioned substances.

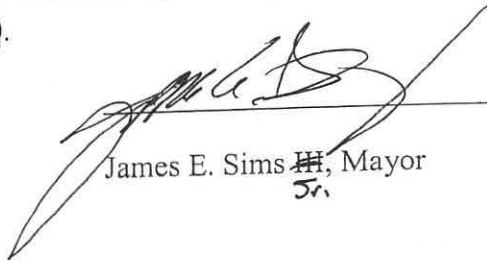
SECTION 4: This Ordinance shall not apply to any person who shall commit any act described in this ordinance pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This ordinance shall not apply to the inhalation of anesthesia for medical or dental purposes which inhalation of

anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist, or by an advanced practice nurse or any duly licensed health care provider.

SECTION 5: 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 dollars (\$1,000.00) or imprisoned in the county jail not to exceed 6 months or both.

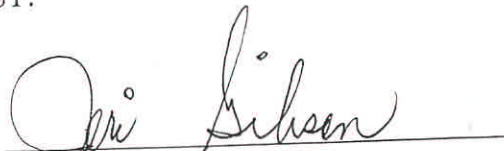
SECTION 6: Due to the immediate need for the preservation of the health, safety and welfare of Bonifay, Florida residents, this Ordinance shall take effect and be in full force upon the passage as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Bonifay, Florida this 10th day of January 2010.



James E. Sims ^{III}, Mayor
Sr.

ATTEST:



Jeri Gibson, City Clerk