

**GAINES TOWNSHIP
ORDINANCE NUMBER 121**

An ordinance to prohibit the possession of a drug implement; and to proscribe penalties for violations thereof.

THE GAINES TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Possession of drug implement.

(a) No person shall at any time have or possess any empty gelatin capsules, hypodermic syringe or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one year; provided, that the prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, podiatrists, veterinarians, pharmacists and embalmers in the normal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

(b) No person shall at any time deliver, furnish, supply or giveaway any empty gelatin capsules, hypodermic syringe or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction to any person known to be a nonmedical habitual user of controlled substances. This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, podiatrists, veterinarians, pharmacists and embalmers in the normal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

(c) For the purposes of this section, a "nonmedical habitual user of controlled substances" shall mean any person who uses controlled substances merely to satisfy a craving for controlled substances.

Section 2. Penalty.

A person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for not more than 93 days.

Section 3. Effective Date.

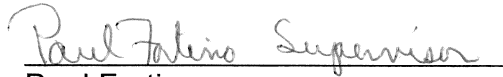
This ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Gaines held on September 7, 2016, **Diane Hyrman** moved for adoption of the foregoing ordinance and **Lee Purdy** supported the motion.

Voting for: **Michael Dowler, Diane Hyrman, Lee Purdy, Chuck Timmons, Paul Fortino**

Voting against: **None**

The Supervisor declared the ordinance **adopted**.

 Paul Fortino Supervisor

Paul Fortino
Supervisor

 Michael Dowler

Michael Dowler
Clerk

Certification

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 121 which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on September 7, 2016.

 Michael Dowler, Township Clerk