

GENERAL ORDINANCE NO. 16-11

AN ORDINANCE
AMENDING SECTION 27.101,
AND REPEALING SECTION 27.616,
GREEN BAY MUNICIPAL CODE,
RELATING TO POSSESSION
OF SYNTHETIC CANNABINOID

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 27.101, Green Bay Municipal Code, is amended by adopting by reference Section 961.41(3g)(3m), Wis. Stats., regarding synthetic cannabinoids:

961.41 (3g) (em) *Synthetic cannabinoids.* If a person possesses or attempts to possess a controlled substance specified in s. 961.14 (4) (tb) to (ty), or a controlled substance analog of a controlled substance specified in s. 961.14 (4) (tb) to (ty), the person may be fined not more than \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

SECTION 2. Section 27.616, Green Bay Municipal Code, regarding the possession of synthetic cannabinoid is hereby repealed.

27.616 POSSESSION OF SYNTHETIC CANNABINOID OR SALVIA PROHIBITED. (Cr. GO 41-10)

(1) INTENT.

(a) The open sale of synthetic cannabinoid, commonly known as "K-2", "Spice", or by other street names, and the public consumption and use of so-called incense products and herbals is on the rise.

(b) Synthetic cannabinoid products have yet to be tested by the Federal Drug Administration and certified as safe for human consumption; and because they are sold as incense or potpourri, there is no health or quality assurance regulation to ensure these products are safe.

(c) The National Drug Intelligence Center of the U.S. Department of Justice indicates the adverse effects of synthetic cannabinoid, when smoked,

include panic attacks, elevated pulse and blood pressure, intense hallucinations, and in some cases, seizures.

(d) Salvia divinorum ("Salvia"), when smoked, produces effects similar to that of marijuana or synthetic cannabinoid on the user.

(e) Regulation of synthetic cannabinoid and Salvia is necessary to promote the health, safety and welfare of the city.

(2) DEFINITIONS.

(a) "Salvia divinorum" means any plant material which contains the active chemical principle called salvinorin A.

(b) "Synthetic cannabinoid" includes the following chemicals, as identified by their common names: dimethylheptylpyran, "HU-210," "JWH-018," "CP-55940," "HU-331," "WIN 55,212-2," or any cannabinoid derivative designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

(3) PROHIBITION. No person may possess or attempt to possess Salvia divinorum or any synthetic cannabinoid without a valid prescription or order of a practitioner who is acting in the course of his or her professional practice.

(4) PENALTIES. Any person who shall violate any provision of this ordinance shall forfeit not less than \$1 or more than \$1,000 for each offense.

(5) SEVERABILITY. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 16th day of August, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

First Reading - 7/18/11
Effective Date - 8/20/11