

ORDINANCE 884

Drug Paraphernalia Ordinances

THE CITY OF INKSTER ORDAINS:

DRUG PARAPHERNALIA

§ 136.30 DEFINITIONS.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind which are used, intended for use, or designed for use, implanting, 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 a controlled substance as defined in M.C.L.A. § 333.7201 et seq., as amended. It includes, but is not limited to:

- (1) 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;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use or designed for use in identifying, detecting or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Dilutants and adulterants such as quinine, hydrochloride, mannitol, minnite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used or intended for use or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles, other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body, except where such instruments are used by persons suffering from diabetes, asthma or other medical conditions requiring self-injections, as evidenced by a physician's prescription;

(12) Objects used, intended for use or designed for use in ingesting or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking incarburetion masks;

(e) Roach clips, meaning objects used to hold material such as a marijuana cigarette that has become too small or too short to be held in the hand;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes;

(j) Chillums;

(k) Bongs; and

(l) Ice pipes or chillers.

§ 136.31 DETERMINATION OF OBJECT AS DRUG PARAPHERNALIA.

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

(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 or federal law relating to any controlled substance;

(C) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver to persons whom he knows or has reason to believe intend to use the object to facilitate a violation of the Controlled Substances Act;

(D) The proximity of the object to controlled substances;

(E) The existence of any residue of controlled substances on the object;

(F) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows or has reason to believe intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;

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

- (H) Descriptive material accompanying the object which explain or depict its use;
- (I) National or local advertising concerning its use;
- (J) The manner in which the object is displayed for sale;
- (K) The existence and scope of legitimate use for the object in the community; and
- (L) Expert testimony concerning its use.

('68 Code, § 8-201(b)) (Ord. 644, passed 2-2-87; Am. Ord. 700, passed 4-15-91)

§ 136.32 POSSESSION, SALE, ETC. OF DRUG PARAPHERNALIA.

(A) It is unlawful for any person to possess, sell, offer for sale, distribute, dispense, use or give away any cocaine spoon, marijuana pipe, hashish pipe, or any other drug paraphernalia or materials of any kind which are adapted for the use of introducing into the human body a controlled substance in violation of the Controlled Substance Act, as amended, MCL 333.7101 et seq.

(B) Cocaine spoons, marijuana pipes, hashish pipes, and other drug paraphernalia are hereby declared to be contraband and forfeited to the city.

(Ord. 700, passed 4-15-91) Penalty, see § [10.99](#)

§ 136.33 POSSESSION OF HYPODERMIC SYRINGES, NEEDLES, ETC.

No person shall at any time have or possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction and which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one year.

Suggested to be placed in exceptions section (136.37):

Sections 136.30 to 136.33 do not apply to an object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

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