New Massachusetts law bans sale, manufacture of drug paraphernalia

By Judy Greenman

A new Massachusetts law forbidding the sale and manufacture of drug paraphernalia will take effect March 22.

The measure, signed by Governor Edward J. King on December 22, is drawing criticism from the New England Trade Association (NETA), an organization representing many shopkeepers potentially affected by the new law.

The law will only encourage people to obtain paraphernalia illegally, said the owner of The Head Shop in Central Square, who would identify himself only as Arthur. It is "one more prohibition," he added.

Enforcement of the law will end the "easy availability and blatant commonality" of drug paraphernalia, and will, thereby, "cut down dramatically on drug abuse," claimed Dennis Curran, legal assistant to King. Curran acknowledged, however, that the law will not solve drug abuse problems. A joint can always be rolled "in a paper towel," he said.

Opponents of the measure claim the law is ambiguous in its definition of drug paraphernalia, an infringement of civil rights, and interferes with the ability of shop owners to earn a living. "There are a multitude of items here," said Philip Sorenson, spokesman for NETA. "... At what point does a product become drug paraphernalia?" he asked. The shop owners maintain they do not know, and cannot be expected to know, how objects will be used once they are taken from the store.

"From a technical description," said Sorenson, "a bong is no different from a water pipe."

Store owners are particularly upset about section 'c' of the law, which states, "evidence of the intent of an owner ... to sell paraphernalia to persons in- tending to use the objects" for illegal drug use is violating the law.

"Look at section 'c'," said Arthur, "and read section 'e'. (The Commonwealth) wants me to decide what I think you intend to do in the future." Sorenson compared the provision to banning the sale of screwdrivers because they are frequently used in breaking and entering crimes.

The law attempts to address what has become "a critical problem in the last decade or so," said Curran. The bill, first filed unsuccessfully in 1983, was based on the Model Drug Paraphernalia Act written by the US Drug Enforcement Agency in 1979. Since then, 27 states have adopted laws based on the DEA model.

NETA is planning to fight the law, according to Sorenson. "At this stage of the game, I don't know" what will happen, he said. NETA will seek a preliminary injunction or a temporary restraining order, he added. Sorenson had no comment on what might happen if NETA's action is unsuccessful.

"I'm trying to comply with the law," he said. "I figure I'll hang black crepe paper." Arthur has posted a copy of the act in his store, and has painted over his Massachusetts Avenue sign.

The sign, "The Head Shop," Arthur explained. "Everybody got crazy when they saw 'The Head Shop'. I turned it upside down, but it looked like 'The Head Shop' turned upside down."

The new law is "building on the hysteria of the masses," said Sorenson. "The more verbal diarrhea that is put out about the drug problem, the more you will encourage what you are trying to put down. I'm not saying there aren't kids who are involved, but I don't feel holding seminars and inflaming parents is the solution," he added.

"I have no idea what will happen to me," said Butch, an employee at The Head Shop. If NETA attempts to overturn the law, he added, NETA will probably be put out of business. "What do you think?"

Class officers chosen; '84 to hold runoff

(Continued from page 1)

class of 1984 President, while Albert Bashaw was elected Secretary in an uncontested race. Gaiith Greibach took the Treasurer's race by a wide margin over write-in candidate Dave Walker.

In Class of 1985 elections, Robin Baker ran unopposed for President, as did Noelle Merritt for Secretary. Jeffrey Munic won the race for Vice President, and Maurice Barrant was elected Treasurer. Richard Hahn and Carol Yao were the top vote-getters in the race for Member at Large.

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