

AN ORDINANCE REGULATING THE INHALING, DRINKING, BREATHING, AND SALE OF CERTAIN SUBSTANCES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1111.01 State Pharmacy Law of 1937, Prohibited Drug Act and Uniform Narcotic Drug Act Adopted.

The provisions of Minnesota Statutes annotated, Chapters 151 and 152, each as amended by subsequent laws of the State of Minnesota, are adopted as part of a Drug, Narcotics, Poisons, and Chemical Ordinance regulating the transfer of possession, possession, and use of drugs, narcotics, poisons, and chemicals within the City and are hereby incorporated in and made a part of this Chapter as completely as if set out here in full.

1111.02 Possession of Injection Implements.

No person or persons, except dealers or salesmen in surgical instruments, registered pharmacies, licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dentistry, licensed doctors of veterinary medicine, or nurses or interns in any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated, when under the direction and supervision of a licensed doctor as defined above, shall at any time have or possess any hypodermic syringe or needle, or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections, and which is possessed for that purpose, unless such possession be authorized by the certificate of a physician issued within the period of one year prior to any time of such possession. No person shall use, possess, or have under his control for use, any stem, bowl, lamp, yen hock, or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium.

1111.03 Prohibiting Inhalation of Chemicals.

No person shall inhale, breathe, drink, or otherwise take into the body any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, tricoroathane, isopropanol, methyl isobutryl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance capable of inducing intoxication, elation, dizziness, paralysis, irrational behavior or, in any manner, distorting or changing the audio, visual, or mental processes. For the purpose of this Section, any such condition so induced shall be deemed to be an intoxicated condition; provided, however, that the provisions of this Section shall not apply to any person who inhales, breathes, or drinks such material or substances

pursuant to the direction or prescription of any licensed doctor as listed in Section 1111.02 above, and authorized to so direct or prescribe.

1111.04 Sale or Possession.

No person shall, for the purpose of violating or aiding another to violate any provision of this Ordinance, intentionally possess, buy, sell, transfer possession, or receive possession of any glue or cement containing any of the intoxicating substances defined in 1111.03.

1111.05 Restriction of Sales to Minors.

Except as provided in Subsection B hereof and 1111.06, no person under eighteen (18) years of age shall possess or buy any glue or cement containing the intoxicating substances defined in 1111.03;

A. Except as provided in subsection B hereof and 1111.06, no person shall sell or transfer possession of any glue containing the intoxicating substances defined in 1111.03 to another person under eighteen (18) years of age.

B. Provided, however, a person may sell or transfer possession of any glue containing the intoxicating substances defined in 1111.03 to a person under eighteen (18) years of age for model building or other lawful use, where said juvenile has in his possession, and presents, the written consent of his parent or guardian, which consent shall contain the address and telephone number of said parent or guardian.

C. This Section shall not apply where the glue or cement is sold, delivered or given away simultaneously with and as a part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

1111.06 Permanent Records of Sale or Transfer.

A person making a sale or transfer of possession of any glue containing the intoxicating substance defined in 1111.03, to a person under eighteen (18) years of age, who presents the written consent of his parent or guardian, shall keep the written consent required by this section in a permanent type file available for inspection by the Police Department for a period of at least six months.

1111.07 Self-Service Displays Prohibited.

Retail establishments selling glue or cement containing the intoxicating substances defined in 1111.03 shall not sell such glue or cement from a self-service display.

1111.08 Organized Model Classes Excluded.

This Ordinance shall not apply to the distribution of glue or cement by adult supervised youth organizations for use by their regularly organized model classes.

1111.09 Menace to Public Welfare.

Any possession, sale, distribution, prescribing, administration, dispensation, or use of drugs, narcotics, poison, or chemicals, or of any hypodermic syringe or needle, or any instrument or implement adopted for the use of narcotic drugs, or any stem, bowl, lamp, yen hock, or other narcotic smoking paraphernalia or accessories used for the smoking or inhalation of narcotics contrary to the provisions of this Chapter, is hereby declared to be dangerous to the public health and a menace to the public welfare.

1111.10 Penalty.

Any person who violates any provision of this Ordinance, upon conviction thereof, shall be punished by a fine not exceeding Seven Hundred Dollars (\$700.00) and/or by imprisonment for a period not exceeding ninety (90) days, or both.