

Drugs and Drug Paraphernalia Ordinance

Chapter 118, DRUGS AND DRUG PARAPHERNALIA

§ 118 1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DRUG PARAPHERNALIA All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, inhaling or otherwise introducing into the human body a controlled substance or any physically or mentally altering substance in violation of this chapter. It includes, but is not limited to:

A. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of

plant which is a controlled substance or from which a controlled substance can be derived.

B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a

controlled substance.

D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity

of controlled substances.

E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or

designed for use in cutting controlled substances.

G. Separation gins and shifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise

cleaning or refining marijuana.

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled

substances.

I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of

controlled substances.

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled

substances into the human body.

L. Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish

or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or

punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes or devices.

(4) Smoking and carburetion masks.

(5) Roach clips; meaning objects used to hold burning material such as a marijuana cigarette that has become too small or too

short to be held in hand.

(6) Miniature cocaine spoons and cocaine vials.

(7) Carburetor pipes.

(8) Bongs.

(9) Ice pipes and chillers.

M. Items that can be used to introduce substances into the human body that may be used for a legitimate purpose in business,

industry or medicine but can be used to cause intoxication, inebriation, stupefaction or cause other physical or mental impairment.

§ 118 2. Determination of use.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state and federal laws relating to any

controlled substance;

C. The proximity of the object in time and space to a direct violation of this chapter;

D. The proximity of the object to controlled substances;

E. The existence of any residue of the controlled substances in the object;

F. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver to a person who he

knows or should reasonably know intends to use the object to facilitate a violation of this chapter; the innocence of the owner

or anyone in control of the object, as to a direct violation of this chapter, should not prevent a finding that the object is intended for use as drug paraphernalia;

G. Instructions, oral or written, provided with the object concerning its use;

H. Descriptive materials accompanying the object which explain or depict its use;

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items in the community, such as

licensed distributor or dealer of tobacco products;

L. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;

M. The existence and scope of legitimate uses for the object in the community; and

N. Expert testimony concerning its use.

§ 118 3. Violations and penalties.

Anybody attempting to sell, convey or possess drug paraphernalia as defined in this chapter shall be guilty of a summary offense punishable by a fine not exceeding \$300 and a prison term which shall be fixed by the court at not more than 90 days.