

HB 2601-1
(LC 271)
3/22/17 (CMT/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
HOUSE BILL 2601**

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**
3 **Act (amending ORS 475.525) is repealed and ORS 475.525, as amended**
4 **by section 25, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302),**
5 **is amended to read:**

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

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

21 “(a) Kits marketed for use or designed for use in unlawfully planting,

1 propagating, cultivating, growing or harvesting of any species of plant that
2 is a controlled substance or from which a controlled substance can be de-
3 rived;

4 “(b) Kits marketed for use or designed for use in manufacturing, com-
5 pounding, converting, producing, processing or preparing controlled sub-
6 stances;

7 “(c) Isomerization devices marketed for use or designed for use in in-
8 creasing the potency of any species of plant that is a controlled substance;

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

11 “(e) Scales and balances marketed for use or designed for use in weighing
12 or measuring controlled substances;

13 “(f) Diluents and adulterants, such as quinine hydrochloride, mannitol,
14 mannite, dextrose and lactose, marketed for use or designed for use in cut-
15 ting controlled substances;

16 “(g) Lighting equipment specifically designed for growing controlled sub-
17 stances;

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

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

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

25 “(B) Water pipes;

26 “(C) Carburetion tubes and devices;

27 “(D) Smoking and carburetion masks;

28 “(E) Roach clips, meaning objects used to hold burning material that has
29 become too small or too short to be held in the hand;

30 “(F) Miniature cocaine spoons and cocaine vials;

1 “(G) Chamber pipes;

2 “(H) Carburetor pipes;

3 “(I) Electric pipes;

4 “(J) Air-driven pipes;

5 “(K) Chillums;

6 “(L) Bongs; and

7 “(M) Ice pipes or chillers.

8 “(3) For purposes of this section, ‘drug paraphernalia’ does not include
9 hypodermic syringes or needles.

10 “(4) The provisions of ORS 475.525 to 475.565 do not apply to persons
11 registered under the provisions of ORS 475.125 or to persons specified as
12 exempt from registration under the provisions of that statute.

13 “(5)(a) The provisions of ORS 475.525 to 475.565 do not apply to a person
14 who sells or delivers marijuana paraphernalia as defined in section 14 [*of this*
15 *2017 Act*], **chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302)**, to
16 a person 21 years of age or older.

17 “(b) In determining whether an object is drug paraphernalia under this
18 section or marijuana paraphernalia under section 14 [*of this 2017 Act*],
19 **chapter __, Oregon Laws 2017 (Enrolled Senate Bill 302)**, a trier of fact
20 shall consider, in addition to any other relevant factor, the following:

21 “(A) Any oral or written instruction provided with the object related to
22 the object’s use;

23 “(B) Any descriptive material packaged with the object that explains or
24 depicts the object’s use;

25 “(C) Any national or local advertising related to the object’s use;

26 “(D) Any proffered expert testimony related to the object’s use;

27 “(E) The manner in which the object is displayed for sale, if applicable;

28 and

29 “(F) Any other proffered evidence substantiating the object’s intended use.

30 “**NOTE:** Corrects series citation in (2) lead-in.”

