

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Possession or sale of synthetic cannabinoids and cannabimimetic agents
- 130.02 Possession or sale of AM cannabinoids, CP cannabinoids, JWH cannabinoids and HU cannabinoids
- 130.03 Solicitation on public highways, roads, streets, and rights-of-way
- 130.04 Prohibited conduct on bridges
- 130.05 Prohibition of carrying concealed weapons in county-owned or controlled buildings

- 130.99 Penalty

§ 130.01 POSSESSION OR SALE OF SYNTHETIC CANNABINOIDS AND CANNABIMIMETIC AGENTS.

(A) *Purpose.* The purpose of this section is to stop the possession or sale of synthetic cannabinoids and cannabimimetic agents. These substances are harmful if consumed and present a significant public health danger that can result in hospitalization or death.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANNABIMIMETIC AGENTS. Any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:

- (a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- (b) 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

Anderson County - General Offenses

(c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

(d) 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

(e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; and

(f) Including, but not limited to, 5-(1,1-dimethylheptyl-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog); 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-[2-(4-moipholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); 1-(5-fluopentyl)-3-(1-naphthoyl)indole (AM-2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). The term shall not include cannabimimetic agents that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

PERSON. Individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

POSSESSION. To have actual physical possession or otherwise to exercise actual dominion or control over a tangible object.

SYNTHETIC CANNABINOIDS. Any substance that contains 1-pentyl-3-(1-naphthoyl)indole (JWH-018) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081); 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); 1-phentyl-3-(4-methoxybenzoly)indole (RCS-4); pravadoline (WIN 48,098); desoxypipradrol; 4-methyl-N-ethylcathinone (4-MEC); 9-nor-9B-Hydroxyhexahydrocannabinol (HHC); any synthetic cannabinoids outlawed by state and federal laws including, but not limited to, KRS 218A.010(51). The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

TRAFFIC. To manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell a controlled substance.

TRANSFER. To dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.

(C) *Prohibition of possession or sale of synthetic cannabinoids or cannabimimetic agents.*

(1) *Trafficking in synthetic cannabinoids or cannabimimetic agents.* A person is guilty of trafficking in synthetic cannabinoids or cannabimimetic agents when he or she knowingly and unlawfully traffics in synthetic cannabinoids or cannabimimetic agents.

(2) *Possession of synthetic cannabinoids or cannabimimetic agents.* A person is guilty of possession of synthetic cannabinoids or cannabimimetic agents when he or she knowingly and unlawfully possesses synthetic cannabinoids or cannabimimetic agents.

(D) *Future state law.* If current or future state law prohibits any substance contained in this section, the state law shall be applied instead of this section for both prosecution and penalty. (Prior Code, § 130.01) (Ord. 2011-10, passed 1-17-2012) Penalty, see § 130.99

§ 130.02 POSSESSION OR SALE OF AM CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS AND HU CANNABINOIDS.

(A) *Purpose.* The purpose of this section is to stop the possession or sale of AM cannabinoids, CP cannabinoids, JWH cannabinoids, and HU cannabinoids. These substances are harmful if consumed and present a significant public health danger that can result in hospitalization or death.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AM CANNABINOIDS. Any synthetic cannabinoids, including, but not limited to, AM-087; AM-251; AM-281; AM-356; AM-374; AM-381; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-919; AM-926; AM-938; AM-1116; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-2102; AM-4030. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

CP CANNABINOIDS. CP-47,497; (C6)-CP-47,497; (C7)-CP-47,497; (C8)-CP-47,497; (C9)-CP-47,497; CP-50,556-1; CP-55,244; CP-55,940; CP-945,598. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

Anderson County - General Offenses

HU CANNABINOIDS. Any synthetic cannabinoids including, but not limited to, HU-210; HU-211; HU-243; HU-308; HU-320; HU-331; HU-336; HU-345. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

JWH CANNABINOIDS.

(a) Any synthetic cannabinoids including, but not limited to: JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH-051; JWH-057; JWH-073; JWH-081; JWH-098; JWH-116; JWH-120; JWH-122; JWH-133; JWH-139; JWH-147; JWH-148; JWH-149; JWH-161; JWH-164; JWH-166; JWH-167; JWH-171; JWH-175; JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-192; JWH-193; JWH-194; JWH-195; JWH-196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210; JWH-213; JWH-229; JWH-234; JWH-249; JWH-250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336; JWH-350; JWH-359; JWH-387; JWH-398; and JWH-424.

(b) The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration, and are dispensed in accordance with state and federal law.

PERSON. Individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

POSSESSION. To have actual physical possession or otherwise to exercise actual dominion or control over a tangible object.

TRAFFIC. To manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell a controlled substance.

TRANSFER. To dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.

(C) *Prohibition of possession or sale of AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids.*

(1) *Trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids.*
A person is guilty of trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids when he or she knowingly and unlawfully traffics in AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids.

(2) *Possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids.*
A person is guilty of possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU

cannabinoids when he or she knowingly and unlawfully possesses AM cannabinoids, CP cannabinoids, JWH cannabinoids, or HU cannabinoids.

(D) *Future state law.* If current or future state law prohibits any substance contained in this section, the state law shall be applied instead of this section for both prosecution and penalty. (Prior Code, § 130.02) (Ord. 2011-11, passed 1-17-2012) Penalty, see § 130.99

§ 130.03 SOLICITATION ON PUBLIC HIGHWAYS, ROADS, STREETS, AND RIGHTS-OF-WAY.

(A) No person or organization (incorporated or unincorporated) shall solicit cash contributions for any purpose from motorists or pedestrians on the public highways, roads, streets, and/or rights-of-way in the county without first obtaining a permit to do so.

(B) Permits shall be obtained from the office of the County Judge/Executive upon written application by the person or organization. The County Judge/Executive or his or her authorized designee shall have ten days after written application is made within which to approve or deny said application. The County Judge/Executive or his or her authorized designee may request any additional information deemed necessary to make a determination regarding the legitimacy of the religious, civic, or charitable purposes of the person or organization and the safety of its volunteers and prospective donors.

(C) Permits shall be obtained at least 30 days in advance of any solicitation activities.

(D) Anyone aggrieved by the denial of a permit under this section may appeal said denial to the County Circuit Court. (Prior Code, § 130.03) (Ord. 2002-05, passed 4-2-2002) Penalty, see § 130.99

§ 130.04 PROHIBITED CONDUCT ON BRIDGES.

(A) It shall be unlawful for any person to fish in any manner from and off of any bridge or bridge-like structure in the county.

(B) It shall be unlawful for any person to discharge any firearms or weapons from and off of any bridge or bridge-like structure in the county.

(C) It shall be unlawful for any person for any reason, except in an obvious case of emergency, to stand or remain standing on any bridge or bridge-like structure in the county. (Prior Code, § 130.04) (Ord. 1981-3, passed 6-26-1981) Penalty, see § 130.99

§ 130.05 PROHIBITION OF CARRYING CONCEALED WEAPONS IN COUNTY-OWNED OR CONTROLLED BUILDINGS.

(A) Under the authorization of KRS Chapter 237, the county does hereby prohibit the carrying of concealed weapons into county-owned or controlled buildings.

(B) The provisions of this section, as enacted under KRS Chapter 237, shall not be deemed to be a violation of KRS 65.870.

(C) All buildings or portions of buildings where the carrying of concealed deadly weapons is prohibited shall be clearly identified by signs posted at the entrance to the restricted area.

(D) Any person or persons violating this section may be denied entrance to the building or ordered to leave the building.

(E) Any employee of the county government or of any elected official of the county, excluding peace officers, who violates this section shall be subject to employee disciplinary measures.

(F) The provisions of this section shall not apply to a property owned by a unit of county government, but used as public housing by private persons.

(G) The adoption of this section shall be deemed to serve as public notice that the carrying of concealed deadly weapons shall be prohibited in all county-owned or controlled buildings which shall also be posted accordingly.

(Prior Code, § 35.01) (Ord. 96-020, passed 12-3-1996) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person violating § 130.01(C)(1) or (C)(2) or § 130.02(C)(1) or (C)(2) shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500, and/or suspension of business license privileges in the county for a period not to exceed five years, for each offense.

(C) Any person or organization violating the terms of § 130.03 shall be fined not less than \$10, nor more than \$250. For a second or subsequent offense, any violator shall be fined not less than \$100, nor more than \$500, or incarcerated in the county jail for up to 30 days, or both fine and incarceration.

(D) Any person violating § 130.04, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$10, nor more than \$100. (Prior Code, § 130.99) (Ord. 1981-3, passed 6-26-1981; Ord. 2002-05, passed 4-2-2002; Ord. 2011-10, passed 1-17-2012; Ord. 2011-11, passed 1-17-2012)

