

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO HOUSE BILL 2601

By COMMITTEE ON JUDICIARY

March 27

1 On page 37 of the printed bill, after line 32, insert:

2 **“SECTION 42a. If Senate Bill 302 becomes law, section 42 of this 2017 Act (amending ORS**
3 **475.525) is repealed and ORS 475.525, as amended by section 25, chapter __, Oregon Laws 2017**
4 **(Enrolled Senate Bill 302), is amended to read:**

5 “475.525. (1) It is unlawful for any person to sell or deliver, possess with intent to sell or deliver
6 or manufacture with intent to sell or deliver drug paraphernalia, knowing that it will be used to
7 unlawfully plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
8 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or other-
9 wise introduce into the human body a controlled substance as defined by ORS 475.005.

10 “(2) For the purposes of this section, ‘drug paraphernalia’ means all equipment, products and
11 materials of any kind that are marketed for use or designed for use in planting, propagating, culti-
12 vating, growing, harvesting, manufacturing, compounding, converting, producing, processing, pre-
13 paring, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,
14 ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation
15 of ORS [475.840] **475.752** to 475.980. Drug paraphernalia includes, but is not limited to:

16 “(a) Kits marketed for use or designed for use in unlawfully planting, propagating, cultivating,
17 growing or harvesting of any species of plant that is a controlled substance or from which a con-
18 trolled substance can be derived;

19 “(b) Kits marketed for use or designed for use in manufacturing, compounding, converting,
20 producing, processing or preparing controlled substances;

21 “(c) Isomerization devices marketed for use or designed for use in increasing the potency of any
22 species of plant that is a controlled substance;

23 “(d) Testing equipment marketed for use or designed for use in identifying or in analyzing the
24 strength, effectiveness or purity of controlled substances;

25 “(e) Scales and balances marketed for use or designed for use in weighing or measuring con-
26 trolled substances;

27 “(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and
28 lactose, marketed for use or designed for use in cutting controlled substances;

29 “(g) Lighting equipment specifically designed for growing controlled substances;

30 “(h) Containers and other objects marketed for use or designed for use in storing or concealing
31 controlled substances; and

32 “(i) Objects marketed for use or designed specifically for use in ingesting, inhaling or otherwise
33 introducing a controlled substance into the human body, such as:

34 “(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens;

35 “(B) Water pipes;

1 “(C) Carburetion tubes and devices;
2 “(D) Smoking and carburetion masks;
3 “(E) Roach clips, meaning objects used to hold burning material that has become too small or
4 too short to be held in the hand;
5 “(F) Miniature cocaine spoons and cocaine vials;
6 “(G) Chamber pipes;
7 “(H) Carburetor pipes;
8 “(I) Electric pipes;
9 “(J) Air-driven pipes;
10 “(K) Chillums;
11 “(L) Bongs; and
12 “(M) Ice pipes or chillers.
13 “(3) For purposes of this section, ‘drug paraphernalia’ does not include hypodermic syringes or
14 needles.
15 “(4) The provisions of ORS 475.525 to 475.565 do not apply to persons registered under the pro-
16 visions of ORS 475.125 or to persons specified as exempt from registration under the provisions of
17 that statute.
18 “(5)(a) The provisions of ORS 475.525 to 475.565 do not apply to a person who sells or delivers
19 marijuana paraphernalia as defined in section 14 [*of this 2017 Act*], **chapter __, Oregon Laws 2017**
20 **(Enrolled Senate Bill 302)**, to a person 21 years of age or older.
21 “(b) In determining whether an object is drug paraphernalia under this section or marijuana
22 paraphernalia under section 14 [*of this 2017 Act*], **chapter __, Oregon Laws 2017 (Enrolled Sen-**
23 **ate Bill 302)**, a trier of fact shall consider, in addition to any other relevant factor, the following:
24 “(A) Any oral or written instruction provided with the object related to the object’s use;
25 “(B) Any descriptive material packaged with the object that explains or depicts the object’s use;
26 “(C) Any national or local advertising related to the object’s use;
27 “(D) Any proffered expert testimony related to the object’s use;
28 “(E) The manner in which the object is displayed for sale, if applicable; and
29 “(F) Any other proffered evidence substantiating the object’s intended use.
30 “**NOTE:** Corrects series citation in (2) lead-in.”
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