Chapter 5.20

DISPLAY OF DRUG PARAPHERNALIA

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Section 5.20.010 Definitions
As used in this chapter, the following terms shall mean the following:

A. "Business" means any location, whether indoors or outdoors, at which merchandise is offered for sale.

B. "Controlled substance" means those controlled substances set forth in the Revised Code of Washington (RCW 69.50) or the United States Code (21 USC §§ 801-971) as such now exist or may hereafter be amended.

C. "Display" means to show to a patron or to place the drug paraphernalia in a manner so that it is within open view by a member of the public.

D. "Drug paraphernalia" for the purposes of this chapter means, but is not limited to:

1. any item, whether useful for non-drug related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in inhaling, injecting or ingesting of marijuana, hashish, hashish oil, cocaine, methamphetamine or any controlled substance;

2. any item, whether useful for non drug related purposes or not, which is designed, decorated, adorned, packaged or displayed in a manner to reasonably suggest its usefulness in inhaling, injecting or ingesting of marijuana, hashish, hashish oil, cocaine, methamphetamine or any controlled substance;

3. any item defined as drug paraphernalia as set forth in the Revised Code of Washington (RCW 69.50) or the United States Code (21 USC §§801-971) as such now exist or may hereafter be amended;

4. isomerization devices used, intended for use, or primarily designed for use in increasing the potency of marijuana, hashish, hashish oil or any species of plant which is an unlawful drug or controlled substance;

5. testing equipment used, intended for use, or primarily designed for use in identifying or analyzing the strength, effectiveness, or purity of unlawful drugs or controlled substances;

6. blenders, bowls, containers, spoons and mixing devices used, intended for use, or primarily designed for use in compounding unlawful drugs or a controlled substance;

7. any objects used, intended for use or primarily designed for use in ingesting, inhaling or otherwise introducing marijuana, hashish, hashish oil, cocaine, methamphetamine or any controlled substance 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, including but not limited to, glass tubes commonly marketed as novelty items such as a miniature rose, vase, air freshener or colored marking pens, which, when taken apart, contain a pipe that can be used for smoking or otherwise inhaling controlled substances;

b. carburetion tubes and devices;

c. smoking and carburetion masks;

d. 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;

e. miniature cocaine spoons, cocaine vials, or any spoon used, intended for use, or primarily designed for ingestion of a controlled substance;

f. chamber pipes;

g. carburetor pipes;

h. electric pipes;

i. air driven pipes;

j. chillums;

k. bongs;

l. ice pipes or chillers;

m. wired cigarette papers;

n. cocaine freebase kit;

o. a device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible;

p. a device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb" or otherwise;

q. a canister, container or other device with a tube, nozzle, or other similar arrangement attached thereto so constructed as to permit the forcing of smoke accumulated therein to the user's lungs, under pressure, whether the device is known as a "power hitter" or otherwise;

r. a straw or tube for ingestion of a controlled substance through the nose or mouth; or

s. a smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.
8. In determining whether an object is "drug paraphernalia," a court, hearing officer or other authority may consider the following, in addition to the foregoing and all other logically relevant factors:

   a. Statement by an owner or by anyone in control of the object concerning its use.

   b. Prior convictions, if any, of an owner, or of anyone in control of the object, relating to any controlled substance for the limited purpose of demonstrating knowledge or lack of mistake regarding the object's use as drug paraphernalia, and after determining on the record that the probative value of such outweighs prejudicial impact.

   c. Proximity of the object to controlled substances.

   d. Existence of any residue of controlled substances on the object.

   e. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he or she knows, or reasonably should know, intend to use the object to facilitate a violation of the Vancouver Municipal code, the laws of the State of Washington, or the laws of the United States relating to controlled substances.

   f. Descriptive materials or instructions, written or oral, accompanying the object, which explain or depict its use.

   g. National and local advertising concerning its use.

   h. The manner in which the object is displayed for sale, including its proximity to other objects falling within the definition of drug paraphernalia.

   i. The existence and scope of legitimate uses for the object in the community.

   j. Expert testimony concerning its use, including testimony from law enforcement personnel regarding their knowledge and experience concerning its use.

E. "Person" means a natural person or any firm, partnership, association, corporation or cooperative association.

F. "Primarily designed for" or “marketed for” in this section means a device which has been fabricated, constructed, altered, adjusted, packaged, labeled or marked especially for use in the smoking, ingestion or consumption of marijuana, hashish, hashish oil, cocaine, methamphetamine, or any controlled substance, and is peculiarly adapted to such purposes by virtue of a distinctive feature, combination of features, packaging or labeling associated with drug paraphernalia, notwithstanding the fact that it might also be possible to use such device for some other purpose.

(M-4086, Added, 08/18/2014, Sec 1-Effective 09/18/2014)

### Section 5.20.020 Display of Drug Paraphernalia

No person shall display in any business any drug paraphernalia in a manner so that it is open to viewing by a minor. It is not a violation of this section to display drug paraphernalia in a business, separate room or enclosure to which entry by minors is prohibited. The entry of each business, separate room or enclosure to which the entry by minors is prohibited shall be posted with a sign that is conspicuously visible notifying the public that minors are excluded.

(M-4086, Added, 08/18/2014, Sec 1-Effective 09/18/2014)
Section 5.20.030  Enforcement
It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by title 22 of the Vancouver Municipal Code.
(M-4086, Added, 08/18/2014, Sec 1-Effective 09/18/2014)