

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

CITY OF WINONA

AN ORDINANCE OF THE CITY OF WINONA, MISSISSIPPI PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC PRODUCTS.

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi desire to adopt an ordinance prohibiting the use, purchase, possession, distribution, sale or offering for sale of synthetic cannabinoids and other synthetic products that, when ingested, produce intoxicating effects similar to THCA, marijuana, Methcathinone, opioids and/or prescription pain relieving medication within the in the City of Winona; and

WHEREAS, not all of the substances described below are yet categorized as illegal controlled substances under Mississippi law or the laws of the United States; and

WHEREAS, the substances described below are often used as an alternative to marijuana, opioids and other controlled substances and are dangerous to the health, safety and welfare of individuals who ingest such substances; these substances are also dangerous to the general welfare of the citizens of the City of Winona; and

WHEREAS, it has been determined that the effects of these substances are a health concern to the citizens of the City of Winona; and

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi, have determined the need to establish an ordinance preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals or substances within the city limits of the City of Winona, Mississippi; and therefore, the City of Winona adopts the following ordinance and penalties; and

WHEREAS, pursuant to *Mississippi Code Ann. §21-17-5*, which may be amended from time to time, this Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids or Other Synthetic Products is for the immediate and temporary preservation of the public peace, health and safety and welfare and for other good causes described herein. Pursuant to Section 21-17-5, this Ordinance shall become effective thirty (30) days after publication in a local newspaper of general circulation as being in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Winona, Mississippi as follows:

**Section I. Regulations.**

1. No person shall use, possess, purchase, distribute, sale or attempt to use, possess, purchase, distribute, sell or publicly display for sale any one or more of the following chemicals within the City of Winona, Mississippi, to wit:

- *Salviadinorum or salvinorum A*: all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof an extract from any part of such plant, and every compound, manufacture salts derivative, mixture or preparation of such plant, its seeds or extracts;
- *(6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methylocatn-2-yl)-6a7,10, 10a-tetrahydrobenzo [c] chromen-1-ol*. Some trade or other names include, but are not limited to: HU-210;
- *1-Pentyl-3-(1-naphthoyl) idole*. Some trade or other names, including but are not limited to: JWH-018/ spice;
- *1-Butyl-3-(1-naphthoyl) indole*. Some trade or other names, including but are not limited to: JWH-073;
- *1-(3[rifluoromethylphenyl] piperazine*. Some trade or other names, including but not limited to TFMIP;
- *4-methoxymethcathionw and Ethylcathinone*;
- *Mitragyna speciosa korth, Mitragyna speciosa leaf extract, Mitragyna speciosaextract, and M. speciosa alkaloids, including ajmalicine, mitraphylline, rhynchophylline and mitragynine pseudoindoxyl, raubasine, pausinystalia johimbe and corynantheidine, 7-acetoxymitragynine, Corynoxin, Corinoxin, 3-Dehydromitragynin, (-)-Epicatechin, 3-Isocorynantheidin, 3-Isopaynanthein, Isomitraphyllin, Isospeciofolin, Isospecionoxein, Mitraciliatin, Mitrafolin, Mitragynalin, Mitraphylin, Mitraspecin, Mitraversin, Paynanthein, Speciociliatin, Speciofolin, Speciogynin, Specionoxein, Speciogynin, Speciofolin, Sitpulatin*. Some trade or other names, including but are not limited to: Kraton, Krathom, kakuum, ketum, ithang, thorn, biak-biak, kratu, mambog, Super K, Life Force K, K-Chill, K-Shot;
- Or any similarly structured analogs.
- *DELTA-8-Tetrahydrocannabinol (C<sub>21</sub>H<sub>30</sub>O<sub>2</sub>) otherwise known as: (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, delta-6-THC, delta6-Tetrahydrocannabinol, trans-DELTA8 Tetrahydrocannabinol, 1-trans-delta(sup 8)-Tetrahydrocannabinol (6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol, including any variant of Tetrahydrocannabinol such as Delta-10*

*WITH THE EXCEPTION OF CBD (Cannabidiol) 2-((1R,6R)-6-Isopropenyl-3-methyl-cyclohex-2-enyl)-5-pentyl-benzene-1,3-diol, (1'R,2'R)-5'-methyl-4-pentyl-2'-(prop-1-en-2-yl)-1',2',3',4'-tetrahydrobiphenyl-2,6-diol, Cannabidiol solution, Cannabidiol [USAN], 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol(-)-Cannabidiol (CBD), cannabidiolum*

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2. If any of the aforementioned substances shall be found in possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.

3. It shall not be an offense under this Ordinance if a person shall be acting at the direction of an authorized agent of the City of Winona, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale of the aforementioned substances.

4. This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the lawful direction or prescription of a duly-licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation of anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

### **Section 2. Penalties.**

1. Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and no/100 Dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both.

2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudicated or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

### **Section 3. Publication.**

The City Clerk is hereby authorized and directed to cause to be published in The Winona Times a copy of this Ordinance, to be in full force and effect in the time and manner as prescribed by law.

The motion for adoption of said Ordinance was duly made by Alderman Johnson, duly seconded by Alderwoman Clark, and said Ordinance was considered section by section and then as a whole. A vote was called upon the question, which resulted as follows:

1. Sections 1-3:

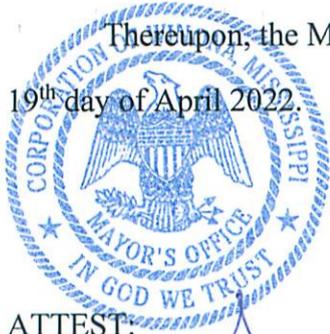
Alderman Mickey Austin voted	“Aye”;
Alderman Travis Johnson voted	“Aye”;
Alderwoman Sylvia Clark voted	“Aye”;
Alderwoman Linda Purnell voted	“Aye”;

Alderman Charles Harris voted "Aye".

2. As a whole:

Alderman Mickey Austin voted "Aye";  
Alderman Travis Johnson voted "Aye";  
Alderwoman Sylvia Clark voted "Aye";  
Alderwoman Linda Purnell voted "Aye";  
Alderman Charles Harris voted "Aye".

Thereupon, the Mayor declared the motion carried and said Ordinance adopted on this the 19<sup>th</sup> day of April 2022.



Aaron Dees, Mayor

ATTEST:

Monica Turner, City Clerk

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CERTIFICATE

I, Monica Turner, the undersigned Clerk of the City of Winona, Mississippi, do hereby certify that the above and foregoing Ordinance was adopted on the 19<sup>th</sup> day of April, A.D., 2022, and the same appears of record in Minute Book 65 at Pages 13122-13123 and in Ordinance Book 8 at Pages 960-964 of the Records of said City.

This the 19<sup>th</sup> day of May A.D., 2023.



*Monica Turner*

Monica Turner, City Clerk