

SENATE BILL NO. 26

INTRODUCED BY R. LYNCH

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING FENTANYL TESTING STRIPS FROM THE DEFINITION OF "DRUG PARAPHERNALIA"; AMENDING SECTION 45-10-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 other than fentanyl test strips designed and intended to detect the presence of fentanyl in substances;

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

- 1 (f) dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and
2 lactose, used, intended for use, or designed for use in cutting dangerous drugs;
- 3 (g) separation gins and sifters used, intended for use, or designed for use in removing twigs and
4 seeds from or in otherwise cleaning or refining marijuana;
- 5 (h) blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed
6 for use in compounding dangerous drugs;
- 7 (i) capsules, balloons, envelopes, and other containers used, intended for use, or designed for
8 use in packaging small quantities of dangerous drugs;
- 9 (j) containers and other objects used, intended for use, or designed for use in storing or
10 concealing dangerous drugs;
- 11 (k) objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
12 introducing marijuana, cocaine, hashish, hashish oil, or other dangerous drug as defined by 50-32-101 into the
13 human body, such as:
- 14 (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
15 permanent screens, hashish heads, or punctured metal bowls;
- 16 (ii) water pipes;
- 17 (iii) carburetion tubes and devices;
- 18 (iv) smoking and carburetion masks;
- 19 (v) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that
20 has become too small or too short to be held in the hand;
- 21 (vi) miniature cocaine spoons and cocaine vials;
- 22 (vii) chamber pipes;
- 23 (viii) carburetor pipes;
- 24 (ix) electric pipes;
- 25 (x) air-driven pipes;
- 26 (xi) chillums;
- 27 (xii) bongs;
- 28 (xiii) ice pipes or chillers.

1 (2) As used in this part, the term "drug paraphernalia" does not include fentanyl test strips
2 designed and intended to detect the presence of fentanyl in substances.

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

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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