

ORDINANCE NO. 25-10

**AN ORDINANCE PROHIBITING CERTAIN INTOXICATING
SUBSTANCES WITHIN THE CITY OF WEST LAFAYETTE**

WHEREAS, the City Council of the City of West Lafayette, Indiana has determined that certain businesses and or individuals within the City of West Lafayette, Indiana are selling certain substances which, when ingested, produce intoxicating effects similar to THC or marijuana; and

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

WHEREAS, the substances, which are 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 concern to the citizens of the City of West Lafayette, Indiana;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

Section 1. It is hereby declared unlawful for any person to sell, barter, give, publicly display for sale, or attempt to sell, give or barter, or to possess, any herbal-based substance sold under the name of K2, Spice, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire “N” Ice, Pulse, Solitude or Voodoo, or any other herbal-based substance containing any of the following within the city limits of the City of West Lafayette, Indiana to wit:

- (a) All parts of the plant presently classified botanically as *Salvia divinorum*, whether growing or not, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or its extracts;
- (b) HU-210, a substance also known as (6aR,10aR)-9-(hydroxymethyl)-6,6dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- (c) JWH-018, a substance also known as naphthalen-1-yl-(1-pentylindol-3-yl)methanone or 1-Pentyl-3-(1-naphthoyl)indole;
- (d) JWH-073, a substance also known as 1-Butyl-3-(1-naphthoyl)indole;
- (e) TFMPP, a substance also known as 1-(3-[trifluoromethylphenyl]) piperazine; or
- (f) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methylnonan-2-yl)phenol;

Section 2. If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials as provided by law.

Section 3. It is not an offense under Section 1 above of this Ordinance if the violation:

- (a) Arises out of actions taken at the direction of an authorized agent of the City of West Lafayette to enforce or ensure compliance with this ordinance;
- (b) Arises out of or in connection with a bona fide research or scientific endeavor funded by public entities or non-profit organizations.

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.

Section 5. Any person found to be in violation of this Ordinance will be assessed a fine of \$250.00. Each day a violation occurs will constitute a separate offense.