FRANKLIN COUNTY, IDAHO
ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE SALE, OFFER FOR SALE, AND COMMERCIAL DISTRIBUTION OF GLASS SMOKING PIPES AND DRUG PARAPHERNALIA WITHIN FRANKLIN COUNTY; PROVIDING DEFINITIONS, EXCEPTIONS, ENFORCEMENT, PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners recognizes the importance of protecting public health, safety, and welfare; and

WHEREAS, glass pipes and other smoking devices may be sold or distributed for use in consuming controlled substances unlawfully; and

WHEREAS, the commercial sale of drug paraphernalia may contribute to unlawful drug use and associated public-safety concerns; and

WHEREAS, the County desires to restrict the sale of glass smoking pipes and drug paraphernalia to the fullest extent permitted by Idaho law;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Franklin County, Idaho, as follows:

SECTION 1. PURPOSE AND SCOPE

The purpose of this ordinance is to prohibit the sale and commercial distribution of covered glass smoking pipes and drug paraphernalia within Franklin County to the fullest extent permitted by Idaho law.
This ordinance is intended to apply throughout Franklin County, including incorporated and unincorporated areas, to the fullest extent of the County's lawful authority. Nothing in this ordinance independently grants the County authority to regulate within incorporated municipalities where that authority is not otherwise provided by law.

SECTION 2. DEFINITIONS

A. Glass Smoking Pipe. A pipe or similar device made wholly or partly of glass and designed, intended, advertised, displayed, or marketed for smoking, inhaling, or otherwise consuming smoke or vapor from a substance.

B. Drug Paraphernalia. Any equipment, product, or material that constitutes drug paraphernalia under applicable Idaho law, including Idaho Code § 37-2701, as amended.
C. Commercial Sale. Selling, offering for sale, displaying for sale, exchanging for consideration, or commercially distributing an item to another person.
D. Person. Any individual, corporation, partnership, association, business, or other legal entity.

SECTION 3. PROHIBITION

A. No person or business shall sell, offer for sale, or commercially distribute a glass smoking pipe within the geographic area where this ordinance may lawfully be enforced.
B. No person or business shall sell, offer for sale, or commercially distribute drug paraphernalia where the transaction is prohibited by this ordinance and applicable law.
C. No person or business shall knowingly display, advertise, or market a covered item for sale in a manner that violates this ordinance.
D. A business shall not avoid this ordinance by labeling a covered item as a novelty, decorative object, tobacco accessory, or other product where the item falls within the definitions and prohibitions of this ordinance.

SECTION 4. EXCEPTIONS

This ordinance shall not apply to ordinary glassware, scientific equipment, medical equipment, or other items not designed, intended, advertised, displayed, or marketed as smoking devices or drug paraphernalia.
This ordinance shall not prohibit conduct expressly required or authorized by applicable state or federal law where that law preempts or otherwise prevents enforcement of this ordinance.

SECTION 5. ENFORCEMENT

The Franklin County Sheriff's Office and other County officials authorized by law may investigate suspected violations and refer matters for prosecution or other lawful enforcement action.

In determining whether an item constitutes drug paraphernalia under Idaho law, enforcement personnel shall apply the definitions and relevant factors established by applicable law. The mere possession or sale of an ordinary item shall not, by

itself, establish a violation unless the elements of the applicable prohibition are met.

SECTION 6. PENALTIES

A violation of this ordinance shall be subject to the penalty provisions of Franklin County Code § 10.99, as amended, to the extent applicable. Each day a continuing violation exists may be treated as a separate offense where authorized by law. The County may also pursue available civil remedies and recover eligible enforcement costs as permitted by law.

SECTION 7. SEVERABILITY

If any provision of this ordinance is held invalid or unenforceable, the remaining provisions shall remain in effect to the extent they can be given effect independently.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect as provided by Idaho law following its adoption and publication.

ADOPTED by the Board of County Commissioners of Franklin County, Idaho, this _____ day of _____, 2026.

ATTEST:

_____
Camille Larsen, County Clerk

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, IDAHO

_____
Robert C. Swainston, Chairman

_____
Zan Bowles

_____
Zach Stewart