

RESOLUTION NO. 2010-07-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE INCLUSION OF CERTAIN SUBSTANCES INTO THE LIST OF CONTROLLED SUBSTANCES UNDER THE STATE LAW; URGING LEGISLATIVE ACTION TO ADOPT SUCH SUBSTANCES AS CONTROLLED SUBSTANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas, is a Home Rule municipal corporation located in Collin County, Texas, possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), has been provided with documentation from competent, well recognized medical professionals and law enforcement officials of the growing presence of a new and potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of the City of McKinney ("City"); and

WHEREAS, in response to these warnings, the City Council has secured information indicating that this threat is presented in the form of retail products sold or distributed as a mixture of dried vegetation that when covered or mixed with certain specific chemicals, produces the physiological and psychological effects of a controlled substance such as marijuana; and

WHEREAS, such substances are competently reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures as documented by the National Drug Intelligence Center of the United States Department of Justice in EWS Report 000006 issued May 18, 2010; and

WHEREAS, the medical evidence and treatment response and documentation of these symptoms and events have been confirmed by Doctor Anthony J. Scalzo, the Medical Director of the State of Missouri Poison Control Center in Special Newsletter Alert, Volume 4, Issue 1, 2010, issued by the Missouri Poison Control Center to the medical community; and

WHEREAS, the substances identified above are considered to be generally described as synthetic cannabinoids or salvia divinorum (collectively referred to as "Substances") which may be distributed, sold and marketed under such names as "K-2", "K-2 SUMMIT", "K-2 SEX", "GENIE", "DASCENTS", "ZOHAI". "SAGE", "SPICE", "KO KNOCK-OUT 2", "SPICE GOLD",

"SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE". "PEP SPICE", "FIRE N' ICE", and "SALVIA DIVINORUM," among others; and

WHEREAS, the Substances have not yet been designated as controlled substances under the laws of the State of Texas or under the laws of the United States; and

WHEREAS, the Substances may be marketed as incense, but are commonly being used as an alternative to marijuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Texas and the United States; and

WHEREAS, the synthetic cannabinoids may be presented under a variety of street names but share common ingredients, including JWH-01 8 and JWH-073; and

WHEREAS, salvia divinorum contains the ingredient known as Salvinorin A; and

WHEREAS, these unregulated Substances produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than tetrahydrocannabinol ("THC"), the active ingredient in marijuana; and

WHEREAS, the Substances manifest all of the demonstrated attributes of substances that deprive individuals of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, the available medical and law enforcement information on these Substances indicates that individuals under the effects of these Substances may be a clear and present danger to themselves and others; and

WHEREAS, the City has been in contact with the office of Senator Florence Shapiro and has received information that the Substances are included in the list of chemical compounds identified in the legislation that Senator Shapiro, Representative Ken Paxton, and other state legislators, are proposing for the 2011 Texas Legislative Session; and

WHEREAS, the City Council seeks to support the legislation sponsored by Senator Shapiro adding the Substances to the list of controlled substances under state law; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. The City Council of the City of McKinney, Texas, respectfully requests and urges the Legislature to adopt the legislation sponsored by Senator Shapiro, Representative Paxton, or other state legislators, as it may be amended, to include the Substances listed above in the list of enumerated controlled substances under state law.

Section 2. This Resolution shall be effective from its date of adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE ____ DAY OF _____, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER, Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney