

HOUSE BILL NO. 647

INTRODUCED BY E. STAFMAN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DRUG PARAPHERNALIA;
PROVIDING THAT PRODUCTS THAT DETECT THE PRESENCE OF FENTANYL OR A FENTANYL
ANALOG IN A CONTROLLED SUBSTANCE DO NOT CONSTITUTE DRUG PARAPHERNALIA UNDER
MOST CIRCUMSTANCES; AND AMENDING SECTION 45-10-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-10-101, MCA, is amended to read:

"45-10-101. Definitions. (1) ~~As~~ Except as provided in subsection (2), as used in this part, the term "drug paraphernalia" means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:

(a) kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous drug can be derived;

(b) kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs;

(c) isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a dangerous drug;

(d) testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of dangerous drugs;

(e) scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs;

(f) dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and

1 lactose, used, intended for use, or designed for use in cutting dangerous drugs;

2 (g) separation gins and sifters used, intended for use, or designed for use in removing twigs and
3 seeds from or in otherwise cleaning or refining marijuana;

4 (h) blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed
5 for use in compounding dangerous drugs;

6 (i) capsules, balloons, envelopes, and other containers used, intended for use, or designed for
7 use in packaging small quantities of dangerous drugs;

8 (j) containers and other objects used, intended for use, or designed for use in storing or
9 concealing dangerous drugs;

10 (k) objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
11 introducing marijuana, cocaine, hashish, hashish oil, or other dangerous drug as defined by 50-32-101 into the
12 human body, such as:

13 (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
14 permanent screens, hashish heads, or punctured metal bowls;

15 (ii) water pipes;

16 (iii) carburetion tubes and devices;

17 (iv) smoking and carburetion masks;

18 (v) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that
19 has become too small or too short to be held in the hand;

20 (vi) miniature cocaine spoons and cocaine vials;

21 (vii) chamber pipes;

22 (viii) carburetor pipes;

23 (ix) electric pipes;

24 (x) air-driven pipes;

25 (xi) chillums;

26 (xii) bongs;

27 (xiii) ice pipes or chillers.

28 (2) As used in this chapter, the term "drug paraphernalia" does not include a product that detects

1 the presence of fentanyl or a fentanyl analog in a controlled substance. This exemption does not apply to any
2 person who, while in possession of the fentanyl testing product, possesses any controlled substance with the
3 intent to distribute it as defined by 45-9-103.

4 ~~(2)~~(3) Words or phrases used in this part that are not defined by this section have the meaning given
5 to them by the definitions contained in 50-32-101 unless the usage clearly indicates a different intent."

6 - END -