

**ALLEN COUNTY CODE TITLE 1  
GENERAL PROVISIONS**

**ARTICLE 24  
PROHIBITION AGAINST THE SALE AND OFFERING OF  
SYNTHETIC CANNABINOIDS IN ALLEN COUNTY**

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**1-23-1 CHAPTER 1:           DEFINITIONS**

**1-23-1-1**       **“Policing Agency”** is any law enforcement agency with jurisdiction in all or part of Allen County, Indiana, including, but not limited to, the Allen County Sheriff’s Department, the City of Fort Wayne Police Department, the City of New Haven Police Department, IPFW University Police, Fort Wayne Airport Authority Public Safety Department, and the Indiana State Police.

**1-23-1-2**       **“Retail Establishment”** is any person or business, corporation, or entity with a retail merchant’s license

**1-23-1-3**       **“Synthetic Equivalents”** includes any of the following chemicals:

**1-23-1-3.1**       2-[(1R,3s)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol [also known as CP 47,497 and its C6, C7, C8 and C9 homologues)

**1-23-1-3.2**       (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}

**1-23-1-3.3**       Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1 Pentyl-3-(1-naphthoyl)indole or JWH-018}

**1-23-1-3.4**       Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1 Butyl-3-(1-naphthoyl)indole or JWH-073}

**1-23-1-4**       **“Synthetic Marijuana”** includes any herb or incense marketed under the names K2 or Spice, regardless of the flavor.

**1-23-2 CHAPTER 2:           SYNTHETIC CANNABINOID ORDINANCE**

It is hereby declared to be unlawful within the County of Allen, Indiana, for any retail establishment to sell, to publicly display for sale, or attempt to sell, give, or barter synthetic

marijuana or any synthetic equivalents of the substances contained in the plant Cannabis, or in the resinous extractives of Cannabis and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity or any substance which claims such properties even if in actuality they do not. Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are similarly prohibited.

**1-23-3 CHAPTER 3: ENFORCEMENT**

- 1-23-3-1 This Article may be enforced by any policing agency. Any synthetic substance reasonably suspected to be described by chapter one may be photographed as evidence pending adjudication of the alleged violation.
- 1-23-3-2 The policing agency shall report the violation to the county attorney who shall take appropriate action to enforce the ordinance.

**1-23-4 CHAPTER 4: FINES**

- 1-23-4-1 Any business found to be in violation of this Section will be subject to a civil fine of not more than \$2,500.00. Each day of the existence of any violation of this Ordinance shall be considered to be a separate offense.
- 1-23-4-2 The fines shall be placed into the K2 Administration Fund for the purpose of providing for costs associated with the enforcement of the ordinance, including attorney's fees .

**1-23-5 CHAPTER 5: EFFECTIVE DATE.**

This Ordinance shall be passed with urgent necessity, as outlined in I.C. 36-2-4-8, and therefore, shall be effective immediately upon passage and posting by the Board of Commissioners of the County of Allen.

***Ordinance added 9-3-2010 by Ordinance# 09-03-10-09***