

VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2020-0- **02**

AN ORDINANCE TO AMEND CHAPTER 12A  
OF THE VILLAGE OF PALESTINE ORDINANCE  
SYNTHETIC ALTERNATIVE DRUGS

ADOPTED BY THE VILLAGE BOARD OF TRUSTEE'S  
OF THE VILLAGE OF PALESTINE, ILLINOIS  
THIS 5TH DAY OF MARCH, 2020

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF  
THE VILLAGE BOARD OF TRUSTEE'S OF THE VILLAGE OF PALESTINE  
CRAWFORD COUNTY, ILLINOIS  
THIS 5TH DAY OF MARCH, 2020

**CERTIFICATE OF PUBLICATION**

I, SHIRLEY ADAMS, the duly qualified Village Clerk of the Village of Palestine, Illinois  
and the official custodian or records of said Village do hereby certify that this Ordinance  
was published in pamphlet form by authority of the Village Board of Trustee's on the 5th day of  
March, 2020.

  
SHIRLEY ADAMS, Village Clerk

ORDINANCE NO. 2020-0-02

AN ORDINANCE TO AMEND CHAPTER 12A  
OF THE VILLAGE OF PALESTINE ORDINANCE  
SYNTHETIC ALTERNATIVE DRUGS

WHEREAS, the village boundaries of the Village of Palestine have seen the use of synthetic cannabinoids and synthetic stimulants; and

WHEREAS, many of the types of synthetic cannabinoids and synthetic stimulants are not banned by the federal government; and

WHEREAS, law enforcement of the Village of Palestine has seen detrimental effects caused by the use of synthetic cannabinoids and synthetic stimulants; and

WHEREAS, the Village of Palestine finds that products containing synthetic cannabinoids and synthetic stimulants are attractive to children and young adults due to their availability in small packages at minimal costs, as well as due to the names being given to these substances which are intended to appeal to children and young adults, as set forth on Exhibit A attached hereto; and

WHEREAS, citizens in the Village of Palestine deems it necessary and desirable to prohibit the sale, delivery, possession and use of products containing synthetic cannabinoids and synthetic stimulants.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Palestine, Crawford County, Illinois, that it does hereby amend Chapter 12A of the Village of Palestine Ordinances, so that such chapter shall be, in its entirety, as follows:

## **12A.01 DEFINITIONS.**

All defined terms concerning cannabis used in this chapter which are not expressly defined herein shall have the meaning ascribed to such term in the Cannabis Regulation and Tax Act, unless the context otherwise requires.

**CANNABIS:** Shall have the meaning ascribed to it in Cannabis Regulation and Tax Act, as if that definition were incorporated herein.

**DELIVER OR DELIVERY:** The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

**DRUG PARAPHERNALIA:**

A. All equipment, products and materials of any kind which are used, intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body and controlled substance as listed in the Illinois Controlled Substances Act, synthetic cannabis as defined herein, or synthetic stimulant as listed herein. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing synthetic cannabinoids and synthetic stimulants.
2. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is synthetic cannabinoids and synthetic stimulants.
3. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of synthetic cannabinoids and synthetic stimulants.
4. Scales and balances used, intended for use or designed for use in weighing or measuring synthetic cannabinoids and synthetic stimulants.
5. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting synthetic cannabinoids and synthetic stimulants.
6. Separation gins and sifters used, intended for use or designed in removing twigs and seeds from, or in otherwise cleaning or refining synthetic cannabinoids and synthetic stimulants.

7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding synthetic cannabinoids and synthetic stimulants

8. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of synthetic cannabinoids and synthetic stimulants

9. Containers and other objects used, intended for use or designed for use in storing or concealing synthetic cannabinoids and synthetic stimulants

10. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting synthetic cannabinoids and synthetic stimulants into the human body.

11. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing synthetic cannabinoids and synthetic stimulants into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Roach clips, meaning objects used to hold burning material, such as a synthetic cannabis cigarette, that has become too small or too short to be held in the hand.

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air driven pipes.

l. Bongs.

m. Ice pipes and chillers.

B. In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to direct violation of this chapter.
4. The proximity of the object to synthetic cannabinoids and synthetic stimulants.
5. The existence of any residue of synthetic cannabinoids and synthetic stimulants on the object.
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the Cannabis Regulation and Tax Act. The innocence of an owner or of anyone in control of the object as to a direct violation of the Cannabis Regulation and Tax Act shall not prevent a finding that the object is intended for use or assigned for use as "drug paraphernalia".
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depicts its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.

14. Expert testimony concerning its use.

**MANUFACTURER:** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabinoids and synthetic stimulants, either directly or indirectly, by extraction from substances by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of synthetic cannabis and synthetic stimulants or labeling of its container, except, that "manufacturer" does not include the preparation, compounding, packaging or labeling of synthetic cannabinoids and synthetic stimulants as an incident to lawful research, teaching or chemical analysis and not for sale.

**PERSON:** Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust partnership or association, or any other entity.

**PRODUCE OR PRODUCTION:** Planting, cultivating, tending or harvesting

**STATE:** Includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

**SYNTHETIC CANNABINOIDS:** Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole);

JWH-015;

((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmenthanone);

JWH-018 (1-pentyl-3-(1-naphthoyl)indole);

JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole);

JWH-073;

(naphthalene-1-yl-(1-butylindol-3-yl)methanone);

JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone);

JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);

JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone);

JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone);

JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone);

JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole);

JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole);

JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole);

HU-210 ((6aR, 10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol);

HU-211 ((6aS, 10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol);

HU-308 ([[(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4bicyclo[3.1.1]hept-3-enyl]methanol);

HU-331 ((3-hydroxy-2-;[(1R,6R)-3methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);

CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol);

CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues;

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

RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);

RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

**SYNTHETIC STIMULANT:** Any compound which is a federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance which has a stimulant effect on the central nervous system. Upon banning, any of the following substances or substances which contain the described characteristics shall be considered a "synthetic stimulant".

3-Fluoromethcathinone;

4-Fluoromethcathinone (other name: flephedrone);

3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC);

3,4-Methylenedioxy-pyrovalerone (other name: MDPV);

4-Methylmethcathinone (other names: mephedrone, 4-MMC);

4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC);

4-Ethylmethcathinone (other name: 4-EMC);

Ethcathinone;

Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB);

Naphthylpyrovalerone (other names: naphyrone, NRG-1);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine (other name: MDAI)

Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

In the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the



phenyl ring by one or more other univalent substituents, at the 3-position with an alkyl substituent;

at the nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups; or by inclusion of the nitrogen atom in a cyclic structure.

**12A.02 UNLAWFUL USE, SELL, OFFER FOR SALE, DELIVERY OR POSSESSION OF SYNTHETIC SUBSTANCES**

It is unlawful for any person to use, sell, offer for sale, deliver or knowingly possess any product containing synthetic cannabinoid or synthetic stimulant other than authorized by the Cannabis Regulation and Tax Act.

**12A.03 UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA:**

It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a synthetic cannabinoid or synthetic stimulant.

**12A.04 PENALTIES CONCERNING SYNTHETIC CANNBINOID, SYNTHETIC STIMULANT AND DRUG PARAPHERNALIA:**

Any person who violates the provisions of this Ordinance concerning synthetic cannabinoid, synthetic stimulant and drug paraphernalia shall be fined in an amount not less than \$400.00 nor more than \$750.00, and the costs of prosecution and the attorney's fee of the Village of Palestine in a minimum amount of \$175.00 per hour. Of the fine, the sum of \$100.00 shall be deposited to the general fund, and the balance of the fine shall be deposited to general fund account designated PALESTINE POLICE DEPARTMENT ADMINISTRATIVE FUND, to be used for the administration and enforcement of Ordinance violations.

**12A.05:**

If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

**12.A.06:**

All prior Ordinances and Resolutions in conflict or inconsistent herewith, are hereby expressly repealed only to the extent of such conflict or inconsistency.

**12A.07:**

This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.


Upon roll call vote the following Trustees voted yea:

TRUSTEES: DUNLAP, NETHERY, MCDANIEL,  
MICHAEL, and DAVIS


Upon roll call vote the following Trustees voted nay:

None

Passed, approved and published in pamphlet form this 5 day of MAY, 2020.

  
\_\_\_\_\_  
JAMES R. BYRLEY, Mayor

ATTEST:

  
\_\_\_\_\_  
Shirley Adams, Village Clerk

## EXHIBIT A

POW  
Pulse  
K2 Watermelon

G Greenies Caramel Crunch  
Eruption Spice  
Mid-Atlantic Exemplar

Fire Bird Ultimate Strength  
Cinnamon  
K2 Strawberry  
Love Strawberry

Sativah

Ultra Cloud 10  
Funky Monkey XXXX  
K2 Pink  
K2 Pineapple  
Chronic Spice  
XTREME Spice  
Bad 2 the Bone  
Buzz  
Spicylicious  
K3 Strawberry  
Ocean Blue  
K3 Legal  
Spike 99 Ultra  
SYN Swagg  
Spike Diamond  
K2 Blueberry  
MNGB Pinata Colada  
MNGB Spear Mint

p.e.p. pourri Love Strawberry  
Voo Doo Remix (black package)  
K4 Gold  
K3 Sun Legal  
K3 Cosmic Blend  
K1 Orbit  
Kind Spice  
Humboldt Gold  
K2 Orisha Super  
Midnight Chill  
K2 Sex

K2 Thai Dream  
K2 Kryptonite

Spice Gold  
Black Mamba  
Green Monkey Chronic  
Salvia  
Black Diamond  
Love Strawberry  
K2 Summit

Nitro

K2 Blueberry  
Shanti Spice Blueberry

Mid-Atlantic Exemplar  
(K2 Summit)

Colorado Chronic  
K2 Blue  
K2 Citron  
K2 Standard  
K3 Mango  
Stinger  
Dragon Spice  
Midnight Chill  
Shanti Spice  
K3 Blueberry  
G Four  
Who Dat  
2010  
SYN Smooth  
Spike Silver  
K2 Pink  
MNGB Almond Vanilla  
p.e.p. pourri Twisted  
Vanilla

p.e.p. pourri X Blueberry  
Banana Cream Nuke  
K3 Heaven Improved  
K3 Sun Improved  
C4  
K2 Pina Colada  
Time Warp  
K2 Orisha Regular  
K2 Amazonian Shelter  
Unknown Cigarette  
K2 Orisha White Magic  
Super  
K 4 Bubble Bubble  
Legal Eagle Apple Pie

Swagger Grape  
Naughty Nights  
Voodoo Remix

Blueberry Hayze  
Voodoo Child  
Magic Dragon  
Platinum  
Black Magic Salvia

Wicked X  
Azteo Midnight Wind  
Tezeatlipoea  
Aztec Gold

K3 Kryptonite  
K2 Blonde  
K2 Melton  
S1. S. Werve  
K3 Original  
Mystery  
Samurai Spirit  
K Royal  
K3 Grape  
Earthquake  
Wood Stock  
Dark Night II  
Zombie World  
Spike Maxx  
K2 Pineapple Express  
MNGB Tropical Thunder  
MNGB Peppermint  
p.e.p. pourri Original  
Spearmint  
Voo Doo Remix (orange package)  
K4 Silver  
K3 Heaven Legal  
K3 XXX  
K1 Gravity  
Rasta Citrus Spice  
Pink Tiger  
K2 Orisha Max  
K2 Solid Sex on the Mountain  
Freedom  
K2 Orisha Black Magic Max  
MTN-787  
K4 Purple Haze

K4 Summit Remix  
Tribal Warrior  
Spice Silver  
SYN Spearmint  
SYN Suave  
SYN Vanilla #2  
New K3 Improved  
Blend  
New Improved K3 Dynamite

Utopia Blueberry  
IncenseLove Potion 69  
Bayou Blaster  
Magic Spice  
Demon  
Heaven Improved  
K3 Original Improved  
New K3 Sea Improved  
Rebel Spice  
Summer Skyy  
Da Block  
K1 Gravity  
SYN Incense Spearmint  
D-Rail  
K2 Summit Coffee Wonk  
(Black)

K3 Legal – Sea (silver)  
Greenies Strawberry  
K2 Latte  
Spike Gold  
Skunk  
Blueberry  
EX-SES Platinum Cherry  
Vanilla

Spice Artic Synergy

Spicey Regular XXX  
XXX

Strawberry  
Spike 99 Ultra Blueberry  
Chill Out  
Scope Wildberry  
Caneff  
Bombay Blue  
Diamond Spirit  
Potpourri Gold  
Winter Boost  
Ex-SES Platinum

8-Ball  
Spike 99  
Spice Gold  
SYN Spearmint #2  
Heavenscent Suave  
SYN Lemon Lime  
C4 Herbal Incense

New Improved K3  
Kryptonite  
Euphoria  
Legal Eagle  
Paradise  
Voodoo Magic  
K3  
K3 Sun  
New K3 Heaven  
New-Kron Bomb  
Mega Bomb  
Moe Joe Fire  
Back Draft  
C3  
SYN Incense Lemon Lime  
K2 Peach  
K3 Legal – Original

(Black)

K3 Legal – Earth (silver)  
K2 (unknown variety)  
K2 Mint  
Yucutan Fire  
Sence

EX-SES Platinum

Strawberry  
Spice Tropical Synergy

Spicey Ultra Strong XXX

Vanilla  
Spike 99 Ultra Cherry  
Forest Humus  
Chill X  
Gold Spirit Spice  
Dream  
Mojo  
Jamaican Gold  
Citrus

C4 K2  
exSES  
Spice Diamond  
SYN Chill  
SYN Vanilla  
SYN Lemon Lime #2  
New Improved K3 Cosmic

Utopia

Who Dat Herbal  
Super Kush  
Red Bird  
Texas Gold  
K2 Pink Panties  
K3 Dusk  
New K3 Earth  
Cherry Bomb  
Mr. Smiley's  
Fully Loaded  
K1 Orbit  
SYN Incense Smooth  
Super Summit  
Funky Monkey  
K-3 Legal – Sun

K2 Cloud 9  
Space  
K2 Silver  
Smoke  
EK-SES Platinum

EX-SES Platinum

Magic Silver  
Spicey Regular XXX  
Blueberry  
Spicey Ultray Strong

Strawberry  
Spike 99 Ultra Strawberry  
Scope Vanilla  
Silent Black  
Magic Gold  
Smoke Plus  
Genie  
Potpourri  
Spicey XXX