



Legislation Details (With Text)

**File #:** 100625      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/21/2010      **In control:** LICENSES COMMITTEE  
**On agenda:**      **Final action:** 10/12/2010  
**Effective date:**

**Title:** A substitute ordinance prohibiting the possession, sale and use of synthetic marijuana.  
**Sponsors:** ALD. DONOVAN, ALD. HINES JR., ALD. MURPHY, ALD. COGGS, ALD. DAVIS, ALD. PUENTE  
**Indexes:** DRUG EDUCATION, SOCIAL CONCERNS  
**Attachments:** 1. Eau Claire Health Department Memo, 2. U S Justice Dept Bulletin, 3. Letter from Atomic Glass in Opposition, 4. Hearing Notice List, 5. Notice Published on 10-28-10

Date	Ver.	Action By	Action	Result	Tally
9/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
9/23/2010	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/23/2010	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/23/2010	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/28/2010	1	CITY CLERK	DRAFT SUBMITTED		
9/29/2010	1	CITY CLERK	Sponsor added		
9/30/2010	1	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
10/12/2010	1	COMMON COUNCIL	ASSIGNED TO	Fail	2:13
10/12/2010	1	COMMON COUNCIL	PASSED	Pass	14:1
10/21/2010	1	MAYOR	SIGNED		
10/28/2010	1	CITY CLERK	PUBLISHED		

100625

SUBSTITUTE 1

ALD. DONOVAN, HINES, MURPHY, COGGS, DAVIS AND PUENTE

A substitute ordinance prohibiting the possession, sale and use of synthetic marijuana.

105-50      cr

This ordinance prohibits the possession, sale and use of synthetic marijuana.

Whereas, The open sale of synthetic marijuana - commonly known as "K-2", "Spice", or by other street names at convenience stores and other retailers, and the public

consumption and use of so-called incense products and herbal potpourris is on the rise; and

Whereas, These synthetic marijuana products - which sell for as much as \$40 a gram - are believed to be potpourri-like blends of herbs and marijuana-derivatives formulated in research labs as scientists study their possible therapeutic use (e.g., pain management for cancer patients) and promise users an intoxicating, "legal" high every bit as good as natural marijuana that will not show up on employer drug screens; and

Whereas, The marijuana derivatives used in these synthetic marijuana products have yet to be tested by the FDA and certified as safe for human consumption, and because they are sold as incense or potpourri there is no health or quality assurance regulation to ensure these products are safe; and

Whereas, Some scientific articles indicate synthetic marijuana may be between 3 and 100 time more potent than natural marijuana with longer duration; and

Whereas, The American Association of Poison Control Centers reports 567 synthetic marijuana related calls in the first 6 months of 2010, up from only 13 in 2009: and

Whereas, The National Drug Intelligence Center of the U.S. Department of Justice indicates the adverse effects of synthetic marijuana, when smoked, include panic attacks, elevated pulse and blood pressure, intense hallucinations, and in some cases, seizures; and

Whereas, Users of these synthetic marijuana potpourri products often present in emergency rooms in highly anxious and agitated states requiring repeated doses of sedatives not typically associated with either marijuana or synthetic marijuana use, suggesting these products may be contaminated by unknown harmful chemicals; and

Whereas, The death by suicide of an Iowa teenager has been linked by some to synthetic marijuana use, although the cause is still under investigation; and

Whereas, The risk to the health, safety and welfare of Milwaukee residents from using synthetic marijuana is of deep concern; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-50 of the code is created to read:

**105-50. Synthetic Marijuana 1.** POSSESSION, SALE AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of marijuana, or any other substance, designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

**2.** MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under sub. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided

use is permitted under state and federal laws.

**3. PENALTIES.** Persons violating this section shall be subject to a forfeiture of not less than \$100 nor more than \$500 together with the cost of prosecution, and upon default shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture costs are paid.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

121801-1  
ANC  
09/27/10

Technical changes made 9/30/10 - LME