

**FIRST ENGROSSMENT
with Conference Committee Amendments
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.