

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
857 WEST SOUTH JORDAN PARKWAY  
SOUTH JORDAN, UTAH 84095-8594**

**SPECIAL ORDER OF FOREST SUPERVISOR  
UINTA-WASATCH-CACHE NATIONAL FOREST  
FOREST WIDE**

**CONTROLLED SUBSTANCE(S)**

**PROHIBITIONS:**

Pursuant to Title 36 CFR 261.50 (a) and (b) **the following acts are prohibited** on all lands described in this order, all within the Uinta-Wasatch-Cache National Forest boundaries until further notice.

1. Possessing a controlled substance, specifically marihuana (marijuana), less than ½ ounce in weight, as outlined in the Federal Controlled Substance Act (21 U.S.C. 812).  
[36 CFR 261.53(e)]
2. Possessing drug paraphernalia as described in the Utah Drug Paraphernalia Act, Title 58 Chapter 37(a) Section 5. [36 CFR 261.53(e)]

**EXEMPTIONS:**

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this order:

1. Any Federal, State, or local law enforcement officer in the performance of an official duty.

**AREA DESCRIBED:**

All National Forest System Lands located within the Uinta-Wasatch-Cache National Forest boundaries, as shown on attached map.

**DEFINITIONS:**

Controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of Part B of the Controlled Substances Act (21 U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

Drug Paraphernalia definition (See Exhibit A attached)

**PURPOSE:**

The purpose of this order is to increase safety for the public and Forest Service employees by specifically outlawing the possession of certain controlled substances.

**IMPLEMENTATION:**

1. This Order will be in effect when signed and shall remain in effect until further notice.
2. Violation of the above prohibition(s) is punishable by a fine of not more than \$5,000 for an individual, or \$10,000 for an organization and/or imprisonment for not more than 6months. [Title 16 USC 551, Title 18 USC 3571(b)(6), Title 18 USC 3581(b)(7)].
2. Further information regarding this Order may be obtained at the Uinta-Wasatch-Cache National Forest Supervisors Office, South Jordan, Utah (801) 999-2103
3. This Order supersedes any previous Order(s) prohibiting the same, or similar acts prohibited by this Order in the areas (and/or roads or trails) covered by this Order.

Done at Salt Lake City, Utah this 6th day of February, 2013



David C. Whittekiend  
Forest Supervisor

Order Number: 04-19-256

**58-37a-5. Unlawful acts.**

(1) (a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia 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 a controlled substance into the human body in violation of this chapter.

(b) Any person who violates Subsection (1)(a) is guilty of a class B misdemeanor.

(2) (a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia 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 a controlled substance into the human body in violation of this act.

(b) Any person who violates Subsection (2)(a) is guilty of a class A misdemeanor.

(3) Any person 18 years of age or older who delivers drug paraphernalia to a person younger than 18 years of age and who is three years or more younger than the person making the delivery is guilty of a third degree felony.

(4) (a) It is unlawful for any person to place in this state in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.

(b) Any person who violates Subsection (4)(a) is guilty of a class B misdemeanor.

(5) (a) A person may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution the syringes are in a sealed sterile package and are for a legitimate medical purpose, including:

- (i) injection of prescription medications as prescribed by a practitioner; or
- (ii) the prevention of disease transmission.

(b) A person may not be charged with possession of hypodermic syringes as drug paraphernalia if the syringe is unused and is in a sealed sterile package.

(6) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this chapter.

Amended by Chapter 101, 2011 General Session