

BOONEVILLE CITY COUNCIL
Ordinance Number - 877

BE IT ORDAINED BY THE CITY OF BOONEVILLE, ARKANSAS, AN ORDINANCE ENTITLED:

"AN ORDINANCE TO PROHIBIT THE POSSESSION, SALE, AND OFFERING FOR SALE OF A SYNTHETIC CANNABINOID KNOWN AS "SPICE" OR "K2"."

The Booneville City Council adopts this Ordinance to enhance the public health by prohibiting the possession, sale and offering for sale a potentially dangerous substance commonly sole as "Spice" or "K2", and to prescribe penalties for violations of this Ordinance.

The Booneville City Council finds and determines that the substances described below are often used as an alternative to marijuana, that the substances are potentially dangerous to users, that hospitalizations have been reported in connection with use of the substances, that the long term effects are not yet known, that the substances are not yet categorized as illegal controlled substances under State or Federal law, and that it is proper and necessary for the Booneville City Council to exercise authority to protect the public health.

1. As used in this Ordinance, these terms are defined as follows:
 - a. "Person" means a person, any form of corporation, partnership, wholesaler or retailer.
 - b. "Illegal smoking product" includes any substance, whether called tobacco, herbs, incense, spice or any blend thereof, which includes any one or more of the following chemicals:
 - (1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methoxy-2-yl)Phenol);
 - (2) (dexamabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methoxy-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol);
 - (3) 1-Pentyl-3-(1-naphthoyle)indole; or
 - (4) Buryl-3-(1-naphthoyle)indole;

which products are sometimes known as "K2" or "Spice."

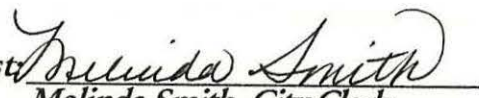
2. It is unlawful for any person to sell, offer to sell or publicly display for sale any illegal smoking product.
3. It is unlawful for any person to knowingly possess any illegal smoking product.
4. Any person violating subsection 2 of this Ordinance shall be guilty of a misdemeanor offense and, upon guilty plea or a finding of guilt, shall be subject to a jail sentence of up to 30 days and a fine of up to \$500.00.

- 5. Any person violating subsection 2 of this Ordinance a second or subsequent time shall be guilty of a misdemeanor offense and, upon guilty plea or a finding of guilt, shall be subject to a jail sentence of up to 90 days and a fine of up to \$1,000.00.
- 6. Any person violating subsection 3 of this Ordinance shall be guilty of a misdemeanor offense and, upon guilty plea or a finding of guilt, shall be subject to a jail sentence of up to 30 days and a fine of up to \$500.00
- 7. This Ordinance shall be in effect and enforceable immediately upon its enactment by the Booneville City Council.
- 8. If the Arkansas Legislature adopts a statute enacting criminal penalties for the possession, sale or delivery of any illegal smoking products, as defined in this Ordinance, then upon the effective date of such state statute, this ordinance shall no longer be deemed to prohibit the possession, sale, or offer to sell any illegal smoking product from that effective date forward. However, any violation of this Ordinance occurring prior to the effective date of such state statute may be prosecuted after the effective date of such state statute.

The pupose of the section is to provide that state law, if enacted in the future, will supersede this county ordinance, but that any violation of this county Ordinance may be prosecuted evan after a state law is enacted.

PASSED AND APPROVED THIS 24th DAY OF May, 2010.


Honorable Mayor Jerry Wilkins,
City of Booneville

Attest: 
Melinda Smith, City Clerk