

**CITY OF ALBION
ORDINANCE #2019-07**

AN ORDINANCE TO AMEND ORDINANCE 58-167, DRUG PARAPHERNALIA

Purpose and Finding:

The State of Michigan recently enacted Initiated Law 1 of 2018, also known as the Michigan Regulation and Taxation of Marihuana Act, which made several changes to Michigan's marihuana laws. One such change is that it specifically exempts persons who are 21 years of age or older from being penalized for possession of marihuana accessories. Marihuana accessories currently fall under the definition of part of the City's current paraphernalia ordinance and, as such, the state law and local ordinance are in conflict. The modifications below are recommended to bring the City into compliance with state law.

THE CITY OF ALBION ORDAINS:

Section 1. Section 58-167 of the Codified Ordinances of the City of Albion, shall be amended as follows:

Sec. 58-167. DRUG PARAPHERNALIA

A. Possession of Drug Paraphernalia

1. "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, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined by the Michigan Controlled Substances Act, MCL 333.7101, et seq, other than marihuana. It includes, but is not limited to:
 - a. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances other than marihuana;
 - b. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting a controlled substance other than marihuana;
 - c. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in injecting controlled substances into the human body;

d. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing a controlled substance, other than marihuana, into the human body, such as a crack pipe;

e. "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products.

2. Except as otherwise allowed by law, a person shall not possess or use drug paraphernalia as defined in subsection (A) of this ordinance.

3. The provisions of subsection (A) shall not apply to Marihuana Accessories as defined in sub-section (B).

B. Possession of Marihuana Accessories on School Grounds, Transfer of Marihuana Accessories to a Minor, Possession of Marihuana Accessories by a Minor.

1. "Marihuana Accessories" shall be defined as any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

2. Except as otherwise allowed by law, a person shall not possess marihuana accessories on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility.

3. Except as otherwise allowed by law, a person twenty-one (21) years of age or older shall not transfer marihuana accessories to a person under twenty-one (21) years of age.

4. Except as otherwise allowed by law, a person under twenty-one (21) years of age shall not possess marihuana accessories.

- C. Except as otherwise set forth in sub-section (B) of this ordinance, nothing in this ordinance shall be construed to prohibit a person twenty-one (21) years of age or older from possessing marihuana accessories.
- D. Prosecution under any section of this ordinance shall not preclude prosecution available under any other local, state, or federal law.
- E. A violation of section 58-167 shall be deemed a misdemeanor and shall be punishable by up to ninety (90) days in jail, a fine of up to five hundred (\$500.00) dollars, or both.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on September 19, 2019 after publication.

First Reading:

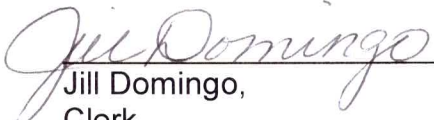
Second Reading & Adoption:

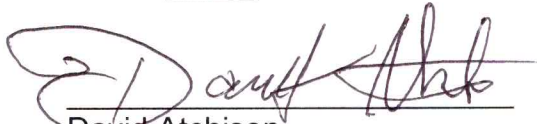
August 5, 2019

August 19, 2019

Ayes 7
Nays 0
Absent 0

Ayes 6
Nays 0
Absent 1


Jill Domingo,
Clerk


David Atchison,
Mayor.