

**DRUG PARAPHERNALIA DEFINITION AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Drug Paraphernalia Act regarding some exemptions for syringes used for a legitimate medical purpose.

**Highlighted Provisions:**

This bill:

▶ provides that a person may not be charged with ~~H→~~ [~~possession or~~] ~~←H~~ distribution of hypodermic syringes as drug paraphernalia if ~~H→~~ [∴]

[→] ~~←H~~ at the time of sale or distribution the syringes are in a sterile package and are to

be used for a legitimate medical purpose, including :

- injection of prescription medications as prescribed by a practitioner; and
- the prevention of disease transmission; ~~H→~~ [~~or~~] and

[→] ▶ provides that a person may not be charged with possession of hypodermic syringes as drug paraphernalia if ~~←H~~ the syringe ~~H→~~ [∴

~~\_\_\_\_\_ • \_\_\_\_\_ was previously used but is in a puncture resistant container; or~~

~~\_\_\_\_\_] ~~←H~~ is unused and is in a sterile package.~~

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



H.B. 232

121 (3) Any person 18 years of age or ~~[over]~~ older who delivers drug paraphernalia to a  
122 person ~~[under]~~ younger than 18 years of age and who is three years or more younger than the  
123 person making the delivery is guilty of a third degree felony.

124 (4) (a) It is unlawful for any person to place in this state in any newspaper, magazine,  
125 handbill, or other publication any advertisement, knowing that the purpose of the advertisement  
126 is to promote the sale of drug paraphernalia.

127 (b) Any person who violates ~~[this]~~ Subsection (4)(a) is guilty of a class B  
128 misdemeanor.

129 (5) ~~H→~~ (a) ~~←H~~ A person may not be charged with ~~H→~~ [possession or] ~~←H~~ distribution of  
129a hypodermic  
130 syringes as drug paraphernalia if H→ [:]

131 [a)] ←H at the time of sale or distribution the syringes are in a sealed sterile package and  
131a are  
132 for a legitimate medical purpose, including:

- 133 (i) injection of prescription medications as prescribed by a practitioner; or
- 134 (ii) the prevention of disease transmission H→ [;or] . ←H

135 (b) ~~H→~~ A person may not be charged with possession of hypodermic syringes as drug  
135a paraphernalia if ←H the syringe H→ [:]

- 136 ~~—— (i) was previously used but is in a puncture resistant container; or~~
- 137 ~~—— (ii) ←H is unused and is in a sealed sterile package.~~

138 ~~[(5)]~~ (6) A person may be charged and sentenced for a violation of this section,  
139 notwithstanding a charge and sentence for a violation of any other section of this chapter.

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Legislative Review Note  
as of 1-21-11 1:10 PM

Office of Legislative Research and General Counsel