



1981

AN ORDINANCE

BY COUNCILMEMBER MICHAEL JULIAN BOND

12-0-0693

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ATLANTA PART II ("GENERAL ORDINANCES"), CHAPTER 106 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE IV ("OFFENSES AGAINST PUBLIC MORALS"), DIVISION 3 ("DRUGS AND OTHER CONTROLLED SUBSTANCES") BY ADDING A NEW SECTION PROHIBITING THE USE, SALE OR DELIVERY OF CERTAIN DANGEROUS SUBSTANCES, SOLD AND MARKETED AS INCENSE, POTPOURRI OR NOVELTY AROMATICS AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF ATLANTA AND PROVIDING FOR A PENALTY FOR VIOLATION; AND FOR OTHER PURPOSES.

WHEREAS, There is a growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of the City of Atlanta; and

WHEREAS, This threat is presented in the form of products sold or distributed as a mixture of dried vegetation when covered, sprayed or mixed with certain specific chemicals (sold under the names "Pineapple Express," "K2," "Spice," "Genie" and many others) producing the physiological and psychological effects of a controlled substance such as marijuana; and

WHEREAS, The substances described above may be marketed as incense but are commonly being used as an alternative to marijuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Georgia and the United States; and

WHEREAS, These unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marijuana; and

WHEREAS, Such substances are reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures; and

WHEREAS, The substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, The available medical and law enforcement information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and,

*Handwritten signatures and initials on the left side of the page, including "Al SW" and "Hatch Archibald".*

*Large handwritten signature "Loren M. Shepard" and other scribbles at the top right.*

*Handwritten signatures and initials on the right side of the page, including "Phicia A. Moore", "Jadman", "Kupus", "Hond Shank", and "Carle".*

**WHEREAS**, In response to these known dangers, Governor Nathan Deal signed Senate Bill 370 (“Controlled Substances; Schedule I and V controlled substance; ‘dangerous drug’; provisions”) into law on March 27, 2012, amending the State of Georgia Schedule I and V provisions related to controlled substances (See Exhibit A); and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT:**

**Section 1:** Definitions for Section XXX-XX are as follows:

“**Person**” shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

“**Banned Smoking Product**” shall mean any product containing any of the chemical compounds set forth in Senate Bill 370. And shall also include all tobacco herbs, incense spice, aromatherapy incense, aromatic substance, or any blend thereof that may not contain any chemical listed above but may cause sense of euphoria or any side effect that may alter mental state of person(s).

“**Ingestion Device**” shall mean equipment, product or material that is used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing an illegal or banned smoking product into the human body such as, but not limited to:

- 1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipe with or without screens, permanent screens, hashish heads or punctured metal bowls;
- 2) Water pipes;
- 3) Carburetion tubes or devices;
- 4) Smoking and carburetion masks;
- 5) Roach clips: meaning objects used to hold burning material, such as marihuana cigarette, that has become too small or too short to be held in the hand;
- 6) Chamber pipes;
- 7) Carburetor pipes;
- 8) Electric pipes;
- 9) Air driven pipe;
- 10) Chillum;
- 11) Bongs;
- 12) Ice pipes or chillers;
- 13) Glass tubes which are hollow, cylindrical items made of glass which are smaller then three-quarters of an inch in diameter, shorter than 12 inches in length, and which are not sealed with glass at both ends.

**Section 2:** It shall be unlawful for any person(s) to use, possess, purchase, barter, give, publicly display, sell or offer for sale within the city limits of Atlanta, Georgia, any banned smoking product or ingestion device.

**Section 3:** It shall be unlawful for any person(s) to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product within the city limits of Atlanta, Georgia.

**Section 4:** Violation of this Ordinance may also result in the revocation of any person, firm, corporation or entity's business and/or liquor licenses within the city limits of Atlanta, Georgia.

**Section 5:** This ordinance shall take effect immediately upon approval.

**Section 6:** All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

# **EXHIBIT A**

Senate Bill 370

By: Senators Carter of the 1st, Bethel of the 54th, Jackson of the 2nd and Goggans of the 7th

**AS PASSED**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 controlled substances, so as to change certain provisions relating to Schedule I and V  
3 controlled substances; to provide for a short title; to change certain provisions relating to the  
4 definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and  
5 for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 This 2012 Act which provides for the annual update of the identity of controlled substances  
9 and dangerous drugs is dedicated to the memory of Chase Corbitt Burnett and shall be known  
10 and may be cited as "Chase's Law."

11 **SECTION 2.**

12 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled  
13 substances, is amended in Code Section 16-13-25, relating to Schedule I controlled  
14 substances, by adding a new subparagraph to paragraph (3) to read as follows:

15 "(GGG) Fluorophenylpiperazine (FPP);"

16 **SECTION 3.**

17 Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled  
18 substances, by revising paragraph (12) to read as follows:

19 ~~"(12) Any material, compound, mixture, or preparation which contains any quantity of~~  
20 ~~the following substances, their salts, isomers (whether optical, positional, or geometric),~~  
21 ~~homologues, and salts of isomers and homologues, unless specifically excepted,~~  
22 ~~whenever the existence of these salts, isomers, homologues, and salts of isomers and~~  
23 ~~homologues is possible within the specific chemical designation:~~

24 ~~(A) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);~~

25 (B) 1,1-dimethylheptyl-11-hydroxy-delta-8-tetrahydrocannabinol (HU-210; (6a,  
26 10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydr  
27 obenzo[c]chromen-1-ol);

28 (C) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (CP-47,497);

29 (D) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

30 (E) 2-(2-Methoxyphenyl)-1-(1-pentylindole-3-yl)ethanone (JWH-250);

31 (F) 4-Methoxynaphthalen-1-yl-(1-pentylindole-3-yl)methanone (JWH-081);

32 Any of the following compounds, derivatives, their salts, isomers, and salts of isomers,  
33 unless specifically utilized as part of the manufacturing process by a commercial industry  
34 of a substance or material not intended for human ingestion or consumption, as a  
35 prescription administered under medical supervision, or research at a recognized  
36 institution, whenever the existence of these salts, isomers, and salts of isomers is possible  
37 within the specific chemical designation:

38 (A) Naphthoylindoles;

39 (B) Naphthylmethylindoles;

40 (C) Naphthoylpyrroles;

41 (D) Naphthylideneindenes;

42 (E) Phenylacetylindoles;

43 (F) Cyclohexylphenols;

44 (G) Benzoylindoles;

45 (H) Tricyclic benzopyrans;

46 (I) Adamantoylindoles;

47 (J) Indazole amides;

48 (K) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin  
49 -6-yl]-1-naphthalenylmethanone (WIN 55,212-2); or

50 (L) Any compound, unless specifically excepted or listed in this or another schedule,  
51 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with  
52 either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is  
53 further modified in any of the following ways:

54 (i) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,  
55 haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the  
56 ring system;

57 (ii) By substitution at the 3-position with an acyclic alkyl substitution; or

58 (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
59 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic  
60 structure."

61

**SECTION 4.**

62 Said chapter is further amended in Code Section 16-13-29, relating to Schedule V controlled  
 63 substances, by deleting "or" at the end of paragraph (4), by replacing the period at the end  
 64 of paragraph (5) with "; or", and by adding a new paragraph to read as follows:

65 "(6) Ezogabine."

66

**SECTION 5.**

67 Said chapter is further amended in Code Section 16-13-71, relating to the definition of  
 68 dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

69 "(14.5) Adenovirus;"

70 "(17.3) Aflibercept;"

71 "(17.7) Albiraterone;"

72 "(72.43) Azficel-T;"

73 (72.45) Azilsartan;"

74 "(78.3) Belatacept;"

75 (78.5) Belimumab;"

76 "(104.5) Boceprevir;"

77 "(106.5) Brentuxima vedotin;"

78 "(154.5) Centruroides [Scorpion] Immune;"

79 "(198.05) Clobazam;"

80 "(208.5) Coccidioides immitis;"

81 "(217.8) Crizotinib;"

82 "(386.05) Fidaxomicin;"

83 "(408.27) Gadobutrol;"

84 "(464.07) Icatibant;"

85 "(469.07) Indacaterol;"

86 "(487.06) Ioflupane;"

87 "(490.7) Ipilimumab;"

88 "(520.5) Linagliptin;"

89 "(842.18) Rilpivirine;"

90 "(843.825) Rivaroxaban;"

91 "(844.75) Roflumilast;"

92 "(885.5) Spinosad;"

93 "(931.553) Telaprevir;"

94 "(964.7) Ticagrelor;"

95 "(1025.2) Vandetanib;"

96 "(1027.55) Vemuranfenib;"

