

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 12-7-10

Submitted by: ASSEMBLY CHAIR TRAINI,
MAYOR DAN SULLIVAN, AND
ASSEMBLY MEMBERS
HONEMAN AND GUTIERREZ
Prepared by: Dept. of Law
For reading: December 7, 2010

**ANCHORAGE, ALASKA
AO No. 2010-87(S)**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35**
2 **TO PROHIBIT THE MANUFACTURE, ASSEMBLY, DISTRIBUTION, MARKETING,**
3 **SALE, USE OR POSSESSION OF SUBSTANCES CONTAINING SYNTHETIC**
4 **CANNABINOIDS, TO PROHIBIT THE SALE OR POSSESSION OF**
5 **PARAPHERNALIA RELATED TO THE USE OF SYNTHETIC CANNABINOIDS, TO**
6 **PROVIDE PENALTIES, AND AMENDING SECTION 14.60.030 TO PROVIDE FOR**
7 **CIVIL PENALTIES.**
8

9
10 **WHEREAS**, the Municipality is aware that substances containing synthetic
11 cannabinoids were and are manufactured, or assembled for, or marketed, sold or
12 offered for sale to, residents of the Municipality, including minors; and
13

14 **WHEREAS**, local law enforcement personnel and "first responders" indicate there is
15 an increased use of synthetic cannabinoids, currently marketed and sold under a
16 variety of names, including "K2", "Spice", "Black Mamba", "Blue Pearl", "Genie",
17 "DaScents", "Spike", "Space" and "Zohai"; and
18

19 **WHEREAS**, some users of the synthetic cannabinoids endanger the public by
20 operating vehicles while under the influence and endanger the welfare of first
21 responders; and
22

23 **WHEREAS**, some users experience severe reactions, resulting in unconsciousness,
24 seizures, and hospitalization; and
25

26 **WHEREAS**, users of the drug report the effects are similar to marijuana and LSD
27 usage, including blurred vision, extremely elevated blood pressure, irregular heart
28 rates, hallucinations, delusions, vomiting, euphoria, "highs", and disturbing side
29 effects including feelings of excruciating pain, agitation and loss of control; and
30

31 **WHEREAS**, representatives of businesses selling the substance indicate it is
32 available to minors as well as adults; and
33

34 **WHEREAS**, products containing synthetic cannabinoids are not tested by the Food
35 and Drug Administration (U.S. Department of Agriculture) or other governmental
36 regulatory agency for human consumption and may contain chemicals detrimental to
37 the health and welfare of those ingesting them; and
38

1 **WHEREAS**, medical studies and treatises note deleterious health risks and adverse
2 effects associated with the use of synthetic cannabinoids and products containing the
3 synthetic cannabinoids; and

4
5 **WHEREAS**, despite packaging warning purchasers the products are not for human
6 consumption, the warnings are not being heeded; and

7
8 **WHEREAS**, synthetic cannabinoids are banned in many states and municipalities
9 throughout the United States as a danger to public health and welfare; and

10
11 **WHEREAS**, the smoke emanating from the burning or incineration of synthetic
12 cannabinoids may cause adverse effects on bystanders or those in the vicinity of
13 such activity; and

14
15 **WHEREAS**, it is in the best interest of the Municipality to prohibit the manufacture,
16 assembly, possession, use, sale, marketing, or offering for sale of synthetic
17 cannabinoids within the boundaries of the Municipality to protect the health, safety
18 and welfare of its citizens; now, therefore,

19
20 **THE ANCHORAGE ASSEMBLY ORDAINS:**

21
22 **Section 1.** Anchorage Municipal Code chapter 8.35 is amended by adding a new
23 section to read as follows:

24
25 **8.35.100 [SALE OF] [s] Synthetic cannabinoids.**

26
27 A. It shall be unlawful for any person or **entity** [~~organization~~] to knowingly
28 manufacture, assemble, distribute, dispense, sell, attempt to sell, give,
29 trade, barter, transfer, or to otherwise furnish in a single transaction any
30 product or combination of products containing synthetic cannabinoids,
31 such as products commonly known as "K2", "Spice", "Genie",
32 "DaScents", "Zohai" or similar products, [.] Synthetic cannabinoids
33 contain[ing] one or more of the following chemical compounds:

- 34
35 1. HU-210: (6aR, 10aR)-9-(hydroxymethyl)-6,6 dimethyl-3-
36 (2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
37 o1, or 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10,10a-tetrahydro-
38 1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pran-9-methanol;
- 39
40 2. HU-211: (6aS, 10aS)-9- (hydroxymethyl)-6,6-dimethyl-3-(2-
41 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
42 ol)(also known as Dexanabinol);
- 43
44 3. CP47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
45 (2-methyloctan-2-yl)phenol;
- 46
47 4. JWH-018: 1-Pentyl-3-(1-naphthoyl)indole;
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49 5. JWH-019: 1-Hexyl-1-(1-naphthoyl)indole);

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6. JWH-073: 1-Butyl-3-(1-naphthoyl)indole;
 7. JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, (also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanon);
 8. JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
 9. JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, (also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone);
 10. JWH-398: 1-Pentyl-3-(4-chloro-1-naphthoyl)indole)
 - 11[12]. TEMPP: 1-(3-trifluoromethylphenyl) piperazine;
[~~Salvia Divinorum or Salvinorum A; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture or preparation of the plant, its seeds or extracts;~~]
 - 12 [13].BZP: N-benzylpiperazine; or
 - 13 [14].Any other synthetic cannabinoids or derivatives, salts, isomers, or salts of isomers with similar chemical structure and pharmacological activity as the substances described above.
 - 14.** This prohibition shall also apply to any other equivalent compound, substance, or derivative, whether described as tobacco, herbs, incense, food, nutrient, spice or any blend thereof which, when smoked or ingested, mimics the effects of a controlled substance, regardless of whether the substance is marketed for the purpose of being smoked or ingested.
- B. It shall be unlawful to manufacture synthetic cannabinoids described in subsection A. within the Municipality.
- C. It shall be unlawful for any person or **entity** [organization] to recklessly manufacture, assemble, distribute, sell, market, display for sale, or offer for sale within the Municipality products containing synthetic cannabinoids described in subsection A.
- D. Products containing synthetic cannabinoids may not be possessed, ingested, burned, incinerated or ignited in ~~any public place or on any property owned, leased or controlled by the Municipality.~~ For purposes of this section, "public place" ~~includes any public transit vehicle, any public street or other right of way, and any public school building or grounds.~~

1 E. A person or **entity** [~~organization~~] violating the provisions of subsections
2 A. or B. shall be guilty of a misdemeanor and shall be punishable by:

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4 1. A fine of not more than \$5,000 or imprisonment of not more than
5 one year, or both.
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7 F. A person or **entity** [~~organization~~] violating the provisions of subsection
8 C. shall be guilty of a misdemeanor and shall be punishable by:

9
10 1. A fine of not more than \$5,000 or imprisonment of not more than
11 6 months, or both.
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13 G. A person or **entity** [~~organization~~] violating the provisions of subsection
14 D. shall be guilty of a misdemeanor and shall be punishable by:

15
16 1. A fine of not more than \$5,000 or imprisonment of not more than
17 6 months, or both.
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19 H. As an alternative to the remedies, procedures and penalties provided in
20 this title and section 1.45.010, a violation of subsection C. **or D.** may be
21 charged as a civil violation subject to and prosecuted in accordance
22 with title 14, and in such case shall be punishable by a civil penalty in
23 accordance with chapter 14.60.
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25 I. If, after multiple violations by the same person or entity, the Municipal
26 Attorney and the Anchorage Police Department determine the
27 imposition of criminal penalties or civil fines will not be effective in
28 enforcing this section, the Municipal Attorney may seek any other
29 remedies provided by law, including injunctive relief.
30

31 J. It is not an offense under this section if the person **or entity** was acting
32 at the direction of an authorized agent of the municipality to enforce or
33 ensure compliance with this section.
34

35 K. Any product described in subsection A. found in the illegal possession
36 of any person **or entity** may be confiscated and destroyed by the
37 municipality.
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39 L. This section does not apply to drugs or substances lawfully prescribed
40 or drugs or substances approved by the federal Food and Drug
41 Administration or drugs or substances specifically permitted by state
42 law.
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44 **Section 2.** Anchorage Municipal Code section 8.35.010 is hereby amended to read
45 as follows (*the remainder of the section is not affected and therefore not set out*):
46

47 A. The following words, terms and phrases, when used in this chapter,
48 shall have the meanings ascribed to them in this section, except where
49 the context clearly indicates a different meaning:

*** *** ***

Drug paraphernalia means any items whose objective characteristics or objective manufacturer's design indicate that it is intended for use in the consumption, ingestion, inhalation, injection or other method of introduction of;

1. A [A] controlled substance into the human body or to facilitate a violation of AS 11.71; or [.]
2. A product containing illegal synthetic cannabinoids under section 8.35.100.

Section 3. Anchorage Municipal Code section 14.60.030 is hereby amended to add to the fine schedule (*the remainder of the schedule is not affected and therefore not set out*):

14.60.030 Fine schedule.

| Code Section | Offense | Penalty/Fine |
|--|--|--|
| *** | *** | *** |
| <u>8.35.100 C.</u> <u>or</u> <u>8.35.100 D.</u> [8.36.100B] | Possession or use of synthetic cannabinoid | \$150 for the first violation; \$300 for the second violation; \$600 for subsequent violations |
| *** | *** | *** |

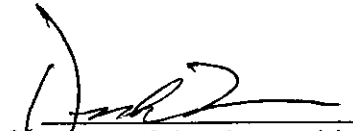
(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09)

Section 4. The sections, paragraphs, sentences, clauses, phrases and words of this ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or

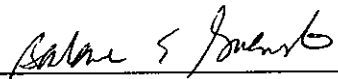
1 unenforceable by the valid judgment or decree of a Court of competent jurisdiction,
2 such unconstitutionality, invalidity or unenforceability shall not affect any of the
3 remaining words, phrases, clauses, sentences, paragraphs and sections of this
4 ordinance.

5
6 **Section 5.** This ordinance shall be effective on _____, 2010 **upon**
7 **30 days of passage by the Anchorage Assembly.**

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9
10 PASSED AND APPROVED by the Anchorage Assembly this 7th day of
11 December, 2010.

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17 _____
18 Chair of the Assembly

19 ATTEST:

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22 _____
23 Municipal Clerk
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