

IN THE SENATE

SENATE BILL NO. 1218

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2734A, IDAHO
3 CODE, TO PROHIBIT THE COMMERCIAL PROMOTION OR ADVERTISEMENT OF SCHEDULE
4 I CONTROLLED SUBSTANCES.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 37-2734A, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 37-2734A. PROHIBITED ACTS D -- PENALTIES. (1) It is unlawful for any
9 person to use, or to possess with intent to use, drug paraphernalia to plant,
10 propagate, cultivate, grow, harvest, manufacture, compound, convert, pro-
11 duce, process, prepare, test, analyze, pack, repack, store, contain, con-
12 ceal, inject, ingest, inhale, or otherwise introduce into the human body a
13 controlled substance.

14 (2) It is unlawful for any person ~~to place in any newspaper, magazine,~~
15 ~~handbill, or other publication any advertisement, knowing, or under circum-~~
16 ~~stances where one reasonably should know, that the purpose of the advertise-~~
17 ~~ment, in whole or in part, is to promote the, for commercial purposes, to~~
18 knowingly promote or advertise:

19 (a) The sale of a schedule I controlled substance;

20 (b) The sale, delivery, distribution, manufacturing, or preparation of
21 a schedule I controlled substance; or

22 (c) The sale of objects designed or intended for use as drug parapherna-
23 lia.

24 (3) Any person who is in violation of the provisions of subsections (1)
25 and/or (2) of this section is guilty of a misdemeanor and upon conviction may
26 be imprisoned for not more than one (1) year, fined not more than one thousand
27 dollars (\$1,000), or both.

28 (4) For purposes of subsection (2) of this section, "person" means an
29 individual or any individual acting on behalf of a corporation, business
30 trust, estate, trust, partnership, association, or any other legal entity.