

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 792

S.P. 271

In Senate, February 20, 2003

An Act To Make the Use of Scheduled Drugs without a Prescription a Crime

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Senator: TURNER of Cumberland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1107-B is enacted to read:

§1107-B. Unlawful use of scheduled drugs

1. Except as provided in subsection 2, a person is guilty of unlawful use of a scheduled drug if the person intentionally or knowingly uses what that person knows or believes to be a scheduled drug, which is in fact a scheduled drug and the drug is:

A. A schedule W drug. Violation of this paragraph is a Class D crime;

B. A schedule X drug. Violation of this paragraph is a Class D crime;

C. A schedule Y drug. Violation of this paragraph is a Class E crime; or

D. A schedule Z drug. Violation of this paragraph is a Class E crime.

2. A person is not guilty of unlawful use of a scheduled drug if the conduct that constitutes the use is expressly:

A. Authorized by Title 22 or Title 32; or

B. Made a civil violation by Title 22.

For purposes of this section, "use" means to inhale, ingest, inject, insert or apply.

SUMMARY

Current law prohibits the unauthorized possession or trafficking of scheduled drugs. This bill also prohibits the unauthorized use of scheduled drugs.