

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

ORDINANCE NO. 2010-____

**AN ORDINANCE PROHIBITING THE SALE OF SUBSTANCES CONTAINING
SYNTHETIC CANNABINOIDS OR THEIR USE**

**BE IT ORDAINED BY THE BOAD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SANTA FE:**

Section 1 – Authority. This Ordinance is enacted pursuant to the authority in NMSA 1978, § 4-37-1 (1975) (as amended) to make and publish any ordinance to discharge the powers not inconsistent with statutory or constitutional limitations placed on counties and to exercise powers that are necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County's inhabitants. NMSA 1978, § 4-37-3 (1993) (as amended) permits the County's enforcement "by prosecution for violations of [its] ordinances in any court of competent jurisdiction of the county."

Section 2 – Definitions.

A. "Synthetic cannabinoid" includes substances marketed under the names K2, Spice, Pep, Zohai, Yucatan Fire and Genie, and those substances containing one or more of the following chemical compounds:

- i. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210; HU-211;
- ii. 1-Pentyl-3-(1-naphthoyl) indole, also known as JWH-018;
- iii. 1-Butyl-3-(1-naphthoyl) indole, also known as JWH-073, salvinorum A or salvia divinorum; or
- iv. Any other chemically equivalent compound or derivative.

B. "Use" means any method of ingestion, including inhaling, as well as burning, incineration, or ignition.

Section 3 – Findings and Policy.

The Board of County Commissioners finds that substances containing synthetic cannabinoids have been marketed and sold to residents of Santa Fe County; products containing synthetic cannabinoids have not been tested by the Food and Drug Administration or other

governmental agencies for human consumption and synthetic cannabinoids may contain chemicals detrimental to the health and welfare; use of synthetic cannabinoids have the same effects on the person as smoking marijuana; synthetic cannabinoids are not currently regulated by the State of New Mexico nor are they included as Schedule I drugs; an ordinance banning the sale and use of synthetic cannabinoids will protect the health, welfare and safety of residents of the County; and Santa Fe County must prohibit the possession, marketing, promotion, sale or use of synthetic cannabinoids within Santa Fe County.

Section 4 – Prohibition on Possession, Marketing, Promotion, Sale or Use of Synthetic Cannabinoids.

It shall be unlawful for any person to possess, market, promote, sell or use synthetic cannabinoids in the unincorporated areas of Santa Fe County.

Section 4 – Administration and Enforcement.

A. The Sheriff of Santa Fe County shall administer, supervise and perform all acts necessary to enforce this Ordinance.

B. Upon citation of a person for violation of this Ordinance, the person issuing the citation may seize as evidence the synthetic cannabinoids.

Section 5 – Penalties.

Persons or entities found guilty of violating this Ordinance may be punished in accordance with NMSA 1978, Section 4-37-3 (1975)(as amended).

PASSED, APPROVED AND ADOPTED this ___ day of ____, 2010.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved as to form:

Stephen C. Ross, County Attorney