

**CHAPTER 3.10
DRUG PARAPHERNALIA**

SECTIONS

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3.10.010 **DEFINITIONS:** For the purpose of this Chapter, the following terms and words are hereby defined:

.01 **DRUG PARAPHERNALIA:** As used in this Chapter, unless the context otherwise requires, drug paraphernalia shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined by Chapter 204 of the Iowa Code Annotated, 1981 Edition. It shall include, but not be limited to the following: *(10-28-82)*

- A. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances; *(10-28-82)*
- B. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining of marijuana; *(10-28-82)*
- C. Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and *(10-28-82)*
- D. 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, which shall include but not be limited to the following: *(10-28-82)*
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; *(10-28-82)*
 - 2. Water pipes; *(10-28-82)*
 - 3. Carburetion tubes and devices; *(10-28-82)*
 - 4. Smoking and carburetion masks; *(10-28-82)*
 - 5. Roach clips, meaning objects used to hold burning material, such as marijuana cigarette, which has become to small or too short to be held in the hand; *(10-28-82)*
 - 6. Miniature cocaine spoons, and cocaine vials; *(10-28-82)*
 - 7. Chamber pipes; *(10-28-82)*
 - 8. Carburetor pipes; *(10-28-82)*
 - 9. Electric pipes; *(10-28-82)*
 - 10. Air-driven pipes; *(10-28-82)*
 - 11. Chillums; *(10-28-82)*

- 12. Bongs; and *(10-28-82)*
- 13. Ice pipes or chillers. *(10-28-82)*

.02 **DETERMINATION OF WHAT CONSTITUTES AN OBJECT IS DRUG PARAPHERNALIA:** In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following: *(10-28-82)*

- A. Statement by an owner or by anyone in control of the object concerning its use; *(10-28-82)*
- B. Prior to convictions, if any, of an owner, or of anyone in control of the object, under any state or federal in relating to any controlled substance as defined in Chapter 204 of the Iowa Code Annotated, 1981 Edition; *(10-28-82)*
- C. The proximity of the object, in time and space, to a direct violation of Chapter 204 of the Iowa Code Annotated, 1981 Edition; *(10-28-82)*
- D. The proximity of the object to a controlled substance as defined in Chapter 204 of the Iowa Code Annotated, 1981 Edition; *(10-28-82)*
- E. The existence of any residue of a controlled substance as defined in Chapter 204 of the Iowa Code Annotated, 1981 Edition, on the object; *(10-28-82)*
- F. Direct or circumstantial evidence of an owner, or anyone in control of the object, to deliver it to any person whom he or she knows, or should reasonably know, to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of an object, as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia. *(10-28-82)*
- G. Instructions, oral or written, provided with the object concerning its use; *(10-28-82)*
- H. Descriptive materials accompanying the object which explains or depict its use; *(10-28-82)*
- I. National or local advertising concerning its use; *(10-28-82)*
- J. The manner in which the object is displayed for sale; *(10-28-82)*
- K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the County, such as licensed distributor or dealer of tobacco products; *(10-28-82)*
- L. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise; *(10-28-82)*
- M. The existence and scope of any legitimate use for the object in the County; and *(10-28-82)*
- N. Expert testimony concerning its use. *(10-28-82)*

3.10.020 **USE, OR POSSESSION:** It shall be unlawful for any person to use, or to possess, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in

Chapter 204 of the Iowa Code Annotated, 1981 Edition.
(10-28-82)

- 3.10.030 **DELIVER, POSSESS, OR MANUFACTURE**: It shall be unlawful for any person to deliver, possess, or manufacture, drug paraphernalia, knowing, or under circumstances where on reasonably should know, that it will be used to manufacture, inject, ingest, inhale, or otherwise be used to introduce into the human body a controlled substance be defined in Chapter 204 of the Iowa Code Annotated, 1981 Edition. (10-28-82)
- 3.10.040 **VIOLATIONS AND PENALTIES**: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75. (Ordinance #98-6/July 24, 1998)