

ORDINANCE NO. 11-O-0064

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO - WITH RESPECT TO SYNTHETIC ALTERNATIVE DRUGS

WHEREAS, the City of West Chicago (hereinafter the "City") is a municipal, corporation established and existing under the laws of the State of Illinois pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq.; and

WHEREAS, further, the City is a home-rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois of 1970, and, subject to the specific limitations of Illinois law, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is empowered, pursuant to Sections 11-42-5, 11-60-1 and 11-60-2, 65 ILCS 5/11-42-5, 11-60-1 and 11-60-2, and its home-rule authority to regulate, license and abate within its boundaries the sale, delivery, possession and use of products being sold at commercial businesses within its corporate boundaries containing compounds originally designed as synthetic alternatives (*i.e.*, synthetic cannabinoids, synthetic stimulants and/or synthetic psychedelic/hallucinogens) to prohibited controlled substances such as tetrahydrocannabinol (THC), cathinone, methcathinone, MDMA and MDEA; and

WHEREAS, the City finds that products containing such synthetic alternatives may be purchased for recreational use currently as an alternative to otherwise regulated controlled substances banned at the Federal, State, and local levels; and

WHEREAS, the City finds that products containing synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens are particularly attractive to children and young adults due to their availability in small packages at neighborhood stores 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, the Drug Enforcement Administration ("DEA") has determined that the consumption of synthetic cannabinoids can have adverse health effects such as agitation, anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and non-responsiveness; and

WHEREAS, the DEA has determined that consumption of synthetic stimulants affect alertness, and have been linked to severe psychotic episodes, increased heart rates, panic attacks, and hallucinations; and

WHEREAS, the City of West Chicago is also aware of fatal overdoses in other Illinois communities and in other States, which are believed to have resulted from the users' consumption of synthetic stimulants, cannabinoids or psychedelic/hallucinogens; and

WHEREAS, the City of West Chicago deems it necessary and desirable to prohibit the sale, delivery, possession and use of products containing synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens in order to protect the public health, safety and welfare of the citizens of West Chicago.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Illinois,

in regular session assembled, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if set forth hereof.

Section 2. The Code of Ordinances of the City of West Chicago is hereby amended by adding a new Section 11-94, as follows:

“Sec. 11-94. Synthetic Alternative Drugs.

(a) *Definitions.* For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires different meaning:

A product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein.

Synthetic cannabinoid means 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 (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as:

- (1) JWH-007 (1-penty1-2-methyl-3-(1-naphthoyl)indole)
- (2) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)
- (3) JWH-018 (1-penty1-3-(1-naphthoyl)indole)
- (4) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)
- (5) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)
- (6) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- (7) JWH-098 (4-methoxynaphthalen-1-yl-(1-penty1-2-methylindol-3-yl)methanone)
- (8) JWH-122 (1-Penty1-3-(4-methyl-1-naphthoyl)indole)
- (9) JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- (10) JWH-200 (1-(2-morpholin-4-ylethylindol-3-yl)-naphthalen-1-ylmethanone)
- (11) JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)thanone)
- (12) JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- (13) JWH-250 (1-penty1-3-(2-methoxyphenylacetylindole)
- (14) JWH-251 (1-penty1-3-(2-methylphenylacetylindole)
- (15) JWH-398 (1-penty1-3-(4-chloro-1-naphthoypindole)
- (16) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)
- (17) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a- tetrahydrobenzo [c]chromen-1-ol)
- (18) HU-308 ([1R,2R,5R)-242,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7- dimethyl-4- bicyclo[3.1.1]hept-3-enyl] methanol)

- (19) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)
- (20) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol)
- (21) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues
- (22) 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)
- (23) RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone)
- (24) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone)

Synthetic stimulant means any compound that mimics the effects of any 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 and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as:

- (1) 3-Fluoromethcathinone
- (2) 4-Fluoromethcathinone (other name: flephedrone)
- (3) 3,4-Methylenedioxymethcathinone (other name: methylone, MDMC)
- (4) 3,4-Methylenedioxypyrovalerone (other name: MDPV)
- (5) 4-Methylmethcathinone (other names: mephedrone, 4-MMC)
- (6) 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)
- (7) 4-Ethylmethcathinone (other name: 4-EMC)
- (8) Ethcathinone
- (9) Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB)
- (10) Naphthylpyrovalerone (other names: naphyrone, NRG-1)
- (11) N,N-dimethylcathinone (other name: metamfepramone)
- (12) Alpha-pyrrolidinopropiophenone (other name: alpha-PPP)
- (13) 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP)
- (14) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP)
- (15) Alpha-pyrrolidinovalerophenone (other name: alpha-PVP)
- (16) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine (other name: MDAI)
- (17) Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:
 - (a) 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;

- (b) at the 3-position with an alkyl substituent;
- (c) at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (d) by inclusion of the nitrogen atom in a cyclic structure.

Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as:

- (1) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (2) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (3) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (4) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (5) 2-(4-(Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- (6) 2-(4-(Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4);
- (7) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (8) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- (9) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

(b) *Sale or delivery unlawful.* It shall be a violation of this section for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen including, but not limited to, the following:

POW	Wicked X	XTREME Spice
Spice Gold	K2 Summit	Stinger
Swagger Grape	Love Strawberry	Pulse
Spice Gold	Shanti Spice Blueberry	Mystery
Pulse	Aztec Midnight Wind	Bad 2 the Bone
Black Mamba	Tezcatlipoca	Dragon Spice
Naughty Nights	Sativah	Samurai Spirit
K2 Watermelon	Mid-Atlantic Exemplar	Buzz
Black Mamba	(K2 Summit)	Midnight Chill
Green Monkey Chronic Salvia	Aztec Gold	K Royal
Voodoo Remix	K2 Summit	Spicylicious
G Greenies Caramel Crunch	Ultra Cloud 10	Shanti Spice
Black Diamond	Colorado Chronic	K3 Grape
Blueberry Hayze	K3 Kryptonite	K3 Strawberry
Eruption Spice	Funky Monkey XXXX	K3 Blueberry
Love Strawberry	K2 Blue	Earthquake
Voodoo Child	K2 Blonde	Ocean Blue
Mid-Atlantic Exemplar	K2 Pink	G Four
K2 Summit	K2 Citron K2	Wood Stock
Magic Dragon Platinum	Mellon K2	K3 Legal
Fire Bird Ultimate	Pineapple	Who Dat
Strength Cinnamon	K2 Standard	Dark Night II
Nitro	K2 Summit	Spike 99 Ultra
Black Magic Salvia	Si. S Werve	2010
Black Mamba	Chronic Spice	Zombie World
K2 Strawberry	K3 Mango	SYN Swagg
K2 Blueberry	K3 Original	SYN Smooth
SYN Spearmint	Magic Spice	SYN Incense Smooth
SYN Spearmint #2	Voodoo Magic	SYN Incense Spearmint
SYN Chill	Texas Gold	SYN Incense LemonLime
SYN Suave	Demon	Super Summit
Heavenscent Suave	K3	D-Rail
SYN Vanilla	K2 Pink Panties	K2 Peach
SYN Vanilla #2	Heaven Improved	Funky Monkey
SYN Lemon Lime	K3 Sun	K2 Summit Coffee Work
SYN Lemon Lime #2	K3 Dusk	K3 Legal - Original (Black)
New K3 Improved	K3 Original Improved	K3 Legal - Sun (Black)
C4 Herbal Incense	K2 Summit	K3 Legal - Sea (silver)
New Improved K3 Cosmic Blend	New K3 Heaven	K3 Legal - Earth (silver)
New Improved K3 Dynamite	New K3 Earth	K2 Cloud 9
New Improved K3 Kryptonite	New K3 Sea Improved	Greenies Strawberry

Utopia	New-Kron Bomb	K2 Blonde
Utopia-Blue Berry	Cherry Bomb	K2 Standard
Euphoria	Rebel Spice	K2 Citron
Who Dat Herbal Incense	Mega Bomb	K2 (unknown variety)
Love Potion 69	Mr. Smiley's	K2 Summit Space
Legal Eagle	Summer Skyy	K2 Blue
K2 Standard	Moe Joe Fire	K2 Pink
Super Kush	Fully Loaded	K2 Latte
Bayou Blaster	Da Block	K2 Mint
Paradise	Back Draft	K2 Silver
Red Bird	K1 Orbit	K2 Peach
K1 Gravity	C3	Spike Gold
Spike Maxx	Banana Cream Nuke	Humboldt Gold
Spike Diamond	K4 Silver	K2 Orisha Regular
Spike Silver	K4 Gold	K2 Orisha Max
K2 Strawberry	K3 Heaven Improved	K2 Orisha Super
K2 Pineapple Express	K3 Heaven Legal	K2 Amazonian Shelter
K2 Blueberry	K3 Sun Legal	K2 Solid Sex on the Mountain
K2 Pink	K3 Sun Improved	Midnight Chill
K2 Blonde	K3 Kryptonite	Unknown cigarette
K2 Summit	K3 XXX	Freedom
K2 Citron	K3 Cosmic Blend	K2 Sex
K2 Ultra	K3 Original	K2 Orisha White Magic Super
K2 Blue	C4	K2 Orisha Black Magic Max
MNGB Tropical Thunder	K1 Gravity	K2 Thai Dream
MNGB Pinata Colada	K1 Orbit	K4 Bubble Bubble
MNGB Almond/Vanilla	K2 Pina Colada	MTN-787
MNGB Peppermint	K3 Kryptonite	K2 Kryptonite
MNGB Spear Mint	K3 XXX	Legal Eagle Apple
p.e.p. pourri Twisted Vanilla	K3 Cosmic Blend	Pie K4 Purple Haze
p.e.p. pourri Original Spearmint	K3 Original	K4 Summit Remix
p.e.p. pourri Love Strawberry	Rasta Citrus Spice	8-Ball
p.e.p. pourri X Blueberry	Kind Spice	C4
K2 Summit	Time Warp	K2
Voo Doo Remix (orange package)	Rasta Citrus Spice	Tribal Warrior
Voo Doo Remix (black package)	Pink Tiger	Spike99
exSES	Spice Gold	Spice Gold
Yucatan Fire Smoke	Cill Out	Spice Diamond
Skunk	Smoke	Spice Silver
Sence	Forest Humus	Genie
EX-SES Platinum Blueberry	Scope Vanilla	Spike 99

EX-SES Platinum Cherry	Scope Wildberry	Jamaican Gold
EX-SES Platinum Strawberry	Chill X	Potpourri
EX-SES Platinum Vanilla	Space	Winter Boost
Magic Silver	Silent Black	Citrus
Spice Artic Synergy	Sence	Spice Gold
Spice Diamond	Smoke	Spicey XXX
Spice Gold	Caneff	Spike 99
Spice Tropical Synergy	Spice Gold	Ex-SES Platinum
Spicey Regular XXX Blueberry	Gold Spirit Spice	Magic Gold
Spicey Regular XXX Strawberry	Yucatan Fire	Bombay Blue
Spicey Ultra Strong XXX Vanilla	Spice Diamond	Dream
Spicey Ultra Strong XXX Strawberry	Smoke Plus	Spice Tropical Synergy
Spike 99 Ultra Blueberry	Magic Silver	Diamond Spirit
Spike 99 Ultra Cherry	Mojo	Platinum Strawberry
Spike 99 Ultra Strawberry	EX-SES	Spicey Ultra Strong XXX Vanilla
Spike 99 Ultra Strawberry		

(c) *Possession unlawful.* It shall be a violation of this section for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

(d) *Use unlawful.* It shall be a violation of this section for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

(e) *Penalty.* Violation of any provision of Section 11.94 shall result in a fine of not less than seven hundred fifty dollars (\$750.00) for each such offense. Each violation of this Section, or everyday a violation continues to exist, shall constitute a new and separate violation.

Section Three: That all ordinances and resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section Four: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

PASSED this 5th day of December, 2011.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman R. Pineda	_____	Alderman R. Radkiewicz	_____
Alderman A. Murphy	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman R. Stout	_____
Alderman N. Connelly	_____	Alderman N. Dzierzanowski	_____
Alderman M. Fuesting	_____	Alderman H. R. Monroe	_____
Alderman J. Smith	_____	Alderman J. C. Smith, Jr.	_____

APPROVED as to form: _____
City Attorney

APPROVED this 5th day of December, 2011.

Mayor Michael Kwasman

ATTEST:

Nancy M. Smith, City Clerk

PUBLISHED: _____