

## Chapter 149

### DRUGS

#### ARTICLE I Synthetic Marijuana

##### § 149-1. Findings.

§ 149-2. Possession prohibited.

§ 149-3. Exceptions.

§ 149-4. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Black Creek as indicated in article histories. Amendments noted where applicable.]

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#### ARTICLE I Synthetic Marijuana

[Adopted 11-8-2010 (Title 6, Ch. 1, § 6-1-10, of the 1987 Village Code)]

##### § 149-1. Findings.

- A. The Village Board of the Village of Black Creek, Wisconsin, has determined that herbal preparations powdered or sprayed with a chemical synthetic cannabinoid are available for sale that claim to produce intoxicating effects similar to THC or marijuana.<sup>1</sup>
- B. While these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially dangerous to users, as the substances can create potency from three up to 100 times greater than marijuana, produce severe adverse health conditions such as hallucinations, paranoia, seizures, and vomiting, based on reported emergency room experiences in areas of the country where use is more prevalent, and, further, that long-term health effects of use of these substances are not yet known. It has been determined that the effects of these substances are a health, safety, and welfare concern to the citizens of the Village of Black Creek;

##### § 149-2. Possession prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person within the Village of Black Creek shall possess a controlled substance specified in § 961.14(4)(tb), Wis. Stats. Any person who is charged with possession of a controlled substance specified in § 961.14(4)(tb), Wis. Stats., following a conviction for possession of a controlled substance in this state shall not be prosecuted under this section.

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1. Editor's Note: The second paragraph of original Sec. 6-1-10(a) of the 1987 Village Code, regarding municipal action to prohibit synthetic marijuana, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 149-3. Exceptions.**

Acts otherwise prohibited under this section 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.

**§ 149-4. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Any person violating this chapter shall be subject to a forfeiture as provided in § 1-4, General penalty, of Chapter 1, General Provisions.