



City of Glenville

Items designated or marketed for use with controlled substances; license required.

Ordinance Number # \_\_\_\_\_

### **Cross References**

Prohibition of illegal drug paraphernalia businesses- See W.V. State Code 60A-4-403(a)

### **Items designed or marketed for use with controlled substances; License Required.**

No Person or persons as Principal, Clerk, agent or servant shall sell any items, effect, paraphernalia, accessory or thing which designed or marketed for use with controlled substances, as defined in West Virginia Code Chapter 60-A.

### **Drug Paraphernalia defined.**

(a) The following items, if marketed for use or designed for use with controlled substances, are considered drug paraphernalia for the purpose stated in Section # .

(1) Kits marketed for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or form which a controlled substance can be derived;

(2) Kits marked for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices marketed for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment marketed for use, or designed for use in identifying or in 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) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters marketed for use, or designed for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers spoons and mixing devices used, intended for use, or designed for use in packaging small quantities of controlled substances;

(9) Capsules, balloons, envelopes and other containers marketed for use, or designed for use in packaging small quantities of controlled substances;

(10) Hypodermic syringes, needles and other objects marketed for use, or designed for use in parentally injecting controlled substances into the human body;

(11) Paper of colorful design, with names oriented for use with controlled dangerous substances displayed; provided that white paper or tobacco oriented paper not necessarily designed for use with controlled substances is not covered;

(12) Pipes displayed in the proximity of roach clips, or literature encouraging illegal use of controlled substances, are covered by this article; provided that pipes otherwise displayed are not covered by this article.

(13) 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 the hand;

(14) Miniature cocaine spoons and cocaine vials; or

(15) Chillums or Bongs

(b) In determining whether an object is marketed for, use or designed for use as drug paraphernalia, the Chief of Police or designee should consider the following:

- (1) The proximity of the object, in time and space, to a controlled substance
- (2) The existence of any residue of controlled substance on the object
- (3) Instructions, oral or written, provided with the object concerning its use
- (4) Descriptive materials accompanying the object which explain or depict its use
- (5) National and local advertising concerning its use
- (6) The manner in which the object is displayed for sale
- (7) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (8) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise; and
- (9) The existence and scope of legitimate uses for the object in the community.

**(10) No bowls, bongs, roach clips, or any other material listed in any section of the above ordinance may be sold within 1000 feet of any property owned by any PUBLIC/PRIVATE SCHOOL OR BY ANY COLLEGE OR INSTITUTION OF HIGHER EDUCATION.**

(c) **Prohibited acts**

- (1) It shall be unlawful to possess or administer to another salvia.
- (2) It shall be unlawful to manufacture, distribute, or dispense salvia.
- (3) It shall be unlawful to distribute, attempt to distribute a non-controlled substance: (i) that the person represents is salvia; (ii) that the person intends for use or distribution as

salvia; or under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as salvia.

(4) It shall be unlawful to possess or purchase a non-controlled substance that the person reasonably believes is salvia.

(5) It shall be unlawful to use or possess with intent to use salvia paraphernalia.

(6) It shall be unlawful to offer for sale, deliver, sell or distribute salvia paraphernalia.

(7) It shall be unlawful to own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing salvia; or (ii) manufacturing, distributing, dispensing, storing or concealing salvia paraphernalia.

(8) It shall be unlawful to possess or administer to another cannabimimetic agent.

(9) It shall be unlawful to manufacture, distribute, or dispense a cannabimimetic agent.

(10) It shall be unlawful to distribute, attempt to distribute a non-controlled substance: (i) that the person represents is cannabimimetic agent; (ii) that the person intends for use or distribution as a cannabimimetic agent; or under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as a cannabimimetic agent.

(11) It shall be unlawful to possess or purchase a non-controlled substance that the person reasonably believes is a cannabimimetic agent.

(12) It shall be unlawful to possess or administer to another a hallucinogenic chemical substance.

(13) It shall be unlawful to manufacture, distribute, or dispense a hallucinogenic chemical substance.

(14) It shall be unlawful to distribute, attempt to distribute a non-controlled substance: (i) that the person represents is a hallucinogenic chemical substance; (ii) that the person intends for use or distribution as a hallucinogenic chemical substance; or under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as a hallucinogenic chemical substance.

(15) It shall be unlawful to possess or purchase a non-controlled substance that the person reasonably believes is a hallucinogenic chemical substance.

(16) It shall be unlawful to use or possess with intent to use synthetic drug paraphernalia.

(17) It shall be unlawful to offer for sale, deliver, sell or distribute synthetic drug paraphernalia.

(18) It shall be unlawful to own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing a cannabimimetic agent or a hallucinogenic chemical substance or (ii) manufacturing, distributing, dispensing, storing or concealing synthetic drug paraphernalia.

(19) It shall be unlawful to offer for sale, deliver, sell, or distribute any product that contains a synthetic drug or is chemically enhanced, by whatever name called, without having appended thereto a list of ingredients and chemical compounds.

(20) It shall be unlawful to offer for sale, deliver, sell, or distribute any product which is promoted or otherwise marketed to produce physical and/or psychological effects.

**(d) Sales to Minors prohibited**

No person or establishment shall sell any item listed in this ordinance or not listed in this ordinance that maybe used in the possession or use for tobacco products or for controlled substance to anyone under eighteen years of age.

**(e) Penalties**

Any person or establishment violating any provision of this article shall be fined not more than \$5,000.00.

Enacted this day 22 of April 2013

---

Mayor

---

Recorder