DRUG PARAPHERNALIA ORDINANCE

Section I. Purpose

The purpose of this ordinance is to establish a Drug Paraphernalia Ordinance for the Town of Lancaster.

Section II. Definitions

A. The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended to use, or designed for use in planting, cultivating, propagating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of New Hampshire RSA 318-B. It includes, but is not limited to:

1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance of from which a controlled substance can be derived;

2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance;

4) Testing equipment used, intended for use, or designed for use in identifying, or analyzing the strength, effectiveness, or purity of controlled substances;

5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose; used or intended for use or customarily intended for use in cutting controlled substances;

7) Separation gins and sitters used or intended for use or customarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining any species of plant which is a controlled substance;

8) Blenders, grinders, bowls, containers, spoons, and other mixing devices used or intended for use or customarily intended for use in compounding, mixing, or separating controlled substances;

9) Capsules, balloons, envelopes, bags, and all other containers used or intended for use or customarily intended for use in packaging quantities of controlled substances;

10) Containers and all other objects used or intended for use or customarily intended for use in storing or concealing controlled substances;

11) Hypodermic syringes, needles, and other objects used, intended for use or customarily intended for use in parenterally injected controlled substances into the human body;

12) Objects used or intended for use or customarily intended for use, include, but are not limited to, ingesting, inhaling, or otherwise introducing a controlled substance into the human body, such as;

    a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes;
    b) Water pipes;

c) Carburetion tubes and devices;
d) Smoking and carburetion masks;
e) Roach clips, rolling papers, or blunt wraps;
f) Cocaine spoons and cocaine vials;
g) Chamber pipes;
h) Electric pipes;
i) Air driven pipes;
j) Chillums;
k) Bongs;
l) Ice pipes or chillers.

B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all 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 substances.
c) The proximity of the object, in time and space, to a direct violation of RSA 318-B.
d) The proximity of any residue of controlled substance.
e) The existence of any residue of controlled substances upon the object.
f) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of RSA 318-B the innocence of an owner, or of anyone in control of the object, as to a direct violation of RSA 318-B should not prevent a finding that the object is intended for use, or designed 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 to the total sales of the business enterprise.
l) Whether the object is customarily intended for use as drug paraphernalia and the existence and scope of other legitimate uses for the object in the community.
m) Expert testimony concerning its use.
n) Any other relevant and logical factors.

Section III. Offenses and Penalties

A. Possession of Drug Paraphernalia

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of RSA 318-B.

Any person violating this section shall be guilty of a violation and shall be subject to a fine of one hundred twenty-four dollars ($124.00). No portion of the fine shall be suspended.

B. Manufacture or Delivery of Drug Paraphernalia

It is unlawful for any person to deliver, possess, with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used or is customarily intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of RSA 318-B.

Any person violating this section shall be guilty of a violation and shall be subject to a fine of one hundred twenty-four dollars ($124.00). No portion of the fine shall be suspended.

C. Delivery of Drug Paraphernalia to a Minor

Any person 18 years or older who violates Section 318-B by delivering drug paraphernalia to a person under 18 years or age shall be subject to a fine of one hundred twenty-four dollars ($124.00). No portion of the fine shall be suspended.

D. Advertisement of Drug Paraphernalia

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, when viewed as a whole, is to promote the sale of objects intended for use or customarily intended for use as drug paraphernalia.

Any person violating this section shall be guilty of a violation and shall be subject to a fine of one hundred twenty-four dollars ($124.00). No portion of the fine shall be suspended.

Section IV. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are servable.

Section V. Adoption and effective date

This Drug Paraphernalia Ordinance replaces and superseded any previously adopted drug paraphernalia ordinances and / or policies. The Board of Selectmen adopted this ordinance after passage at Town Meeting on March 10, 2026, and is effective immediately.

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Shane Beattie

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Leon Rideout

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Kathy Jean Lavoie