

COW #5: Drug Paraphernalia Ordinance
Motion by Whiting
Apr 21, 2026

MOTION #1

Whiting moves to amend the definition of "Drug" contained in Section 223.60 to read as follows:

223.60. Definitions.

Drug means: ~~(a) Barbital and any derivative thereof; diethylbarbituric acid; any alkyl, aryl, metallic or halogenated derivative of barbituric acid; veronal (barbitone); proponal, ipral, dial; neonal (soneryl); sandoptal; amytal, phenobarbital (luminal); phandorn; noctal, allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine), medinal; any preparation, mixture or other substance containing any of the foregoing substances.~~

~~(b) Any drug consisting of amphetamine, desoxyephedrine (methamphetamine), mephentermine, pipradol, phenmetrazine, methylphenidate or any salt, mixture or optical isomer thereof which drug, salt, mixture or optical isomer has a stimulating effect on the central nervous system, except preparations for use in the nose and unfit for internal use.~~

~~(c) Chloral hydrate (Chloral); chlordiazepoxide and its salts (Librium); diazepam (Valium); ethchlorvynol (Placidyl); ethinamate (Valmid); glutethimide (Doriden); meprobamate (Miltown, Equanil, Meprospan, Mepro tabs); methyprylon (Noludar); paraldehyde.~~

~~(d) For the purposes of this article, any controlled substance as defined in Minnesota Statutes, Section 152.02, subdivisions 2, 3, 4, 5 and 6, excluding marijuana, which are specifically incorporated herein by reference.~~

MOTION #2

Whiting moves to amend the definition of "Drug paraphernalia" contained in Section 223.210 to read as follows:

223.210. Definitions.

Drug paraphernalia. ~~The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes, Chapter 152. The term includes, but is not limited to:~~

~~(1) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;~~

~~2) 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;~~

~~(3) Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and~~

~~(4) 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:~~

~~(a) Metal, wooden, acrylic, glass, stone, plastic, or 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, which 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) Chillums;
- (k) Bongs;
- (l) Reserved;
- (m) Ice pipes or chillers.

(a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, or (3) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

MOTION #3

Whiting moves to amend Section 223.240 to read as follows:

223.240. Manufacture or delivery of drug paraphernalia prohibited. It is unlawful for any person eighteen (18) years of age or older knowingly or intentionally to deliver drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger or to knowingly or intentionally to possess or manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.