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FAULKNER COUNTY CIRCUIT CLERK

Fees \$25.00

By _____

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LTB

D. C.



City of Conway, Arkansas

Ordinance No. O-10-65

AN ORDINANCE REGULATING THE POSSESSION, SALE AND INGESTION OF CERTAIN SUBSTANCES; PROVIDING PENALTIES THEREFORE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Conway, Arkansas has determined, that several juveniles and adults within the city limits of the City of Conway, Arkansas have possessed and ingested certain substances which produce intoxicating effects similar to THC or marijuana; and

WHEREAS, neither the state of Arkansas, nor the federal government, at this point have enacted any laws to regulate the sale, possession or ingestion of the same; and

WHEREAS, it has been determined that the effects of these substances, especially in juveniles, are a health concern to the citizens of the City of Conway, Arkansas; and

WHEREAS, A.C.A. 14-55-102 authorizes the City of Conway to enact ordinances to provide for the safety, health and overall welfare of its inhabitants;

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: It is hereby declared to be unlawful for any person to give, barter, or sell within the city limits of the City of Conway, Arkansas:

- (1) Salviadinorum 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 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 trade or other names:JWH-018\spice
- (4) 1-Butyl-3-(1naphthoyl)indole-some trade or other names:JWH-073.
- (5) N-benzylpiperazine-some other trade names: BZP
- (6) 1-(3-[trifluoromethylphenyl]) piperazine-some trade or other names: TFMPP
- (7) or any similar substance.

Section 2: It is unlawful for any person to use, possess, purchase, or attempt to purchase, within the city limits of the City of Conway, Arkansas:

- (1) Salviadinorum 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 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
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- (4) 1-Butyl-3-(1naphthoyl)indole-some trade or other names:JWH-073.
- (5) N-benzylpiperazine-some other trade names: BZP
- (6) 1-(3-[trifluoromethylphenyl]) piperazine-some trade or other names: TFMPP
- (7) Or any similar substance.

Section 3: Any of the aforementioned substances found may be confiscated and destroyed by law enforcement officials.

Section 4: It is not an offense under Section 2 above of this Ordinance if: 1) the person was acting at the direction of an authorized agent of the City of Conway to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance;

Section 5: It is unlawful for any person to knowingly breathe, inhale or drink any compound, liquid or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual, or mental process.

Section 6: It is unlawful for any person to knowingly, within the city limits of the City of Conway, sell, offer for sale, deliver, give, or possess with the intent to sell, deliver or give to any other person any compound, liquid, or chemical set forth herein, or other substance that will induce a condition of intoxication through breathing or inhalation if he or she has reasonable cause to believe that the compound, liquid or chemical sold, offered for sale, delivered, given or possessed with the intent to sell, or give will be used for the purpose of violating this Ordinance.

Section 7: 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 8: 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 (1) year or a fine not to exceed \$1,000.00 or a combination of such imprisonment or fine for a first offense. Fines may be imposed in an amount of to \$2,000.00 for each subsequent offense, in addition to any jail term imposed. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court.

Section 9: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 22nd day of June, 2010.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer