

ORDINANCE NO.: 2011-067

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, to add Article XI "Bath Salts" and/or Synthetic Marijuana

ORIGINAL
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Whereas, substances containing methylone, mephedrone, methoxymethcathinone, fluroromethcathinone or methylenedioxypropylone (MDPV, collectively "bath salts", are being used as recreational drugs producing a "high" similar to cocaine and methamphetamine; and,

Whereas, substances containing HU-210 (molecular structure very similar to THC) CP 47,497 and JWH-018 (1-Pentyl-3-(1-naphthoyl)indole) known as the combination of herbs mixed with a lab-produced strain of marijuana is usually marketed as K2, Spice, JWH-018 or incense are being used as recreational drugs producing a "high" similar to cannabis; and,

Whereas, banning the use, purchase, sale or possession of bath salts and synthetic marijuana will help prevent drug use and drug related crimes in the City of Columbia promoting the public health, welfare, safety and general welfare of all citizens; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and Council this 27th day of September, 2011 that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, is amended add Article XI to read as follows:

ARTICLE XI. "BATH SALTS" AND/OR SYNTHETIC MARIJUANA

Sec. 14-311. Definitions.

As used in this article, the following term shall have the meaning indicated in this section:

Methylone, mephedrone, methylmethcathinone, fluoromethcathinone or methylenedioxypropylone (MDPV), collectively "bath salts" shall mean any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of the following substances' analogs, salts, isomers, and salts of isomers when the existence of the analogs, salts, isomers, and salts of isomers is possible within the specific chemical designation: methylone, mephedrone, methoxymethcathinone, fluroromethcathinone or methylenedioxypropylone (MDPV).

Synthetic marijuana shall mean and refer to all chemical compounds intended to replicate, mimic or cause a similar reaction to the effects of marijuana or cannabis. Such compounds are known or marketed under such names as THC, HU-210 Cannabicyclohexanol, JWH-018, JWH-073, K2, Spice, herbal incense, herbal smoking blends, and other names. Further, synthetic marijuana shall be considered an illegal narcotic as further provided in the Columbia CityCode.

Sec. 14-312. Possession, distribution or consumption of methylone, mephedrone, methylmethcathinone, fluoromethcathinone or methylenedioxypropylone (MDPV), collectively

"bath salts" and/or synthetic marijuana.

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It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess synthetic marijuana and/or bath salts unless prescribed by a licensed physician. Licensed health care providers, pharmacists and medical or pharmaceutical research facilities are exempted from the prohibitions against using, possessing, selling or purchasing bath salts when used, purchased, sold or possessed for patient treatment or medical or pharmaceutical research.

Sec. 14-313. Advertisement, sale, and use prohibited.

The advertisement, sale and use of synthetic marijuana and/or bath salts is prohibited within the City of Columbia.

Sec. 14-314. - Penalty.

Any person who violates any provision of this chapter for which no penalty is otherwise applicable or provided shall be subject to the penalty provisions of section 1-5.

Requested by:

Councilmember Gergel _____


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 9/6/2011

Final Reading: 9/27/2011