

**CHAPTER 46**

Original Senate File No. 14

**POSSESSION OF DRUG PARAPHERNALIA PROHIBITED**

AN ACT to create W.S. 35-7-1056 and 35-7-1057; and to amend W.S. 35-7-1002(a)(xxvi) and by creating new paragraphs (xxvii) and (xxviii) and 35-7-1049(a) by creating a new paragraph (vi) relating to controlled substances; prohibiting the delivery of or possession with intent to deliver drug paraphernalia; providing definitions; providing for civil forfeiture; providing penalties; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 35-7-1056 and 35-7-1057 are created to read:

**ARTICLE VIII**

**DRUG PARAPHERNALIA**

**35-7-1056. Delivery of or possession with intent to deliver drug paraphernalia.** It is unlawful for any person to deliver or possess with intent to deliver drug paraphernalia. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than six (6) months, fined not more than seven hundred fifty dollars (\$750.00), or both.

**35-7-1057. Delivery of drug paraphernalia to a minor.** Any adult who violates W.S. 35-7-1056 by delivering drug paraphernalia to a minor is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both.

**Section 2.** W.S. 35-7-1002(a)(xxvi) and by creating new paragraphs (xxvii) and (xxviii) and 35-7-1049(a) by creating a new paragraph (vi) are amended to read:

**35-7-1002. Definitions.**

(a) As used in this act:

(xxvi) "Commissioner" means the commissioner of drugs and substances control;

(xxvii) "Drug paraphernalia" means all equipment, products and materials of any kind when used, advertised for use, intended for use, or designed for use for manufacturing, converting, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act and includes:

(A) Isomerization devices when used, advertised for use, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

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(B) Quinine hydrochloride, mannitol and mannite when used, advertised for use, intended for use or designed for use in diluting controlled substances;

(C) Separation gins and sifters when used or advertised for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;

(D) Objects when used, advertised for use, intended for use or designed for use in injecting controlled substances into the human body;

(E) The following objects when used, advertised for use, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil or any other controlled substance into the human body:

(I) Metal, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(II) Carburetion tubes;

(III) Carburetion masks;

(IV) Chamber pipes;

(V) Carburetor pipes;

(VI) Electric pipes;

(VII) Air-driven pipes;

(VIII) Chillums;

(IX) Bongs;

(X) Ice pipes or chillers.

(xxviii) "This act" means W.S. 35-7-1001 through 35-7-1057.

**35-7-1049. Forfeitures and seizures generally; property subject to forfeiture.**

(a) The following are subject to forfeiture:

(vi) All "drug paraphernalia" as defined by W.S. 35-7-1002(a)(xxvii).

**Section 3.** This act is effective June 1, 1982.

Approved March 5, 1982.