

## 5-7C-2: DRUG PARAPHERNALIA:

- A. Drug Paraphernalia Defined: The term "drug paraphernalia" means all equipment, products and materials of any kind which are 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 those substances are defined in 702 Illinois Compiled Statutes 550/3 and 570/204 through 570/210, as amended. The term "drug paraphernalia" shall be deemed to include, but not by way of limitation, the following items:
1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
  3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
  4. Testing equipment used, intended 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 used, intended for use or designed for use in cutting controlled substances.
  7. Separation gins and sifters used, intended 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 compounding controlled substances.
  9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
  10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
  11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in injecting controlled substances into the human body.
  12. 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, such as:
    - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
    - b. Water pipes;
    - c. Carburetion tubes and devices;

- d. Smoking and carburetion masks;
- e. Roach clips, meaning objects used to hold burning materials such as a marijuana cigarette that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Bongos;
- l. Ice pipes or chillers.

13. Cocaine spoons, that is a spoon with a bowl so small that the primary use for which it is reasonably adopted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be labeled as a "cocaine" spoon or "coke" spoon.

14. Marijuana or hashish pipe, that is a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adopted or designed is the smoking of marijuana or hashish rather than lawful smoking tobacco and which may or may not be equipped with a screen. (1976 Code §10-105)

B. Aids In Interpretation: In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner or of anyone in control of the object under any State or Federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of this Section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of this Section; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.

10. The manner in which the object is displayed for sale.
  11. 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.
  12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprises.
  13. The existence and scope of legitimate uses for the object in the community.
  14. Expert testimony concerning its use. (1976 Code §10-106)
- C. Drug Paraphernalia Prohibited: It shall be a violation of this Section for any merchant or other person to knowingly sell, offer for sale, display or be in the possession of any drug paraphernalia. (1976 Code §10-107)
- D. Penalty: Any person who violates any of the provisions of this Section shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than the maximum amount permitted by Section 1-4-1 of this Code. Each day that a violation exists with respect to display and offer for sale of drug paraphernalia, and each separate occurrence of sale of drug paraphernalia shall constitute separate offenses. (1976 Code §10-107; amd. Ord. 96-26, 6-13-1996)