

CHAPTER 9

Offenses Involving Synthetic Cannabinoids

- 10-9-1 Possession, Use and Sale
- 10-9-2 Penalties
- 10-9-3 Regulation of Hemp-Derived Cannabinoids and Synthetic Cannabinoid Products

SEC. 10-9-1 POSSESSION, USE AND SALE.

- (a) It shall be illegal for any person to knowingly use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, barter, or distribute any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "Purple Magic", "fake" or "new" marijuana, or by any other name, label or description:
 - (1) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
 - (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10atetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210.
 - (3) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018spice.
 - (4) 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073.
 - (5) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP.
 - (6) 1-[2-(4-morpholinyl)-3-(1-naphthoyl) indole
 - (7) 5-(1,1-dimethylheptyl)-2- [(1 R, 3 S)-3-hydroxycyclohexyl]-phenol
 - (8) 5-(1,1-dimethyloctyl)-2- [(1, R, 3 S)-3-hydroxycyclohexyl]-phenol
 - (9) Or any similar structural analogs.
- (b) Acts otherwise prohibited under subsection (a) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts,

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provided that such use is permitted under state and federal law

SEC. 10-9-2 PENALTIES.

- (a) A person who violates the Ordinance is subject to a forfeiture of:
 - (1) Not less than one hundred (\$100) and not more than five hundred dollars (\$500) if the person has not committed a previous violation within twelve (12) months of the violation; or
 - (2) Not less than two hundred dollars (\$200) nor more than five hundred dollars (\$750) if the person has committed a previous violation within twelve (12) months of the violation.
 - (3) A court shall suspend any license or permit issued under Sec. 134.65, 139.34 or 139.79, Wis. Stats., to a person for:
 - a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
 - (4) The court shall promptly mail notice of a suspension under 10-8-2(a)(3) above to the department of revenue and to the city clerk which issued the license or permit to the person.

SEC. 10-9-3 REGULATION OF HEMP-DERIVED CANNABINOID AND SYNTHETIC CANNABINOID PRODUCTS

- (a) In this subsection, hemp-derived cannabinoid products is defined as one of the many intoxicating cannabinoids found in the Cannabis sativa L. plant or a synthetic version thereof.

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1) Hemp-derived cannabinoid products include, but are not limited to:

- a. any hemp-derived product containing delta-9 tetrahydrocannabinol (THC) in a concentration of 0.3 percent or less; or,
- b. any cannabinoid other than delta-9 tetrahydrocannabinol (THC), synthetic cannabinoids or an isomer derived from such cannabinoids (including but not limited to: delta-8 THC, delta-10 THC, hexahydro cannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV).

2) Hemp-derived cannabinoids does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not possess psychoactive properties that produce an intoxicating effect as defined in Wis. Stat. 961.01(3r) and does not contain other isomers as listed above.

- (b) No person under the age of twenty-one (21) shall use or possess any amount of any hemp-derived cannabinoid, including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP or THCV, except as specifically allowed by Wisconsin law.
- (c) No person shall sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person under the age of twenty-one (21) years, except as specifically allowed by Wisconsin law.
- (d) No person shall sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person without having first verified their age by having the person present a valid photo identification.
- (e) Hemp-derived cannabinoids shall not be sold within 1,000 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting arenas, or any organization primarily intended to serve children. The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving organization to the premises selling hemp-derived cannabinoid products. The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids from a location used for said sales on or before April 30, 2025.

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- (f) The penalty for violation of this section shall be as set forth in the general penalties provisions at §1-1-7 City of Thorp Ordinances.