

Chapter 37b - Imitation Controlled Substances Act

58-37b-1. Short title.

This act shall be known and may be cited as the "Imitation Controlled Substances Act."

58-37b-2. Definitions.

As used in this chapter:

- (1) "Controlled substance" has the same meaning as provided in Section 58-37-2.
- (2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or dispensing to another of an imitation controlled substance.
- (3) "Imitation controlled substance" means a substance designed or packaged to substantially resemble any legally or illegally manufactured controlled substance, but that is not:
 - (a) a controlled substance; or
 - (b) represented to be any legally or illegally manufactured controlled substance under Subsection 58-37-2(1)(i)(ii).
- (4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an imitation controlled substance.

58-37b-3. Repealed.

58-37b-4. Manufacture, distribution or possession of substance unlawful - Penalty.

It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this section shall be guilty of a class B misdemeanor.

58-37b-5. Repealed.

58-37b-6. Use of substance unlawful - Penalty.

It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance. Any person who violates this section is guilty of a class C misdemeanor.

58-37b-7. Advertisement of substance unlawful - Penalty.

It is unlawful for any person to place any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances. Any person who violates this section is guilty of a class A misdemeanor.

58-37b-8. Exemption of persons registered under Controlled Substances Act.

No civil or criminal liability shall be imposed by virtue of this act on any person registered under the Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research or on any law enforcement officer acting in the course and legitimate scope of that employment.

IMITATION CONTROLLED SUBSTANCES ACT

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