

Memorandum



DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Blunt Wrap Presentation**

Attached is briefing material on the "Blunt Wrap Presentation" to be presented to the Members of the Public Safety Committee on Monday, August 2, 2010, by Craig Williamson and Robert Peeler, Cigar Association of America.



Ryan S. Evans
First Assistant City Manager

- c: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
C. Victor Lander, Administrative Municipal Judge
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Helena Stevens-Thompson, Assistant to the City Manager Mayor/City Council

Blunt Wrap Presentation

Dallas City Council Public Safety Committee Meeting

August 2, 2010

Cigar Association of America

Craig Williamson

Robert Peeler



What are "blunt wraps" used for?



"Blunt wraps are primarily intended for use with marijuana or cannabis." "Blunt wraps constitute drug paraphernalia."

SOURCE: US Customs and Border Protection Agency ruling, November 26, 2008



"Blunt wraps are heavily marketed to the youth and often used as drug paraphernalia."

Source: City of Boston Public Health Commission Ordinance, adopted December 11, 2008



"According to focus groups with teens, blunts remain the most popular form for smoking cannabis."

Source: National Institute on Drug Abuse, Community Epidemiology Work Group Report, "Epidemiological Trends in Drug Abuse "



"While blunts generally contain more marijuana than a regular joint, they look like a regular cigar."

Tobacco Technical Assistance Consortium - Tobacco 101/Tobacco Products, See www.ttac.org



"Blunts may be laced with other substances including PCP and crack cocaine."

Source: National Institute on Drug Abuse, Community Epidemiology Work Group Report, "Epidemiological Trends in Drug Abuse"



“It is quite evident from the vast number references on the Internet that blunt wraps are sold and bought for use with marijuana or cannabis.”

SOURCE: US Customs and Border Protection Agency ruling, November 26, 2008

A cursory search of the internet will return thousands of results relating blunt wraps to illegal drug use.

For example, the website grasscity.com shows the following guide on how to roll your own marijuana blunt using blunt wraps:



Blunt Wraps Are Marketed With Obvious Drug References

EXAMPLE 1:
Blunt Wrap
Brand Double
Platinum Wrap,
"KUSH" flavored



Drug References



"KUSH" is a slang term
for Marijuana

Source: White House Office of
National Drug Control Policy



"JuJu" is a slang term
for a Marijuana joint

Source: White House Office of
National Drug Control Policy



EXAMPLE 2:
Zig Zag Brand
Premium Wrap,
"Blue JuJu"
flavored



Blunt Wraps Are Now Being Marketed as “Cigar Wraps” In An Attempt to Legitimize the Product

-A Distinction Without a Difference-

"Blunt" Wraps BECOME "Cigar" Wraps



Changing the label on package from “blunt wrap” to “cigar wrap” does not change the fact that the product inside the package is the same product that U.S. Customs determined to be “primarily intended for use with marijuana or cannabis.”

Q: Would AB 2757 treat blunt wraps differently than other products primarily intended for drug use?

A: No, California law already restricts the sale of many products “intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body” to retail environments that prohibit minors.

These products include:



"Bongs"

Pipes



"Roach clips"



MYTH: The fact that blunt wraps can be used legally with “roll-your-own” cigar tobacco proves that they are not drug paraphernalia.

FACT: The standard for determining whether blunt wraps are prohibited drug paraphernalia is NOT whether the items are compatible for use with illicit substances, but whether they are PRIMARILY intended for use with illicit substances.



“Although blunt wraps may have more than one use, they constitute drug paraphernalia.”

SOURCE: US Customs and Border Protection Agency regulatory ruling, November 26, 2008

MYTH: Blunt wrap manufacturers contend that blunt wraps and roll-your-own cigar tobacco are sold together in a 1 to 1 ratio.

FACT: A recent survey of distributors in the 12 state region of the western U.S. including California revealed that 85% of distributors DON'T EVEN CARRY roll-your-own cigar tobacco for sale.

Distributors and retailers don't carry roll your own cigar tobacco because consumers aren't buying it, which further suggests something other than cigar tobacco is being used in blunt wraps.

MYTH: The fact that blunt wraps carry the federal Surgeon General's Cigar Warning proves that they are a legitimate cigar product.

FACT: The Federal cigar warning label requirement is ONLY applicable to products that meet the very specific federal definition of a cigar, which is: "any roll of tobacco wrapped in any other substance containing tobacco" (other than a cigarette).



Wraps plainly do not meet this definition, and placing the federal cigar warnings on their packaging is at best misleading, and at worst is a deliberate attempt to create the illusion that blunt wraps are legitimate cigar products.

CUSTOMS RULING

LEXSEE 2008 U.S. CUSTOM HQ LEXIS 989

U.S. Bureau of Customs & Border Protection Rulings – HQ Series

2008 U.S. Customs HQ Lexis 989; HQ H041682

November 26, 2008

Reference: Drug Paraphernalia; 21 U.S.C. § 863; Blunts; Blunt Wraps; Blunt Wrappers; Marijuana or Cannabis

LEXSEE 2008 U.S. CUSTOM HQ LEXIS 989

U.S. Bureau of Customs & Border Protection
Rulings - HQ Series

2008 U.S. CUSTOM HQ LEXIS 989; HQ H041682

November 26, 2008

DOCUMENT-NO: [*1] ENF-4-02-OT:RR:BSTC:IPR H041682 RFC

CATEGORY: Restricted Merchandise

Edward L. Earle
HBI International
3315 W. Buckeye Road, Suite B
Phoenix, AZ 85009

REFERENCE: Drug Paraphernalia; 21 U.S.C. § 863; Blunts; Blunt Wraps; Blunt Wrappers; Marijuana or Cannabis

Dear Mr. Earle:

This letter is in response to your September 11, 2008, dated request to U.S. Customs and Border Protection (CBP) on behalf of your company, BBK Tobacco & Foods, LLP, dba, HBI International (Phoenix, Arizona). In your request, you seek an advance or pre-importation ruling with respect to the classification of certain blunt wraps or blunt wrappers under the Harmonized Tariff Schedule of the United States (HTSUS). Please note that as we have determined below that the merchandise that is the subject of your ruling request to be prohibited and inadmissible merchandise, an advance or pre-importation ruling will not be issued with respect to the classification of the merchandise under the HTSUS. See 19 CFR 177.7(a) (No ruling letter will be issued in response to a request for a ruling in any instance in which it appears contrary to the sound administration of the Customs and related laws to do so.).

FACTS

In your letter, [*2] you state, in part, that:

I am writing on behalf of BBK Tobacco & Foods, LLP dba HBI International ("HBI"). HBI's address is listed above and the merchandise referenced below will be entered in either Los Angeles, CA or Phoenix, AZ. This ruling request is in regards to a prospective importation of homogenized tobacco wrappers from the Dominion Republic or the Philippines. To HBI's knowledge, there are no issues on the commodity pending before the Customs Service [sic] or any court.

I am writing to request a tariff classification ruling for the enclosed blunt wrapper samples. Enclosed are various types of blunt wrappers packaged in either a foil-type sleeve or a tube-shaped plastic container. The samples are identified as JUICY Blunts, KINGPIN Blunts and CYCLONE Blunts. These products are principally used in the United States for a consumer to use to make his own cigar. However, none of

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Page 2

the referenced products can be smoked alone as a cigar or cigarette. It is important to note this distinction since these products are more accurately identified as a cigar wrapper rather than an actual cigarette or cigar.

The products referenced above consist of approximately []% volatiles, [*3] []% extractives, []% wood fiber content, []% inorganic ash and []% tobacco fiber content. Overall, tobacco-wrapping papers were comprised of (1) volatiles--which included alcohol-based flavorings and water moisture; (2) extractives--which included non-volatile flavorings, added sugars and glues; (3) wood fiber--which was in the form of tree-based kraft pulped softwood and hardwood; (4) inorganic ash--which included filler such as calcium carbonate and clay added to the wrap during the paper making process; and (5) tobacco fiber--which originated from national tobacco leaf, which was added during the paper making process.

Three samples of the merchandise were received in this office with the request. The samples are identified as follows: (1) "Juicy Double Blunts" (Made in the Dominican Republic: <www.juicyblunts.com>); (2) "Kingpin Premium Blunts" (Made in the Dominican Republic: <www.zensmoke.com>); and (3) "Cyclones Pre Rolled Cone Blunts" (Made in the Philippines: <www.zensmoke.com>).

[SEE PICTURES OF THE THREE SAMPLES IN ORIGINAL]

ISSUE:

Whether the "blunt wraps" or "blunt wrappers" under consideration constitute drug paraphernalia for purposes of 21 U.S.C. § 863(d).

LAW [*4] & ANALYSIS

As concerns what constitutes "drug paraphernalia" for purposes of 21 U.S.C. § 863, the statute, provides, in part, as follows:

(a) In general. It is unlawful for any person--

- (1) to sell or offer for sale drug paraphernalia;
- (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
- (3) to import or export drug paraphernalia.

...

(d) "Drug paraphernalia" defined

The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body, such as--

- (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (2) water pipes;
- [*5] (3) carburetion tubes and devices;

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Page 3

- (4) smoking and carburetor masks;
- (5) roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (6) miniature spoons with level capacities of one-tenth cubic centimeter or less;
- (7) chamber pipes;
- (8) carburetor pipes;
- (9) electric pipes;
- (10) air-driven pipes;
- (11) chillams;
- (12) bonges;
- (13) ice pipes or chillers;
- (14) wired cigarette papers; or
- (15) cocaine freebase kits.

(c) Matters considered in determination of what constitutes drug paraphernalia

In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

- (1) instructions, oral or written, provided with the item concerning its use;
- (2) descriptive materials accompanying the item which explain or depict its use;
- (3) national and local advertising concerning its use;
- (4) the manner in which the item is displayed for sale;
- (5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- [*6] (6) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
- (7) the existence and scope of legitimate uses of the item in the community; and
- (8) expert testimony concerning its use.

(f) Exemptions

This section shall not apply to—

- (1) any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items; or
- (2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory.

21 U.S.C. § 863.

In *Posters 'N' Things v. United States*, 511 U.S. 513, 114 S. Ct. 1747, 128 L. Ed. 2d 539 (1994), the U.S. Supreme Court had an opportunity to consider the phrase "primarily intended...for use." Although the court was interpreting the text in former 21 U.S.C. § 857, in 1990, Congress repealed that section of title 21 and replaced it with the 21 U.S.C. § 863, which is indicated in *Posters 'N' Things* to be identical to current section 863. See Crime Control Act of 1990, Pub. L. 101-647, §2401, 104 Stat.4858. [*7] See also, 21 U.S. at 516, n. 5; *United States v. Search of Music Marketing, Inc.*, 212 F.3d 920, 925 (6th Cir. 2000).

In *Posters 'N' Things*, the court concluded that the phrase "primarily intended...for use" is to be understood objectively and refers generally to an item's likely use. 21 U.S. at 521. Moreover, the court noted that this "is a

relatively particularized definition, reaching beyond the category of items that are likely to be used with drugs by virtue of their objective features." 21 U.S. at 521, n. 11. Additionally, the court stated that "items 'primarily intended' for use with drugs constitute drug paraphernalia, indicating that it is the likely use of customers generally, not any particular customer, that can render a multiple-use item drug paraphernalia." 21 U.S. at 521-22, n. 11. Therefore, items having possible multiple uses can constitute drug paraphernalia for purposes of 21 U.S.C. § 863 if the likely use by customers of the seller of the items is for use with drugs.

An Internet search reveals a number of web sites that sell or advertise or promote blunt wraps or blunt wrappers similar to those imported by HBI International that also sell or advertise [*8] or promote other items likely for use with drugs. See, e.g., www.monstersmokeshop.com.

In addition to the many above-mentioned web sites offering for sale or advertising or promoting blunt wraps or blunt wrappers, a number of references were found on the Internet relating to blunts, blunt wraps and blunt wrappers for use with marijuana or cannabis. They include the following ones:

Cannabis Smoking/Rolled/Blunt

A "blunt" is a method for smoking marijuana in which the marijuana is smoked inside a tobacco leaf obtained from the outer layer of a cigar.

There are three main methods for producing blunts. The first method is to hollow out the interior of a pre-made cigar and fill it with cannabis. The second method is to rip or cut the cigar lengthwise from end to end, after which the contents are discarded and the wrapping rerolled like a new cigar. **The third method is to buy cigar paper (commonly referred to as a wrap) which can come in a variety of flavors, and roll it like a joint.** (Emphasis added.)

See www.wikipedia.org

Tobacco Technical Assistance Consortium/Tobacco 101/Tobacco Products

Blunts - Regular cigars that have marijuana added to the tobacco

[*9]

Blunts are made by hollowing out a factory-made cigar and stuffing it with marijuana or by rolling one's own cigar.

Technology

While blunts generally contain more marijuana than a joint, they look like a regular cigar.

Philly Blunts are inexpensive cigars that are often used to create marijuana blunts.

Blunt wrappers

The term *blunt* is also used to describe the blunt wrapper, tobacco leaf that can be cut to the size of the blunt the user wants to make.

Blunt wrappers are often flavored to taste like rum, cherry, strawberry, vanilla ice cream, etc. (Emphasis added.)

See www.tnac.org

NYU Steinhardt School of Culture, Education & Human Development Center for Health, Identity,

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Page 5

Behavior & Prevention Studies/Substances--Marijuana

A blunt, by definition, is marijuana rolled into the emptied wrapper of a cigar.

See www.steinhardt.nyu.edu

Blunt: a marijuana cigarette, specif. one made by putting marijuana into the wrapper of a hollowed-out cigar.

See www.yourdictionary.com

Blunt: Slang, a cigar stuffed with marijuana.

See dictionary.reference.com

Blunt: a cigar that has been hollowed out and filled with marijuana. [*10]

See www.merriam-webster.com

Blunt - A joint rolled in tobacco-leaf wrapper of a cigar.

See www.marijuanadictionary.com

Facts About Marijuana

Marijuana is most often smoked in hand rolled cigarettes known as *joints* or *rolls*. Some marijuana users cut open cigars, replacing the tobacco with marijuana to create a *blunt*. Blunts may also contain mixtures of marijuana and crack cocaine.

See www.psychiatric-disorders.com

How Stuff Works/How Marijuana Works/Marijuana Usage

Some users slice open a cigar, remove the tobacco and refill it with marijuana. The marijuana-filled cigar is often called a **blunt**.

See www.howstuffworks.com

Office of National Drug Control Policy: Street Terms

Blunt -- Marijuana inside a cigar, cocaine and marijuana inside a cigar.

See www.whitehousedrugpolicy.gov

National Institute on Drug Abuse/Marijuana: Facts Parents Need to Know

Q: How is marijuana used?

A: Most users roll loose marijuana into a cigarette (called a joint or a roll) or smoke it in a pipe or a water pipe, sometimes referred to as a bong. Some users mix marijuana into foods or use it to brew a tea. **Another method is to slice open** [*11] **a cigar and replace the tobacco with marijuana, making what's called a blunt.** (Emphasis.)

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Page 6

See www.drugabuse.gov

National Institute on Drug Abuse/NIDA InfoFacts: Marijuana

How is Marijuana Abused?

Marijuana is usually smoked as a cigarette (joint) or in a pipe. It is also smoked in blunts, which are cigars that have been emptied of tobacco and refilled with marijuana. Since the blunt retains the tobacco leaf used to wrap the cigar, this mode of delivery combines marijuana's active ingredients with nicotine and other harmful chemicals. (Emphasis added.)

See www.drugabuse.gov

Office of National Drug Control Policy/Pulse Check: Trends in Drug Abuse April 2002

How do marijuana users take marijuana?

As reported in the last *Pulse Check*, joints remain the most common vehicle for smoking marijuana. However, blunts (hollowed-out cigars filled with marijuana) are more common than joints in many cities, as reported by epidemiologic/ethnographic and nonmethadone treatment sources. (Emphasis added.)

See www.whitehousedrugpolicy.gov

In light of the above, it is quite clear that there is a very large and extensive market for blunt wraps or blunt [*12] wrappers similar to those imported by HBI International that are likely or primarily purchased for use with marijuana or cannabis (i.e., to wrap and smoke the marijuana or cannabis).

In your submission, you allege that the blunt wraps or blunt wrappers that HBI International imports "are principally used in the United States for a consumer to use to make his own cigar." No evidence was submitted to establish or substantiate this allegation. In fact, you have not submitted any evidence to show or establish the likely or primary intended use of the imported blunt wraps or blunt wrappers by the customers who purchase them from or through HBI International or from or through HBI International's customers and affiliates. Finally, the record does not show or establish that the blunt wraps or blunt wrappers under consideration are traditionally intended for use with tobacco products. See 21 U.S.C. § 863(f).

As shown above, it is quite evident that from the vast numbers of advertisements, promotions and references on the Internet relating to blunt wraps and blunt wrappers, they are likely sold and bought for use with marijuana or cannabis. This is a relevant factor to consider in [*13] determining whether the blunt wraps or blunt wrappers under consideration constitute drug paraphernalia. See 21 U.S.C. § 863(e) (Logically relevant factors may be considered in determining whether an item constitutes drug paraphernalia.). Moreover, as indicated above, no evidence was submitted in the instant case to show or establish the likely use or intended primary use of the blunt wraps or blunt wrappers by the customers who purchase them. *Id.* Upon review, then, we conclude that the blunt wraps or blunt wrappers under consideration are likely or primarily intended for use with marijuana or cannabis (i.e., to wrap and smoke marijuana or cannabis) by the customers who purchase them from or through HBI International or from or through HBI International's customers and affiliates. Therefore, although the blunt wraps or blunt wrappers may have more than one use, they constitute drug paraphernalia. 21 U.S.C. § 863(d); See also, *Posters 'N' Things*, 21 U.S. at 521-22, n. 11 ("[I]tems 'primarily intended' for use with drugs constitute drug paraphernalia, indicating that it is the likely use of customers generally, not any particular customer, that can render a multiple-use [*14] item drug paraphernalia.").

CONCLUSION

The above-referenced blunt wraps or blunt wrappers constitute drug paraphernalia for purposes of 21 U.S.C. § 863(d). Therefore, the blunt wraps or blunt wrappers are unlawful and inadmissible, and their importation is prohibited. 21 U.S.C. § 863(a). Any future importations of the blunt wraps or blunt wrappers will be subject to seizure. 19 U.S.C. § 1595a(c).

ISSUED-BY: George Frederick McCray, Chief
Intellectual Property Rights & Restricted
Merchandise Branch

CUSTOMS SERVICE DISCLAIMER: Inclusion of Customs ruling in LEXIS does not constitute publication of the ruling under 19 CFR 177.10(b). An established and uniform practice is created for Customs rulings only by full-text publication in the Customs Bulletin and only if the ruling concerns a rate of duty or change.

Legal Topics:

For related research and practice materials, see the following legal topics:

International Trade Law
Imports & Exports
Classification of Merchandise
Harmonized Tariff Schedule
International Trade Law
Imports & Exports
Duties, Fees & Taxes
General Overview

BOSTON BAN

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Whereas, tobacco is one of the leading causes of death in the United States and lung cancer, which has a correlation to smoking, has been the leading cause of cancer death among Boston residents;

Whereas, tobacco is currently sold in health care institutions such as pharmacies and drug stores;

Whereas, the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication;

Whereas, educational institutions in the City of Boston also sell tobacco products to the younger population, which is particularly at risk for becoming smokers;

Whereas, the sale of tobacco products is also incompatible with the mission of educational institutions which educate the younger population about social, environmental and health risks and harms;

Whereas, there are certain tobacco products such as blunt wraps that are frequently marketed and sold to the youth and are also known to be used as drug paraphernalia;

Therefore, the Boston Public Health Commission in recognition of the harmful effects of tobacco on vulnerable populations, believes that it is important that the sale of tobacco products be banned by educational and health care institutions in the City of Boston and that blunt wraps also be banned in furtherance of its mission to protect, promote and preserve the health and well-being of Boston citizens.

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section I: Definitions

Blunt wrap: cigarette-like rolling paper that is thick and dark and usually made from tobacco leaves. Blunt wraps come in flavored varieties and are heavily marketed to the youth and often used as drug paraphernalia.

Health care institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employers health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.

Entity: any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.

Educational institution: any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Retail establishment: any store that sells goods or articles of personal services to the public.

Tobacco products: any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco and dipping tobacco.

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section II: Prohibition Against the Sale of Tobacco Products by Health Care Institutions

No health care institution located in the City of Boston shall sell or cause to be sold tobacco products. Additionally, no retail establishment that operates or has a health care institution within it, such as pharmacy or drug store, shall sell or cause to be sold tobacco products.

Section III: Prohibition Against the Sale of Tobacco Products by Educational Institutions

No educational institution located in the City of Boston shall sell or cause to be sold tobacco products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

Section IV: Prohibition Against the Sale of Blunt Wraps by All Entities

No retail establishment or entity in the City of Boston shall sell or cause to be sold blunt wraps.

Section V: Violations

1. A violator of this Regulation may receive:
 - a. In the case of a first violation a fine of two hundred dollars (\$200.00);
 - b. In the case of a second violation within 24 months of the first violation a fine of seven hundred dollars (\$700.00); and,
 - c. In the case of a three or more violations within 24 months of the second or current violation, a fine of one thousand dollars (\$1000.00) for each violation
2. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.
3. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Boston Public Health Commission or a city of Boston department or agency from suspending, or revoking any license or permit issued by and within the jurisdiction of such departments or agency for repeated violations of this regulation.

Boston Public Health Commission

Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section VI: Enforcement

1. Authority to enforce this regulation shall be held by the Boston Public Health Commission, its subsidiary programs or designees; the City of Boston Inspectional Services Department and the City of Boston Police Department.
2. Any violation of this regulation may be enforced in the manner provided in M.G.L. c. 111 § 187, by the Boston Public Health Commission, its subsidiary programs or designees.
3. Any person may register a complaint under this Regulation to initiate an investigation and enforcement with the Boston Public Health Commission, its subsidiary programs or designees.
4. Any fines or fees collected under this regulation shall be used for the enforcement of these regulations and/or for educational programs on the harmful effects of tobacco.

Section VII: Non-retaliation

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this regulation or exercises any right conferred by this regulation.

Boston Public Health Commission

Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section VIII: Non-preemption

Nothing in this Regulation shall be deemed to preempt the further limitation of the sale of tobacco products in the City of Boston by any local regulatory body within the limits of its authority and jurisdiction.

Section IX: Severability

If any provision, clause, sentence, paragraph or word of this regulation or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this regulation are declared severable.

Section X: Effective Date

This Regulation shall take effect within 60 days from the date of acceptance by the Board of the Boston Public Health Commission.

Authority: M.G.L. c. 111, §31; M.G.L. c. 111, App. §§2-6(b), 2-7(a)(1), and 2-7(a)(15).

CA LAW

CALIFORNIA HEALTH AND SAFETY

CODE SECTION 11364.5

SUMMARY: Existing California Law Requiring Products That Are “intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body” to be sold in retail establishments that prohibit minors, and a list of those products.

11364.5. (a) Except as authorized by law, no person shall maintain or operate any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 years not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded.

(b) Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of 18 years to enter, be in, remain in or visit such room or enclosure unless such minor person is accompanied by one of his or her parents or by his or her legal guardian.

CALIFORNIA HEALTH AND SAFETY

CODE SECTION 11364.5

11364.5. contd. (c) Unless authorized by law, no person under the age of 18 years shall enter, be in, remain in or visit any room or enclosure in any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless accompanied by one of his or her parents or by his or her legal guardian.

(d) As used in this section, “drug paraphernalia” means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. “Drug paraphernalia” includes, but is not limited to, all of the following:

(1) – (12) Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as the following:

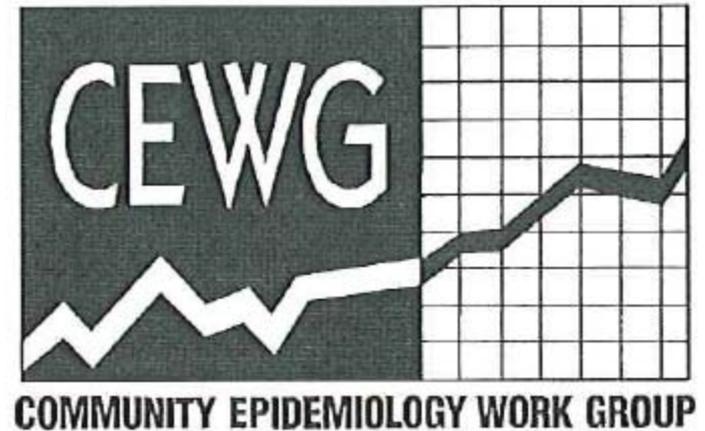
CALIFORNIA HEALTH AND SAFETY CODE SECTION 11364.5

11364.5. contd.

- (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 that 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) Air-driven pipes.
- (K) Chillums.
- (L) Bongs.
- (M) Ice pipes or chillers.

NIDA REPORT

NATIONAL INSTITUTE ON DRUG ABUSE COMMUNITY EPIDEMIOLOGY WORK GROUP



EPIDEMIOLOGIC TRENDS IN DRUG ABUSE VOLUME I

Proceedings of the Community Epidemiology Work Group
Highlights and Executive Summary

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NATIONAL INSTITUTES OF HEALTH
Division of Epidemiology, Services and Prevention Research
National Institute on Drug Abuse
6001 Executive Boulevard
Bethesda, Maryland 20892

MARIJUANA

Overview

After trending up in the 1990s, marijuana indicators continued to increase in 8 CEWG areas and leveled off in 12, with Atlanta reporting a “general decline.”

Boston

Marijuana remains widely available. According to focus groups with teens, blunts remain the most popular form of smoking cannabis. However, one contact reported that tobacco control efforts in Boston are reducing the availability of cigars for making blunts, prompting more use of the rolling papers.

Chicago

Marijuana use, alone and in combination with other drugs, appears to be increasing throughout the Chicago metropolitan area.

Honolulu

Statewide, marijuana treatment admissions are the second highest in the 10 years of data recorded by the Hawaiian CEWG. Deaths involving marijuana also increased.

Minneapolis

Marijuana use among Minnesota youth has increased since 1992. Marijuana was the primary drug of abuse for one out of five people who entered addiction treatment programs in 2001, and, of those, one-half were younger than 18.

New York

Marijuana indicators continue to reach new peaks.

Philadelphia

The rate of marijuana ED mentions in Philadelphia in the first half of 2001 was the highest among CEWG cities. Focus groups reported the increased availability and use of commercial blunt wrappers made of cigar tobacco leaves as an alternative to buying cigars.

St. Louis

Marijuana indicators have been trending up for some time. Primary treatment admissions more than doubled between 1997 and 2000.

DAWN ED Data on Marijuana

Rates of marijuana/hashish ED mentions per 100,000 population are depicted in exhibit 20. As shown, the rates were highest in Philadelphia (59 mentions per 100,000 population), followed by Detroit (48), Boston (42), and Chicago, Miami, and St. Louis (all reporting 41 mentions).

DAWN comparisons of ED data for the first halves of 2000 and 2001 show that rates of marijuana ED mentions per 100,000 population increased significantly in Baltimore, Minneapolis/St. Paul, Philadelphia, Phoenix, and Seattle, while decreasing significantly in Dallas.

From 1994 to 2000, several CEWG areas experienced significant increases in the rates of ED marijuana mentions per 100,000 population (exhibit 21). Between 1994 and 2000, as well as from 1998 to 2000 and from 1999 to 2000, increases in marijuana ED rates were significant in Denver, Miami, Minneapolis/St. Paul, and Seattle. From 1998 to 2000, significant increases also occurred in Los Angeles, Phoenix, St. Louis, and San Francisco, with San Diego showing a significant decline. From 1999 to 2000, significant increases in rates of marijuana ED mentions also occurred in Boston, Chicago, and San Francisco.

Questions?