

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

EMERGENCY ORDINANCE NO. 10-25-11

AN EMERGENCY ORDINANCE TO PROHIBIT THE USE, POSSESSION AND SALE OF SYNTHETIC CANNABINOIDS COMMONLY KNOWN AS SPICE AND K-2 AND “BATH SALTS”

WHEREAS, the Newberry County Council finds that there has recently been a significant increase in the human ingestion of various substances, products and compounds which are currently available for purchase by the public which replicate, mimic and/or cause reactions similar to illegal and/or hallucinogenic drugs; and

WHEREAS, the human ingestion of such substances causes serious, life-threatening effects requiring medical care, treatment and hospitalization; and

WHEREAS, the Sheriff of Newberry County reports an increased burden on law enforcement as well as on health and safety resources within Newberry County as a result of the increase in the use of those types of substances; and

WHEREAS, the Newberry County Council finds that a public emergency currently exists affecting life, health and safety as a result of the free availability and unregulated use of such substances which justifies the adoption of this ordinance on an emergency basis;

NOW THEREFORE, the following is ordained by the Newberry County Council:

Section 1: As used in this ordinance,

- a. The term “Prohibited Substance” shall mean any substance, product or compound consisting of or containing one or more of the following substances:
 - i. Any bath salt, bath powder, substance, product, or compound which, when introduced into the body of a human being, by whatever means, replicates, mimics, or causes a reaction similar to the effects of hallucinogenic drugs such as cocaine, ecstasy, or LSD. Common names or marketed names of bath salts, include but are not limited to the following names: Mephedrone, MDPV, Methylone, Methoxymethcathinone, Fluroromethcathinone, Vanilla Sky, KS, Drone, White Girl Bath Powder, Ivory Wave, White Lightning Hurricane Charlie, Aura, Lady Zest, Loco-Motion, Zoom 2, and White Girl.
 - ii. Synthetic Cannabinoid: Any substance, product or compound which, when introduced into the body of a human being, by whatever means, replicates, mimics, or causes a reaction similar to the effects of marijuana or cannabis and/or which contain one or more of the following chemical compounds:
 - (1) 5-(1.1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7297 (Other names: CP-47,497)

- (2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7298 (Other names: cannabicyclohexanol and CP-47,497 C8 homologue)
- (3) 1-Butyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7173 (Other names: JWH- 073)
- (4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7200 (Other names: JWH-200)
- (5) 1-Pentyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7118 (Other names: JWH- 018 and AM678)
- (6) TFMPP, a substance also known as 1-(3-[trifluoromethylphenyl]) piperazine;
- (7) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl) phenol; or
- (8) Any other synthetic marijuana or synthetic equivalents of substances contained in the plant Cannabis or in the resinous extractives of Cannabis or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity.

iii. Any product or substance which is expressly or implicitly represented to be a Prohibited Substance listed above.

b. The term “Prohibited Activity” shall mean any one or more of the following:

- i. Manufacturing, distributing, dispensing, delivering, trading, bartering, selling, giving away, purchasing, possessing or using any Prohibited Substance.
- ii. Offering to engage in any activity described in Section (1)(b)(1).
- iii. Attempting to engage in any activity described in Section (1)(b)(1).
- iv. Aiding or abetting any other person who is in engaging in, or conspiring with any other person to engage in, any activity described in Section (1)(b)(1).
- v. Claiming or representing to any person that a substance in the person’s possession is or contains a Prohibited Substance, even if that fact is not true.

Section 2: Offense

- c. It shall be an offense punishable as provided in Section 10.99 of the Newberry County Code for any person to perform or engage in a Prohibited Activity involving a Prohibited Substance within the unincorporated areas of Newberry County.

Section 3: Nuisance

- d. The Newberry County Council hereby declares that the Prohibited Substances are public nuisances which are hereby banned from the unincorporated areas of Newberry County.

Section 4: Surrender, Confiscation and Destruction of Prohibited Substances

- e. Any Prohibited Substance located within the unincorporated areas of Newberry County after the effective date of this ordinance shall be turned over to and/or confiscated by any law enforcement officer who shall deliver it to the Sheriff of Newberry County. The confiscated material shall be held by the Sheriff as long as he believes it has evidentiary value for any purpose, after which point it shall be destroyed.

Section 5: If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this ordinance, the County Council hereby declaring that it would have passed this ordinance, and each and every remaining section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Section 6: This ordinance shall be effective immediately as an emergency ordinance, pursuant to S.C. Code Section 4-9-130, and it shall automatically expire on the 61st day after enactment.

AND IT IS SO ORDAINED this 19th day of October, 2011, by the Newberry County Council in meeting duly assembled at Newberry, South Carolina.

(SEAL)

Attest:

Laurie N. Renwick, Clerk to Council

NEWBERRY COUNTY COUNCIL

By: _____
Henry H. Livingston, III Chairman