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**ORDINANCE NO.: 2023-081**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, to add Article XII, Drug Paraphernalia*

**WHEREAS**, City Council specifically finds that use of illegal drugs is ravaging this region and the number of crimes accompanied by illegal drug use is increasing, coupled with the possession, manufacture, and sale of illegal drugs and counterfeit drugs being detrimental to the health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death as well as alteration of a person's brain or brain chemistry with negative health consequences contributing to increased public disorder impacting public safety; and,

**WHEREAS**, cities are authorized to enact local laws that are not inconsistent with state law regarding controlled substances, and state law does not criminalize drug paraphernalia through regulations nor does it expressly protect or otherwise permit drug paraphernalia; and

**WHEREAS**, the provisions of this ordinance are declared to be necessary for the promotion, protection, and improvement of the public health, safety, good order, morals, and general welfare of the City and its citizens.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Columbia, South Carolina this 15<sup>th</sup> day of August, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14 is hereby amended by adding Article XII to read as follows:

**ARTICLE XII.-DRUG PARAPHERNALIA.**

Section 14-351: Definitions.

As used in this article, the following term shall have the meaning indicated in this Section:

*Drug paraphernalia* shall mean 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, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this section. It includes, but is not limited to:

- (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) Scales or balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (6) Separation gins and sifter used, intended for use, or designed for use in removing twigs and seeds from, or in the otherwise cleaning or refining of, marijuana;
- (7) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (8) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in compounding controlled substances;
- (9) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (10) Hypodermic syringes and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (11) 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 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 material 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-drive pipes,

- (k) Chillums,
- (l) Bongs,
- (m) Ice pipes and chillers.

#### Section 14-352. Factors to be Considered.

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, intended 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 enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use.

Section 14-353. Possession of drug paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia 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 section within the corporate limits of the city.

Section 14-354. Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one should reasonably 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 section within the corporate limits of the City.

Section 14-355. Penalty.

Any person who violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

Sections 14-356-14-400. - Reserved.

Mayor Daniel Rickenmann

Mayor

Approved by:

P.P. Rickenmann  
City Manager

Approved as to form:

[Signature]  
City Attorney

ATTEST:

[Signature]  
City Clerk

Introduced: 8/1/2023

Final Reading: 8/15/2023