

ORDINANCE NO. 101918-O

**AN ORDINANCE AMENDING TITLE 6 OF THE
FON DU LAC PARK DISTRICT POLICY MANUAL**

WHEREAS, the Board of Commissioners of Fon du Lac Park District finds that the provisions of Title 6, Chapter 2 of the Fon du Lac Park District Policy Manual should be amended to modify provisions regarding the lawful possession and use of cannabis in accordance with the Cannabis Regulation and Tax Act and to improve the health, safety, and welfare of the individuals using the parks, recreation areas and facilities of the Fon du Lac Park District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE FON DU LAC PARK DISTRICT, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Title 6, Chapter 2, Section 7, Cannabis, Controlled Substances, Synthetic Alternative Drugs, Look-alike Substances, and Drug Paraphernalia, is hereby amended as follows (additions are indicated by underline; deletions by ~~strikeout~~):

6-2-7 Cannabis, Controlled Substances, Synthetic Alternative Drugs, Look-alike Substances, and Drug Paraphernalia:

It is unlawful for any person under the age of twenty-one to possess, use, display, purchase, or transport drug paraphernalia or cannabis in any amount; except as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the Compassionate Use of Medical Cannabis Program Act (“Act”) (410 ILCS 130/1 et seq.).

It is unlawful for any person twenty-one and older to possess, use, display, purchase, or transport drug paraphernalia or cannabis in violation of the Cannabis Regulation and Tax Act, the Compassionate Use of Medical Cannabis Program Act, and the Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.).

No person shall bring within the Park System ~~either cannabis, or~~ any controlled substances, a synthetic alternative drug, a look-alike substance, or drug paraphernalia and no person shall, while within the Park System, possess, sell, deliver to another person, or use ~~either cannabis, or~~ a controlled substance, a synthetic alternative drug, a look-alike substance, or drug paraphernalia.

No person shall sell, deliver to another person, or use cannabis, including medical cannabis, while within the Park System.

Notwithstanding the foregoing, it shall not be unlawful for any individual who is a registered qualifying patient or a registered designated caregiver, as those terms are defined in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act (“Act”) (410 ILCS 130/1 et seq.), to possess cannabis or drug paraphernalia for

the purpose of engaging or assisting in the medical use of cannabis in accordance with the provisions of the Compassionate Use of Medical Cannabis Program Act. An individual is presumed to be acting lawfully and in compliance with this Section and the terms of the Compassionate Use of Medical Cannabis Program Act where such individual is in possession of 1) a valid registry identification card, and 2) ~~no more than 2.5 ounces of cannabis (or such other amount as authorized by the Act).~~ the lawful amount of cannabis as permitted by the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

~~Nothing in this paragraph~~ section shall be construed to permit possession or use of cannabis or paraphernalia in a manner prohibited or otherwise inconsistent with the provisions of the Compassionate Use of Medical Cannabis Program Act, including, but not limited to, possession of an amount of cannabis in excess of 2.5 ounces (or such other amount as authorized by the Compassionate Use of Medical Cannabis Program Act), or the ~~non-medical use or~~ unlawful sharing of cannabis. ~~No medical cannabis cardholder may possess medical cannabis within the passenger area of any motor vehicle except in a sealed, tamper-evident medical cannabis container that is reasonably inaccessible while the vehicle is moving. Notwithstanding the Act, the use of cannabis, including medical cannabis, on Park District property is prohibited.~~

Nothing in this section shall be construed to permit possession or use of cannabis or drug paraphernalia in a manner prohibited or otherwise inconsistent with the provisions of the Cannabis Regulation and Tax Act, including, but not limited to, possession of an amount of cannabis in excess of 30 grams (or such other amount as authorized by the Cannabis Regulation and Tax Act).

No person, including a person who is a registered qualifying patient or a registered designated caregiver, as those terms are defined in the Compassionate Use of Medical Cannabis Program Act, may possess cannabis within the passenger area of any motor vehicle except in a sealed, tamper-evident cannabis container that is reasonably inaccessible while the vehicle is moving.

~~“Cannabis” means any substance so defined in the “Cannabis Control Act,” (720 ILCS 550/1 et seq.). Ill. Rev. Stat. Ch. 56 1/2 , 701 et seq., enacted by the 77th General Assembly as heretofore or hereafter amended.~~

~~“Controlled Substance” means any substance which is enumerated in the schedules of Article II of the “Controlled Substances Act,” (720 ILCS 570/100 et seq.). Ill. Rev. Stat. Ch. 56 1/2 , 701 et seq., enacted by the 77th General Assembly as heretofore or hereafter amended.~~

~~“Synthetic alternative drug” means a product or substance that contains a synthetic cannabinoid, anesthetic, stimulant, or hallucinogen as those terms are defined herein, including, but not limited to, products having the brand name or identifiers like or similar to those listed in Table 6-2-7-A below:~~

- (1) Synthetic cannabinoid means any laboratory-created or otherwise man-made compound that functions similar to or mimics the effect of the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist.
- (2) Synthetic stimulant means any laboratory-created or otherwise man-made substance that functions similar to or mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDMA, including, but not limited to, any such quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) which have a stimulant effect on the central nervous and/or cardiovascular system.
- (3) Synthetic hallucinogen means any laboratory-created or otherwise man-made substance that functions similar to or mimics the effects of any federally controlled Schedule I substance that has a psychedelic/hallucinogenic effect on the central nervous system and/or brain, or any other substance having such an effect, including, but not limited to, any such quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers).

“Look-alike substance” means a substance which

- 1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency or any other identifying physical characteristic of the substance would lead a reasonable person to believe that the substance is cannabis, a controlled substance, or a synthetic alternative drug; or
- 2) is expressly or impliedly represented to be cannabis, a controlled substance, or a synthetic alternative drug, or distributed under circumstances which would lead a reasonable person to believe that the substance is cannabis, a controlled substance, or a synthetic alternative drug. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be cannabis or a controlled substance under this clause 2, the court or other authority may consider the following factors in addition to any other factor that may be relevant:
 - a) statements made by the owner or person in control of the substance concerning its nature, use or effect;
 - b) statements made to the buyer or recipient that the substance may be resold for profit;

c) whether the substance is packaged in the manner normally used for the illegal distribution of controlled substances;

d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

“Drug paraphernalia” includes all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the “Methamphetamine Control and Community Protection Act” (720 ILCS 646/10), which are

- (i) possessed or intended for use,
- (ii) being or have been used, or
- (iii) peculiar to and marketed for use,

in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body look-alike substances, synthetic alternative drugs, cannabis or a controlled substance in violation of this ordinance, the "Cannabis Control Act" (720 ILCS 550/1 et seq.), the "Illinois Controlled Substances Act" (720 ILCS 570/100 et seq.), or the “Methamphetamine Control and Community Protection Act” (720 ILCS 646/1 et seq.). This includes, but is not limited to, the following:

Kits that are

- (i) possessed or intended for use,
- (ii) being used or have been used, or
- (iii) peculiar to and marketed for use, in manufacturing, compounding, converting, producing, processing or preparing cannabis, controlled substances, look-alike substances, or synthetic alternative drugs;

Isomerization devices that are

- (i) possessed or intended for use,
- (ii) being used or have been used, or
- (iii) peculiar to and marketed for use, to increase the potency of any species of plant which is cannabis or a controlled substances, look-alike substances, or synthetic alternative drugs;

Testing equipment that is

- (i) possessed or intended for use,

- (ii) being or has been used, or
- (iii) peculiar to and marketed, for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances, look-alike substances, or synthetic alternative drugs;

Diluents and adulterants that are

- (i) possessed or intended for use,
- (ii) being used or have been used, or
- (iii) peculiar to and marketed, for cutting cannabis, controlled substance, look-alike substances, or synthetic alternative drugs by private persons;

Objects that are

- (i) possessed or intended for use,
- (ii) being used or have been used, or
- (iii) peculiar to and marketed for use, in injecting, ingesting, inhaling, or otherwise introducing look-alike substances, cannabis, cocaine, hashish, hashish oil, or any controlled substance, look-alike substances, or synthetic alternative drugs into the human body including, where applicable, the following items:
 - a. water pipes;
 - b. carburetion tubes and devices;
 - c. smoking and carburetion masks;
 - d. miniature cocaine spoons and cocaine vials;
 - e. carburetor pipes;
 - f. electric pipes;
 - g. air-driven pipes;
 - h. chillums;
 - i. bongs;
 - j. ice pipes or chillers

Any item whose purpose, as announced or described by the seller, is for use in violation of this section or the “Drug Paraphernalia Control Act” (720 ILCS 600/1 et seq.).

It shall be an affirmative defense to a charge under this Section that the accused had authority to possess, keep for sale, offer for sale, sell, or

deliver any item or substance prohibited in this Section pursuant to the Illinois Controlled Substances Act (720 ILCS 570/101, *et seq.*), or that the accused is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act (720 ILCS 635/0.01, *et seq.*).

The provisions of this section pertaining to possession of drug paraphernalia shall not apply to a person that is twenty-one years of age or older who is in lawful possession of cannabis as permitted by the Cannabis Regulation and Tax Act, or by a person with a valid registry identification card issued in accordance with the Compassionate Use of Medical Cannabis Program Act. Notwithstanding the provisions of this section, it is unlawful to possess any drug paraphernalia item if the person in possession thereof knows or reasonably should know that it could be used in violation of this section or the "Drug Paraphernalia Control Act" (720 ILCS 600/1 *et seq.*).

TABLE 6-2-7-A

2010	Forest Humus	K2 Pink Panties
8-Bali	Freedom	K2 Sex
Aztec Gold	Fully Loaded	K2 Silver
Aztec Midnight Wind Tezcatlipoca	Funky Monkey	K2 Solid Sex on the Mountain
Back Draft	Funky Monkey XXXX	K2 Standard
Bad 2 the Bone	G Four	K2 Strawberry
Banana Cream Nuke	G Greenies Caramel Crunch	K2 Summit
Bayou Blaster	Genie	K2 Summit Coffee Wonk
Black Diamond	Gold Spirit Spice	K2 Thai Dream
Black Magic Salvia	Green Monkey Chronic Salvia	K2 Ultra
Black Mamba	Greenies Strawberry	K2 Watermelon
Blueberry Hayze	Heaven Improved	K3
Bombay Blue	Heavenscent Suave	K3 Blueberry
Buzz	Humboldt Gold	K3 Cosmic Blend
C3	Jamaican Gold	K3 Dusk
C4 Herbal Incense	Jamaican Gold K Royal	K3 Grape
Caneff	K1 Gravity	K3 Heaven Improved
Cherry Bomb	K1 Orbit	K3 Heaven Legal
Chill Out	K2	K3 Kryptonite
Chill X	K2 (unknown variety)	K3 Legal
Chronic Spice	K2 Amazonian Shelter	K3 Legal-Earth (silver)
Citrus	K2 Blonde	K3 Legal-Original (Black)
Colorado Chronic	K2 Blue	K3 Legal-Sea (silver)
DaBlock	K2 Blueberry	K3 Legal-Sun (Black)
Dark Night II	K2 Citron	K3 Mango
Demon	K2 Cloud 9	K3 Original
Diamond Spirit	K2 Kryptonite	K3 Original Improved
Dragon Spice	K2 Latte	K3 Strawberry
D-Rail	K2 Mellon	K3 Sun
Dream	K2 Mint	K3 Sun Improved
Earthquake	K2 Orisha Black Magic Max	K3 Sun Legal
Eruption Spice	K2 Orisha Max	K3 XXX
Euphoria	K2 Orisha Regular	K4 Bubble Bubble
EX-SES	K2 Orisha Super	K4 Gold
EX-SES Platinum	K2 Orisha White Magic Super	K4Purple Haze
EX-SES Platinum Blueberry	K2 Peach	K4 Silver
EX-SES Platinum Cherry	K2 Pina Colada	K4 Summit
EX-SES Platinum Strawberry	K2 Pineapple	K4 Summit Remix
EX-SES Platinum Vanilla	K2 Pineapple Express	Kind Spice
Fire Bird Ultimate Strength Cinnamon	K2 Pink	
Legal Eagle	Potpourri Gold	Stinger
Legal Eagle Apple Pie	Pulse	Summer Skyy

Love Potion 69	Rasta Citrus Spice	Super Kush
Love Strawberry	Rebel Spice	Super Summit
Magic Dragon Platinum	Red Bird	Swagger Grape
Magic Gold	Sl. S Werve	SYN Chill
Magic Silver	Samurai Spirit	SYN Incense LemonLime
Magic Spice	Sativah	SYN Incense Smooth
Mega Bomb	Scope Vanilla	SYN Incense Spearmint
Mid-Atlantic Exemplar	Scope Wildbeny	SYN Lemon Lime
Mid-Atlantic Exemplar (K2 Summit)	Sence	SYN Lemon Lime #2
Midnight Chill	Shanti Spice	SYN Smooth
MNGB Almond/Vanilla	Shanti Spice Blueberry	SYN Spearmint
MNGB Peppermint	Silent Black	SYN Spearmint #2
MNGB Pinata Colada	Skunk	SYN Suave
MNGB Spearmint	Smoke	SYN Swagg
MNGB Tropical Thunder	Smoke Plus	SYN Vanilla
Moe Joe Fire	Space	SYN Vanilla #2
Mojo	Spice Artic Synergy	Texas Gold
Mr. Smiley's	Spice Diamond	Time Warp
MTh-787	Spice Gold	Tribal Warrior
Mystery	Spice Silver	Ultra Cloud 10
Naughty Nights	Spice Tropical Synergy	Unknown cigarette
New Improved K3	Spicey Regular XXX Blueberry	Utopia
New Improved K3 Cosmic Blend	Spicey Regular XXX Strawberry	Utopia-Blue Berry
New Improved K3 Dynamite	Spicey Ultra Strong XXX Strawberry	Voo Doo Remix (black package)
New Improved K3 Kryptonite	Spicey Ultra Strong XXX Vanilla	Voo Doo Remix (orange package)
New K3 Earth	Spicey XXX	Voodoo Child
New K3 Heaven	Spicy Ultra Strong XXX Vanilla	Voodoo Magic
New K3 Improved	Spicylicious	Voodoo Remix
New K3 Sea Improved	Spike 99	Who Dat
New - on Bomb Nitro	Spike 99 Ultra	Who Dat Herbal Incense
Ocean Blue	Spike 99 Ultra Blueberry	Wicked X
POW	Spike 99 Ultra Cherry	Winter Boost Wood Stock
p.e.p. pourri Love Strawberry	Spike 99 Ultra Strawberry	XTREME Spice
p.e.p. pourri Original Spearmint	Spike Diamond	Yucatan Fire
p.e.p. pourri Twisted Vanilla	Spike Gold	Yucatan Fire
p.e.p. pourri X Blueberry	Spike M x	Zombie World
Paradise	Spike Silver	Stinger
Pink Tiger	Spike99	Summer Skyy
Potpourri		Super Kush

Section 2. This ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as that part in direct conflict with any other ordinance and, in the event of such conflict, the provisions hereof shall govern.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Secretary of the Board of Park Commissioners and said Secretary is ordered to keep at least three (3) copies hereof available for public inspection in the future.

Section 4. This Ordinance shall be in full force and effect as of January 1, 2020, pursuant to passage and approval in the manner provided by law.

PASSED BY THE BOARD OF COMMISSIONERS OF THE FON DU LAC PARK DISTRICT, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2019.

APPROVED:

President, Board of Park Commissioners

ATTEST:

Secretary, Board of Park Commissioners

EXAMINED AND APPROVED:

Corporation Counsel