

**ORDINANCE NO. 1-2012**

**AN ORDINANCE AMENDING CHAPTER 12,  
MISCELLANEOUS PROVISIONS AND OFFENSES, BY  
ADDING ARTICLE XI, SYNTHETIC DRUGS, OF THE  
MUNICIPAL CODE OF THE VILLAGE OF EVERGREEN PARK**

**JAMES J. SEXTON**  
Mayor

**JEROME J. BOSCH  
MARY KEANE  
CAROL E. KYLE  
MARK MARZULLO  
JAMES A. McQUILLAN  
MARK T. PHELAN**  
Trustees

**CATHERINE T. APARO**  
Village Clerk

**LOUIS F. CAINKAR, LTD.**  
Village Attorney

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WHEREAS, the Village of Evergreen Park is a home-rule municipality duly existing under the Constitution of the State of Illinois;

WHEREAS, the Village of Evergreen Park is aware of an influx of products being sold at commercial businesses 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;

WHEREAS, the Village of Evergreen Park is aware that those products containing synthetic cannabinoids, synthetic stimulants and synthetic hallucinogens are being purchased for recreational use as an alternative to controlled substances banned at the Federal, State, and local levels;

WHEREAS, the Village of Evergreen Park finds that products containing synthetic cannabinoids, synthetic stimulants, and synthetic hallucinogens are particularly attractive to children and young adults due to their availability in small packages at neighborhood stores at minimal costs;

WHEREAS, the Drug Enforcement Administration ("DEA") has determined that the consumption of synthetic cannabinoids have adverse health effects such as agitation, anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and non-responsiveness;

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;

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

WHEREAS, the Village of Evergreen Park is also aware of fatal overdoses in Alton and Granite City, Illinois, which are believed to have resulted from the users' consumption of synthetic cannabinoids, synthetic stimulants, and synthetic hallucinogens;

WHEREAS, the Village of Evergreen Park deems it necessary and desirable to prohibit the sale, delivery, possession and use of products containing synthetic cannabinoids, synthetic stimulants, and synthetic hallucinogens in order to protect the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

### Section 1

The recitals set forth in the preamble 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.

### Section 2

That Chapter 12, Miscellaneous Provisions and Offenses, be amended by adding Article XI, Synthetic Drugs, to read as follows:

## ARTICLE XI. SYNTHETIC DRUGS

**Sec. 12-400. Definitions.** For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:

(A) *A product containing a synthetic cannabinoid, synthetic stimulant, or synthetic hallucinogen or product(s)* means any product containing a synthetic cannabinoid, synthetic stimulant, and synthetic hallucinogen as those terms defined herein such as, but not limited to, the following examples of brand names or identifiers: Spice, Chronic Spice, Spice Gold, Spice Silver, K2, K2 Sky, K2 Solid Sex, K2 Orisha, K2 Amazonian Shelter, K2 Thai Dream, K3, K3 Legal, Stinger, Red X Dawn, Spike 99, Spicylicious, Zohai, Serenity, Genie, Yucatan Fire, Earthquake, Mystery, Black Mamba, Mr. Nice Guy, Skunk, Pulse, Ivory Wave, Pure Ivory, Purple Wave, Vanilla Sky, Bliss, Meow Meow, Zoom, Sextacy, Molly's Plant Food, Purple Monkey Plant Food, Buzz Grow, 4MMC, m-Cat and Energy 1.

(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
- 3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC)
- 3,4-Methylenedioxy-pyrovalerone (other name: MDPV)
- 4-Methylmethcathinon (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-mthylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP)

- 6,7-dihydro-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 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-I-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).

**Sec. 12-401. Sale or Delivery.** It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, synthetic stimulant or synthetic hallucinogen.

**Sec. 12-402. Possession.** It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, synthetic stimulant or synthetic hallucinogen with the intent of using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia; the presence of the product on or within drug paraphernalia; the proximity of the product to a different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

**Sec. 12-403. Use.** It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, synthetic stimulant or synthetic hallucinogen.

**Sec. 12-404. Conflict.** It is recognized that State of Illinois may criminalize the sale, possession or use of some or all synthetic cannabinoids, synthetic stimulants or synthetic hallucinogens governed by this Article. To the extent the General Assembly passes any criminal laws banning or prohibiting the sale, possession or use of a specific substance governed by this Article, the violator shall be charged under the State statute and that part of this Article shall superseded but only to the extent the State statute governs the same conduct for the same substance.

### **Section 3**

Tickets issued for violating this ordinance shall be administered through Chapter 12, Miscellaneous Provisions and Regulations, Article X, Administrative Adjudication of Non-vehicular Regulations Violations.

### **Section 4**

Any person found to be in violation of this ordinance shall be fined no less than \$150.00 nor more than \$750.00. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new and separate violation.

### **Section 5**

This ordinance was passed pursuant to the home rule powers of the Village of Evergreen Park.

### **Section 6**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

### **Section 7**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

**Section 8**

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in my office the 3<sup>rd</sup> day of January, 2012.

APPROVED by me this 3<sup>rd</sup>  
day of January, 2012.



*Catherine T. Aparo*

CATHERINE T. APARO, Village Clerk

*James J. Sexton*

JAMES J. SEXTON, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 3<sup>rd</sup> day of January, 2012.

*Catherine T. Aparo*

CATHERINE T. APARO, Village Clerk