

CHAPTER 131: DRUG PARAPHERNALIA

Section

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§ 131.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRUG PARAPHERNALIA. Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed 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 a controlled substance as defined by the Michigan Public Health Code or the laws of the state; including but not limited to all of the following:

- (1) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance;
- (2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance;
- (3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance;
- (4) A diluent or adulterant, including, but not limited to quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance;
- (5) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;
- (6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body;

(7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(8) A kit specifically designed for use in manufacturing, compounding, converging, producing, processing, or preparing controlled substances;

(9) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror;

(10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user;

(11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose;

(12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances;

(13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(Ord. 165, passed 5-19-97)

§ 131.02 USE OF DRUG PARAPHERNALIA PROHIBITED.

It shall be unlawful for any person to do any of the following.

(A) Use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a drug or controlled substance in violation of the Michigan Public Health Code or the laws of the state.

(B) Deliver, or possess with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a drug or controlled substance in violation of the Michigan Public Health Code or the laws of the state.

(C) Place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the

advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. 165, passed 5-19-97) Penalty, see § 131.99

§ 131.03 EXCEPTIONS.

This chapter shall not apply to the following.

(A) An object sold or offered for sale to a person licensed under article 15 or under the occupational code, Public Act 299 of 1980, being M.C.L.A. §§ 339.101 through 339.2721, or any intern, trainee, apprentice, or assistant in a profession licensed under article 15 or under Public Act 299 of 1980 for use in that profession.

(B) An object sold or offered for sale to any hospital, sanitarium, clinical laboratory, or other health care institution including a penal, correctional, or juvenile detention facility for use in that institution.

(C) An object sold or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies.

(D) Equipment, a product, or material which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.

(E) A blender, bowl, container, spoon, or mixing device not specifically designed for a use described in § 131.01.

(F) A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.

(G) 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.

(Ord. 165, passed 5-19-97)

§ 131.04 ADMINISTRATIVE LIABILITY.

No city officer, agent or employee, or member of the City Council, or of the Spring Lake-Ferrysburg Police Department shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this chapter.

(Ord. 165, passed 5-19-97)

§ 131.99 PENALTY.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § 10.99. The city may also seek injunctive relief as may be appropriate.

(Ord. 165, passed 5-19-97)