

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CAMDENTON, MISSOURI TITLE II: PUBLIC HEALTH, SAFETY & WELFARE, CHAPTER 220: OFFENSES BY ADDING SECTION 220.105 PROHIBITING THE POSSESSION, SALE AND OFFERING FOR SALE A SYNTHETIC CANNABINOID KNOWN AS "SPICE" OR "K2"

WHEREAS, pursuant to §§79.110 and 79.450, RSMo, the City of Camdenton, Missouri has the power and authority to enact and ordain all ordinances which are not inconsistent with the Constitution and the laws of the State of Missouri and which the Mayor and Board of Aldermen of the City of Camdenton deem expedient for good government and for the public health of the inhabitants of the City of Camdenton; and,

WHEREAS, the Board of Aldermen of the City of Camdenton, Missouri is desirous of adopting an ordinance to enhance the public health of the inhabitants of the City of Camdenton by prohibiting the possession, sale and offering for sale of a potentially dangerous substance commonly known or sold as "Spice" or "K2" and to prescribe penalties for violations of said ordinance; and,

WHEREAS, the Board of Aldermen of the City of Camdenton, Missouri finds and determines that the substance known as "Spice" or "K2" is often used as an alternative to marijuana, that the substance is potentially dangerous to users, that hospitalizations have been reported in connection with the use of the substance, that the long-term effects of the substance are not yet known, that the substance is not yet categorized illegal controlled substance under State or Federal law, and that it is proper and necessary for the Board of Aldermen of the City of Camdenton to exercise the authority granted under §§79.110 and 79.450, RSMo to protect the public health of the inhabitants of the City of Camdenton; and,

WHEREAS, the Board of Aldermen of the City of Camdenton, Missouri has determined that it would be in the best interests of the City of Camdenton and the public to amend Title II: Public Health, Safety & Welfare, Chapter 220: Offenses of the Camdenton City Code to prohibit the possession, sale and offering for sale of the substance or substances described in Exhibit A and to prescribe penalties for violations of said ordinance;

NOW THEREFORE, Be it ordained by the Board of Aldermen of the City of Camdenton, Missouri as follows:

Section 1. That Title II, Public Health, Safety and Welfare, Chapter 220: Offenses of the Camdenton City Code, is hereby amended by adding Section 220.105, which is attached to and made a part of this Ordinance, identified as Exhibit A.

Section 2. This Ordinance shall be in full force and in effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Read the first time this 6th day of April, 2010.

Read the second time and passed and approved this 6th day of April, 2010.

Gentry D. North, Mayor

ATTEST:

Renee Kingston, City Clerk

Exhibit A

CHAPTER 220: OFFENSES

SECTION 220.105: POSSESSION, SALE AND OFFERING FOR SALE OF "SPICE" OR "K2" ILLEGAL AND PENALTY

- A. As used in this section, the terms are defined as follows:
 1. "Person" means a person, any form of corporation or business entity, partnership, wholesaler or retailer.
 2. "Illegal smoking product" includes any substance, whether called "Spice", "K2", tobacco, herbs, incense or any blend thereof, which includes any one or more of the following chemicals:
 - a. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol);
 - b. (dexanabinol,(6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen- 1 -ol);
 - c. 1-Pentyl-3-(1 -naphthoyl)indole; or
 - d. Butyl-3-(1 -naphthoyl)indole.
- B. It shall be unlawful for any person within the City of Camdenton to distribute, deliver, sell, offer for sale, publicly display for sale, or attempt to distribute, deliver or sell any illegal smoking project.
- C. It shall be unlawful for any person to knowingly possess or have under his or her control any illegal smoking product.
- D. Any person who violates the provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.