

Chapter 102

DRUG PARAPHERNALIA

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[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill 7-9-1980 by Ord. No. 838, approved 7-9-1980. Amendments noted were applicable.]

§ 102-1. Title.

This chapter shall be known as the "Camp Hill Controlled Substance Paraphernalia Prohibition Ordinance."

§ 102-2. Purpose.

The people and citizens of the Borough of Camp Hill and their duly elected governing body are aware that businesses exist in our nation that market, advertise for sale and sell paraphernalia utilized by our residents in the introduction into their bodies of prohibited controlled substances and that this business is not effectively controlled, regulated or prohibited. The people of Camp Hill believe this industry panders to our youth, encourages them to utilize controlled substances and, in this way, encourages such persons in the illegal use of the same. The people of Camp Hill and its Council believe that such use of controlled substances is harmful to the user thereof and poses a clear, present and substantial danger to the health and welfare of the citizens who utilize such substances. Therefore, this chapter is adopted to promote the health, safety and public welfare of the citizens and inhabitants of the Borough of Camp Hill.

§ 102-3. Authority.

This chapter and the objectives leading to its enactment are authorized by the following provisions of the Borough Code: Sections 1006(3), 1202(5), 1202(6) and 1202(74).¹

§ 102-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DRUG PARAPHERNALIA — All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,

1. Editor's Note: See 53 P.S. §§ 46006(3), 46202(5), 46202(6) and 46202(74). See also 35 P.S. § 780-101 et seq.

ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Controlled Substance, Drug, Device and Cosmetic Act of the Commonwealth of Pennsylvania.² The term includes but is not limited to:

- A. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- F. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- G. 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.
- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- L. 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:
 - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (2) Water pipes.
 - (3) Carburetion tubes and devices.
 - (4) Smoking and carburetion masks.

2. Editor's Note: See 35 P.S. § 780-101 et seq.

- (5) 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.
- (6) Miniature cocaine spoons and cocaine vials.
- (7) Chamber pipes.
- (8) Carburetor pipes.
- (9) Electric pipes.
- (10) Air-driven pipes.
- (11) Chillums.
- (12) Bongs.
- (13) Ice pipes or chillers.

§ 102-5. Prohibited activities and conduct.

- A. It is a violation of the chapter for any person to deliver, by sale or gift, or manufacture with intent to deliver, by sale or gift, drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.
- B. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

§ 102-6. Violations and penalties.

Any person who shall violate this chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$100 nor more than \$300, together with costs of prosecution, in each case. Each day that a violation shall continue shall be deemed to be a separate offense and shall be punishable as such. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon refusal of any person convicted of a violation of this chapter to pay such fine and costs, such person shall be imprisoned in the jail of Cumberland County for a period not exceeding 30 days.

