

17-01691

ORDINANCE

AMENDING TITLE 13 (CRIMINAL LAW), SECTION 13:966 (MARIJUANA), SO AS TO AMEND THE PENALTIES FOR POSSESSION OF MARIJUANA, TETRAHYDROCANNABINOL, OR CHEMICAL DERIVATIVES, AS WELL AS SYNTHETIC CANNABINOIDS.

NOW THEREFORE BE IT ORDAINED by the Metropolitan Council of the City of Baton Rouge and Parish of East Baton Rouge that:

Section 1. Title 13, Section 966 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended as follows:

"Sec. 13:966. - Possession of marijuana.

(a) It shall be unlawful for any person to knowingly and intentionally possess marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, on their person or in the passenger area of their motor vehicle.

(b) "Marijuana" means all parts of plants of the genus Cannabis, whether, growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(c) "Synthetic cannabinoids" means vegetable matter treated with a detectable quantity of a chemical compound designed or produced to simulate the effects of tetrahydrocannabinol in humans, including but not limited to:

- (1) JWH-018 (1-pentyl-3-(1-naphthoyl)indole);
- (2) JWH-073 (naphthalen-1-yl-(1-butylyndol-3-yl)methanone);
- (3) JWH-200 (WIN 55,225) (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone;
- (4) CP 47, 4972-((1R, 3S)-3-hydroxycyclohexyl) - 5-(2-methyloctan-2-yl)phenol, also known as Cannabicyclohexanol (CP 47,497 dimethyloctyl homologue, (C8)-CP 47,497), and its homologues, whether dimethylhexyl, dimethyloctyl, or dimethylnonyl, to include its C6, C7, C8, and C9 homologues.

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

(d) Whoever violates the provisions of this section shall not be taken into custody by the arresting officer, but instead shall be required either to deposit his driver's license with the arresting officer or give his written promise to appear.

(e) Whoever is found guilty of possession of marijuana, tetrahydrocannabinol, or chemical derivatives shall be punished as follows:

- (1) Upon a first conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than forty dollars (\$40.00).
- (2) Upon a second conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than sixty dollars (\$60.00).
- (3) Upon a third conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than eighty dollars (\$80.00).
- (4) Upon a fourth or subsequent conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than one hundred dollars (\$100.00).
- (5) A conviction for a violation in this section, wherein the offender possesses more than fourteen (14) grams, the offender shall be fined not more than five hundred dollars (\$500.00), imprisoned in the parish jail for not more than six (6) months, or both.

(f) Whoever is found guilty of possession of synthetic cannabinoids shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both.

(g) Any person who has been sentenced under the provisions of this section, shall not have the conviction used as a predicate conviction for enhancement purposes as a habitual offender."

Section 2. This ordinance shall be effective 30 days following adoption by the Metropolitan Council.

Section 3. The provisions of this ordinance are deemed to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or

the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.