

Reduce Drug Paraphernalia

Advocate for restrictions on the placement and business practices of headshops/smokeshops and other establishments that sell merchandise commonly used as drug paraphernalia.

‘Head Shop’ ordinance

In 2002, NCPC observed that two new retail stores that sell drug paraphernalia opened in the city of Oceanside. These stores had been allowed to sell drug paraphernalia by stating that the paraphernalia’s intended use was related to tobacco, a claim that enabled them to circumvent established laws.

In an effort to stop the proliferation of these stores, NCPC staff, board members, and concerned residents worked with the City of Oceanside, including the Oceanside City Council, to adopt an ordinance in 2003 that classified businesses that sold tobacco/drug paraphernalia as adult businesses requiring a conditional use permit. The ordinance language specified the presence of “tobacco/drug paraphernalia” and established a distance requirement that mandated that stores selling such items be a minimum of 1,000 feet away from any school, church, or other place where children congregate. Additionally, these stores must also be a minimum of 1,000 feet away from any regulated business. This made it difficult to find any suitable location in the city of Oceanside for such businesses.

As a result of this ordinance, two such businesses in Oceanside have closed down and, while several stores have attempted to open, no additional ones have been successful. Two stores were granted grandfather privileges since they had opened prior to the ordinance being adopted, and remained open. Unfortunately, other cities in the county that lack such an ordinance have substantially more ‘smoke shops’ selling drug paraphernalia. Although the cities of Carlsbad and Vista do not have ordinances similar to that of Oceanside, they have adopted internal business licensing procedures to increase scrutiny and oversight of business operations which have curtailed drug paraphernalia sales. This has not been the case in many other cities. The City of Escondido, in north inland San Diego County with a population of 137,000 has gone from 6 smoke shops in 2005 to 8 in 2009; and the City of El Cajon, in east County with a population of 93,000 currently has six smoke shops. Throughout the county, the number of smoke-shops has ranged from approximately 75 in 2005 to 87 in 2009.

Later in 2004, we became aware of drug paraphernalia being sold at street fairs, swap meets, and outdoor concerts in Oceanside. In response, NCPC members took photos at these events and presented them to City officials. As a result, the council approved an amendment to the City’s ordinance to clarify that the sale of any tobacco/drug paraphernalia needs to be done within a store front, and is not permitted outdoors. This has resulted in a much friendlier family environment at outdoor activities.

Through our community assessments in 2007, we discovered several variety stores that cater to the Hispanic community in the city of Vista selling similar drug paraphernalia, such as bongs. The city had an administrative policy addressing this problem. It was found that these businesses were in violation of that policy. In response, cease and desist orders were sent to offending businesses—resulting in those businesses ceasing in the sale of drug paraphernalia. As an aside, these same variety stores were also found to be selling weapons including large knives designed for fighting and other violent uses. As a result of our efforts, the sale of these dangerous items was also stopped.