



Legislation Text

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060086
SUBSTITUTE 1

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Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to seek introduction and passage of state legislation prohibiting the sale or any other exchange of certain drug paraphernalia.

Under current state law, all items that are designed for use or are primarily intended for use with tobacco are excluded from the definition of drug paraphernalia; however, there are for sale flavored tobacco products and rolling papers whose overwhelming use is for the consumption of illegal drugs. Because state law precludes the City of Milwaukee from amending the Code to consider flavored tobacco wrappers and rolling papers as drug paraphernalia, and because these items do not fit within the definition of drug paraphernalia, this resolution directs the Intergovernmental Relations Division-Department of Administration to seek state legislation that changes state law to include flavored tobacco wrappers and rolling papers in its definition of drug paraphernalia in the Controlled Substances Act.

Whereas, The state's Controlled Substances Act defines drug paraphernalia as items that are used, designed for use or are primarily intended for use in ingesting or inhaling illegal drugs, and any items that are primarily intended for use with tobacco products are excluded from the definition of drug paraphernalia; and

Whereas, However, there are now for sale in the City of Milwaukee flavored tobacco wrappers and rolling papers which are widely available at various types of establishments, and whose overwhelming use is associated with the consumption of illegal drugs; and

Whereas, It is commonly understood that flavored tobacco wrappers are not used for smoking tobacco, and the design and manufacture of flavored tobacco wrappers clearly demonstrates that these items are intended for use in the consumption of illegal drugs, as they are sold as hollow tubes in which substances can easily be inserted and smoked; and

Whereas, Flavored tobacco wrappers and rolling papers are impregnated or scented with, or aged or dipped in, alcohol and other flavorings, so that as they burn, the odor of their burning contents is altered, masked or obscured, and they are otherwise unrecognizable as containing illegal drugs; and

Whereas, The manufacturers or distributors of some such flavored products depict a marijuana leaf in the product logo, in an apparent attempt to associate the product's use with cannabis, and individuals and organizations that advocate the use of cannabis also recommend the use of such products because of their masking effect of the odor and presence of illegal drugs; and

Whereas, The widespread availability of flavored tobacco wrappers and rolling papers undoubtedly contributes to drug proliferation in the City; yet current state law does not define tobacco wrappers or rolling papers as drug paraphernalia; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division-Department of Administration is directed to seek introduction and passage of state legislation to amend the Controlled Substances Act to include flavored tobacco wrappers and rolling papers within the definition of drug paraphernalia.

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LCS

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