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COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 18. CRIMINAL CODE
ARTICLE 18. UNIFORM CONTROLLED SUBSTANCES ACT OF 1992
PART 4. OFFENSES AND PENALTIES

C.R.S. 18-18-426 (2011)

18-18-426. Drug paraphernalia - definitions

As used in [sections 18-18-425 to 18-18-430](#), unless the context otherwise requires:

(1) "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this state. "Drug paraphernalia" includes, but is not limited to:

(a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;

(b) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(c) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(d) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(e) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(f) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; or

(g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(I) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

- (II) Water pipes;
- (III) Carburetion tubes and devices;
- (IV) Smoking and carburetion masks;
- (V) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
- (VI) Miniature cocaine spoons and cocaine vials;
- (VII) Chamber pipes;
- (VIII) Carburetor pipes;
- (IX) Electric pipes;
- (X) Air-driven pipes;
- (XI) Chillums;
- (XII) Bongs; or
- (XIII) Ice pipes or chillers.

HISTORY: Source: . L. 92: Entire article R&RE, p. 376, § 1, effective July 1.L. 2010: (1)(c), IP (1)(g), and (1)(g)(V) amended, (HB 10-1352), ch. 259, p. 1174, § 21, effective August 11.

Editor's note: This section is similar to former § 12-22-502 as it existed prior to 1992.

ANNOTATION

Law reviews. For article, "Constitutional Law and Civil Rights", see 59 Den. L.J. 239 (1982).

Annotator's note. Since § 18-18-426 is similar to § 12-22-502 as it existed prior to its repeal in 1992, relevant cases construing those provisions have been included in the annotations to this section.

Terms "designed" and "primarily" in definition of "drug paraphernalia" are not unconstitutionally vague. High Gear and Toke Shop v. Beacom, 689 P.2d 624 (Colo. 1984).

Term "intended" is unconstitutionally vague and is severed from the definition. High Gear and Toke Shop v. Beacom, 689 P.2d 624 (Colo. 1984).

Definition of "drug paraphernalia" does not violate due process. By severing the word "adapted" from the definition, the act can be upheld. Hejira Corp. v. MacFarlane, 660 F.2d 1356 (10th Cir. 1981) (decided prior to the 1981 amendment to subsection (2) which deleted the word "adapted").

Term "designed" not overbroad. As this section restricts the term "designed," by requiring that an item must be primarily designed for use with illegal drugs in order to constitute paraphernalia, that term, as used in this part, not overbroad. Hejira Corp. v. MacFarlane, 660 F.2d 1356 (10th Cir. 1981).

Intent requirement of subsection (2) refers to intent of possessor or seller. Hejira Corp. v. MacFarlane, 660 F.2d 1356 (10th Cir. 1981).

Applied in Wakabayashi v. Tooley, 648 P.2d 655 (Colo. 1982).

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