

GENERAL ORDINANCE NO. 8, 2015
As Amended

AN ORDINANCE TO AMEND THE *TERRE HAUTE CITY CODE* DRUG AND TOBACCO PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS SEC. 4-361.

SECTION 1. *Terre Haute City Code* Sec. 4-361, is hereby amended by the insertion of the underlined text as follows:

ARTICLE 24. DRUG AND TOBACCO
PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS

...
Sec. 4-361 Definitions. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. **Drug and Tobacco Paraphernalia/Accessories** shall mean:

(1) Any device designed primarily for use by individuals for the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other "controlled substance" as defined by Indiana *I.C.* § 35-48-2 et seq.;

(2) Any device designed primarily for the smoking or ingestion of those items set forth in subsection (1) above, or any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other "controlled substance," and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with tobacco or drug paraphernalia and/or accessories, notwithstanding that it might also be possible to use the device for some other purpose;

(3) Drug and tobacco paraphernalia/accessories shall include, but not be limited to the following described items:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens or filters, permanent or otherwise, heads of punctured metal bowls;

(B) 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 that would otherwise be possible, whether the device is commonly known as a "bong" or otherwise;

- (C) 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.
- (D) A smokable pipe that contains a heating unit, whether the device is known as an "electric pipe," or otherwise;
- (E) 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;
- (F) A device constructed so as to permit the inhalation and/or ingestion of nitrous oxide (N02), whether known as "whippets," or otherwise;
- (G) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user's lungs under pressure;
- (H) A device for holding burning material, such as a cigarette that has become too small or too short to be held in hand, whether the device is known as a "roach clip," or otherwise;
- (I) Lighters and matches are specifically excluded from the definition of tobacco and drug paraphernalia/accessories.
- (J) A device commonly known as an e-cigarette, "vape pen," "vape stick," or any other vaporizing device, which is reloadable/refillable, defined as a device used to simulate the experience of smoking, having a cartridge and heater or cooler that causes or assists in vaporizing or atomizing liquid nicotine or any other illicit liquid substance.

b. **Drug and Tobacco Paraphernalia/Accessories Establishment.** Any establishment where Drug and Tobacco Paraphernalia and/or Accessories are sold, offered for sale, displayed for sale, or delivered.

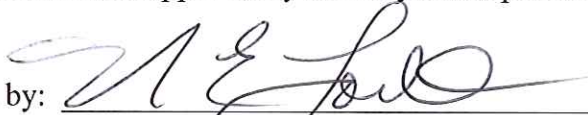
c. **Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which refuses entry into its establishment by, and does not conduct business with, patrons under the age of eighteen (18).

d. **Non-Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which allows entry into its establishment by, and

conducts business with, patrons under the age of eighteen (18), for the purpose of conducting sales of non-age restrictive products.

e. **Synthetic Drugs.** Any item defined by I.C. § 35-31.5-2-321 and/or I.C. § 35-31.5-2-321.5 or any product, herbal or powdered in form, which is sold, offered for sale, or displayed for sale by weight, which is labeled, marked, or marketed as "Incense", "Spice", "K2", or any other trade name, or which is specifically labeled or marked to indicate that the product does not contain synthetic drugs as defined by Indiana I.C. § 35-31.5-2-321 by specific chemical compound name.

...
WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 8th day of October, 2015.


John Mullican/President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 9th day of October, 2015.


Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9th day of OCTOBER, 2015.


Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk