

ORDINANCE NO. 2021 - 5467

AN ORDINANCE OF THE CITY OF PELL CITY, ALABAMA PROHIBITING THE SALE OR DELIVERY OF CERTAIN DANGEROUS SUBSTANCES, SOLD AND MARKETING AS A DIETARY SUPPLEMENT AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE OF CITIZENS AND PROVIDING FOR A PENALTY FOR VIOLATION

WHEREAS, The City of PELL CITY, Alabama has been informed about the growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of Pell City; and

WHEREAS, in response to these warnings, the Mayor and City Council has been provided information indicating that this threat is presented in the form of products sold or distributed as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever; and

WHEREAS, such substances are reported to cause neurologic, cardiovascular, gastrointestinal signs and symptoms, dermal effects, constitutional respiratory, ocular, renal, metabolic, musculoskeletal, and psychiatric, with some effects mimicking opioid toxicity and withdrawal; and

WHEREAS, the substance identified is considered to be generally distributed, sold and marketed under such names to include but not limited to, Tianeptine Sulfate, Tianeptine Sodium Powder, Tiana, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeptine, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal; and

WHEREAS, the Alabama Department of Public Health has requested to amend the current controlled substances list to add Tianeptine and any salt, sulfate, free acid or other preparation of Tianeptine, and any salt, sulfate, free acid compound, derivative, precursor or preparation thereof which is substantially chemically equivalent or identical with Tianeptine as a schedule two controlled substance; and

WHEREAS, if approved placing Tianeptine on schedule two would allow for use by prescription if, in the future, it were to be approved for human medical use by the Food and Drug Administration; and

WHEREAS, the Alabama Department of Public Health has also requested that this substance be removed from including but not limited to convenience stores, online retailers, and other retailers within the state of Alabama; and

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

WHEREAS, the available medical information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and;

WHEREAS, in accordance with its powers under Alabama law, including, but not limited to, § 11-45-1, Ala. Code 1975, the City Council hereby finds and determines that prohibiting the sale or delivery of Tianeptine as provided herein will provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA THAT:

SECTION 1. Definitions

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Tianeptine" shall mean any substance whether described as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever, which includes, but not limited to, any one or more of the following chemicals:

- (1) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid is a medium-chain fatty acid;
- (2) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid;
- (3) InChI=1S/C21H25ClN2O4S/c1-24-18-9-6-5-8-16(18)21(23-13-7-3-2-4-10-20(25)26)17-12-11-15(22)14-19(17)29(24,27)28/h5-6,8-9,11-12,14,21,23H,2-4,7,10,13H2,1H3,(H,25,26);
- (4) JICJBGPOMZQUBB-UHFFFAOYSA-N;
- (5) CN1C2=CC=CC=C2C(C3=C(S1(=O)=O)C=C(C=C3)Cl)NCCCCCCC(=O)O;
- (6) C21H25ClN2O4S;
- (7) (3-chloro-6-methyl-5,5-dioxo-6,11-dihydrodibenzo(c,f)(1,2)thiazepin-11-yl)-7-aminoheptanoic acid; coaxil; stablon; tianeptine; tianeptine, (+-)-isomer; tianeptine, monosodium salt; tianeptine, monosodium salt, (+-)-isomer;
- (8) 72797-41-2;
- (9) 169293-31-6;
- (10) 66981-73-5;
- (11) 276-851-9;
- (12) 614-004-0;
- (13) XV6773012I;
- (14) AKU7QFL9ZT;
- (15) DTXSID7048295;

Products containing some or all of the above substances are currently being marketed under the following commercial names including but not limited to: Tianeptine Sulfate, Tianeptine Sodium Powder, Tianaa, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeurax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this Ordinance, regardless of whether they are marketed under any alternative names.

Nothing in this ordinance bans prescription medicine or medicines dispensed by a hospital or health care facility.

SECTION 2. Sell, Offer, or Display

It shall be unlawful for any person(s) to purchase, barter, publicly display, sell, or offer for sale Tianeptine (as defined in Section 1) within the city limits of PELL CITY, Alabama, including but not limited to the following: Tianeptine Sulfate, Tianeptine Sodium Powder, Tianaa, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeurax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

SECTION 3. Penalty

Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, upon conviction thereof, shall be fined a sum not exceeding \$500.00 (Five Hundred Dollars) and may be sentenced up to 60 (Sixty) days in jail. Conviction of this Ordinance may also result in the City of PELL CITY revoking any person, firm, corporation or entity's privilege of operating a business within the city limits of PELL CITY, Alabama. Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION 5. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

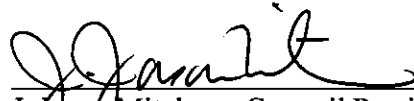
SECTION 6. Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

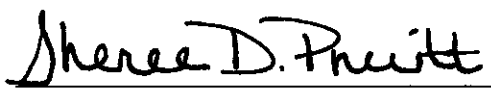
SECTION 7. Effective Date

That this Ordinance shall become effective five days upon its adoption and publication in three public places within the municipality, to include the Mayor's office in the City.

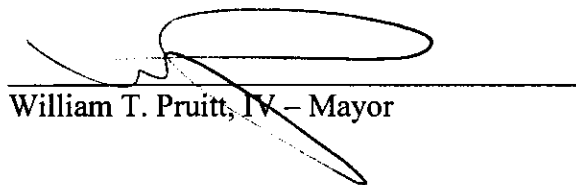
ADOPTED and APPROVED this 22nd day of February 2021.


J. Jason Mitcham, Council President Pro Tem

ATTEST:


Sheree D. Pruitt – City Clerk

APPROVED this 22nd day of February 2021.


William T. Pruitt, IV – Mayor

ATTEST:


Sheree D. Pruitt - City Clerk

CERTIFICATION

I, Sheree D. Pruitt, Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 22nd day of February, 2021, and that the same has been published by posting in accordance with §11-45-8, Ala. Code 1975, by posting a copy of the Ordinance in three public places within the municipality, one of which was the Mayor's office in the City, on this the 23rd day of February, 2021. I further certify and confirm that the City shall take reasonable steps to maintain the posting for not less than 30 days. In addition, the City shall include a copy of this Ordinance on its website for 30 days.


Sheree D. Pruitt - City Clerk