

Section 15-15-6. - Possession of Drug Paraphernalia.

- A. *Offense:* It shall be unlawful to possess drug paraphernalia.
- B. *Definition:* "Drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used or designed to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to do any of the following:
- (1) Cultivate, grow, harvest, manufacture, compound, convert, produce, or distribute a controlled substance;
 - (2) Prepare, store, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance;
 - (3) Weigh, measure, test the strength, effectiveness, or purity of a controlled substance;
or
 - (4) Enhance or alter the effect of a controlled substance.
- C. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to other logically relevant factors, the following:
- (1) Statements by the owner or by anyone in control of the object concerning its use;
 - (2) The proximity of the object to controlled substances or controlled substance analogs;
 - (3) The existence of any residue of a controlled substance or controlled substance analog on the object;
 - (4) Descriptive or instructive materials accompanying the object that explain or depict its use;
 - (5) The manner in which the object is displayed for sale; and
 - (6) Expert testimony concerning its use.
- D. *Sentence.* Any person found guilty of possession of drug paraphernalia shall:
- (1) Be sentenced to a jail term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed three hundred fifty dollars (\$350.00); or
 - (2) The court may, in its discretion, order the guilty person to undergo a professional evaluation that addresses substance abuse. Such person may be sentenced to one (1) year supervised probation to facilitate therapeutic treatment that may be recommended after an evaluation is completed; or
 - (3) The court may, in its discretion, order the guilty person to perform up to 50 hours of community service.

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