

CHAPTER 11: PUBLIC HEALTH

Section

11.01 Possession, Sale or Ingestion of Certain Substances Banned (Ord. No. 092010)

§ 11.01 Possession, Sale or Ingestion of Certain Substances Banned

- (a) It shall be unlawful for any person to use, possess, purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following substances within the city limits of the City of Overton, Texas:
1. Salvia divinorium 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. (6aS, 10aS)-9(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol commonly known as HU-211 or Dexannabinol,
 3. 1-Pentyl-3-(1-naphthoyl) indole commonly known as JWH-018 Spice or K2,
 4. 1-Butyl-3-(1naphthoyl) indole commonly known as JWH-073,
 5. N-benzylpiperazine commonly known as BZP,
 6. 1-(3-[trifluoromethylphenyl]) piperazine commonly known as TFMPP,
 7. Any other synthetic cannabinoid, or,
 8. Any similar substance which when inhaled or otherwise ingested produces intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changes, distorts, or disturbs the auditory, visual, or mental process and the product or substance has no other apparent legitimate purpose for consumers.
- (b) It is not a violation of this Ordinance if a person was acting under the supervision of an authorized law enforcement officer to enforce or ensure compliance with this Ordinance.
- (c) It is unlawful for any person, knowingly, to breathe, inhale, drink, or otherwise ingest any compound, liquid or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual, or mental process.
- (d) This Ordinance does not apply to any person who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist licensed by the State of Texas to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical or dental purpose.
- (e) Any person who violates this Ordinance shall be guilty of a misdemeanor and subject to a fine upon conviction in Municipal Court.