

**ENFORCEMENT AUTHORITY FOR DRUG LAB
AND PRECURSOR ACTS**

1998 GENERAL SESSION

STATE OF UTAH

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AN ACT RELATING TO CONTROLLED SUBSTANCES AND CRIMINAL LAW;
PROVIDING SPECIFIED AUTHORITY TO THE DEPARTMENT OF PUBLIC SAFETY
REGARDING ENFORCEMENT OF THE CONTROLLED SUBSTANCE PRECURSOR ACT
AND CLANDESTINE DRUG LAB ACT; AND APPROPRIATING TO THE DEPARTMENT
OF PUBLIC SAFETY ~~§ [\$400,000]~~ **§ \$200,000** § FOR FISCAL YEAR 1998-99.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53-4-206, Utah Code Annotated 1953

58-37c-18, Utah Code Annotated 1953

58-37d-9, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-4-206** is enacted to read:

53-4-206. Authority regarding drug precursors.

(1) As used in this section, "acts" means:

(a) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and

(b) Title 58, Chapter 37d, Clandestine Drug Lab Act.

(2) The division has authority to enforce the drug lab and precursor acts. To carry out this purpose, the division may:

(a) inspect, copy, and audit any records **h**, **INVENTORIES OF CONTROLLED SUBSTANCE PRECURSORS**, **h** and reports required under the acts and rules adopted under the acts;

lilac-February 4, 1998

Amend on 3—goldenrod February 27, 1998

1 (b) enter the premises of regulated distributors and regulated purchasers during normal
2 business hours to conduct administrative inspections;

3 (c) assist the law enforcement agencies of the state in enforcing the acts;

4 (d) conduct investigations to enforce the acts;

5 (e) present evidence obtained from investigations conducted in conjunction with
6 appropriate county and district attorneys and the Office of the Attorney General for civil or
7 criminal prosecution or for administrative action against a licensee; and

8 (f) work in cooperation with the Division of Occupational and Professional Licensing,
9 created under Section 58-1-103, to accomplish the purposes of this section.

10 Section 2. Section **58-37c-18** is enacted to read:

11 **58-37c-18. Department of Public Safety enforcement authority.**

12 (1) As used in this section, "division" means the Investigations Division of the Department
13 of Public Safety, created in Section 53-4-103.

14 (2) The division has authority to enforce this chapter. To carry out this purpose, the
15 division may:

16 (a) inspect, copy, and audit records \hat{h} , **INVENTORIES OF CONTROLLED SUBSTANCE**
16a **PRECURSORS, \hat{h} and reports required under this chapter and rules**
17 adopted under this chapter;

18 (b) enter the premises of regulated distributors and regulated purchasers during normal
19 business hours to conduct administrative inspections;

20 (c) assist the law enforcement agencies of the state in enforcing this chapter;

21 (d) conduct investigations to enforce this chapter;

22 (e) present evidence obtained from investigations conducted in conjunction with
23 appropriate county and district attorneys and the Office of the Attorney General for civil or
24 criminal prosecution or for administrative action against a licensee; and

25 (f) work in cooperation with the Division of Occupational and Professional Licensing,
26 created under Section 58-1-103, to accomplish the purposes of this section.

27 Section 3. Section **58-37d-9** is enacted to read:

28 **58-37d-9. Department of Public Safety enforcement authority.**

29 (1) As used in this section, "division" means the Investigations Division of the Department
30 of Public Safety, created in Section 53-4-103.

31 (2) The division has authority to enforce this chapter. To carry out this purpose, the

1 division may:

2 (a) assist the law enforcement agencies of the state in enforcing this chapter;

3 (b) conduct investigations to enforce this chapter;

4 (c) present evidence obtained from investigations conducted in conjunction with
5 appropriate county and district attorneys and the Office of the Attorney General for civil or
6 criminal prosecution or for administrative action against a licensee; and

7 (d) work in cooperation with the Division of Occupational and Professional Licensing,
8 created under Section 58-1-103, to accomplish the purposes of this section.

9 **Section 4. Appropriation.**

10 There is appropriated from the General Fund to the Department of Public Safety ~~§ [\$400,000]~~
10a ~~§~~ **\$200,000** ~~§~~

11 for fiscal year 1998-99, to be applied solely to the Investigations Division's enforcement of

12 controlled substance precursor ~~h~~ **AND CLANDESTINE DRUG LAB** ~~h~~ laws, as authorized under

12a ~~h~~ **[Section] SECTIONS** ~~h~~ 58-37c-18 ~~h~~ **AND 58-37d-9.** ~~§~~ **[IT IS THE INTENT OF THE LEGISLATURE**

12b **THAT THIS APPROPRIATION BE ONGOING** ~~h~~ .]

Legislative Review Note

as of 1-19-98 6:15 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel