

## **Chapter 37b**

### **Imitation Controlled Substances Act**

#### **58-37b-1 Short title.**

This act shall be known and may be cited as the "Imitation Controlled Substances Act."

Enacted by Chapter 32, 1982 General Session

#### **58-37b-2 Definitions.**

As used in this chapter:

- (1) "Controlled substance" has the same meaning as provided in Section 58-37-2.
- (2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or dispensing to another of an imitation controlled substance.
- (3) "Imitation controlled substance" means a substance designed or packaged to substantially resemble any legally or illegally manufactured controlled substance, but that is not:
  - (a) a controlled substance; or
  - (b) represented to be any legally or illegally manufactured controlled substance under Subsection 58-37-2(1)(i)(ii).
- (4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an imitation controlled substance.

Amended by Chapter 64, 2010 General Session

#### **58-37b-4 Manufacture, distribution or possession of substance unlawful -- Penalty.**

It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 241, 1991 General Session

#### **58-37b-6 Use of substance unlawful -- Penalty.**

It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance. Any person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 178, 1986 General Session

#### **58-37b-7 Advertisement of substance unlawful -- Penalty.**

It is unlawful for any person to place any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances. Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 241, 1991 General Session

#### **58-37b-8 Exemption of persons registered under Controlled Substances Act.**

No civil or criminal liability shall be imposed by virtue of this act on any person registered under the Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research or on any law enforcement officer acting in the course and legitimate scope of that employment.

Enacted by Chapter 32, 1982 General Session

**58-37b-9 Sentencing requirements for minors.**

- (1) If a minor who is under 18 years of age is found by a court to have violated this chapter and the violation is the minor's first violation of this chapter, the court may:
  - (a) order the minor to complete a screening as defined in Section 41-6a-501;
  - (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
  - (c) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
- (2) If a minor is found by a court to have violated this chapter and the violation is the minor's second or subsequent violation of this chapter, the court shall:
  - (a) order the minor to complete a screening as defined in Section 41-6a-501;
  - (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
  - (c) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.

Enacted by Chapter 165, 2015 General Session