



**VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 11-10-17-04

**AN ORDINANCE AMENDING TITLE 9 OF THE NORTH AURORA CODE
TO ADD CHAPTER 9.36 BANNING SYNTHETIC ALTERNATIVE DRUGS
IN THE VILLAGE OF NORTH AURORA**

Adopted by the Board of Trustees
And Village President
of the Village of North Aurora

This 17th day of October, 2011

Published in Pamphlet Form
By Authority of the Board of Trustees
of the Village of North Aurora
Kane County, Illinois

This 17th day of October, 2011

Lori Murray By: *Cynthia Iorocco*
Lori Murray, Village Clerk DEPUTY CLERK

THE VILLAGE OF NORTH AURORA

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TO ADD CHAPTER 9.36 BANNING SYNTHETIC ALTERNATIVE DRUGS
IN THE VILLAGE OF NORTH AURORA**

WHEREAS, the Village of North Aurora has encountered 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 Village of North Aurora 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 Village of North Aurora 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 American Association of Poison Control Centers has reported 2,700 synthetic cannabinoid-related calls to poison control centers in 49 different states; and

WHEREAS, the Village of North Aurora is also aware of fatal overdoses and fatal consequences of use in the Village, 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 Village of North Aurora 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 North Aurora.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Trustees of the Village of North Aurora, Illinois, as follows:

Section One: That the recitals set forth above are incorporated herein by reference the same as if they were set forth herein verbatim and they are adopted as the findings of the Village Board of the Village of North Aurora.

Section Two: That Title 2 of the North Aurora Code be and hereby is amended by adding a new Chapter 9.36 entitled "Synthetic Alternative Drugs" to read as follows:

Chapter 9.36

SYNTHETIC ALTERNATIVE DRUGS

9.36.010 Definitions.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning:

A. A *product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.

B. *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:

- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
- JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)
- JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
- JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)
- JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone)
- JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)
- JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone)
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)
- JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)
- JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)
- HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)

- HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)
- HU-308 ([[(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol)
- HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)
- CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5-(2-methyloctan-2-yl)phenol)
- CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-methyloctan-2-yl)phenol and its homologues)
- WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)
- RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone)
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone)

C. *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:

- 3-Fluoromethcathinone
- 4-Fluoromethcathinone (other name: flephedrone)
- 3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC)
- 3,4-Methylenedioxy-pyrovalerone (other name: MDPV)
- 4-Methylmethcathinone (other names: mephedrone, 4-MMC)
- 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)
- 4-Ethylmethcathinone (other name: 4-EMC)
- Ethcathinone
- Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB)
- Naphthylpyrovalerone (other names: naphyrone, NRG-1)
- N,N-dimethylcathinone (other name: metamfepramone)
- Alpha-pyrrolidinopropiophenone (other name: alpha-PPP)
- 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP)
- 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP)
- Alpha-pyrrolidinovalerophenone (other name: alpha-PVP)
- 6,7-kihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine) (other name: MDAI)
- Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:
 - 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;
 - at the 3-position with an alkyl substituent;
 - at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;
 - or by inclusion of the nitrogen atom in a cyclic structure.

D. *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:

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

9.36.020 Sale or Delivery.

It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

9.36.030 Possession.

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

9.36.040 Use.

It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

9.36.020 Penalties.

A. Any person found to be in violation of Section 9.36.020 shall be subject to fine of not less than \$500 and not more than \$750 for each violation thereof. Any person under the age of seventeen (17) who violates Section 9.36.020 shall, in addition to paying the above fine, complete not less than one hundred (100) hours and not more than two hundred (200) hours of public or community service. Any person seventeen (17) years of age or older who violates Section 9.36.020 shall, in addition to paying the above fine, serve not less than one (1) month and not more than six (6) months' incarceration in a penal institution.

B. Any person found to be in violation of Section 9.36.030 or Section 9.36.040 shall be subject to fine of not less than \$100 and not more than \$750 for each violation thereof. Any person under the age of seventeen (17) who violates Section 9.36.030 or Section 9.36.040 shall, in addition to paying the above fine, complete not less than fifty (50) hours and not more than one hundred (100) hours of public or community service. Any person seventeen (17) years of age or older who violates Section 9.36.030 or Section 9.36.040 shall, in addition to paying the above fine, serve not less than one (1) day and not more than thirty (30) days incarceration in a penal institution.

C. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new and separate violation.

Section Three: This ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Section Four: Any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 17th day of October, 2011, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 17th day of October, 2011, A.D.

Laura Curtis	<u>yes</u>	Chris Faber	<u>yes</u>
Mark Gaffino	<u>yes</u>	Mark Guethle	<u>yes</u>
Ryan Lambert	<u>yes</u>	Vince Mancini	<u>yes</u>

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 17th day of October, 2011, A.D.

Dale Berna
Village President

ATTEST:
Scott Murray
Village Clerk