



NO. O-11-29

## AN ORDINANCE

**AN ORDINANCE TO PROHIBIT ADVERTISEMENT, POSSESSION, USE, PURCHASE, OR DISTRIBUTION OF SUBSTITUTED CATHINONES (COMMONLY CALLED “BATH SALTS”), SYNTHETIC CANNABINOIDS, AND CERTAIN OTHER SYNTHETIC DRUGS; AND MATTERS RELATED THERETO**

**WHEREAS**, the use or ingestion/consumption of substituted cathinones, commonly called “bath salts” and other synthetic drugs has significantly increased throughout the United States, and

**WHEREAS**, substituted cathinones, commonly called “bath salts” and other synthetic drugs are being manufactured, sold and used for their psychoactive properties, and

**WHEREAS**, there are significant reports of ingestion/consumption of substituted cathinones, commonly called “bath salts” and other synthetic drugs causing serious injury or death, and

**WHEREAS** the United States Drug Enforcement Administration (DEA) used its emergency scheduling authority to temporarily control Mephedrone, Methylenedioxypropylvalerone (MDPV), Methylone, and other chemical compounds found in “bath salts” and other synthetic drugs marketed as otherwise lawful substances, finding said action necessary to protect the public from the imminent hazard posed by ingestion of these substances, and

**WHEREAS**, Spartanburg County Council has the power and duty to provide for the general health, safety, and welfare of Spartanburg and to exercise police powers; and

**WHEREAS**, the Spartanburg County Council hereby declares the use, consumption, possession, sale or distribution of substituted cathinones, commonly called “bath salts” and other products containing synthetic cannabinoids to be a public nuisance and hereby makes unlawful said use, consumption, possession, sale or distribution as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY SPARTANBURG COUNTY COUNCIL:**

## **SECTION 1. Definitions.**

### **A. Substituted Cathinones:**

Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

1. by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
2. by substitution at the 3-position with an acyclic alkyl substituent;
3. by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
4. by inclusion of the 2-amino nitrogen atom in a cyclic structure.

### **B. Synthetic Cannabinoids:**

Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

#### **1. Tetrahydrocannabinols:**

Meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (*cannabis* plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 *cis*- or *trans*- tetrahydrocannabinol, and their optical isomers Delta 6 *cis*- or *trans*- tetrahydrocannabinol, and their optical isomers Delta 3,4 *cis*- or *trans*- tetrahydrocannabinol, and its optical isomers (*Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.*)

**2. Naphthoylindoles:**

Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

**3. Naphthylmethylinindoles:**

Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

**4. Naphthoylpyrroles:**

Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

**5. Naphthylmethylinindenes:**

Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

**6. Phenylacetylinindoles:**

Any compound containing a 3-phenylacetylinindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

**7. Cyclohexylphenols:**

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.

**8. Benzoylindoles:**

Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

**9. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.**  
*Some trade or other names: WIN 55,212-2.*

**10. 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.**  
*Some trade or other names: HU-210, HU-211.*

**11. Adamantoylindoles:**

Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

**C. Person:**

Any individual, firm, business, corporation, partnership, group, merchant or other legal entity.

**D. Merchant:**

An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of the owner or operator.

**SECTION 2. Sale of synthetic cannabinoids or substituted cathinones prohibited.**

- A. It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any Synthetic Cannabinoid or Substituted Cathinones within Spartanburg County, South Carolina.
- B. It is unlawful for any person to offer for sale, distribution, delivery, trade or barter any Synthetic Cannabinoid or Substituted Cathinones within Spartanburg County, South Carolina.
- C. It is unlawful for any person to advertise or display any Synthetic Cannabinoid or Substituted Cathinones within Spartanburg County, South Carolina.
- D. It is unlawful for any person to claim or represent that a product or substance is a Synthetic Cannabinoid or Substituted Cathinones within Spartanburg County, South Carolina.

**SECTION 3. Possession of synthetic cannabinoids or substituted cathinones prohibited.**

It is unlawful for any person to possess any Synthetic Cannabinoid or Substituted Cathinones within Spartanburg County, South Carolina.

**SECTION 4. Labeling.**

The fact a Synthetic Cannabinoid or Substituted Cathinones is being marketed, sold, distributed, delivered, traded, bartered, or labeled as "Not for Human Consumption" (or words of similar effect) or identified as having a lawful use does not exempt a person from enforcement pursuant to this ordinance.

**SECTION 5. Confiscation and destruction of synthetic cannabinoids or substituted cathinones.**

If any Synthetic Cannabinoid or Substituted Cathinones are found in the possession of any person within Spartanburg County, South Carolina, said Synthetic Cannabinoid or Substituted Cathinones shall be confiscated by law enforcement as evidence of violation of this ordinance. The confiscated Synthetic Cannabinoid or Substituted Cathinones shall be destroyed by law enforcement after an adjudication of guilt. Synthetic Cannabinoid or Substituted Cathinones with labels or instructions indicating they are not intended for ingestion or consumption (i.e., "Not for Human Consumption" or words of similar effect) or identifying a lawful use are not exempt from confiscation and destruction.

**SECTION 6. Penalty.**

- A. A violation of this ordinance shall be deemed an infraction punishable by a fine of \$500.00. The civil fine is subject to all applicable court costs, assessments, and surcharges. Each day of a continuing violation of this ordinance shall be considered a

separate and distinct infraction. Violation of this ordinance is hereby further declared to be a public nuisance which may be abated by Spartanburg County by way of restraining order, preliminary and permanent injunction, or any other means permitted by law and the County may take action to recover the cost of any nuisance abatement action taken hereunder.

- B.** If the person who violates this ordinance is also a merchant, the person shall also be required to pay for and successfully complete a merchant education program offered by the Spartanburg Alcohol & Drug Abuse Commission (SADAC) or other similar program approved by the court. The court shall set a date by which the person shall return the certificate of satisfactory completion.
  
- C.** In lieu of the fine, but not the court costs, the court may require a person, who is not a merchant, to pay for and successfully complete an education program offered by the Spartanburg Alcohol & Drug Abuse Commission (SADAC) or other similar program approved by the court. The court shall set a date by which the person shall return the certificate of satisfactory completion. A person shall be eligible for this education alternative once every twelve (12) months.

#### **SECTION 7. Enforcement.**

This ordinance may be enforced by any law enforcement officer with jurisdiction in the County. The uniform traffic ticket, established pursuant to Section 56-7-20 of the S.C. Code of Laws 1976, as amended, may be used by law enforcement officers for a violation of this ordinance.

#### **SECTION 8. Severability and repeal.**

If any portion of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. In the event any chemical compound addressed by this ordinance is subsequently deemed a controlled substance for purposes of the criminal laws of the State of South Carolina or the United States, this ordinance shall be deemed automatically repealed with respect to said compound(s).

#### **SECTION 9. Provisions are cumulative.**

Nothing in this ordinance shall be construed to abrogate or impair the powers of the Courts or of any department of Spartanburg County to enforce any provisions of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred by any other law.

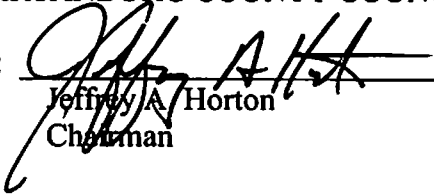
#### **SECTION 10. Effective date.**

This ordinance shall take effect upon the third reading approval.

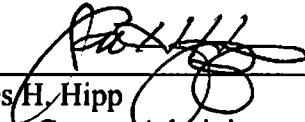
**ORDAINED** in meeting duly assembled this the 19<sup>th</sup> day of December, 2011.

SPARTANBURG COUNTY COUNCIL

BY:

  
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Jeffrey A. Horton  
Chairman

ATTESTED:

  
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James H. Hipp  
Deputy County Administrator

First Reading:       October 17, 2011  
Second Reading:     November 28, 2011  
Public Hearing:       November 28, 2011  
Third Reading:       December 19, 2011