

VAN BUREN COUNTY QUORUM COURT  
EMERGENCY ORDINANCE NO 2010-10

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE PROHIBITING THE PURCHASE, POSSESSION, SALE, AND OFFERING FOR SALE THE SYNTHETIC CANNABINOID, KNOWN AS "SPICE" OR "K-2" AND FOR OTHER PURPOSES.**

**WHEREAS**, the county has a duty to preserve peace and order and secure freedom from dangerous or noxious activities and, to that end, the Quorum Court of Van Buren County, Arkansas has determined that certain businesses within Van Buren County Arkansas are contemplating the sale of certain substances, which, when ingested, produce intoxicating effects similar to THC or marijuana; and

**WHEREAS**, the substances are not yet categorized controlled substances under state or federal law; and

**WHEREAS**, the substances, which are more specifically described below, are often used as an alternative to marijuana and are potentially dangerous to users and further, the long term effects are not yet known; and

**WHEREAS**, it has been determined that the effects of these substances are a health and safety concern to the citizens of Van Buren County, Arkansas.

**NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS:**

Section 1: It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals within the boundaries of Van Buren County, Arkansas:

- (1) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salviadinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2-yl)-6a,7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;

- (3) 1-Pentyl-3-(1-naphthoyl)indole-some other trade or other names: JWH-018/spice;
- (4) 1-Butyl-3-(1 naphthoyl)indole – some trade or other names: JWH-073;
- (5) 1-(3-[trifluoromethylphenyl]) piperazine – some other trade or other names: TFMPP;
- (6) Or any similar structural analogs.

Section 2: This Ordinance shall be enforced by any certified law enforcement officer within his/her respective jurisdiction within the geographical boundaries of Van Buren County. Further, this Ordinance shall apply and be enforced in all unincorporated areas and may be enforced in the incorporated areas or other municipal entities within the geographical boundaries of Van Buren County. If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

Section 3: It is not an offense under Section 1 above of this Ordinance if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

Section 4: This Ordinance does not apply to any person who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

Section 5: Any person found to be in violation of this Ordinance will be guilty of a misdemeanor and subject to a term of imprisonment not to exceed one year and a fine not to exceed \$1,000.00.

Section 6: Emergency Clause – It is hereby declared that an emergency exists and this Ordinance being necessary for the preservation of the health, safety and welfare of citizens of Van Buren County, Arkansas, shall be effective immediately upon its passage and approval.

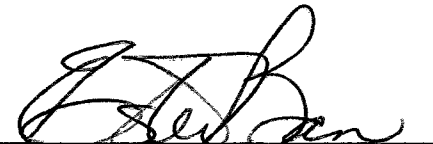
Section 7: Severability – If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of the ordinance are declared to be severable.

**Dated: June 17, 2010**

**APPROVED:**

  
Robert Bramlett, County Judge

**ATTEST:**

  
Ester Bass, County Clerk