

SENATE BILL 858

By Black

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to drug paraphernalia.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-402, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, sold 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 as defined in subdivision (4). "Drug paraphernalia" includes, but is not limited to:

(A) Isomerization devices used, intended for use, sold for use, or designed for use in increasing the potency of any species of plant that is a controlled substance;

(B) Testing equipment used, intended for use, sold for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances; and

(C) Objects used, intended for use, sold 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, acrylic, glass, stone, or plastic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

- (ii) Water pipes;
- (iii) Carburation tubes and devices;
- (iv) Smoking and carburation masks;
- (v) Chamber pipes;
- (vi) Carburetor pipes;
- (vii) Electric pipes;
- (viii) Chillums;
- (ix) Bongs; and
- (x) Ice pipes or chillers;

SECTION 2. Tennessee Code Annotated, Section 39-17-425, is amended by deleting subdivision (b)(1) and substituting instead the following:

(1) Except when delivered, possessed with the intent to deliver, or manufactured with the intent to deliver by a person authorized by this part and title 53, chapter 11, parts 3 and 4 to dispense, prescribe, manufacture or possess a controlled substance, it is unlawful for any person to sell, deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this part.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.