

Law proposed to limit proliferation of 'head shops'

Plan would also limit new tobacco shops in City

By Valerie May

The San Francisco Board of Supervisors is considering legislation that would limit new tobacco and drug paraphernalia shops in the City.

Supervisor Sue Bierman's office introduced the legislation before the board's Housing and Land Use Committee Nov. 14 as a response to a recent proliferation of the shops, which some see as detracting from the City's character and adding to its drug addiction and crime problems.

The most intense concentration of "head shops" is found in the Tenderloin, Haight Ashbury and Mission districts.

The legislation is similar to action taken against alcohol-related crimes and code violations in the Mission District, where an alcohol vendor task force has been set up to watch for illegal

alcohol or drug activities occurring in places that sell alcohol.

June Gutfleisch, aide to Bierman, said, "We've taken a year and drafted legislation as carefully as we could," in response to citizen concerns.

"There have been a lot of complaints (from) residents and local activist groups," she said.

Supervisor Susan Leal's office has also heard from people about the shops, said aide Gabriella Espinosa. "We've gotten a couple of calls about those types of shops," she said.

Community organizations have contacted police with concerns about the shops, said Tenderloin Police Officer Miguel Torres.

"We do get calls (to the effect) that 'Hey, we don't want these in our neighborhood,'" he said.

Community groups are alarmed over the recent flurry of new shops peddling crack pipes and stash boxes. Donna Gouse, who works with seven neighborhood groups, including the Haight Ashbury Neighborhood Council, said there are now six stores between Stanyan Street

and Central Avenue that sell the items. "We do have a good amount of shops that do have drug paraphernalia," she said.

"There's been an increase in the past two years," she added.

Paraphernalia shops have also been sprouting up in the Tenderloin recently. About a year

and a half ago the first one opened, and two more have followed, said Torres.

In the Mission District, one tobacco and drug paraphernalia shop opened near the busy corner of 16th and Valencia streets in

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Head shops, tobacco stores

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early November, and another opened earlier this year near the equally busy corner of 24th and Mission streets. These and other head shops in the City also sell merchandise ranging from sunglasses, magazines and posters to knives, porn movies and headache medicines.

In the Tenderloin, Gouse said, "There are a few that have been identified as causing violent crime."

Because of pressure from police and neighborhood groups, some of the stores have made an effort to not sell to minors, Gouse said.

According to Torres, because it is illegal to sell a "crack pipe," the shop's merchants sometimes

identify the paraphernalia as intended for use with tobacco only.

"It's the way that the law is written — it pretty much depends on how you interpret its use."

'But with the state law ... it's a terrible Catch-22'

— Joe Konopka

At Smokes Etc., on 16th Street, a salesperson recently answered "Yes" in answer to the question "Do you sell crack pipes here?" But the shop's owner, Hany Abuelrous, said "Let's say you come here and buy a pipe — I don't ask you what you want it for."

At a head shop on Broadway, however, a salesperson flatly denied the existence of drug paraphernalia in the shop, calling the selection of pipes on display tobacco pipes.

A pipe may be marketed for tobacco use only, said Joe Konopka of Residents Against Druggies (RAD), but "meanwhile, it's very obvious, if you have half a pea brain, that it's a crack pipe."

Konopka said he "doesn't see much hope until the state law changes." According to the state, he said, if a pipe is for tobacco, it is not drug paraphernalia. But state law does not have any guidelines for defining the difference between the two.

"The difference between a crack pipe and tobacco pipe is obvious. I can't believe state legislators would be so naive as to not use guidelines," he said.

"As long as the state law is very ambiguous, I don't see how the City can get around it."

RAP, a group whose volunteers work to get drugs off the streets of the Haight Ashbury, is concerned mainly with drug use among minors, "because we have a lot of young people coming up to this neighborhood. But with the state law ... it's a terrible Catch-22," said Konopka.

Originally, the supervisors' legislation was to allow some mechanism to license the sale of

the merchandise, "but it turns out it's illegal to sell paraphernalia for illegal drugs, so it can't be regulated," said Gouse.

"There's less concern with marijuana. There's more concern with drugs that cause violence," like crack cocaine, Gouse said.

Torres said, "I think they come out (to the Tenderloin) because drugs are accessible."

Gouse concurs. "Basically we're trying to say with this legislation, 'We have enough; we don't need anymore.'"