

AN ORDINANCE AMENDING CHAPTER 28, OFFENSES- MISCELLANEOUS, OF THE MIDWEST CITY CODE; BY AMENDING ARTICLE VIII, DANGEROUS DRUGS, SECTION 28-130, POSSESSION OF DANGEROUS DRUGS; AND BY AMENDING SECTION 28-131, POSSESSION AND SALE OF CERTAIN TOXINS PROHIBITED; PROVIDING FOR REPEALER AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

SECTION 1. That Chapter 28, Offenses - Miscellaneous, of the Midwest City Code, is hereby amended by amending Section 28-130, Possession of dangerous drugs, as follows:

(a) It shall be unlawful for any person to possess any Schedules III, IV or V substance as listed in Title 63, O.S. §2-208, 2-210 and 2-212, or as they may be amended or subsequently recodified, marijuana or any substances included in Subsection D of Title 63, O.K. § 2-206, or as it may be amended, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting in the course of his professional practice. (See 63 O.S. § 2-101 (28) for definition.)

(b) As used in this section the term "marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, any other compound, manufacture or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

SECTION 2. That Chapter 28, Offenses-Miscellaneous, of the Midwest City Code, is hereby amended by amending Section 28-131, Possession and sale of certain toxins prohibited, as follows:

(a) It shall be unlawful for any person to possess, sell or distribute, or for any person to inhale or ingest, any compound, liquid or chemical, salt, isomer and salt of isomer prohibited under the Oklahoma Controlled Dangerous Substances Act, 63 O.S. § 2-204, (OCDSA) not already prohibited under Section 28-130 above, including but not limited to substances prohibited therein, listed and/or defined as opiates, opium derivative, any level of a hallucinogenic substance, any quantity of substances having a stimulant or depressant effect on the central nervous system, any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist, all of which are defined within the that section of the OCDSA and/or which may be used or consumed by a person for the purpose of inducing a condition of intoxication, distortion or disturbance of the auditory, visual or mental processes.

(b) Exceptions.

(1) The provisions of subsection 28-131(a) shall not apply to the possession and use of the substances listed as part of the care or treatment of a disease, condition or injury by a licensed physician or pursuant to a prescription of a licensed physician.

(2) The provisions of subsection 28-131(a) shall not apply to the possession as part of a known manufacturing process or industrial operation.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

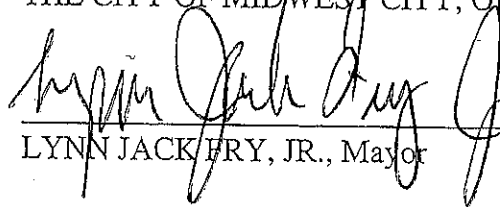
SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.


SECTION 5. EFFECTIVE DATE. The effective date of this ordinance shall be January 1, 2013.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the 27th day of November, 2012.

THE CITY OF MIDWEST CITY, OKLAHOMA


LYNN JACK FRY, JR., Mayor

ATTEST:


~~RHONDA ATKINS~~ City Clerk, *Acting*

APPROVED as to form and legality this 27th day of November, 2012.


KATHERINE BOLLES, City Attorney