

Effective 5/3/2023

58-37a-3 "Drug paraphernalia" defined.

- (1) As used in this chapter, "drug paraphernalia" means any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce a controlled substance into the human body in violation of Chapter 37, Utah Controlled Substances Act.
- (2) "Drug paraphernalia" includes:
 - (a) kits used, or intended for use, in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - (b) kits used, or intended for use, in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
 - (c) isomerization devices used, or intended for use, to increase the potency of any species of plant which is a controlled substance;
 - (d) except as provided in Subsection (3), testing equipment used, or intended for use, to identify or to analyze the strength, effectiveness, or purity of a controlled substance;
 - (e) scales and balances used, or intended for use, in weighing or measuring a controlled substance;
 - (f) diluents and adulterants, such as quinine hydrochloride, mannitol, mannited, dextrose and lactose, used, or intended for use to cut a controlled substance;
 - (g) separation gins and sifters used, or intended for use to remove twigs, seeds, or other impurities from marihuana;
 - (h) blenders, bowls, containers, spoons and mixing devices used, or intended for use to compound a controlled substance;
 - (i) capsules, balloons, envelopes, and other containers used, or intended for use to package small quantities of a controlled substance;
 - (j) containers and other objects used, or intended for use to store or conceal a controlled substance;
 - (k) hypodermic syringes, needles, and other objects used, or intended for use to parenterally inject a controlled substance into the human body, except as provided in Section 58-37a-5; and
 - (l) objects used, or intended for use to ingest, inhale, or otherwise introduce a controlled substance into the human body, including but not limited to:
 - (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) water pipes;
 - (iii) carburetion tubes and devices;
 - (iv) smoking and carburetion masks;
 - (v) roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;
 - (vi) miniature cocaine spoons and cocaine vials;
 - (vii) chamber pipes;
 - (viii) carburetor pipes;
 - (ix) electric pipes;
 - (x) air-driven pipes;
 - (xi) chillums;
 - (xii) bongs; and

(xiii) ice pipes or chillers.

- (3) "Drug paraphernalia" does not include a testing product or equipment, including a fentanyl test strip, used or intended for use to determine whether a substance contains:
- (a) a controlled substance that can cause physical harm or death; or
 - (b) a chemical or compound that can cause physical harm or death.

Amended by Chapter 312, 2023 General Session