

# LEGISLATIVE COMMITTEE

City of Kaukauna  
**Council Chambers**  
Municipal Services Building  
144 W. Second Street, Kaukauna



Monday, December 05, 2022 at 6:20 PM

## AGENDA

### In-Person

1. Correspondence.
2. Discussion Topics.
  - [a.](#) Ordinance 1869 Repealing and Recreating Section 9.29 Purchase or Possession of Tobacco Products and Electronic Delivery Devices Prohibited.
  - [b.](#) Ordinance 1870 Repealing Section 9.30 Restrictions on Sale or Gift of Cigarettes or Tobacco Products.
  - [c.](#) Ordinance 1871 Repealing and Recreating Section 9.32 Restrictions on Sale and Possession of Hemp-Derived Cannabinoids and Synthetic Cannabinoid Prohibited.
3. Adjourn.

## NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, December 5, 2022 at 6:20 P.M. to gather information about a subject over which they have decision making responsibility.

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.**



**CITY OF KAUKAUNA  
ORDINANCE 1869-2022**

**ORDINANCE REPEALING AND RECREATING 9.29 PURCHASE, POSSESSION,  
SALE OR GIFT OF TOBACCO PRODUCTS AND ELECTRONIC DELIVERY  
DEVICES PROHIBITED**

**WHEREAS**, use of tobacco and nicotine products is hazardous to an individual's health, and reliable scientific studies assessed by credible health officials have found such use is a significant health hazard for children; and

**WHEREAS**, use of electronic delivery devices designed to deliver tobacco by-products such as nicotine has been increasing with children and young adults; and

**WHEREAS**, the Common Council of the City of Kaukauna has determined that the public interest and safety would be served adoption of an ordinance to prohibit the sale of such electronic delivery devices to minors;

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:            AMENDMENT “9.29 Purchase Or Possession Of Tobacco Products And Electronic Delivery Devices Prohibited”** of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

**9.29 Purchase Or Possession Of Tobacco Products And Electronic Delivery Devices Prohibited**

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:  
*Cigarette* has the meaning given in Wis. Stats. § 139.30(1).  
*Law enforcement officer* has the meaning given in Wis. Stats. § 30.50(4s).  
*Tobacco products* has the meaning given in Wis. Stats. § 139.75(12).  
*Electronic delivery device* shall mean: any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor form of the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah. An electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV), or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which has the feel of tobacco smoking. They produce a mist rather than

cigarette smoke. In general, a heating element vaporizes a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, glycerin, nicotine, and flavorings.

2. *Prohibited.* Except as provided in subsection (3) of this section, no child may do any of the following:
  - a. Buy or attempt to buy any cigarette or tobacco product or electronic delivery device.
  - b. Falsely represent his age for the purpose of receiving any cigarette or tobacco product or electronic delivery device.
  - c. Possess any cigarette or tobacco product or electronic delivery device.
3. *Exception.* A child may purchase or possess cigarettes or tobacco products or electronic delivery devices for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).
4. *Seizure by law enforcement officer.* A law enforcement officer shall seize any cigarette or tobacco product or electronic delivery device involved in any violation of subsection (2) of this section committed in his presence.
5. *Amendments.* Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section.
6. *Penalty.* The penalty for violation of this section shall be as provided in section 25.04 of this Code.

(Ord. No. 1781, 11-7-2018)

Editor's note(s)—Ord. No. 1781, adopted Nov. 7, 2018, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 2011, § 9.29.

## AFTER AMENDMENT

### 9.29 Purchase Or Possession Of Tobacco Products And Electronic Delivery Devices Prohibited

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 

*Cigarette* has the meaning given in Wis. Stats. § 139.30(1).

*Law enforcement officer* has the meaning given in Wis. Stats. § 30.50(4s).

*Tobacco products* has the meaning given in Wis. Stats. § 139.75(12).

*Electronic delivery device* shall mean: any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor form of the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah. An electronic cigarette (e-cig or e-cigarette), personal

vaporizer (PV), or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which has the feel of tobacco smoking. They produce a mist rather than cigarette smoke. In general, a heating element vaporizes a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, glycerin, nicotine, and flavorings.

2. *Prohibited.* Except as provided in subsection (3) of this section, no child may do any of the following:
  - a. Buy or attempt to buy any cigarette or tobacco product or electronic delivery device.
  - b. Falsely represent his age for the purpose of receiving any cigarette or tobacco product or electronic delivery device.
  - c. Possess any cigarette or tobacco product or electronic delivery device.
3. ~~*Exception.* A child may purchase or possess cigarettes or tobacco products or electronic delivery devices for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1). *Seizure by law enforcement officer.* A law enforcement officer shall seize any cigarette or tobacco product or electronic delivery device involved in any violation of subsection (2) of this section committed in his presence. *Amendments.* Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section. *Penalty.* The penalty for violation of this section shall be as provided in section 25.04 of this Code. *Restrictions.*~~
  - a. No retailer, manufacturer, distributor, jobber, or subjobber, no agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in Wis. Stats. § 254.92(3). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
  - b. No retailer, manufacturer, distributor, jobber, subjobber, no agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his parent or guardian or by his spouse who has attained the age of 18 years.
  - c. *Signs and notices.*
    - (1) A retailer shall post a sign in areas within his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Wis. Stats. § 938.983.
    - (2) A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of

any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stats. § 254.92 and that the purchaser is subject to a forfeiture of not to exceed \$25.00.

d. Vending machines.

(1) A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he is accompanied by his parent or guardian or by his spouse who has attained the age of 18 years.

(2) Notwithstanding subsection (2)(c)1 of this section, no retailer may place a vending machine within 500 feet of a school.

e. No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.

f. No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stats. § 139.32(1).

4. Defense of retailer, manufacturer, and distributor. Proof of all of the following facts by a retailer, manufacturer, or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of subsection (2)(a) of this section:

a. That the purchaser falsely represented that he had attained the age of 18 and presented an identification card.

b. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

c. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

5. Exception. A child may purchase or possess cigarettes or tobacco products or electronic delivery devices for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

6. Seizure by law enforcement officer. A law enforcement officer shall seize any cigarette or tobacco product or electronic delivery device involved in any violation of subsection (2) of this section committed in his presence.

7. Amendments. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section.

8. Penalties.

a. Violations.

(1) In this subsection, the term "violation" means a violation of subsection (2)(a), (b), (e) or (f) of this section.

(2) A person who commits a violation is subject to a forfeiture of:

(A) Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or

(B) Not less than \$200.00 nor more than \$500.00 if the person

has committed a previous violation within 12 months of the violation.

(3) A court shall suspend any license or permit issued under Wis. Stats. §§ 134.65, 139.34, or 139.79 to a person for:

(A) Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation.

(B) Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations; or

(C) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three or more other violations.

(4) The court shall promptly mail notice of a suspension under subsection (4)(a)3 of this section to the department of revenue and to the clerk of each city which has issued a license or permit to the person.

b. Whoever violates subsection (2)(b) of this section shall forfeit not more than \$25.00.

(Ord. No. 1781, 11-7-2018)

Editor's note(s)—Ord. No. 1781, adopted Nov. 7, 2018, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 2011, § 9.29.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk, City of  
Kaukauna

**CITY OF KAUKAUNA  
ORDINANCE 1870-2022**

**ORDINANCE REPEALING SECTION 9.30 RESTRICTIONS ON SALE OR GIFT  
OF CIGARETTES OR TOBACCO PRODUCTS**

**WHEREAS**, with the City of Kaukauna Common Council repealing and recreating Section 9.29 9.29 Purchase Or Possession Of Tobacco Products And Electronic Delivery Devices Prohibited, Section 9.30 of the City of Kaukauna Municipal Code is redundant and no longer needed;

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:**        **REPEAL** “9.30 Restrictions On Sale Or Gift Of Cigarettes Or Tobacco Products” of the City of Kaukauna Municipal Code is hereby *repealed* as follows:

**REPEAL**

**9.30 Restrictions On Sale Or Gift Of Cigarettes Or Tobacco Products**

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:  
~~*Cigarette* has the meaning given in Wis. Stats. § 139.30(1).  
*Distributor* means any of the following: *Identification card* means any of the following: *Jobber* has the meaning given in Wis. Stats. § 139.30(6).  
*Manufacturer* means any of the following: *Retailer* means any person licensed under Wis. Stats. § 134.65(1).  
*School* has the meaning given in Wis. Stats. § 118.257(1)(c).  
*Stamp* has the meaning given in Wis. Stats. § 139.30(13).  
*Subjobber* has the meaning given in Wis. Stats. § 139.75(11).  
*Tobacco products* has the meaning given in Wis. Stats. § 139.75(12).  
*Vending machine* has the meaning given in Wis. Stats. § 139.30(14).  
*Vending machine operator* has the meaning given in Wis. Stats. § 139.30(15).~~
*Restrictions.* ~~Defense of retailer, manufacturer, and distributor.~~ Proof of all of the following facts by a retailer, manufacturer, or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of subsection (2)(a) of this section: *Violations.* ~~A person specified under Wis. Stats. § 139.30(3). A person specified under Wis. Stats. § 139.75(4). A license containing a photograph issued under Wis. Stats. ch. 343. An identification card issued under Wis. Stats. § 343.50. A person specified under Wis. Stats. § 139.30(7). A person specified under Wis. Stats. § 139.75(5). No retailer, manufacturer, distributor, jobber, or~~

subjobber, no agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in Wis. Stats. § 254.92(3). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase. No retailer, manufacturer, distributor, jobber, subjobber, no agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his parent or guardian or by his spouse who has attained the age of 18 years. *Signs and notices. Vending machines.* No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18. No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stats. § 139.32(1). That the purchaser falsely represented that he had attained the age of 18 and presented an identification card. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18. In this subsection, the term "violation" means a violation of subsection (2)(a), (b), (c) or (f) of this section. A person who commits a violation is subject to a forfeiture of: A court shall suspend any license or permit issued under Wis. Stats. §§ 134.65, 139.34, or 139.79 to a person for: The court shall promptly mail notice of a suspension under subsection (4)(a)3 of this section to the department of revenue and to the clerk of each city which has issued a license or permit to the person. A retailer shall post a sign in areas within his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Wis. Stats. § 938.983. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stats. § 254.92 and that the purchaser is subject to a forfeiture of not to exceed \$25.00. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he is accompanied by his parent or guardian or by his spouse who has attained the age of 18 years. Notwithstanding subsection (2)(c)1 of this section, no retailer may place a vending machine within 500 feet of a school. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation. Not more than three



~~days, if the court finds that the person committed a violation within 12 months after committing one previous violation; Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations; or Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three or more other violations. Whoever violates subsection (2)(b) of this section shall forfeit not more than \$25.00.~~

2. *Penalties:*

(Code 2011, § 9.30)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk, City of  
Kaukauna

**CITY OF KAUKAUNA  
ORDINANCE 1871-2022**

**ORDINANCE REPEALING AND RECREATING SECTION 9.32 RESTRICTIONS  
ON SALE AND POSSESSION OF HEMP-DERIVED CANNABINOIDS AND  
SYNTHETIC CANNABINOID PROHIBITED**

**WHEREAS**, in 2019 the State of Wisconsin amended Wis. Stat. Section 94.55 with respect to the sale and possession of Hemp-derived Cannabinoids (CBD); and

**WHEREAS**, the Common Council of the City of Kaukauna has determined that herbal preparations powdered or sprayed with a chemical synthetic cannabinoid, that are claimed to produce intoxicating effects similar to THC or marijuana, are available for sale within the City of Kaukauna; and

**WHEREAS**, while such substances are not yet listed as illegal controlled substances under Wisconsin or federal law, several other countries, states and municipalities have acted to prohibit such substances due to increasing numbers of overdoses and other negative health concerns arising from their use; and

**WHEREAS**, while these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially dangerous to users as the substances can have a potency up to 100 times greater than marijuana, produce severe adverse health conditions such as hallucinations, paranoia, seizures and vomiting, based on reported emergency room experiences in areas of the country where use is more prevalent and , further, that long term health effects of using these substances are not yet known; and

**WHEREAS**, it has been determined that the effects of these substances are a health, safety and welfare concern to the citizens of the City of Kaukauna;

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:**        **AMENDMENT** “9.32 Synthetic Cannabinoid Prohibited” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

**9.32 Synthetic Cannabinoid Prohibited**

1. *Possession, use, and sale are illegal.* It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals, whether under the common street or trade names of "Spice," "K2," "Genie," Yucatan Fire," "fake" or "new" marijuana,

or by any other name, label, or description:

- a. *Salvia divinorum* 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.
  - b. 1-(2-(4-(morpholinyl) ethyl))-3-(1-naphthoyl) indole: Common or other names: JWH-200.
  - c. 1-Butyl-3-(1-naphthoyl) indole: Common or other names: JWH-073.
  - d. 1-hexyl-3-(1-naphthoyl) indole: Common or other names: JWH-019.
  - e. 1-pentyl-3-(1-naphthoyl) indole: Common or other names: JWH-018.
  - f. 1-pentyl-3-(2-methoxyphenylacetyl) indole: Common or other names: JWH-250.
  - g. 1-pentyl-3-(4-chloro-1-naphthoyl) indole: Common or other names: JWH-398.
  - h. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol: Common or other names: CP 47, 497 and homologues.
  - i. (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone: Common or other names: JWH-015.
  - j. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol: Common or other names: HU-210.
  - k. Dexanabinol: Common or other names: HU-211.
  - l. Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol: Common or other names: HU-211.
  - m. Any similar structural analogs to any of the above.
2. *Medical or dental use allowed.* Acts otherwise prohibited under subsection (1) of this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.
  3. *Penalties.* Any adult person violating this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs.

(Code 2011, § 9.32)

## AFTER AMENDMENT

### 9.32 Restrictions On Sale And Possession Of Hemp-derived Cannabinoids and Synthetic Cannabinoid Prohibited

- ~~1. *Possession, use, and sale are illegal.* It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals, whether under the common street or trade names of "Spice," "K2," "Genie," "Yucatan Fire," "fake" or "new" marijuana, or by any other name, label, or description: *Medical or dental use allowed.* Acts otherwise prohibited under subsection (1) of this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other~~

~~medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws. Salvia divinorum 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. 1-(2-(4-(morpholinyl) ethyl))-3-(1-naphthoyl) indole: Common or other names: JWH-200. 1-Butyl-3-(1-naphthoyl) indole: Common or other names: JWH-073. 1-hexyl-3-(1-naphthoyl) indole: Common or other names: JWH-019. 1-pentyl-3-(1-naphthoyl) indole: Common or other names: JWH-018. 1-pentyl-3-(2-methoxyphenylacetyl) indole: Common or other names: JWH-250. 1-pentyl-3-(4-chloro-1-naphthoyl) indole: Common or other names: JWH-398. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol: Common or other names: CP 47, 497 and homologues. (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone: Common or other names: JWH-015. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[e] chromen-1-ol: Common or other names: HU-210. Dexanabinol: Common or other names: HU-211. Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [e] chromen-1-ol: Common or other names: HU-211. Any similar structural analogs to any of the above. *Penalties.* Any adult person violating this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs. 1. *Definitions.*~~

a. In this subsection, hemp-derived cannabinoid constitutes one of the many intoxicating compounds found in the Cannabis sativa plant, or any current or future synthetic version thereof, referred to as hemp:

- (1) Any part of the Cannabis sativa L plant, including the seeds thereof; and
- (2) All derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not;
- (3) Containing a delta-9 [THC] concentration of not more than 0.3 percent; but
- (4) Does not include non-intoxicating cannabinoids, including cannabidiol (CBD).

b. In this subsection, synthetic cannabinoid constitutes those human-made or manufactured chemicals that mimic tetrahydrocannabinol (THC) and are referred to by many common street or trade names such as but not limited to: "Spice," "K2," "Genie," Yucatan Fire," "fake" or "new" marijuana:

- (1) Salvia divinorum 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) 1-(2-(4-(morpholinyl) ethyl))-3-(1-naphthoyl) indole: Common or other names: JWH-200.
- (3) 1-Butyl-3-(1-naphthoyl) indole: Common or other names: JWH-073.
- (4) 1-hexyl-3-(1-naphthoyl) indole: Common or other names: JWH-019.

- (5) 1-pentyl-3-(1-naphthoyl) indole: Common or other names: JWH-018.
- (6) 1-pentyl-3-(2-methoxyphenylacetyl) indole: Common or other names: JWH-250.
- (7) 1-pentyl-3-(4-chloro-1-naphthoyl) indole: Common or other names: JWH-398.
- (8) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol): Common or other names: CP 47, 497 and homologues.
- (9) 2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone: Common or other names: JWH-015.
- (10) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)- 6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol): Common or other names: HU-210.
- (11) Dexanabinol: Common or other names: HU-211.
- (12) Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol: Common or other names: HU-211.
- (13) Any similar structural analogs to any of the above.

## 2. Restrictions.

- a. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the chemicals, whether under the common street or trade names of "Spice," "K2," "Genie," Yucatan Fire," "fake" or "new" marijuana, or by any other name, label, or description, listed under 9.32(1)(b) above.
- b. It shall be illegal for a person under the age of twenty-one (21) to possess or use any amount of any hemp-derived cannabinoid including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv except as specifically allowed by Wisconsin law.
- c. It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person under the age of twenty-one years, except as specifically allowed by Wisconsin law.
- d. It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person without having first verified their age by having the purchaser present a valid photo identification.
- e. No individual may provide hemp-derived cannabinoid products to any person under the age of 21 unless the individual is the person's parent or guardian or spouse who has attained the age of 21 years.
- f. Hemp-derived cannabinoids shall not be sold within 750 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting arenas, or organizations with specific interest to serve children (Boys & Girls Club, YMCA, Head Start, etc.) The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving

business/organization to the premises selling hemp-derived cannabinoid products.

- (1) The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids prior to December 6, 2022.

g. Signs and notices.

- (1) A retailer must post a sign in areas within their premises where any hemp-derived cannabinoid is sold to consumers stating that the sale of any such to any person under the age of twenty-one (21) is unlawful under this section.
- (2) A vending machine operator must attach a notice in a conspicuous place on the front of their vending machines stating that the purchase of any hemp-derived cannabinoid by any person under the age of twenty-one (21) is prohibited.

h. Vending machines.

- (1) A retailer or vending machine operator may not sell hemp-derived cannabinoid from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than twenty-one (21) years of age is present or permitted to enter unless accompanied by his or her parent or guardian.
- (2) A retailer or vending machine operator may not sell hemp-derived cannabinoid from a vending machine unless the vending machine is able to first verify that the purchaser is twenty-one (21) years of age or older.

3. Medical or dental use allowed. Acts otherwise prohibited under subsection (1) of this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

4. Penalties.

- a. The penalty for any person under the age of 18 in violation of provision 9.32(2) (b) of this ordinance shall be limited to forfeiture of hemp-derived cannabinoid products to law enforcement and may include another reasonable non-monetary penalty.
- b. Except as stated in 9.32 (4) (a), any person who violates any provision of this ordinance shall, upon conviction, be subject to a forfeiture of not less than \$100, nor more than \$500, exclusive of costs, and upon failure to pay the same shall be confined in the county jail for not more than thirty days.
- c. This ordinance will supersede any ordinance in conflict therewith and must take effect upon passage and publication, as required by law.

(Code 2011, § 9.32)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

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Sally Kenney, Clerk, City of  
Kaukauna