

FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER 118

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF FORSYTH COUNTY, GEORGIA ("OFFENSES AND MISCELLANEOUS PROVISIONS") TO REGULATE SUBSTANCES THAT MIMIC THE EFFECTS OF MARIJUANA AND DRUGS; TO PROVIDE THAT VIOLATIONS OF THE ORDINANCE SHALL SERVE AS GROUNDS FOR IMPOSING PENALTIES RELATED TO COUNTY ALCOHOL LICENSES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county;

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend Chapter 50 of the Code of Forsyth County, Georgia ("Offenses and Miscellaneous Provisions") to regulate substances that mimic the effects of marijuana, to regulate substances that mimic drugs, to provide that violations of the ordinance shall serve as grounds for imposing penalties related to County alcohol licenses, to provide for severability, and to repeal conflicting ordinances;

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

Section 1. The text of Section 50-5 of the Forsyth County Code of Ordinances is hereby replaced in its entirety by the text attached hereto as Exhibit A.

Section 2. It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable;

Section 3. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

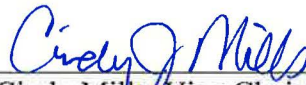
Section 4. This Ordinance shall become effective immediately upon adoption.

BE IT RESOLVED this 7th day of February, 2019.

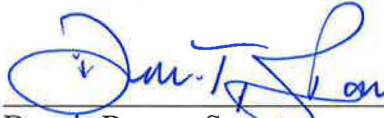
**FORSYTH COUNTY BOARD OF
COMMISSIONERS:**



Laura Semanson, Chairman



Cindy Mills, Vice Chairman



Dennis Brown, Secretary



Todd Levent, Member



Molly Cooper, Member

Attest:


Clerk to the Board

Exhibit A

Sec. 50-5. - Prohibition on the sale, manufacture, use, delivery, purchase, possession or distribution of unregulated marijuana and unregulated drug substitutes.

(a) *Definitions.* The following words as used in this section shall have the following prescribed meaning:

- (1) *Unregulated marijuana substitutes* shall mean and refer to any compounds or substances, whether described as tobacco herbs, incense spice, aromatherapy incense, bath salts, potpourri, herbal smoking blends, plant food, aromatic substance that may cause a sense of euphoria, novelty aromatic, or any blend thereof, regardless of whether the compound or substance is marketed for the purpose of being smoked, injected, inhaled or ingested by humans or for human consumption, that:
 - a. Is not currently or hereinafter regulated as a Schedule 1 controlled substance under Georgia law (including, but not limited to, the following Georgia law: O.C.G.A. § 16-13-25, any amendments to O.C.G.A. § 16-13-25 including the 2012 Act of the Georgia General Assembly known as "Chase's Law", and the emergency rule of the Georgia State Board of Pharmacy enacted on June 12, 2012 declaring five specific additional compounds as "synthetic cannabinoids" that are Schedule 1 controlled substances under Georgia law);
 - b. Is privately compounded, with the specific intent to circumvent the criminal penalties for synthetic cannabinoids under Georgia law; and
 - c. Emulate, simulate or mimic the effects of marijuana or synthetic cannabinoids through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent.
- (2) *Unregulated drug substitutes* shall mean and refer to any compound or substance, whether synthetic or naturally occurring, regardless of whether the compound is marketed for the purpose of being smoked, injected, inhaled or ingested by humans or for human consumption, that:
 - a. Is not currently or hereinafter regulated as a Schedule 1 controlled substance under Georgia law (including, but not limited to, O.C.G.A. § 16-13-25 and any amendments to O.C.G.A. § 16-13-25);
 - b. A reasonable person would believe is intended to circumvent the criminal penalties for Schedule I controlled substances under Georgia law; and
 - c. A reasonable person knows or should know is intended to cause or simulate a stimulant, depressant, or hallucinogenic effect that is similar to or greater than a Schedule I controlled substance under Georgia law.
- (3) *Synthetic cannabinoids* shall mean and refer to those certain compounds or substances (also commonly known or referred to in general as "Spice" or "K2") that mimic, emulate or simulate the effects of marijuana or the active ingredient in marijuana (Tetrahydrocannabinol) that are specifically listed and identified as Schedule 1

controlled substances under O.C.G.A. §§ 16-13-25(3) and 16-13-25(12), any amendments thereto, or any other Code Section of the Official Code of Georgia.

- (4) *Substituent* shall mean an atom or group that replaces another atom or group in a molecule.
- (5) *Radical* shall mean and refer to a group of atoms that enters into and goes out of chemical combination without change and that forms one of the fundamental constituents of a molecule.
- (6) *Person* shall mean and refer to any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other entity.
- (b) It shall be unlawful for any person to use, sell, give, manufacture with intent to sell, possess, purchase, deliver, transport or distribute any unregulated marijuana substitutes or any unregulated drug substitutes within the limits of Forsyth County.
- (c) Any person violating this section as it exists or may be amended, upon conviction, shall be punished by the imposition of a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment. Each day any violation of this section shall continue shall constitute a separate offense.
- (d) For any vendor that is licensed to sell alcohol in Forsyth County, Georgia, any conviction resulting from the sale of unregulated marijuana substitutes or unregulated drug substitutes shall, irrespective of any other civil, quasi-criminal, or administrative penalty hereunder, also count as a violation with respect to those progressive actions or sanctions provided in Section 6- 11(b) of the Forsyth County Code of Ordinances governing alcoholic beverages. For purposes of this subsection, conviction shall have the same meaning as provided in Section 50-6(b)(2)b.
- (e) Conviction for a violation of this section may also result in the county revoking any person's privilege of operating a business within the limits of the county.