

ORDINANCE NO. 3489

An ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances; adding Schedule I and II drugs to the definition of controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 16, Offenses-MISCELLANEOUS, Article I, In General, Section 16-28, possession of marijuana and controlled dangerous substances, is hereby amended to read as follows:

Sec. 16-28. - Possession of marijuana and controlled dangerous substances.

- (a) It shall be unlawful and a class A offense for any person to knowingly or intentionally possess marijuana or any controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice.
- (b) For the purpose of this section, the following definitions shall apply:
 - (1) *Controlled dangerous substance* means any drug, substance, or immediate precursor included in Schedule I, II, III, IV or V of the Uniform Controlled Dangerous Substances Act (Title 63 O.S. § 2-101 et seq.); including, but not limited to:
 - a. Hallucinogenic substances including mescaline, psilocybin, and various types of methoxyamphetamines.
 - b. Stimulants such as amphetamines and methamphetamines.
 - c. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methoqualone, phencyclidine, and diazepam.
 - d. *Simulated controlled dangerous substances* means any substance which is not a controlled substance nor marijuana, but which identifies itself by using a common name or slang term associated with marijuana or with the substances identified in a. through c. of this paragraph, or which indicates on its label or accompanying promotional material or concerning which it is represented that the product simulates the effect of a substance, or which by appearance, making or packaging would lead a reasonable person to believe the substance was marijuana or a controlled substance.
 - (2) *Marijuana* means all parts of the plant Cannabis Sativa L., 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. This definition shall not include the mature stalks of such plant; fiber produced from such stalks; oil, cake made from the seeds of such plant, any other compound, manufacture, sale, 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.

(3) *Practitioner* means:

- a. A medical doctor or osteopathic physician,
- b. A dentist,
- c. A podiatrist,
- d. An optometrist,
- e. A veterinarian,
- f. A physician assistant under the supervision of a licensed medical doctor or osteopathic physician,
- g. A scientific investigator,
- h. Any other person, licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or
- i. A pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 18th day of July, 2017.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY