

150 or to utter the same, or to alter any prescription or written order issued or written under the
151 terms of this chapter; or

152 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed
153 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
154 device of another or any likeness of any of the foregoing upon any drug or container or labeling
155 so as to render any drug a counterfeit controlled substance.

156 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A
157 misdemeanor.

158 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
159 degree felony.

160 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

161 (4) Prohibited acts D -- Penalties:

162 (a) Notwithstanding other provisions of this section, a person not authorized under this
163 chapter who commits any act that is unlawful under Subsection (1)(a),

163a ~~H~~→ [Section 58-37a-5] Subsection 58-37a-5(2)(a) ←~~H~~ , or

164 Section 58-37b-4 is upon conviction subject to the penalties and classifications under this
165 Subsection (4) if the trier of fact finds the act is committed:

166 (i) in a public or private elementary or secondary school or on the grounds of any of
167 those schools during the hours of 6 a.m. through 10 p.m.;

168 (ii) in a public or private vocational school or postsecondary institution or on the
169 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

170 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
171 facility's hours of operation;

172 (iv) in a public park, amusement park, arcade, or recreation center when the public or
173 amusement park, arcade, or recreation center is open to the public;

174 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;

175 (vi) in or on the grounds of a library when the library is open to the public;

176 (vii) in or on the grounds of a permanent housing, permanent supporting, or transitional
177 facility, as defined in Section 35A-5-302;

178 [~~(vii)~~] (viii) within any area that is within 100 feet of any structure, facility, or grounds
179 included in [~~Subsections~~] Subsection (4)(a)(i), (ii), (iii), (iv), (v), [~~and~~] (vi), or (vii);

180 [~~(viii)~~] (ix) in the presence of a person younger than 18 years of age, regardless of