

58-37e-2 Definitions.

As used in this chapter:

- (1) "Illegal drug" means a drug or controlled substance whose distribution is a violation of state law.
- (2) "Illegal drug market" means the support system of illegal drug-related operations, from production to retail sales, through which an illegal drug reaches the user.
- (3) "Illegal drug market target community" is the area described in Section 58-37e-7.
- (4) "Individual drug user" means the individual whose illegal drug use is the basis of an action brought under this chapter.
- (5) "Level 1 offense" means possession of 16 ounces or more or distribution of four ounces or more of a mixture containing a specified illegal drug or possession of 16 pounds or more or 100 plants or more or distribution of 10 pounds or more of marijuana.
- (6) "Level 2 offense" means possession of eight ounces or more, but less than 16 ounces, or distribution of two ounces or more, but less than four ounces, of a mixture containing a specified illegal drug or possession of eight pounds or more or 75 plants or more, but less than 16 pounds or 100 plants, or distribution of more than five pounds, but less than 10 pounds of marijuana.
- (7) "Level 3 offense" means possession of four ounces or more, but less than eight ounces, or distribution of one ounce or more, but less than two ounces, of a mixture containing a specified illegal drug or possession of four pounds or more or 50 plants or more, but less than eight pounds or 75 plants, or distribution of more than one pound, but less than five pounds of marijuana.
- (8) "Level 4 offense" means possession of 1/4 ounce or more, but less than four ounces, or distribution of less than one ounce of a mixture containing a specified illegal drug or possession of one pound or more or 25 plants or more, but less than four pounds or 50 plants, or distribution of less than one pound of marijuana.
- (9) "Participate in the illegal drug market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of an illegal drug. "Participate in the illegal drug market" does not include the purchase or receipt of an illegal drug for personal use only.
- (10) "Period of illegal drug use" means, in relation to the individual drug user, the time of the individual's first use of an illegal drug to the accrual of the cause of the action. The period of illegal drug use is presumed to commence two years before the cause of action accrues unless the defendant proves otherwise by clear and convincing evidence.
- (11) "Person" means an individual, governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association, existing under or authorized by the laws of this state, another state, or foreign country.
- (12) "Place of illegal drug activity" means, in relation to the individual drug user, each county in which the individual possesses or uses an illegal drug or in which the individual resides, attends school, or is employed during the period of the individual's illegal drug use, unless the defendant proves otherwise by clear and convincing evidence.
- (13) "Place of participation" means, in relation to a defendant in an action brought under this chapter, each county in which the person participates in the illegal drug market or in which the person resides, attends school, or is employed during the period of the person's participation in the illegal drug market.
- (14) "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other controlled substance the distribution of which is a violation of state law.

Enacted by Chapter 349, 1997 General Session