

Chapter 693
Drug Paraphernalia

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CROSS REFERENCES
Driving under the influence - see TRAFFIC Ch. 410.04 (UTC 4.14 et. seq.)
Controlled Substances Act - see M.C.L.A. Secs. 333.7107 et. seq.

693.01 DEFINITIONS

The term “drug paraphernalia” as used in this Chapter means any equipment, product or material of any kind or nature whatsoever which is used, intended for use or designed for use in planting, propagating, cultivating, 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 Controlled Substance Act, MCL 33.1701, et seq., MSA 14.15(7101), et seq, as amended

693.02 PURPOSE

This Chapter is enacted to preserve the health, safety and welfare of the people of the city by rendering unlawful the manufacture, sale, use, delivery, possession or distribution, or the attempt to manufacture, sell, use, deliver, possess or distribute drug paraphernalia.

693.03 POSSESSION OF DRUG PARAPHERNALIA

It is unlawful for any person, business entity or corporation to use, or possess with the intent to use, drug paraphernalia.

693.04 MANUFACTURE, SALE OR DELIVERY OF DRUG PARAPHERNALIA

It is unlawful for any person to sell, deliver, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia.

693.05 ADVERTISEMENT OF DRUG PARAPHERNALIA

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication distributed in the City any advertisement, the purpose of which, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia.

693.06 REPEALED

693.07 EXEMPTIONS

This Chapter shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, law enforcement agencies, pharmacists and embalmers in the lawful course of business or professional activity, nor to persons suffering from any medical condition which requires administering prescribed medication.

693.99 PENALTY

- A. Any person convicted of a violation of any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or both. Each day a violation continues shall be considered a separate offense and may be separately punished.
- B. When an individual who has not previously been convicted of an offense under this division or under any similar state or federal law, pleads guilty or is found guilty of a violation hereof, the Court, without entering a judgment of guilt, may defer further proceedings and place the individual upon probation subject to whatever terms and conditions it deems appropriate.
- C. Upon violation of a term or condition of such probation, the Court may enter an adjudication of guilt and sentence the individual. Upon fulfillment of the terms and conditions of probation, the Court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not conviction for purposes of any disqualification or disability imposed by law upon conviction of a crime. There may be only one (1) discharge and dismissal under this section as to an individual. The police department shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered herein has previously utilized this section of the Chapter.
- D. If any individual is convicted of a violation of this Chapter, the Court as part of the sentence, during the period of confinement or the period of probation, or both, may require the individual to attend a course of instruction or rehabilitation program on the medical, psychological, and social effects of the misuse of drugs. The court may order the individual to pay a fee for the instruction or program. Failure to complete the instructions or program shall be considered a violation of the terms of probation. (Ord. 98-09. Adopted 7-21-98.)