

LEVEL 2 DRUG MISDEMEANORS

Elements of Offense

C.R.S. Citation

CRIMINAL CODE — INCHOATE OFFENSES

Criminal Attempt

1. ***Criminal attempt.*** Intentionally engaging in conduct that constitutes a substantial step towards the commission of a level 2 drug misdemeanor is a level 2 drug misdemeanor. 18-2-101 (10)

Criminal attempt to commit a level 1 drug misdemeanor is a level 2 drug misdemeanor. 18-2-101 (10)

Criminal Conspiracy

2. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a level 2 drug misdemeanor, or who agrees to attempt to commit a level 2 drug misdemeanor, or who agrees to aid another in the planning, commission, or attempt to commit a level 2 drug misdemeanor, with the intent to facilitate or promote commission of such crime, commits a level 2 misdemeanor. 18-2-206 (7)

Conspiracy to commit a level 1 drug misdemeanor is a level 2 drug misdemeanor. 18-2-206 (7)

CRIMINAL CODE — UNIFORM CONTROLLED SUBSTANCES ACT OF 1992

Unlawful Possession and Use of a Controlled Substance

3. ***Unlawful use of a controlled substance.*** Any person who uses any controlled substance (other than marijuana or marijuana concentrate), except when it is dispensed by or under the discretion of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor. 18-18-404 (1) (a)

Offenses Relating to Marijuana

4. ***Offenses relating to marijuana and marijuana concentrate.*** A person who possesses more than two ounces of marijuana but not more than six ounces of marijuana commits a level 2 drug misdemeanor. 18-18-406 (4) (c)
5. ***Unlawful use or possession of synthetic cannabinoids or salvia divinorum.*** Any person who uses or possesses any amount of any synthetic cannabinoid or salvia divinorum commits a level 2 drug misdemeanor. 18-18-406.1

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Other Violations

6. **Abusing toxic vapors prohibited.** Any person who knowingly smells or inhales the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or who knowingly possesses, buys, or uses any such substance for such purposes, or who knowingly aids any other person to do so commits a level 2 drug misdemeanor. However, a person may not be sentenced to jail for a first offense. 18-18-412 (2)
7. **Retail sale of methamphetamine precursor drugs.** Any person who knowingly violates any of the provisions regarding the retail sale or purchase of methamphetamine precursor drugs commits a level 2 drug misdemeanor. 18-18-412.8 (3) (a)
8. **Unlawful acts.** Any person who refills any a controlled substance listed in schedules III, IV, or V of Part 2 of Article 18 of Title 18 more than six months after the date on which the prescription was issued or more than five times commits a level 2 drug misdemeanor. 18-18-414 (1) (e)
- It is a level 2 drug misdemeanor for a pharmacy to fail to file and retain the prescription for a controlled substance as required by section 12-42.5-131. 18-18-414 (1) (f)
- It is a level 2 drug misdemeanor for a hospital to fail to record and maintain a record of the dispensing of a prescription drug or controlled substance as required by section 12-42.5-131 and 27-80-210. 18-18-414 (1) (g)
- It is a level 2 drug misdemeanor to refuse to make available for inspection and to accord full opportunity to check any record or file as required by the Uniform Controlled Substances Act of 1992, Part 1 of Article 42.5 of Title 12, or Part 2 of Article 80 of Title 27. 18-18-414 (1) (h)
- It is a level 2 drug misdemeanor to fail to keep records as required by the Uniform Controlled Substances Act of 1992, Part 1 of Article 42.5 of Title 12, or Part 2 of Article 80 of Title 27. 18-18-414 (1) (i)
- It is a level 2 drug misdemeanor to fail to obtain a license or registration as required by the Uniform Controlled Substances Act of 1992, Part 1 of Article 42.5 of Title 12, or Part 2 of Article 80 of Title 27. 18-18-414 (1) (j)
- Except when controlled substances are dispensed by a practitioner for direct administration or for administration to hospital inpatients, it is a level 2 drug misdemeanor to fail to affix to the immediate container a label bearing certain information required by law. 18-18-414 (1) (k)
- It is a level 2 drug misdemeanor for a practitioner, in dispensing a controlled substance other than by direct administration, to fail to affix to the immediate container a label bearing certain information required by law. 18-18-414 (1) (l)
- It is a level 2 drug misdemeanor to administer a controlled substance other than to the patient for whom it is prescribed. 18-18-414 (1) (m)
- It is a level 2 drug misdemeanor for a practitioner or pharmacy to possess a controlled substance that was not obtained from a pharmacy and that was received from a person who is not licensed as a manufacturer, distributor, or practitioner. 18-18-414 (1) (n)
- It is a level 2 drug misdemeanor for a pharmacist or practitioner to fail to follow the provisions of law related to the dispensation of controlled substances in emergency situations. 18-18-414 (2)

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- It is a level 2 drug misdemeanor to violate any provision of Part 4 of Article 18 of Title 18 for which a penalty is not otherwise specified. 18-18-414 (4)
9. ***Drug paraphernalia.*** Any person who sells or delivers, possesses with intent to sell or deliver, or manufactures with intent to sell or deliver equipment, products, or materials knowing or under circumstances where one reasonably should know that such items could be used as drug paraphernalia commits a level 2 drug misdemeanor. 18-18-429
10. ***Advertisement of drug paraphernalia.*** Any person who places an advertisement in any publication with the intent to promote the sale of drug paraphernalia commits a level 2 drug misdemeanor. 18-18-430