

Effective 5/3/2023

Renumbered 5/7/2025

76-10-528 Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

- (1) It is a class B misdemeanor for an actor to carry a dangerous weapon while under the influence of:
- (a) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or
 - (b) a controlled substance as defined in Section 58-37-2.
- (2) This section does not apply to:
- (a) an actor carrying a dangerous weapon that is either securely encased, as defined in this part, or not within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person;
 - (b) an actor who uses or threatens to use force in compliance with Section 76-2-402;
 - (c) an actor carrying a dangerous weapon in the actor's residence or the residence of another with the consent of the individual who is lawfully in possession;
 - (d) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
 - (e) an actor who:
 - (i) has a valid prescription for a controlled substance;
 - (ii) takes the controlled substance described in Subsection (2)(e)(i) as prescribed; and
 - (iii) after taking the controlled substance, the actor:
 - (A) is not a danger to the actor or another individual; or
 - (B) is capable of safely handling a dangerous weapon.
- (3) It is not a defense to prosecution under this section that the actor:
- (a) is licensed in the pursuit of wildlife of any kind; or
 - (b) has a valid permit to carry a concealed firearm.