

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 48.**  
**FOODS AND DRUGS.**

**CHAPTER 11.**  
**DRUG PARAPHERNALIA.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 11. DRUG PARAPHERNALIA.**

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# **CHAPTER 11. DRUG PARAPHERNALIA.**

## **SUBCHAPTER I. GENERAL.**

### **§ 48-1101. DEFINITIONS.**

For purposes of this subchapter, the term:

(1) Blunt wrap" means any product that is manufactured for encasing, wrapping, or rolling materials of any kind for purposes of smoking, if such product is designed to be filled by the consumer and is:

(A) Made wholly or in part of tobacco; or

(B) Made of paper or any other material that does not contain tobacco, and is:

(i) Intended, when filled by the consumer, to produce a finished wrap that measures more than 120 millimeters on its longest side; or

(ii) Sold as a pre-rolled hollow cone, the circumference of which is not equal at both ends.

(1A) "Controlled substance" has the same meaning as that provided in § 48- 901.02(4).

(2) "Court" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(3) "Drug paraphernalia" means:

(A) Kits or other objects used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(B) Kits or other objects used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(C) Isomerization devices or other objects used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(D) Testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance;

(E) Scales and balances or other objects used, intended for use, or designed for use in weighing or measuring a controlled substance;

(F) Diluents and adulterants, including, but not limited to: quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting a controlled substance;

(G) Separation gins and sifters or other objects used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, Cannabis or any other controlled substance;

(H) Blenders, bowls, containers, spoons, and other mixing devices used, intended for use, or designed for use in compounding a controlled substance;

(I) Capsules, balloons, envelopes, glassy plastic bags, or zip-lock bags that measure 1 inch by 1 inch or less, and other containers used, intended for use, or designed for use in packaging small quantities of a controlled substance;

(J) Containers and other objects used, intended for use, or designed for use in storing or concealing a controlled substance;

(K) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting a controlled substance into the human body; and

(L) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing Cannabis, cocaine, hashish, hashish oil, or any other controlled substance into the human body, including, but not limited to:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,

permanent screens, hashish heads, or punctured metal bowls;

- (ii) Water pipes;
- (iii) Carburetion tubes and devices;
- (iv) Smoking and carburetion masks;
- (v) Roach clips;
- (vi) Miniature spoons with level capacities of one-tenth cubic centimeter or less;
- (vii) Chamber pipes;
- (viii) Carburetor pipes;
- (ix) Electric pipes;
- (x) Air-driven pipes;
- (xi) Bongs;
- (xii) Ice pipes or chillers;
- (xiii) Wired cigarette papers;
- (xiv) Cocaine freebase kits; or
- (xv) Cigarette rolling paper or cigar wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars.

The term "drug paraphernalia" shall not include any article that is 50 years of age or older.

(Sept. 17, 1982, D.C. Law 4-149, § 2, 29 DCR 3369; June 13, 1990, D.C. Law 8-138, § 3(a), 37 DCR 2638; Apr. 9, 1997, D.C. Law 11-213, § 2(a), 43 DCR 4990; Apr. 24, 2007, D.C. Law 16-306, § 227(a), 53 DCR 8610; Mar. 25, 2009, D.C. Law 17-353, § 173(c), 56 DCR 1117; July 23, 2010, D.C. Law 18-189, § 5(a), 57 DCR 3019.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 33-601.

##### *Effect of Amendments*

D.C. Law 16-306, in par. (3)(L), deleted "or" from the end of sub-sub-par. (xiii), substituted a semicolon for a period at the end of sub-sub-par. (xiv), and added sub-sub-par. (xv).

D.C. Law 17-353, in par. (3)(L), inserted "or" at the end of sub-subpar. (xiv).

D.C. Law 18-189 redesignated par. (1) as par. (1A); added par. (1); and, in par. (3)(L)(xv), substituted "cigar wrappers" for "cigar leaf wrappers".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

##### *Legislative History of Laws*

Law 4-149 was, the "Drug Paraphernalia Act of 1982," introduced in Council and assigned Bill No. 4-5, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 25, 1982, and June 22, 1982, respectively. Signed by the Mayor on July 21, 1982, it was assigned Act No. 4-220 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-50, see Historical and Statutory Notes following § 48-901.02.

For legislative history of D.C. Law 8-138, see Historical and Statutory Notes following § 48-904.03a.

Law 11-213, the "Drug Paraphernalia Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-466, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 3, 1996, and July 17, 1996, respectively. Signed by the Mayor on August 9, 1996, it was assigned Act No. 11-391 and transmitted to both Houses of Congress for its review. D.C. Law 11-213

became effective on April 9, 1997.

For Law 16-306, see notes following § 48-904.07a.

For Law 17-353, see notes following § 48-841.02.

Law 18-189, the "Prohibition Against Selling Tobacco Products to Minors Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-431, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on January 5, 2010, and February 2, 2010, respectively. Enacted without signature by the Mayor on May 11, 2010, it was assigned Act No. 18-352 and transmitted to both Houses of Congress for its review. D.C. Law 18-189 became effective on July 23, 2010.

#### *Editor's Notes*

Former Chapter 6 of this title, containing §§ 33-601 to 33-612 [1981 Ed.], was repealed by § 604(a)(1) of D.C. Law 4-29. As to present provisions concerning controlled substances, see Chapter 9 of this title.

### **§ 48-1102. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER OBJECT IS PARAPHERNALIA.**

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

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object, in time and space, to a violation of § 48-1103(a) or to a controlled substance;
- (3) The existence of any residue of a controlled substance on the object;
- (4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intends to use the object to facilitate a violation of § 48-1103(a); the innocence of an owner, or of anyone in control of the object, as to a violation of § 48-1103(a) shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (5) Instructions, oral or written, provided with the object concerning its use;
- (6) Descriptive materials accompanying the object which explain or depict its use;
- (7) National and local advertising concerning the use of the object;
- (8) The size or packaging of the object, or the manner in which it is displayed;
- (9) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, including, but not limited to, a licensed distributor or dealer of tobacco products;
- (10) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses for the object in the community; and
- (12) Expert testimony concerning its use.

(b) Where the alleged violation of the act occurred at a commercial retail or wholesale establishment, the court or other authority may infer, based upon consideration of the factors in subsection (a) of this section, that the following items are drug paraphernalia:

- (1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or
- (2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctuated metal bowls.

(Sept. 17, 1982, D.C. Law 4-149, § 3, 29 DCR 3369; Apr. 9, 1997, D.C. Law 11-213, § 2(b), 43 DCR 4990; Apr. 24, 2007, D.C. Law 16-306, § 227(b), 53 DCR 8610.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 33-602.

##### *Effect of Amendments*

D.C. Law 16-306 rewrote subsecs. (a)(8) and (b), which had read as follows:

"(8) The manner in which the object is displayed for sale;"

"(b) Where the alleged violation of the act included the sale of glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less and occurred at a commercial retail or wholesale establishment, the court or

other authority may infer that the item sold is drug paraphernalia, based on the size of the bags, the packaging of the bags, and a consideration of the factors in subsection (a) of this section."

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

*Legislative History of Laws*

For legislative history of D.C. Law 4-149, see Historical and Statutory Notes following § 48-1101.

For legislative history of D.C. Law 11-213, see Historical and Statutory Notes following § 48-1101.

For Law 16-306, see notes following § 48-904.07a.

### **§ 48-1103. PROHIBITED ACTS.**

(a) Except as authorized by Chapter 16B of Title 7, 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, inhale, ingest, or otherwise introduce into the human body a controlled substance. Whoever violates this subsection shall be imprisoned for not more than 30 days or fined for not more than \$100, or both.

(b) Except as authorized by Chapter 16B of Title 7, it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used 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. Whoever violates this subsection shall be imprisoned for not more than 6 months or fined for not more than \$1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.

(c) Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his or her junior is guilty of a special offense and upon conviction may be imprisoned for not more than 8 years, fined not more than \$15,000, or both.

(d) Where the violation of the section involves the selling of drug paraphernalia by a commercial retail or wholesale establishment, the court shall revoke the license of any licensee convicted of a violation of this section and the certificate of occupancy for the premises.

(e)(1) Except as provided in paragraphs (2), (3), and (3A) of this subsection, it is unlawful to sell the following products in the District of Columbia:

(A) Cocaine free base kits;

(B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

(C) Cigarette rolling papers; and

(D) Cigar wrappers, including blunt wraps.

(2) A commercial retail or wholesale establishment may sell cigarette rolling papers if the establishment:

(A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and

(B) Sells loose tobacco intended to be rolled into cigarettes or cigars.

(3) A wholesaler may sell cigarette rolling papers to retail establishments described in paragraph (2) of this subsection.

(3A) A cultivation center or dispensary may sell cigarette rolling papers in accordance with Chapter 16B of Title 7.

(4) A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than \$1,000, or both, unless the violation occurs after the person has been convicted in the

District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.

(Sept. 17, 1982, D.C. Law 4-149, § 4, 29 DCR 3369; Mar. 14, 1985, D.C. Law 5-159, § 14, 32 DCR 30; June 13, 1990, D.C. Law 8-138, § 3(b), 37 DCR 2638; Apr. 9, 1997, D.C. Law 11-213, § 2(c), 43 DCR 4990; Apr. 24, 2007, D.C. Law 16-306, § 227(c), 53 DCR 8610; July 23, 2010, D.C. Law 18-189, § 5(b), 57 DCR 3019; July 27, 2010, D.C. Law 18-210, § 3(d), 57 DCR 4798; Sept. 26, 2012, D.C. Law 19-171, § 138, 59 DCR 6190.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 33-603.

##### *Effect of Amendments*

D.C. Law 16-306 added subsec. (e).

D.C. Law 18-189 rewrote subsec. (e)(1)(D); and, in subsecs. (e)(2) and (3), deleted "or cigar leaf wrappers" following "rolling papers". Prior to amendment, subsec. (e)(1)(D), read as follows:

"(D) Cigar leaf wrappers."

D.C. Law 18-210, in subsecs. (a) and (b), substituted "Except as authorized by Chapter 16B of Title 7, it is unlawful" for "It is unlawful"; in subsec. (e)(1), substituted "Except as provided in paragraphs (2), (3), and (3A) of this subsection," for "Except as provided in paragraphs (2) and (3) of this subsection,"; and added subsec. (e)(3A).

D.C. Law 19-171, in subsecs. (e)(1) and (3A), validated previously made technical corrections.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 227(c) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 227(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 227(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 227(c) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-149, see Historical and Statutory Notes following § 48-1101.

Law 5-159 was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

Law 8-50 was introduced in Council and assigned Bill No. 8-295. The Bill was adopted on first and second readings on June 27, 1989, and July 11, 1989, respectively. Signed by the Mayor on August 1, 1989, it was assigned Act No. 8-83 and transmitted to both Houses of Congress for its review. D.C. Law 8-50 became effective on October 19, 1989.

Law 8-138 was introduced in Council and assigned Bill No. 8-495, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 13, 1990, and March 27, 1990, respectively. Signed by the Mayor on April 17, 1990, it was assigned Act No. 8-194 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-213, see Historical and Statutory Notes following § 48-1101.

For Law 16-306, see notes following § 48-904.07a.

For Law 18-189, see notes following § 48-1101.

For Law 18-210, see notes following § 48-904.01.

For history of Law 19-171, see notes under § 48-832.01.

## **§ 48-1103.01. NEEDLE EXCHANGE PROGRAM.**

(a) The Mayor is authorized to establish within the Department of Human Services a Needle Exchange Program ("Program"), which may provide clean hypodermic needles and syringes to injecting drug users. Counseling on substance abuse addiction and information on appropriate referrals to drug treatment

programs shall be made available to each person to whom a hypodermic needle and syringe is provided. Counseling and information on the Human Immunodeficiency Virus ("HIV") and appropriate referrals for HIV testing and services shall be made available to each person to whom a hypodermic needle and syringe is provided.

(b) The Program authorized by subsection (a) of this section shall be administered by the Commission on Public Health in the Department of Human Services. Only qualified medical officers, registered nurses, counselors, community based organizations, or other qualified individuals specifically designated by the Commissioner of Public Health shall be authorized to exchange hypodermic needles and syringes under the provisions of subsections (c) through (i) of this section.

(c) The Commissioner of Public Health shall provide all persons participating in the Program authorized by subsection (a) of this section with a written statement of the person's participation in the Program, signed by the Commissioner of Public Health, or the Commissioner's designee. No person participating in the Program shall be required to carry such a statement.

(d) Notwithstanding the provisions of § 48-1103 or § 48-904.10, it shall not be unlawful for any person who is participating in the Program authorized by subsection (a) of this section to possess, or for any person authorized by subsection (b) of this section, to deliver any hypodermic syringe or needle distributed as part of the Program.

(e) The District of Columbia, its officers, or employees shall not be liable for any injury or damage resulting from use of, or contact with, any needle exchanged as part of the Program authorized by subsection (a) of this section.

(e-1) A community based organization or other qualified individuals designated by the Commissioner of Public Health under subsection (b) of this section shall not be liable for any injury or damage resulting from the use of, or contact with, any needle exchanged as part of the Program authorized by subsection (a) of this section, unless such injury or damage is a direct result of the gross negligence or intentional misconduct of such community based organization or other qualified individuals.

(f) All needles and syringes distributed by the Commission of Public Health as part of the Program shall be made identifiable through the use of permanent markings, or color coding, or any other method determined by the Commissioner to be effective in identifying the needles and syringes.

(g) The Mayor shall issue an annual evaluation report on the Program. The report shall address the following components:

- (1) Number of Program participants served daily;
- (2) Demographics of Program participants, including age, sex, ethnicity, address or neighborhood of residence, education, and occupation;
- (3) Impact of Program on behaviors which put the individual at risk for HIV transmission;
- (4) Number of materials distributed, including needles, bleach kits, alcohol swabs, and educational materials;
- (5) Impact of Program on incidence of HIV infection in the District. In determining this, the Mayor shall take into account the following factors:
  - (A) Annual HIV infection rates among injecting drug users entering drug treatment programs in the District;
  - (B) Estimates of the HIV infection rate among injecting drug users in the District at the start of the Program year as compared to the rate at the end of the third Program year;
  - (C) The annual number of HIV-positive mothers giving birth in the District;
  - (D) Annual estimates of the HIV infection rate among newborns; and
- (6) Costs of the Program versus direct and indirect costs of HIV infection and Acquired Immunodeficiency Syndrome ("AIDS") in the District.

(h) Data on Program participants shall be obtained through interviews. The interviews shall be used to obtain the following information:

- (1) Reasons for participating in Program;
- (2) Drug use history, including type of drug used, frequency of use, method of ingestion, length of time drugs used, and frequency of needle sharing;
- (3) Sexual behavior and history, including the participant's self-described sexual identity, number of sexual partners in the past 30 days or 6 months, number of sexual partners who were also intravenous drug users, frequency of condom use, and number of times sex was used in exchange for money or drugs;
- (4) Health assessment, including whether the participant has been tested for HIV infection and whether the results were negative or positive; and



(5) Impact of Program on the participant's behavior and attitudes, including any increase or decrease in drug use or needle sharing, changes in high-risk sexual behaviors, or willingness to follow through with drug treatments.

(i) The Mayor shall explore the feasibility of establishing a system to test used needles and syringes received by the Commission of Public Health for HIV antibody contamination. The Mayor shall prepare a feasibility report on needle and syringe testing and shall submit this report to the Council for review no later than 120 days after June 30, 1992. If the report finds that needles and syringe testing would be beneficial and feasible to implement, such a system shall be incorporated into the Program.

(Sept. 17, 1982, D.C. Law 4-149, § 4a, as added Mar. 25, 1993, D.C. Law 9-252, § 2, 40 DCR 787; Apr. 7, 1995, D.C. Law 11-3, § 2, 42 DCR 1070; Mar. 22, 1996, D.C. Law 11-101, § 2, 43 DCR 399; Apr. 9, 1997, D.C. Law 11-255, § 37, 44 DCR 1271.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 33-603.1.

##### *Legislative History of Laws*

Law 9-164 was introduced in Council and assigned Bill No. 9-541, which was retained by Council. The Bill was adopted on first and second readings on June 23, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 21, 1992, it was assigned Act No. 9-259 and transmitted to both Houses of Congress for its review. D.C. Law 9-164 became effective on September 29, 1992.

Law 9-252 was introduced in Council and assigned Bill No. 9-542, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-398 and transmitted to both Houses of Congress for its review. D.C. Law 9-252 became effective on March 25, 1993.

Law 10-207, the "Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-793. The Bill was adopted on first and second readings on October 4, 1994, and November 1, 1994, respectively. Signed by the Mayor on November 22, 1994, it was assigned Act No. 10-345 and transmitted to both Houses of Congress for its review. D.C. Law 10-207 became effective on March 14, 1995.

Law 11-3, the "Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Amendment Act of 1994," was introduced in Council and assigned Bill No. 11-38, which was retained by Council. The Bill was adopted on first and second readings on January 17, 1995, and February 7, 1995, respectively. Signed by the Mayor on February 17, 1995, it was assigned Act No. 11-10 and transmitted to both Houses of Congress for its review. D.C. Law 11-3 became effective on April 7, 1995.

Law 11-44, the "Prevention of Transmission of the Human Immunodeficiency Virus Temporary Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-311. The Bill was adopted on first and second readings on June 6, 1995, and June 20, 1995, respectively. Signed by the Mayor on June 28, 1995, it was assigned Act No. 11-82 and transmitted to both Houses of Congress for its review. D.C. Law 11-44 became effective on September 16, 1995.

Law 11-101, the "Prevention of Transmission of the Human Immunodeficiency Virus Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-324, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 25, 1996, it was assigned Act No. 11-190 and transmitted to both Houses of Congress for its review. D.C. Law 11-101 became effective on March 22, 1996.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective April 9, 1997.

## **§ 48-1104. PROPERTY SUBJECT TO FORFEITURE.**

The following shall be subject to forfeiture immediately, and no property right shall exist in them after a final conviction by a court:

- (1) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this subchapter;
- (2) All money or currency which shall be found in close proximity to drug paraphernalia or which otherwise has been used or intended for use in connection with the manufacture, distribution, delivery, sale, use, dispensing, or possession of drug paraphernalia in violation of § 48-1103; and

(3) All drug paraphernalia as defined in §§ 48-1101 and 48-1102 and prohibited in § 48-1103.  
(Sept. 17, 1982, D.C. Law 4-149, § 5, 29 DCR 3369.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 33-604.

*Legislative History of Laws*

For legislative history of D.C. Law 4-149, see Historical and Statutory Notes following § 48-1101.

## **SUBCHAPTER II. PROHIBITION ON DISTRIBUTION OF NEEDLES AND SYRINGES NEAR SCHOOLS.**

### **§ 48-1121. DISTRIBUTION OF NEEDLE OR SYRINGE NEAR SCHOOLS PROHIBITED.**

(a)(1) Effective 120 days after November 22, 2000, it shall be unlawful for any person to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private elementary or secondary school (including a public charter school).

(2) It is stipulated that based on a survey by the Metropolitan Police Department of the District of Columbia that sites at 4th Street Northeast and Rhode Island Avenue Northeast, Southern Avenue Southeast and Central Avenue Southeast, 1st Street Southeast and M Street Southeast, 21st Street Northeast and H Street Northeast, Minnesota Avenue Northeast and Clay Place Northeast, and 15th Street Southeast and Ives Street Southeast are outside the 1,000-foot perimeter. Sites at North Capitol Street and New York Avenue Northeast, Division Avenue Northeast and Foote Street Northeast, Georgia Avenue Northwest and New Hampshire Avenue Northwest, and 15th Street Northeast and A Street Northeast are found to be within the 1,000-foot perimeter.

(b) The Public Housing Police of the District of Columbia Housing Authority shall prepare a monthly report on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted, and shall submit such reports to the Executive Director of the District of Columbia Housing Authority, who shall submit them to the Committees on Appropriations of the House of Representatives and Senate. The Executive Director shall ascertain any concerns of the residents of any public housing site about any needle exchange program conducted on or near the site, and this information shall be included in these reports. The District of Columbia Government shall take appropriate action to require relocation of any such program if so recommended by the police or by a significant number of residents of such site.

(Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 150.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 33-550.1.