

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2030

Introduced by

Legislative Management

(Commission on Alternatives to Incarceration)

1 A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code,
2 relating to drug paraphernalia; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

7 1. A person may not use or possess with intent to use drug paraphernalia to plant,
8 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
9 process, prepare, test, analyze, pack, repack, store, contain, or conceal, inject, ingest,
10 inhale, or otherwise introduce into the human body a controlled substance in violation
11 of chapter 19-03.1. Any person violating this ~~section~~subsection is guilty of a class C
12 felony if the drug paraphernalia is used, or possessed with intent to be used, to
13 manufacture, compound, convert, produce, process, prepare, test, ~~inject, ingest,~~
14 ~~inhale,~~ or analyze a controlled substance, other than marijuana, classified in
15 schedule I, II, or III of chapter 19-03.1. ~~Otherwise, a violation of this section is~~

16 2. A person may not use or possess with the intent to use drug paraphernalia to inject,
17 ingest, inhale, or otherwise induce into the human body a controlled substance, other
18 than marijuana, classified in schedule I, II, or III of chapter 19-03.1. A person violating
19 this subsection is guilty of a class A misdemeanor. **If a person previously has been**
20 **convicted of an offense under this chapter, other than an offense related to marijuana,**
21 **or an equivalent offense from another court in the United States, a violation of this**
22 **subsection is a class C felony.**

23 3. A person may not use or possess with intent to use drug paraphernalia to plant,
24 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,

- 1 process, prepare, test, analyze, pack, repack, store, contain, or conceal marijuana in
2 violation of chapter 19-03.1. A person violating this subsection is guilty of a class A
3 misdemeanor.
- 4 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
5 inhale, or otherwise introduce into the human body marijuana in violation of
6 chapter 19-03.1. A person violating this subsection is guilty of a class B misdemeanor.