



2015 First Avenue, Anoka, MN 55303  
Phone: (763) 576-2700 / Website: [www.anokaminnesota.com](http://www.anokaminnesota.com)

# CITY OF ANOKA

## SALE OF TOBACCO OR TOBACCO RELATED PRODUCTS RENEWAL APPLICATION

**ANNUAL FEES:** Fees for licenses are set annually by the Anoka City Council through adoption of a Master Fee Schedule.

Annual Fee: \$400.00

**NOTICE:** The application and ALL required documents must be submitted no later than DECEMBER 1<sup>st</sup>. DO NOT SUBMIT AN APPLICATION THAT IS INCOMPLETE OR MISSING INFORMATION; IT WILL BE REJECTED, RETURNED AND SUBJECT TO A LATE PENALTY FEE OF 10% OF THE TOTAL LICENSE FEE OR \$25, WHICHEVER IS GREATER. Payment of the license fee is due with the renewal application.

This application must be completed by: if by a natural person, by such person; if by a corporation or LLC, by an officer of the corporation or LLC; if by a partnership, by one of the partners; if by an unincorporated association, by the manager or managing officer of the association.

**INSTRUCTIONS:** If you have no ownership changes from the previous years' application, check the "HAS NOT" box and continue completing this form. If you have changes from the previous years' application, check the "HAS" box and request a copy of a full application. If there has been a change in ownership, you must apply as a new license.

1. The information supplied on last year's renewal or original license application HAS NOT changed.
2. The information supplied on last year's renewal or original license application HAS changed.

SALE OR DISPENSING OF TOBACCO OR TOBACCO RELATED PRODUCTS BY MEANS OF A VENDING MACHINE IS PROHIBITTED UNLESS THE VENDING MACHINE IS LOCATED IN AN AREA WHICH DOES NOT PERMIT UNRESTRICTED ACCESS TO THE VENDING MACHINE BY AMINOR OR IT CAN BE CONTROLLED BY AN ELECTRONIC DEVICE BY AN EMPLOYEE OF THE BUSINESS.

SALE OF TOBACCO OR TOBACCO RELATED PRODUCTS FOR THIS LICENSE WILL BE THROUGH A VENDING MACHINE:  YES  NO

IF YES, IS THE VENDING MACHINE LOCATED IN AN AREA RESTRICTED FOR ACCESS BY A MINOR OR CAN IT BE CONTROLLED BY AN ELECTRTRONIC DEVICE BY AN EMPLOYEE OF THE BUISNESS:  YES  NO

IF NO, YOU ARE NOT ELIBIGLE FOR A LICENSE FOR THE SALE OF TOBACCO OR TOBACCO RELATED PRODUCTS THROUGH A VENDING MACHINE.

# PART I

## **INDIVIDUAL COMPLETING RENEWAL APPLICATION**

*This individual must be the business owner or a corporate officer.*

Full Name ( <i>First, Middle, Last</i> ):	
Residence Address (include street address, city, state, zip)	Mailing Address if different:
Phone Number (including area code):	Alternate Phone Number (or email address):
Date of Birth:	Minnesota Driver's License # or State I.D. #:

## **PERSONAL HISTORY INFORMATION**

*Personal History Information must be completed by the above named individual*

If you have resided at the above address for less than ten (10) yrs, please list previous addresses.

Previous Residence Address(s)

Have you ever been denied a license to conduct a similar or like activity or had such a license suspended or revoked in any City, State, including Anoka?  No  Yes. If yes, please provide details. (*attach additional sheets as necessary*)

Date	Description (i.e. denial, suspension or revocation)	Location: City & State

At any time, have you been convicted of any felony, crime or violation of a federal or state law or local ordinance other than a misdemeanor traffic violation.  No  Yes. If yes, please provide details. (*attach additional sheets as necessary*)

Date of Offense	Type of Offense	Location of Offense

# PART II

## BUSINESS INFORMATION

Legal Name of Business:	Trade Name (dba):
Business Address & Phone/Physical Location of Licensed Premise:	Mailing Address (if different):

## LICENSE CONTACT INFORMATION

*List the individual that will serve as the City Contact person for the license application and license related questions.*

Name ( <i>First, Last</i> ):	
Business Address (include street address, city, state, zip)	Mailing Address if different:
Phone Number (including area code):	Alternate Phone Number:
Email Address:	

## BUSINESS LOCATION CONTACT INFORMATION

*List the individual that will serve as the Business Location Contact Person, i.e. Store Manager.*

Name:	
Address (include street address, city, state, zip)	Mailing Address if different:
Phone Number (including area code):	Alternate Phone Number (or email address):

Does this business establishment derive more than 50 percent (50%) of its gross revenue from the sale of any product, or any component part of a product, whether or not marketed or sold separately, containing or delivering, or designed to deliver, nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product?  Yes  No

## SUPPLIER INFORMATION

<b>Supplier (Company Name)</b>
Supplier Address
Supplier Phone Number (including Area Code)

### STATEMENT OF APPLICANT APPLYING FOR LICENSURE

(I) do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Anoka, its agents, and employees, to obtain any necessary information and to conduct an investigation, if necessary, into the truth of the statements set forth in this application and the qualifications for said license. I do understand that providing false information shall be grounds for denial of my license. I fully understand that it is my responsibility to be familiar with and abide by the requirements of the City, which is detailed in the pertinent section of the Anoka City Code, which is available on the City website at [www.ci.anoka.mn.us](http://www.ci.anoka.mn.us) or upon request from the City Clerk and to be familiar with and abide by the laws of the City of Anoka and the State of Minnesota relating to this licensure. I further understand that I must submit any changes in my application within thirty (30) days of the effective date of the change and that I will abide by all requirements regarding the approval of such change as stated in the Anoka City Code and State Law. I understand that the information supplied within this application is classified as public data and will be provided to the public upon request.

Signature of Applicant: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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## REQUIRED LICENSE APPLICATION DOCUMENTS

- City Licensing Renewal Application
- Worker's Compensation Form *(attached – required by State of Minnesota)*
- SP:C1 Tax Clearance Form *(attached – required by State of Minnesota)*
- Tennessen Warning *(completed by all applicable persons as described in application)*
- Annual Fee: \$400.00



REAL. CLASSIC.

# CERTIFICATE OF COMPLIANCE MINNESOTA WORKER'S COMPENSATION LAW

### PRINT LEGIBLY IN INK OR TYPE

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required worker's compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

**ALL APPLICANTS:** I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

I am not required to have worker's compensation insurance coverage because:

- I have no employees
- I have employees but they are not covered by worker's compensation law.  
(see Minnesota Statute 176.041 for a list of excluded employees)

Explain why your employees are not covered: \_\_\_\_\_  
\_\_\_\_\_

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**COMPLETE THIS PORTION ONLY IF YOU ARE INSURED:** *A valid worker's compensation policy must be kept in effect at all times by employers as required by law*

Business Name (Individual name only if no company name is used):  
\_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

Address (must include street address): \_\_\_\_\_

Insurance Company Name (not agent): \_\_\_\_\_

Workers Compensation Policy No.: \_\_\_\_\_

Effective Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

### IF SELF-INSURED - ATTACH A COPY OF THE PERMIT TO SELF-INSURE

NOTE: If your worker's compensation policy is cancelled within the license period, you must notify the agency who issued the license/permit by resubmitting this form.



**SP:CI TAX CLEARANCE FORM**  
**(This form may contain private data – do not release to public)**

**PRINT LEGIBLY IN INK OR TYPE**

Pursuant to Minnesota Statute, Section 270C.72 Tax Clearance; Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota Business Tax Identification Number and/or the Social Security Number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal, or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Services.
3. Failure to supply this information may jeopardize or delay the processing of your license, its' issuance or renewal.

Please supply the information and return this form along with your application to the agency issuing your license. **DO NOT RETURN TO THE DEPARTMENT OF REVENUE.**

Licensing Authority: CITY OF ANOKA, MINNESOTA

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PERSONAL INFORMATION:** *Complete this section only if you are applying as an individual and/or do not hold a Minnesota Tax Identification # or Federal Tax Identification #.*

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

**BUSINESS INFORMATION:** *Complete this section only if you are applying as a business.*

Business Name: \_\_\_\_\_

Db: \_\_\_\_\_

Minnesota Tax Identification #: \_\_\_\_\_

Federal Tax Identification #: \_\_\_\_\_

**For businesses: If a Minnesota Tax Identification # is not required, you must submit a written explanation.**



**APPLICATION FOR LICENSE INVOLVING  
PRIVATE OR CONFIDENTIAL INFORMATION  
(Tennessee Warning)**

**THIS FORM MUST BE COMPLETED BY ALL INDIVIDUALS LISTED IN APPLICATION**

In connection with your request for a license/registration the City of Anoka has asked that you provide it with information about yourself which is classified as either *private* or *confidential* by the Minnesota Government Data Practices Act (M.S.A. 13.04). Accordingly, the City is required to inform you of the following:

1. The private or confidential information requested includes, but may not necessarily be limited to, the following: *Your social security number or Minnesota business identification number.*
2. The purpose and intended use of the information requested is: *To comply with Minnesota Statutes, Section 270C.72.*
3. You are required to supply the requested information.
4. The known consequences of supplying the requested information is as follows: *Loss or denial of the requested license if you owe the State of Minnesota delinquent taxes, penalties or interest.*
5. The known consequences of refusing to supply the requested information is: *Your request for a license cannot be processed.*
6. The following persons and entities are authorized by law to receive the information if provided: *State of Minnesota - Department of Revenue and other government agencies as provided by law.*

**The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice.**

Applicant's Signature: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_ DOB: \_\_\_\_\_

## CHAPTER 22. LICENSING; BUSINESSES & SERVICES

### ARTICLE X. TOBACCO & TOBACCO RELATED PRODUCTS

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\*State law reference--Municipal licensing and regulation of retail sales of tobacco, Minn. Stats. § 461.12, subd. 1.  
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#### Section 22-481. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Compliance checks* means the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this ordinance and state laws. Compliance checks shall involve the use of minors as authorized by this article. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by state and federal laws.

*Minor* means any person under the age of 18 years.

*Retail establishment* means any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

*Self-service merchandising* means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee.

*Tobacco or tobacco products* mean any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; Cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, smoking, smoking in a pipe, rolling paper, or other tobacco-related device.

*Tobacco related devices* means any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

*Vending machine* means any mechanical, electric or electronic or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device, unless the machine can be controlled by an electronic device by an employee of the business.

#### Section 22-482. Responsibility of licensee.

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such item by an employee shall be considered a sale by the license holder.

#### Section 22-483. Penalties/revocation or suspension of license.

A violation of any provision of this article shall constitute a misdemeanor, unless otherwise specified by other federal or state laws or regulations. A violation of any provision of this article, or a violation of any provision of Minn. Stats. § 609.685, shall be cause for immediate revocation



or suspension of the license by the city council. Any fee paid to the city for a license shall be forfeited upon revocation or suspension of the license.

**Section 22-484.**

**Administrative penalties.**

- (a) *Notice.* Upon discovery of a suspected violation of any of the provisions of the article, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his right to be heard on the charges.
- (b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) *Hearing officer.* The city manager shall serve as the hearing officer.
- (d) *Decision.* If the hearing officer determines that a violation of this article has occurred, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) *Appeals.* Appeals of any decision made by the hearing officer shall be filed with the clerk of the county district court.
- (f) *Misdemeanor prosecution.* Nothing in this section prohibits the city from seeking criminal prosecution for any alleged violation of this article. If the city elects to seek criminal prosecution, no administrative action or penalty shall be imposed.
- (g) *Continuing violations.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (h) *Penalties.* Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fee of \$75.00 for a first violation of this ordinance; \$200.00 for a second offense at the same licensed premises within a 24-month period; and \$250.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days.
- (i) *Other individuals.* Other individuals, other than minors regulated by subsection (j) of this section, shall be charged an administrative fee of \$50.00.
- (j) *Minors.* Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged an administrative fee of \$25.00, participate in the juvenile metro program or engage in such other program as the city police department believes will be appropriate and effective.

**Section 22-485.**

**Compliance checks and inspections.**

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city law enforcement officers. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the

licensee or his employee and shall produce any identification, if any exists, for which he is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law or regulation.

**Section 22-486.**

**Underage persons.**

- (a) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor.
- (b) *Illegal possession.* It shall be a violation of this article for any minor to have in his possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.
- (c) *Illegal use.* It shall be a violation of this article for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.
- (d) *Illegal procurement.* It shall be a violation of this article for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.
- (e) *Use of false identification.* It shall be a violation of this article for any minor to attempt to disguise his true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.  
**State law reference--**Similar provisions, Minn. Stats. § 609.685.

**Section 22-487.**

**Retail license.**

- (a) No person shall directly or indirectly keep for retail sale, sell at retail either personally or through a vending machine, or otherwise dispose of any tobacco, tobacco product or tobacco related device in the city unless a license therefore shall first have been obtained. Each vending machine that dispenses tobacco products shall be individually licensed.
- (b) An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, the location of the building and the part intended to be used by the applicant under such license, the kind or nature of business, and any additional information the city deems necessary. Upon the filing of such application with the city clerk, it shall be presented to the city council for consideration, and if granted by the council, a license shall be issued by the city clerk upon payment of the required fee.
- (c) The fees for licenses under this article shall be determined by the council. Each such license shall expire on December 31 next after its issuance. Licenses shall not be transferable from one person or entity to another, nor shall they be transferable from one premise to another premise.
- (d) Every license issued under this article shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.
- (e) The renewal of a license issued under this section shall be made in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

- (f) The following shall be grounds for denying the issuance or renewal of a license under this article:
- (1) The applicant is under the age of 18 years.
  - (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.
  - (3) The applicant has had a license to sell tobacco, tobacco products, or tobacco related devices revoked within the preceding 24 months of the date of application.
  - (4) The applicant fails to provide any information required on the application, or provides false or misleading information.
  - (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation, from holding such a license.
  - (6) The applicant has failed to pay any required application or licensing fees to the city.

**Section 22-488.**

**Vending machines.**

No person shall sell or dispense any tobacco, tobacco product, or tobacco related device by means of a vending machine unless the vending machine is located in an area which does not permit unrestricted access to the vending machine by a minor. A violation of this section shall be cause for immediate license revocation.

**Section 22-489.**

**Self-service merchandising.**

No person or entity shall offer for sale any tobacco, tobacco products, or tobacco related devices, by any means where the customer has access to such items without having to request the item from a licensee or a licensee's employee, and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device, between the licensee or his clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or in an area not freely accessible to a customer, or in a case or in a storage unit not left open and accessible to the general public.

**Section 22-490.**

**Prohibited sales.**

It shall be a violation of this article for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- (1) To any person under the age of 18 years.
- (2) By means of any type of vending machine.
- (3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer.
- (4) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.

- (5) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation

**Sections 22-491 thru 22-499.**

**Reserved.**

Sec. 46-226. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Drug paraphernalia.*

- (1) The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, primarily used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of M.S.A. ch. 152, as it may be amended from time to time.
- (2) The term "drug paraphernalia" includes, but is not limited to:
  - a. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
  - b. 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;
  - c. 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 controlled substances can be derived;
  - d. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
  - e. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
  - f. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
  - g. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
  - h. Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing 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 or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances;
  - k. 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, which shall include, but not be limited to the following:
    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;

5. Objects commonly referred to as roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, which 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; and
- l. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.
- (3) Drug paraphernalia does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
- (4) Factors to be considered in determining if an object is drug paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
- a. Statements 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 under any state or federal law relating to any controlled substance or drug paraphernalia;
  - c. The proximity of the object, in time and space, to a direct violation of this section;
  - d. The proximity of the object to any controlled substance;
  - e. The existence of any residue of a controlled substance on the object;
  - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he knows, or should reasonably know, intends 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 act shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
  - g. Instructions, oral or written, provided with the object concerning its use;
  - h. Descriptive materials accompanying the object which explain or depict its use;
  - i. National and local advertising concerning its use;
  - j. The manner in which the object is displayed for sale;
  - k. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
  - l. The existence and scope of any legitimate use for the object in the community;
  - m. Expert testimony concerning its use;
  - n. Whether the owner, or any one in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products; and

- o. The actual or constructive possession by the owner or a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

(Prior Code, § 46-160(a), (b))

Sec. 46-228. - Manufacture or delivery of drug paraphernalia prohibited.

It is unlawful for any person knowingly or intentionally to deliver drug paraphernalia or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.

(Prior Code, § 46-160(d))