



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
EMERGENCY ORDINANCE NO. 594

PROHIBITING THE ADVERTISING, PRODUCING, POSSESSING, PURCHASING, SELLING, OR USING OF BATH SALTS, BATH SALTS-LIKE SUBSTANCES AND SYNTHETIC MARIJUANA IN THE UNINCORPORATED AREAS OF FAIRFIELD COUNTY; AND OTHER RELATED MATTERS.

WHEREAS, Fairfield County, South Carolina ("County"), is experiencing a substantial increase in criminal activity related to the human ingestion of Synthetic Cathinones and Synthetic Cannabinoids, as each term is defined in this Ordinance;

WHEREAS, Synthetic Cathinones and Synthetic Cannabinoids are not intended for human consumption, have not been approved for human consumption by the Federal Drug Administration ("FDA"), and have the potential to be extremely harmful because of their manufacturing method and high pharmacological potency;

WHEREAS, little information exists regarding the pharmacology, toxicology, and safety of Synthetic Cathinones and Synthetic Cannabinoids in humans and the danger of these drugs has not yet been determined;

WHEREAS, multiple public health and safety providers and first responders report that the human ingestion of Synthetic Cathinones and Synthetic Cannabinoids are causing dangerous physical effects resulting in the need for medical care and hospitalization;

WHEREAS, these incidents are substantially increasing the burden on the County's law enforcement and health and safety resources;

WHEREAS, the County lacks any other reasonable means of prohibiting or restricting the use of Synthetic Cathinones and Synthetic Cannabinoids;

WHEREAS, as a result, the County declares that an emergency exists regarding the advertising, possessing, purchasing, selling or using of Synthetic Cathinones and Synthetic Cannabinoids; and

WHEREAS, Title 4, Chapter 9 of the South Carolina Code of Laws, 1976, as amended ("Act"), authorizes the County to enact emergency ordinances to meet public emergencies that affect life, health, safety or the property of the County's citizens.

THE COUNTY COUNCIL OF FAIRFIELD COUNTY, SOUTH CAROLINA, ORDAINS:

Section 1. Findings. Pursuant to the Act and as a result of these incidents, Fairfield County Council ("County Council") declares that an emergency exists regarding the advertising, possessing, purchasing, selling or using of Synthetic Cathinones and Synthetic Cannabinoids, each of which affects life, health, safety and property of the County's citizens requiring the County Council to enact an emergency ordinance prohibiting the advertising, possessing, purchasing, selling or using of Synthetic Cathinones and Synthetic Cannabinoids.

Section 2. Definitions. As used in this Ordinance, each of the following terms has the meaning ascribed below:

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- (A) "Synthetic Cathinones" means a material, excluding bupropion, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:
- (i) by substitution 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;
 - (ii) by substitution at the 3-position with an alkyl substituent;
 - (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, benzyl or methoxybenzyl groups; or
 - (iv) by inclusion of the nitrogen atom in a cyclic structure.

Synthetic Cathinones may also be known, for example, as Ivory Wave, Vanilla Sky, Mephedrone, Methedrone, Methylenedioxypropylone, MDPV, Flephedrone, Butylone, KS, Drone, White Girl Bath Powder, Lady Zest, Loco-Motion, Eight Ballz, Zoom 2, Molly's Plant Food, Zany Plant Food.

- (B) "Synthetic Cannabinoids" means a material that is not listed as a controlled substance in Schedule I through V, is not an FDA-approved drug, and contains any quantity of the substances listed in subitems (i)-(x), below, including their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible in the specific chemical designation:
- (i) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including but not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-2201, WIN 55-212;
 - (i) Naphthylmethylindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including but not limited to JWH-175, JWH-184;
 - (iii) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including but not limited to JWH-307;
 - (iv) Naphthylmethylindenenes: any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including but not limited to JWH-176;

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- (v) Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including but not limited to SR-18, RCS-8, JWH-203, JWH-250, JWH-251;
- (vi) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including but not limited to CP 47,497 (and homologues), cannabicyclohexanol.
- (vii) Benzoylindoles: any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including but not limited to AM-694, Pravadoline (WIN 48,098), RCS-4, AM-697;
- (viii) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone. (WIN 55,212-2);
- (ix) 9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) – 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. (HU-210, HU-211); or
- (x) Adamantoylindoles: any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

Synthetic Cannabinoids may also be known, for example, as K2, Spice, Pep, Zohai, Yucatan Fire, Genie, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire N Ice, Pulse, Solitude, Voodoo, or Mr. Smiley.

Section 3. Prohibition. In the County's unincorporated areas, a person shall not advertise, produce, possess, purchase, sell or use:

- (a) a Synthetic Cathinone;
- (b) a Synthetic Cannabinoid; or
- (c) any substantive that is not either a Synthetic Cathinone or a Synthetic Cannabinoid, with an expressed or implied representation that the substance is either a Synthetic Cathinone or a Synthetic Cannabinoid.

Section 4. Penalty. A person who violates this Ordinance is guilty of a misdemeanor and shall be punished in the jurisdictional limits of magistrate's court.

Section 5. Enforcement. The provisions of this Ordinance are enforceable by the Fairfield County Sheriff's Office.

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Section 6. Repealer. Any ordinance, resolution, or other order of County Council, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.


Section 7. Effective Date; Term. This Ordinance is effective immediately after its enactment by at least a two-thirds majority vote of the County Council members present at the meeting at which the Ordinance is enacted, without regard to any reading, public hearing, publication requirements, or public notice requirements, and expires automatically on the sixty-first day following the date of its enactment.

Adopted: October 10, 2011

Expires: December 11, 2011

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FAIRFIELD COUNTY, SOUTH CAROLINA



David L. Ferguson Sr.

David L. Ferguson Sr., Chairman of County Council
Fairfield County, South Carolina

(SEAL)
ATTEST:

Shryll M. Brown

Shryll M. Brown, Clerk to County Council
Fairfield County, South Carolina