

FINANCE COMMITTEE

10-041-0

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW SECTION 34-42 TO THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE PROHIBITION OF SYNTHETIC CANNABINOIDS.

BY COUNCILOR FEDORA:

The city of Duluth does ordain:

Section 1. That Chapter 34 of the Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 34-42 which reads as follows:

Sec. 34-42. Synthetic cannabinoids prohibited.

(a) Definition. For purposes of this Section, "synthetic cannabinoid" shall mean:

(1) A synthetic equivalent of the substance contained in the Cannabis plant, or in the resinous extractives of the genus Cannabis, or a synthetic substance, derivative, or its isomers with similar chemical structure or pharmacological activity such as the following:

(A) 1-Pentyl-3-(1-naphthoyl)indole; some trade or other names; also known as JWH-018;

(B) 1-Butyl-3-(1-naphthoyl)indole; some trade or other names; also known as JWH-073;

(C) Phenol, CP 47, 497 and 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;

(D) Any similar structural analogs;

(2) Products, by whatever trade name, that are treated, sprayed, or saturated with one or more of the above chemicals. Some currently marketed products containing synthetic cannabinoids identified in subdivision (1) include K2, Spice, Mojo, Smoke, Genie, Yucatan Fire, Diamond Spice, Red Dragon Smoke, Skunk, K2 Summit and Pandora Potpourri;

(b) Prohibited acts. No person shall use, possess, purchase, sell, give away, barter, exchange, dispense, deliver, distribute or manufacture any synthetic cannabinoid, as defined in Section 34-42, within the city;

(c) Exceptions. Acts otherwise prohibited under this Chapter shall not be unlawful if performed by or under the direction of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such acts.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

CCREQ/ATTY TF/GBJ:cjk 8/6/2010

STATEMENT OF PURPOSE: This ordinance adds a new Section 34-42 to the Duluth City Code, 1959, as amended, regarding the prohibition of synthetic cannabinoids.

Preliminary studies indicate that the three synthetic cannabinoid substances, commonly known as K2, spice or synthetic marijuana, which are unregulated in Minnesota, are between 3 and 100 times more potent than THC, the active ingredient in marijuana. As there is a growing use of unregulated synthetic cannabinoids within the state and city, and these substances are currently available for over the counter purchase within the city causing a health, safety and general welfare concern for the citizens of Duluth, this ordinance seeks to prohibit the sale and use of synthetic cannabinoids within the city.