

1 ORDINANCE NO. 2011-299

Late Filing

2
3 SPONSOR Mr. Feeman

4
5 DATE _____

COMMITTEE: Rules

6
7 **An Ordinance enacting Section 513.16 of the Codified Ordinances of the County of**
8 **Summit, entitled “Illegal Sale of ‘Bath Salts,’” and amending Section 513.01, entitled**
9 **“Definitions,” to prohibit the sale of methylenedioxypropylamphetamine (MDPV) and**
10 **mephadrone, commonly referred to as “Bath Salts” and/or any derivatives thereof, for the**
11 **Council, and declaring an emergency.**

12
13 WHEREAS, the ingestion of dangerous “Bath Salts” has been increasing by some in the
14 community and poses a risk to the health, safety and welfare of the residents of Summit County;
15 and

16
17 WHEREAS, it has been reported by multiple health and safety providers and first
18 responders that products being marketed as “Bath Salts,” among other things, and containing the
19 chemicals MDPV (3,4-Methylenedioxypropylamphetamine), Methylenedioxypropylamphetamine (3,4-
20 methylenedioxypropylamphetamine), Mephedrone(4-methylmethcathinone), 4-Methoxymethcathinone,
21 4-Fluoromethcathinone, and 3-Fluoromethcathinone have been linked to serious physical effects
22 resulting in hospitalization and death when ingested, inhaled, or otherwise introduced into the
23 human body; and

24
25 WHEREAS, it has been determined that “Bath Salts” are dangerous, mind-altering
26 substances when introduced into the human body. These substances are known to cause severe
27 physiological and psychological effects on people when used, even in small doses. The use of
28 these products has been shown to cause harm to the person using them, as well the general public
29 and safety forces personnel when confronted by persons under the influence; and

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31 WHEREAS, this Council has determined, after reviewing all pertinent information, that it
32 is necessary and in the best interest of the County of Summit to amend the Codified Ordinances
33 to prohibit the sale of such “Bath Salts.”

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35 NOW, THEREFORE BE IT ORDAINED by the Council of the County of Summit, State
36 of Ohio, that:

37
38 SECTION 1.

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40 Section 513.16 of the Codified Ordinances of the County of Summit, entitled “Illegal
41 Sale of Bath Salts,” is hereby enacted and adopted as follows:

42
43 **“513.16 ILLEGAL SALE OF “BATH SALTS.”**

- 44
45 a. No person shall knowingly:
46
47 1. Sell, exchange, deliver, give, distribute, or otherwise provide to any
48 person any product containing MDPV and/ or “Bath Salts” and/or its
49 derivatives;
50
51 2. Display for sale or possess with intent to distribute any product
52 containing MDPV and/ or “Bath Salts” and/or its derivatives.

3
4 b. Whoever violates this Section shall, upon conviction thereof, be guilty of a
5 misdemeanor of the second degree.

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7 c. Whoever violates any provision of this Section by providing Bath Salts to
8 a juvenile shall, upon conviction thereof, be guilty of a misdemeanor of
9 the first degree.”

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11 SECTION 2.

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13 Section 513.01 of the Codified Ordinances of the County of Summit, entitled
14 “Definitions,” is hereby amended as follows:

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16 **“513.01 DEFINITIONS.**

17
18 ...

19
20 (oo) “Bath Salts” or “MDVP” means products containing synthetic derivatives of
21 cathinone which include: (i) MDPV(3,4-Methylenedioxypropylone), (ii)
22 Methylone (3,4-methylenedioxymethcathinone), (iii) Mephedrone (4-
23 methylmethcathinone), (iv) 4-methoxymethcathinone, (v) 4-fluoromethcathinone,
24 (vi) 3-fluoromethcathinone, all commonly referred to as “Bath Salts.”
25 Compounds or psychoactive drugs with stimulant properties which act as a
26 norepinephrine-dopamine reuptake inhibitor (NOR) or that work on the same
27 receptors as the chemical compounds in Methamphetamines and/or any
28 derivatives used for human consumption or ingestion thereof, including but not
29 limited to the following street or brand names: Vanilla Sky, Ivory Wave, White
30 Rush, White Lightning, Hurricane Charlie, Bliss, Zoom2, Cloud Nine and Cloud
31 Nine derivatives, Aura, Bounce, Plant Food, Meph, Mad Cow, Shake ‘N’Vac,
32 Drone, Bubbles, Meow Meow, MCAT, and 4MMC.

33
34 (pp) “Knowledge” is when a person acts knowingly with respect to a material element
35 of the an offense, regardless of his purpose, when he is aware that his conduct will
36 probably cause a certain result or will probably be of a certain nature. A person
37 has knowledge of circumstances when he is aware that such circumstances
38 probably exist.

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40 SECTION 3.

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42 The Clerk of Council is hereby directed to forward a certified copy of this Ordinance
43 upon adoption to all law enforcement agencies in the County.

44
45 SECTION 4.

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47 This Ordinance is hereby declared an emergency in the interest of the health, safety and
48 welfare of the citizens of the County of Summit and for the further purpose to immediately ban
49 the sale of such harmful and dangerous substances to the residents of the County.

1 RESOLUTION NO. 2011-299

2 PAGE THREE

3

4 SECTION 5.

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6 Provided this Ordinance receives the affirmative vote of six members, it shall take effect
7 thirty (30) days after its adoption and approval by the Executive; otherwise, it shall take effect
8 and be in force at the earliest time provided by law.

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10 SECTION 6.

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12 It is found and determined that all formal actions of this Council, concerning and relating
13 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including section
16 121.22 of the Ohio Revised Code.

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18

19 INTRODUCED June 20, 2011

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22 ADOPTED _____

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26 CLERK OF COUNCIL

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28

29 APPROVED _____

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33 _____

34 EXECUTIVE

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38 ***LEGISLATION EXPIRED**

PRESIDENT

ENACTED EFFECTIVE