



1685 CROSSTOWN BOULEVARD N.W. • ANDOVER, MINNESOTA 55304 • (763) 755-5100
FAX (763) 755-8923 • WWW.ANDOVERMN.GOV

THIS APPLICATION, FEE AND REQUIRED DOCUMENTATION MUST BE FILED AND A LICENSE OBTAINED BEFORE YOU CAN LEGALLY ENGAGE IN BUSINESS IN THE CITY OF ANDOVER, MINNESOTA. APPLICATION FEES ARE REFUNDABLE ONLY IF APPLICATION IS WITHDRAWN PRIOR TO APPROVAL. INCOMPLETE APPLICATIONS ARE NOT ACCEPTED.

TOBACCO LICENSE APPLICATION

BUSINESS INFORMATION:

BUSINESS NAME (Individual or Company) _____

STREET NUMBER & NAME _____ CITY _____ STATE _____ ZIP _____

MAILING ADDRESS (IF DIFFERENT FROM ABOVE) _____ CITY _____ STATE _____ ZIP _____

PHONE NUMBER: (_____) _____ ALTERNATE NUMBER: (_____) _____

TYPE OF BUSINESS CONDUCTED AT LOCATION: _____

BUSINESS OWNERSHIP INFORMATION:

TYPE OF OWNERSHIP: Individual Partnership Limited Liability Corporation (LLC) Corporation (INC)

LLC OR CORPORATION NAME _____

NAME OF OWNERSHIP, PARTNER(S) OR OFFICERS, TITLE, HOME ADDRESS AND PHONE NUMBER
(attach additional sheets as necessary)

I AM THE OWNER OF THE BUSSINESS: Yes No (if no you must attach a written statement from the business owner that authorizes you to apply for the business license on behalf of the business owner)

PREMISE/PROPERTY INFORMATION:

THE PROPERTY AT WHICH I AM REQUESTING A LICENSE FOR, I Own Rent Lease Other: _____

(If you rent or lease the premises, you must attach a copy of your fully executed rental or lease agreement or a notarized statement from the property owner that you are authorized to operate such business or provide such services on the property)



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APPLICANT INFORMATION:

APPLICANT NAME (First, Middle, Last)

HOME ADDRESS CITY STATE ZIP

PHONE NUMBER: (_____) _____ ALTERNATE NUMBER: (_____) _____

EMAIL ADDRESS: _____

DRIVER'S LICENSE #: _____ EXPIRATION DATE: _____ STATE OF ISSUANCE: _____

PLEASE ANSWER ALL QUESTIONS TRUTHFULLY AND TO BEST OF YOUR KNOWLEDGE.

IF THE APPLICATION IS SUBMITTED ON BEHALF OF A PARTNERSHIP, LLC OR CORPORATION, YOU MUST INCLUDE THE FOLLOWING INFORMATION FOR EACH PARTNER, OFFICER AND DIRECTOR *(attach additional sheets as necessary)*

1. Have you ever been convicted of any misdemeanor or felony violation of local ordinances (with the exception of misdemeanor traffic violations)? Yes No

(if yes you must provide details of conviction(s); date of offense, date of conviction, location and charge)

2. Have you ever applied for or held a license to conduct a like or similar activity in any other City or State, not including Andover? Yes No

(if yes you must provide details; description, date and location)

3. Have you ever been denied a license to conduct a similar or like activity or had such licenses suspended, revoked or canceled in any City or State, including Andover: Yes No

(if yes you must provide details; description, date and location)

4. List all names, nicknames and aliases by which you have been known:

5. List two (2) of your previous addresses, immediately prior to your present address:



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ONLY FULLY COMPLETED APPLICATIONS ARE ACCEPTED. PAYMENT AND ALL REQUIRED DOCUMENTATION IS REQUIRED AT TIME OF APPLICATION SUBMITTAL.

CHECKLIST OF REQUIRED DOCUMENTATION:

- License Application Packet, fully completed.
- Payment \$250.00
- Photocopy of Current Minnesota Driver's License, Minnesota State Issued Identification Card or other Government Issued Identification as evidence that applicant is at least eighteen (18) years of age.
- Workers Compensation Form (State requirement)
- Tax Clearance Form (State requirement)
- Tennessee Warning Form (State requirement)
- Minnesota Department of Revenue License Application (State requirement)

I agree to waive my constitutional rights against search and seizure and will freely permit peace officers to inspect my premises and agree to the forfeiture of my license if found to have violated the provisions of the ordinance providing for the granting of this license.

I do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Andover, its agents and employees to obtain any necessary information and to conduct an investigation, including background checks, as deemed necessary by the City of Andover into the truth of the statements set forth in this application and the qualifications for said license. I do understand that providing false information shall be grounds for denial of my license. I fully understand that it is my responsibility to be familiar with and abide by the requirements of the City, which is detailed in the pertinent section of the Andover City Code, which is available on the City website at www.andovermn.gov or upon request from the City Clerk and to be familiar with and abide by the laws of the State of Minnesota relating to this licensure. I further understand that the information supplied within this application is classified as public data and will be provided to the public upon request.

Signature: _____

Date: _____

Approved: _____ Denied: _____

Sheriff's Office

License Fees: \$250.00

License # _____

Action by City Council: _____ Approved _____ Denied _____ Date: _____

**CERTIFICATE OF COMPLIANCE
MINNESOTA WORKER'S COMPENSATION LAW**

PRINT LEGIBLY IN INK OR TYPE

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

ALL APPLICANTS: I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

Signature: _____

Printed Name: _____

Title: _____ Date: _____

I am not required to have worker's compensation insurance coverage because:

- I have no employees
- I have employees but they are not covered by workers' compensation law.
(see Minnesota Statute 176.041 for list of excluded employees)

Explain why your employees are not covered: _____

COMPLETE THIS PORTION ONLY IF YOU ARE INSURED: A valid worker's compensation policy must be kept in effect at all times by employers as required by law.

Business Name (Individual name only if no company name is used): _____

DBA (if applicable): _____

Address (must include street address): _____

Insurance Company Name (not agent): _____

Workers Compensation Policy No.: _____

Effective Date: _____ Expiration Date: _____

IF SELF-INSURED – ATTACH A COPY OF THE PERMIT TO SELF-INSURE

NOTE: If your worker's compensation policy is canceled within the license period, you must notify the agency who issued the license/permit by resubmitting this form.

CITY OF ANDOVER TAX CLEARANCE

Pursuant to Minnesota Statute 270.72 Tax Clearance: Issuance of Licenses, the licensing authority required to provide to the Minnesota Commissioners of Revenue your Minnesota Business Tax Identification Number and the social security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest;
2. Upon receiving this information, the licensing authority will supply the information only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service;
3. Failure to supply this information may jeopardize or delay the processing of your licensing application.

Please supply the following information and return along with your application to the agency issuing the license.
DO NOT RETURN TO THE DEPARTMENT OF REVENUE.

License Being Applied for or Renewed: _____
Licensing Authority: _____ CITY OF ANDOVER _____
License Renewal Date: _____

Personal Information:

Applicant's Name: _____
Applicant's Address: _____
Social Security Number: _____
Or Individual Tax Identification Number (ITIN) _____

Business Information:

Business Name: _____
Business Address: _____
Minnesota Tax Identification # _____
Federal Tax Identification # _____

If Minnesota Tax Identification number is not required, please explain. _____

Signature: _____ Company: _____

TENNESSEN WARNING

In connection with your request for a license the City of Andover has asked that you provide information about yourself which is classified as either *private* or *confidential* by the Minnesota Government Data Practices Act (M.S.A. 13.04). Accordingly, the City is required to inform you of the following:

1. The private or confidential information requested includes, but may not necessarily be limited to, the following: *Your social security number or Minnesota business identification number.*
2. The purpose and intended use of the information requested is: *To comply with Minnesota Statutes, Section 270.72.*
3. You are required to supply the requested information.
4. The known consequences of supplying the requested information are as follows: *Loss or denial of the requested license if you owe the State of Minnesota delinquent taxes, penalties or interest.*
5. The known consequences of refusing to supply the requested information is: *Your request for a license cannot be processed.*
6. The following persons and entities are authorized by law to receive the information if provided: *State of Minnesota – Department of Revenue and other government agencies as provided by law.*

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice.

Date

Signature of Applicant

Print Name

License Application to Make Retail Sales of Cigarette and Other Tobacco Products

To be completed by applicant when applying for a license with a city or county.

FOR MUNICIPAL USE ONLY

Applicant's Minnesota Tax ID Number

The Minnesota Tax ID must be issued in the same legal name of the licensee below.

License Authority
License Number
Period Covered
Date of Issuance

Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine):

Over Counter Through Vending Machine Both

Licensee's Legal Name	Federal Employer ID Number (FEIN)			
Business Trade Name (doing business as)	Daytime Phone			
Complete Address of Business Location (permit location)	County	Other Phone Number		
City	State	ZIP Code	Fax Number	
Mailing Address (if different than business address)	City	State	ZIP Code	Email Address

Type of legal organization (check one):

Sole proprietor Minnesota corporation: Enter date of incorporation _____
 Partnership Out-of-state corporation: State of incorporation _____
 Other (describe) _____ Are you registered to do business in Minnesota? Yes No

Corporate officers or partners (attach a list if necessary)

Name	Title		
Address	City	State	ZIP Code
Name	Title		
Address	City	State	ZIP Code

As a licensed tobacco products or cigarette retailer, I understand that:

1. I can purchase cigarettes only from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue.
2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.
3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.
4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.
5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.
6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.
7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.

Licensee Signature	Title	Print Name	Date	Daytime Phone
Licensing Agent's Signature	Title	Print Name	Date	Daytime Phone

License applicant: Submit this form to the licensing authority along with the license application.

Licensing authority: Mail, email or fax to:
 Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.
 Fax: 651-556-5236. Email: cigarette.tobacco@state.mn.us

Print or Type

Business Information

Statement of Understanding

Sign Here

CHAPTER 2

SALE OF TOBACCO RELATED PRODUCTS

SECTION:

- 3-2-1: Definitions
- 3-2-2: License Required
- 3-2-3: Application For License; Issuance
- 3-2-4: License Fee; Expiration and Non-transferability Of License
- 3-2-5: Display of License
- 3-2-6: Conditions Of License; Prohibited Sales
- 3-2-7: Self-Service Sales
- 3-2-8: Compliance Checks
- 3-2-9: Suspension Or Revocation Of License
- 3-2-10: Administrative Penalties
- 3-2-11: Misdemeanor Violation; Penalty

3-2-1: **DEFINITIONS:** The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

ELECTRONIC DELIVERY

DEVICE: Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose. (Amended Ord. 445, 12/16/14)

MOVEABLE PLACE OF BUSINESS:

A business whose physical location is not permanent or is capable of being moved or changed.

PERSON: Shall include natural persons, partnerships, firms, corporations and associations.

TOBACCO RELATED PRODUCTS:

Cigarettes; cigars; cheroots; stogies; perique, granulated, plug cut, ready, rubbed and other smoking tobacco; snuff, snuff flowers, cavendish, plug and twist tobacco; fine cut and other chewing tobacco; shorts, refuse, scripts, clippings, cuttings, and sweepings of tobacco prepared in such a manner as to be suitable for chewing, sniffing or smoking in a pipe; cigarette papers or pipes for smoking.
(Amended Ord. 227, 8-5-1997)

3-2-2: **LICENSE REQUIRED:** No person shall directly or indirectly keep for retail sale, sell at retail, dispense, or give away in a retail setting any tobacco related product or electronic delivery device at any place in the city without first obtaining a license from the city. (Amended Ord. 227, 8-5-1997; Amended Ord. 445, 12/16/14)

3-2-3: **APPLICATION FOR LICENSE; ISSUANCE:** Application for a license shall be made to the City Clerk on a form supplied by the city. The application shall state the full name and address of the applicant, the location of the building and the part to be used by the applicant under license, the kind of business conducted at such location, and other information as shall be required as stated in the application form or by the City Clerk. The completed application shall be presented to the City Council for its consideration and, if granted, shall be issued by the City Clerk upon payment of the required fee. (Amended Ord. 227, 8-5-1997)

3-2-4: **LICENSE FEE; EXPIRATION AND NONTRANSFERABILITY OF LICENSE:** The fee for every such license shall be in the amount as set forth by ordinance¹. Licenses shall be valid for one year and shall expire on December 31. Licenses shall not be transferable from one person to another. (Amended Ord. 227, 8-5-1997; amd. 2003 Code)

3-2-5: **DISPLAY OF LICENSE:** Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request. (Amended Ord. 227, 8-5-1997)

¹ See subsection 1-7-3A of this code.

3-2-6: **CONDITIONS OF LICENSE; PROHIBITED SALES:**

A. Regulations: The following regulations shall apply to the sale of tobacco related products or electronic delivery device (Amended Ord. 445, 12/16/14) :

1. No license shall be issued to a person not of good moral character.
2. No license shall be issued to an applicant for sale of tobacco related products or electronic delivery device at any place other than the licensee's established place of business. (Amended Ord. 445, 12/16/14)
3. No license shall be issued for the sale of tobacco related products or electronic delivery device at a moveable place of business. (Amended Ord. 445, 12/16/14)
4. No person shall sell or give away any tobacco related products or electronic delivery device to any person below the age as required by Minnesota statutes. (Amended Ord. 445, 12/16/14)
5. No tobacco related products or electronic delivery device may be sold outside the location or area covered by the license. (Amended Ord. 445, 12/16/14)

B. Vending Machines: No person shall sell, dispense, or give away any tobacco related product or electronic delivery device through the use of a vending machine or similar automated dispensing device. This subsection does not apply to vending machines in facilities that cannot be entered at any time by persons younger than eighteen (18) years of age. (Amended Ord. 227, 8-5-1997; amd. 2003 Code; Amended Ord. 445, 12/16/14)

3-2-7: **SELF-SERVICE SALES:**

- A. 1. Except in adult only facilities, no licensee shall offer for sale single packages of cigarettes or smokeless tobacco in open displays that are accessible to the public without the intervention of a store employee. (Amended Ord. 227, 8-5-1997; amd. 2003 Code)
2. The self-service restriction described in this subsection shall not apply to retail stores that derive at least ninety percent (90%) of their revenue from tobacco and tobacco related products or electronic delivery device and which cannot be entered at any time by persons younger than eighteen (18) years of age. (Amended Ord. 445, 12/16/14)

B. No person shall sell, dispense or give away any tobacco related product or electronic delivery device through self-service merchandising, except via (Amended Ord. 445, 12/16/14) :

1. Display racks which are:

a. Equipped with shields that allow removing a single carton or pack of tobacco product or electronic delivery device while activating a clearly audible alarm or chime; and (Amended Ord. 445, 12/16/14)

b. In the immediate vicinity and plain view of a responsible employee.

2. Humidors used for individual cigar sales at licensed off-sale liquor establishments and at establishments where at least seventy five percent (75%) of products for sale are tobacco related products or electronic delivery device. (Amended Ord. 227, 8/5/1997; Amended Ord. 445, 12/16/14)

3-2-8: **COMPLIANCE CHECKS:** The city shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco or electronic delivery device is sold to test compliance with Minnesota Statutes Section 609.685. Compliance checks shall utilize minors over the age of fifteen (15), but under the age of eighteen (18), who, with the prior written consent of a parent or guardian, attempt to purchase tobacco or electronic delivery device under the direct supervision of a law enforcement officer or an employee of the city. (Amended Ord. 227, 8/5/1997; amd. 2003 Code; Amended Ord. 445, 12/16/14)

3-2-9: **SUSPENSION OR REVOCATION OF LICENSE:** Upon finding that a licensee of any license granted pursuant to this chapter has failed to comply with any applicable statutes, regulation or ordinance relating to the sale or use of tobacco related products or electronic delivery device, the City Council may either revoke or suspend the license. Every such license may be revoked by the City Council for violating any of the provisions stated in this chapter. (Amended Ord. 227, 8/5/1997; Amended Ord. 445, 12/16/14)

3-2-10: **ADMINISTRATIVE PENALTIES:**

A. If a licensee or employee of a licensee sells tobacco or electronic delivery device to a person under the age of eighteen (18) years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of seventy-five dollars (\$75.00). An administrative penalty of two hundred dollars (\$200.00) must be imposed for a second

violation at the same location within twenty-four (24) months after the initial violation. For a third violation at the same location within twenty-four (24) months after the initial violation, an administrative penalty of two hundred fifty dollars (\$250.00) must be imposed, and the licensee's authority to sell tobacco or electronic delivery device at that location must be suspended for not less than seven (7) days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the city to conduct the hearing. A decision that a violation has occurred must be in writing. (Amended Ord. 445, 12/16/14)

B. An individual who sells tobacco or electronic delivery device to a person under the age of eighteen (18) years must be charged an administrative penalty of fifty dollars (\$50.00). No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the city to conduct the hearing. A decision that a violation has occurred must be in writing. (Amended Ord. 445, 12/16/14)

C. It is an affirmative defense to the charge of selling tobacco or electronic delivery device to a person under the age of eighteen (18) years in violation of this chapter that the licensee or individual making the sale relied in good faith upon proof of age as follows (Amended Ord. 445, 12/16/14):

1. A valid driver's license or identification card issued by the state of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

2. A valid military identification card issued by the United States Department of Defense;

3. A valid passport issued by the United States; or

4. In the case of a foreign national, by a valid passport. (Amended Ord. 227, 8-5-1997; amd. 2003 Code)

3-2-11: **MISDEMEANOR VIOLATION; PENALTY:** Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall be punished as defined by state law. (Amended Ord. 227, 8-5-1997)

CHAPTER 10

DRUG PARAPHERNALIA

SECTION:

- 5-10-1: Authority
- 5-10-2: Definitions
- 5-10-3: Factors To Be Considered In Determining If An Object Is Drug Paraphernalia
- 5-10-4: Possession Of Drug Paraphernalia Prohibited
- 5-10-5: Manufacture Or Delivery Of Drug Paraphernalia Prohibited

5-10-1: **AUTHORITY:** Pursuant to authority granted by Minnesota Statutes, Section 152.205.

5-10-2: **DEFINITIONS:** For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DRUG PARAPHERNALIA: All equipment, products, and materials of any kind which are used, primarily used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introduce into the human body a controlled substance in violation of M.S. Ch. 152, as it may be amended from time to time. Drug paraphernalia does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes. The term drug paraphernalia includes, but is not limited to:

- (1) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (2) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- (3) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which controlled substances can be derived;
- (4) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (5) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (6) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
- (7) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (8) Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing controlled substances;
- (9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances;
- (11) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include, but not be limited to the following:
 - 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. Objects commonly referred to as roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, which 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; and
- (12) Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.

5-10-3: **FACTORS TO BE CONSIDERED IN DETERMINING IF AN OBJECT IS DRUG PARAPHERNALIA:**

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) 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 substance and/or drug paraphernalia;
- (3) The proximity of the object, in time and space, to a direct violation of this section;
- (4) The proximity of the object to any controlled substance;
- (5) The existence of any residue of a controlled substance on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he or she knows, or should reasonably know, intends to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of the object, as to a direct violation, of this act shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

- (12) The existence and scope of any legitimate use for the object in the community;
- (13) Expert testimony concerning its use;
- (14) Whether the owner, or any one in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products; and
- (15) The actual or constructive possession by the owner or a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

5-10-4: POSSESSION OF DRUG PARAPHERNALIA PROHIBITED: 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 M.S. Ch. 152, as it may be amended from time to time. Any violation of this section is a petty misdemeanor.

5-10-5: MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED: It is unlawful for any person to deliver, possess with intent to deliver, sell, possess with intent to sell, or manufacture with intent to deliver or sell, drug paraphernalia, if that person knows, or under circumstances where one reasonably should know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, enhance, 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 M.S. Ch. 152. Any violation of this section is a misdemeanor.