

VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2020-0- *02*

AN ORDINANCE TO AMEND CHAPTER 12A
OF THE VILLAGE OF PALESTINE ORDINANCE
SYNTHETIC ALTERNATIVE DRUGS

ADOPTED BY THE VILLAGE BOARD OF TRUSTEE'S
OF THE VILLAGE OF PALESTINE, ILLINOIS
THIS 5TH DAY OF MARCH, 2020

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE VILLAGE BOARD OF TRUSTEE'S OF THE VILLAGE OF PALESTINE
CRAWFORD COUNTY, ILLINOIS
THIS 5TH DAY OF MARCH, 2020

CERTIFICATE OF PUBLICATION

I, SHIRLEY ADAMS, the duty qualified Village Clerk of the Village of Palestine, Illinois and the official custodian or records of said Village do hereby certify that this Ordinance was published in pamphlet form by authority of the Village Board of Trustee's on the 5th day of March, 2020.

Shirley Adams

SHIRLEY ADAMS, Village Clerk

C: FRANK

ORDINANCE NO. 2020-0-02

AN ORDINANCE TO AMEND CHAPTER 12A
OF THE VILLAGE OF PALESTINE ORDINANCE
SYNTHETIC ALTERNATIVE DRUGS

WHEREAS, the village boundaries of the Village of Palestine have seen the use of synthetic cannabinoids and synthetic stimulants; and

WHEREAS, many of the types of synthetic cannabinoids and synthetic stimulants are not banned by the federal government; and

WHEREAS, law enforcement of the Village of Palestine has seen detrimental effects caused by the use of synthetic cannabinoids and synthetic stimulants; and

WHEREAS, the Village of Palestine finds that products containing synthetic cannabinoids and synthetic stimulants are attractive to children and young adults due to their availability in small packages at minimal costs, as well as due to the names being given to these substances which are intended to appeal to children and young adults, as set forth on Exhibit A attached hereto; and

WHEREAS, citizens in the Village of Palestine deems it necessary and desirable to prohibit the sale, delivery, possession and use of products containing synthetic cannabinoids and synthetic stimulants.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Palestine, Crawford County, Illinois, that it does hereby amend Chapter 12A of the Village of Palestine Ordinances, so that such chapter shall be, in its entirety, as follows:

12A.01 DEFINITIONS.

All defined terms concerning cannabis used in this chapter which are not expressly defined herein shall have the meaning ascribed to such term in the Cannabis Regulation and Tax Act, unless the context otherwise requires.

CANNABIS: Shall have the meaning ascribed to it in Cannabis Regulation and Tax Act, as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA:

A. All equipment, products and materials of any kind which are used, intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body and controlled substance as listed in the Illinois Controlled Substances Act, synthetic cannabis as defined herein, or synthetic stimulant as listed herein. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing synthetic cannabinoids and synthetic stimulants.
2. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is synthetic cannabinoids and synthetic stimulants.
3. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of synthetic cannabinoids and synthetic stimulants.
4. Scales and balances used, intended for use or designed for use in weighing or measuring synthetic cannabinoids and synthetic stimulants.
5. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting synthetic cannabinoids and synthetic stimulants.
6. Separation gins and sifters used, intended for use or designed in removing twigs and seeds from, or in otherwise cleaning or refining synthetic cannabinoids and synthetic stimulants.

7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding synthetic cannabinoids and synthetic stimulants

8. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of synthetic cannabinoids and synthetic stimulants

9. Containers and other objects used, intended for use or designed for use in storing or concealing synthetic cannabinoids and synthetic stimulants

10. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting synthetic cannabinoids and synthetic stimulants into the human body.

11. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing synthetic cannabinoids and synthetic stimulants into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Roach clips, meaning objects used to hold burning material, such as a synthetic cannabis cigarette, that has become too small or too short to be held in the hand.

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air driven pipes.

l. Bongs.

m. Ice pipes and chillers.

B. In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to direct violation of this chapter.
4. The proximity of the object to synthetic cannabinoids and synthetic stimulants.
5. The existence of any residue of synthetic cannabinoids and synthetic stimulants on the object.
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the Cannabis Regulation and Tax Act. The innocence of an owner or of anyone in control of the object as to a direct violation of the Cannabis Regulation and Tax Act shall not prevent a finding that the object is intended for use or assigned for use as "drug paraphernalia".
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depicts its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.

14. Expert testimony concernings its use.

MANUFACTURER: The production, preparation, propagation, compounding, conversion or processing of synthetic cannabinoids and synthetic stimulants, either directly or indirectly, by extraction from substances by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of synthetic cannabis and synthetic stimulants or labeling of its container, except, that "manufactuer" does not include the preparation, compounding, packaging or labeling of synthetic cannabinoids and synthetic stimulants as an incident to lawful research, teaching or chemical analysis and not for sale.

PERSON: Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust partnership or association, or any other entity.

PRODUCE OR PRODUCTION: Planting, cultivating, tending or harvesting

STATE: Includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

SYNTHETIC CANNABINOIDS: Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole);

JWH-015;

((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone);

JWH-018 (1-pentyl-3-(1-naphthoyl)indole);

JWH-019 (1-hexyl-3-(nephthalen-1-oyl)indole);

JWH-073;

(naphthalene-1-yl-(1-butyldiol-3-yl)methanone);

JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone);

JWH-122 (1-Pentryl-3-(4-methyl-1-naphthoyl)indole);

JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone);

JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone);

JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole);

JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole);

JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole);

HU-210 ((6aR, 10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol);

HU-211 ((6aS, 10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol);

HU-308 ([[(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4bicyclo[3.1.1]hept-3-enyl]methanol);

HU-331 ((3-hydroxy-2-;[(1R,6R)-3methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl)-2,5-cyclohexadiene-1,4-dione);

CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol);

CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues;

WIN 55,212-2((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);

RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);

RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

SYNTHETIC STIMULANT: Any compound which is a federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance which has a stimulant effect on the central nervous system. Upon banning, any of the following substances or substances which contain the described characteristics shall be considered a "synthetic stimulant".

3-Fluoromethcathinone;

4-Fluoromethcathinone (other name: flephedrone);

3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC);

3,4-Methylenedioxy-pyrovalerone (other name: MDPV);

4-Methylmethcathinone (other names: mephedrone, 4-MMC);

4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC);

4-Ethylmethcathinone (other name: 4-EMC);

Ethcathinone;

Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB);

Naphthylpyrovalerone (other names: naphyrone, NRG-1);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine (other name: MDAI)

Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

In the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the

phenyl ring by one or more other univalent substituents, at the 3-position with an alkyl substituent;

at the nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups; or by inclusion of the nitrogen atom in a cyclic structure.

12A.02 UNLAWFUL USE, SELL, OFFER FOR SALE, DELIVERY OR POSSESSION OF SYNTHETIC SUBSTANCES

It is unlawful for any person to use, sell, offer for sale, deliver or knowingly possess any product containing synthetic cannabinoid or synthetic stimulant other than authorized by the Cannabis Regulation and Tax Act.

12A.03 UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA:

It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a synthetic cannabinoid or synthetic stimulant.

12A.04 PENALTIES CONCERNING SYNTHETIC CANNBINOID, SYNTHETIC STIMULANT AND DRUG PARAPHERNALIA:

Any person who violates the provisions of this Ordinance concerning synthetic cannabinoid, synthetic stimulant and drug paraphernalia shall be fined in an amount not less than \$400.00 nor more than \$750.00, and the costs of prosecution and the attorney's fee of the Village of Palestine in a minimum amount of \$175.00 per hour. Of the fine, the sum of \$100.00 shall be deposited to the general fund, and the balance of the fine shall be deposited to general fund account designated PALESTINE POLICE DEPARTMENT ADMINISTRATIVE FUND, to be used for the administration and enforcement of Ordinance violations.

12A.05:

If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

12.A.06:

All prior Ordinances and Resolutions in conflict or inconsistent herewith, are hereby expressly repealed only to the extent of such conflict or inconsistency.

12A.07:

This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Upon roll call vote the following Trustees voted yea:

TRUSTEES: _____ DUNLAP, NETHERY, MCDANIEL,
MICHAEL, and DAVIS

Upon roll call vote the following Trustees voted nay:


None

Passed, approved and published in pamphlet form this 5 day of MAY, 2020.



JAMES R. BYRLEY, Mayor

ATTEST:



Shirley Adams, Village Clerk

EXHIBIT A

POW
Pulse
K2 Watermelon

G Greenies Caramel Crunch
Eruption Spice
Mid-Atlantic Exemplar

Fire Bird Ultimate Strength
Cinnamon
K2 Strawberry
Love Strawberry

Sativah

Ultra Cloud 10
Funky Monkey XXXX
K2 Pink
K2 Pineapple
Chronic Spice
XTREME Spice
Bad 2 the Bone
Buzz
Spicylicious
K3 Strawberry
Ocean Blue
K3 Legal
Spike 99 Ultra
SYN Swagg
Spike Diamond
K2 Blueberry
MNGB Pinata Colada
MNGB Spear Mint

p.e.p. pourri Love Strawberry
Voo Doo Remix (black package)
K4 Gold
K3 Sun Legal
K3 Cosmic Blend
K1 Orbit
Kind Spice
Humboldt Gold
K2 Orisha Super
Midnight Chill
K2 Sex

K2 Thai Dream
K2 Kryptonite

Spice Gold
Black Mamba
Green Monkey Chronic
Salvia

Black Diamond
Love Strawberry
K2 Summit

Nitro

K2 Blueberry
Shanti Spice Blueberry

Mid-Atlantic Exemplar
(K2 Summit)

Colorado Chronic
K2 Blue
K2 Citron
K2 Standard
K3 Mango
Stinger
Dragon Spice
Midnight Chill
Shanti Spice
K3 Blueberry
G Four
Who Dat
2010
SYN Smooth
Spike Silver
K2 Pink
MNGB Almond Vanilla
p.e.p. pourri Twisted
Vanilla

p.e.p. pourri X Blueberry
Banana Cream Nuke
K3 Heaven Improved
K3 Sun Improved
C4
K2 Pina Colada
Time Warp
K2 Orisha Regular
K2 Amazonian Shelter
Unknown Cigarette
K2 Orisha White Magic
Super

K 4 Bubble Bubble
Legal Eagle Apple Pie

Swagger Grape
Naughty Nights
Voodoo Remix

Blueberry Hayze
Voodoo Child
Magic Dragon
Platinum
Black Magic Salvia

Wicked X
Azteo Midnight Wind
Tezeatlipoea
Aztec Gold

K3 Kryptonite
K2 Blonde
K2 Melon
S1. S. Werve
K3 Original
Mystery
Samurai Spirit
K Royal
K3 Grape
Earthquake
Wood Stock
Dark Night II
Zombie World
Spike Maxx
K2 Pineapple Express
MNGB Tropical Thunder
MNGB Peppermint
p.e.p. pourri Original
Spearmint

Voo Doo Remix (orange package)
K4 Silver
K3 Heaven Legal
K3 XXX
K1 Gravity
Rasta Citrus Spice
Pink Tiger
K2 Orisha Max
K2 Solid Sex on the Mountain
Freedom
K2 Orisha Black Magic Max

MTN-787
K4 Purple Haze

K4 Summit Remix
Tribal Warrior
Spice Silver
SYN Spearmint
SYN Suave
SYN Vanilla #2
New K3 Improved
Blend
New Improved K3 Dynamite

Utopia Blueberry
IncenseLove Potion 69
Bayou Blaster
Magic Spice
Demon
Heaven Improved
K3 Original Improved
New K3 Sea Improved
Rebel Spice
Summer Skyy
Da Block
K1 Gravity
SYN Incense Spearmint
D-Rail
K2 Summit Coffee Wonk
(Black)

K3 Legal – Sea (silver)
Greenies Strawberry
K2 Latte
Spike Gold
Skunk
Blueberry
EX-SES Platinum Cherry
Vanilla

Spice Artic Synergy

Spicey Regular XXX
XXX

Strawberry
Spike 99 Ultra Blueberry
Chill Out
Scope Wildberry
Caneff
Bombay Blue
Diamond Spirit
Potpourri Gold
Winter Boost
Ex-SES Platinum

8-Ball
Spike 99
Spice Gold
SYN Spearmint #2
Heavenscent Suave
SYN Lemon Lime
C4 Herbal Incense

New Improved K3
Kryptonite
Euphoria
Legal Eagle
Paradise
Voodoo Magic
K3
K3 Sun
New K3 Heaven
New-Kron Bomb
Mega Bomb
Moe Joe Fire
Back Draft
C3
SYN Incense Lemon Lime
K2 Peach
K3 Legal – Original

(Black)

K3 Legal – Earth (silver)
K2 (unknown variety)
K2 Mint
Yucutan Fire
Sence

EX-SES Platinum

Strawberry
Spice Tropical Synergy

Spicey Ultra Strong XXX

Vanilla
Spike 99 Ultra Cherry
Forest Humus
Chill X
Gold Spirit Spice
Dream
Mojo
Jamaican Gold
Citrus

C4 K2
exSES
Spice Diamond
SYN Chill
SYN Vanilla
SYN Lemon Lime #2
New Improved K3 Cosmic

Utopia

Who Dat Herbal
Super Kush
Red Bird
Texas Gold
K2 Pink Panties
K3 Dusk
New K3 Earth
Cherry Bomb
Mr. Smiley's
Fully Loaded
K1 Orbit
SYN Incense Smooth
Super Summit
Funky Monkey
K-3 Legal – Sun

K2 Cloud 9
Space
K2 Silver
Smoke
EK-SES Platinum

EX-SES Platinum

Magic Silver
Spicey Regular XXX
Blueberry
Spicey Ultray Strong

Strawberry
Spike 99 Ultra Strawberry
Scope Vanilla
Silent Black
Magic Gold
Smoke Plus
Genie
Potpourri
Spicey XXX