

Committee on Criminal Justice

CS/CS/HB 49 — Drug Paraphernalia

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Rouson and others (CS/CS/SB 1140 by Appropriations Committee; Criminal Justice Committee; and Senator Stargel)

The bill prohibits the retail sale of certain smoking pipes and devices when those smoking pipes and devices are drug paraphernalia. Current law lists what items may be considered “drug paraphernalia” if they meet the definition of that term. The fact-finder must consider statutorily-specified factors and other factors in determining whether an item is drug paraphernalia.

The bill makes it unlawful for a person to knowingly and willfully sell or offer for sale at retail certain drug paraphernalia, which are objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or nitrous oxide into the human body. Pipes primarily made of briar, meerschaum, clay, or corn cob are specifically excluded. A first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 31-2; House 112-3