

95.000 - CONTROLLED SUBSTANCES Ord. No. 86-01 Adopted: May 19, 1986

An Ordinance to regulate the selling, displaying, furnishing, supplying or giving away certain paraphernalia designed to facilitate the unlawful use or administration of controlled substances.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS ORDAINS:

95.001 - Definitions.

Sec. 1.

The following definitions shall apply to this Ordinance:

- (a) *Cocaine spoon*. A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful use of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.
- (b) *Controlled substance*. Any drug, substance, or immediate precursor enumerated in section 7210—7220, 1978 PA 368, as amended (commonly known as the health code).
- (c) *Marijuana or hashish pipe*. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.
- (d) *Paraphernalia*. An empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement, or device which is primarily adapted or designed for the administration or use of any controlled substance.
- (3) *Person*. Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

95.002 - Selling of controlled substances prohibited.

Sec. 2. It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance as enumerated in sections 7210—7220, 1979 PA 368, as amended. (Commonly known as the public health code.) The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropracists, veterinarians, pharmacists or embalmers in the normal, lawful course of their respective business or professions, nor to common carriers or warehousemen or their employees engaged in the lawful

transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injections.

95.003 - Violations and penalties.

Sec. 3. A person who violates any provision or provisions of sections 2 through 3 [section 95.002 through 95.003], upon conviction, shall be punished with a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not to exceed 90 days, or both, in the discretion of the court. Each day of the violation shall be considered a separate offense.

95.004 - Effective date.

Sec. 4. This Ordinance shall become effective on the 4th day of July, 1986.