

CHAPTER 18

OFFENSES RELATING TO CONTROLLED SUBSTANCES

[FORMERLY COLJI-Crim., CHAPTER 36 (1983)]

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OR LESS
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This chapter contains instructions for offenses in §§18-18-404 through -408; §§18-18-411 through -412.8; §§18-18-414 through -416; §§18-18-422 and -423; §§18-18-428 and -429.

18:01 USE OF A CONTROLLED SUBSTANCE

The elements of the crime of use of a controlled substance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly used the controlled substance(s) _____, and
(Insert the name of a controlled substance from Schedules I through V)
4. the controlled substance(s) was not dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense such controlled substance(s) for bona fide medical reasons.
5. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a

reasonable doubt, you should find the defendant guilty of use of a controlled substance.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of use of a controlled substance.

NOTES ON USE

This instruction does not apply to marihuana and marihuana concentrate.

When this instruction is used, the definitions of "knowingly", "controlled substance", "dispense" and "administer" must be given.

People v. Campbell, 73 P.3d 11 (Colo. 2003)(distinction between possession and use)

SOURCE & AUTHORITY

§18-18-404, C.R.S.

COLJI-Crim. No. 35:01 (1983).

CLASSIFICATION OF OFFENSE

F6, if schedule I or II controlled substance

M1, if schedule III, IV or V controlled substance

18:02 POSSESSION OF A CONTROLLED SUBSTANCE

The elements of the crime of possession of a controlled substance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,

4. possessed,

5. the controlled substance(s)

(Insert the name of the controlled substance from Schedules I through V)

6. [without the affirmative defense in instruction number _____ .]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of possession of a controlled substance.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of possession of a controlled substance.

SOURCE & AUTHORITY

§18-18-405, C.R.S.

COLJI-Crim. No. 36:02 (1983).

NOTES ON USE

The definitions of "knowingly" and "controlled substance" must be given with this instruction.

The defendant does not have to know the exact compound of drug possessed - only that it was a controlled substance. *People v. Perea*, 126 P.3d 241 (Colo. App. 2006)

Where there is some evidence that the quantity possessed was less than one gram, a finding on the Special Verdict form is required.

CLASSIFICATION OF OFFENSE

F3, for possession of schedule I or II, unless possession of schedule II is less than 25 grams in which case F4

F4, for possession of schedule III

F5, for possession of Schedule IV, except flunitrazepam which is F3

F6, if possession of 1 gram or less, except flunitrazepam which is F3

M1, for possession of schedule V

18:03 SPECIAL INTERROGATORY – POSSESSION OF 1 GRAM OR LESS

If you find the defendant not guilty of possession of a controlled substance, you should disregard this instruction and fill out the verdict form reflecting your not guilty verdict. If, however, you find the defendant guilty of possession of a controlled substance, you should fill out the verdict form reflecting your guilty verdict and then answer the following questions:

Do you unanimously agree that the prosecution has proven beyond a doubt that the amount of any material, compound mixture, or preparation containing any amount of a controlled substance weighed one gram or less? (Yes or No)

The burden is on the prosecutor to prove beyond a reasonable doubt that the weight of the compound, mixture or preparation containing a controlled substance weighed more than one gram.

After answering the question, record your answer on the Special Verdict form by marking an X in the appropriate box and having found the defendant guilty, the foreperson should sign the verdict form.

SOURCE AND AUTHORITY

§ 18-18-405(2.3)(a), C.R.S.

**18:04 DISTRIBUTION, MANUFACTURING, DISPENSING,
SALE, OR POSSESSION WITH INTENT TO DISTRIBUTE,
MANUFACTURE, DISPENSE OR SELL A CONTROLLED
SUBSTANCE**

The elements of the crime of [distribution] [manufacturing] [dispensing] [sale] [possession with intent to (distribute) (manufacture) (dispense) (sell)] a controlled substance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. [[distributed] [manufactured] [dispensed] [sold] [possessed with intent to (distribute) (manufacture) (dispense) (sell)], with or without remuneration,]

-or-

[4. [induced] [attempted to induce] [conspired with] one or more persons to

5. [distribute] [manufacture] [dispense] [sell] [possess with intent to (distribute) (manufacture) (dispense) (sell)], with or without remuneration,]

5 or 6. The controlled substance(s)

(Insert the name of a controlled substance from Schedules I through V)

[6. or 7 without the affirmative defense in instruction number _____ .]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of [distribution] [manufacturing] [dispensing] [sale] [possession with intent to (distribute) (manufacture) (dispense) (sell)] a controlled substance.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of [distribution] [manufacturing] [dispensing] [sale] [possession with intent to (distribute) (manufacture) (dispense) (sell) a controlled substance of a controlled substance.

NOTES ON USE

When this instruction is used, the applicable definitions of "knowingly", "with intent", "controlled substance", "dispense", "distribution", "manufacture", "remuneration" and "sale" must be given.

SOURCE & AUTHORITY

§18-18-405, C.R.S.

COLJI-Crim. No. 36:02 (1983).

People v. Abiodun, 111 P.3d 462 (Colo. 2005)(possession and sale counts merged to one sale count because § 18-18-405 defines a single offense and possession was incidental to the sale)

CLASSIFICATION OF OFFENSE

F3, for schedule I or II controlled substance

F4, for schedule III controlled substance

F5, for a schedule IV controlled substance, except flunitrazepam which is F3

M1, for a schedule V controlled substance

The degree of felony increases upon second or subsequent convictions and in cases where certain quantities are possessed, manufactured or transferred.

**18:05 POSSESSION OF [MARIJUANA] [MARIJUANA
CONCENTRATE]**

The elements of possession of [marijuana] [marijuana concentrate] are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly possessed marijuana
4. and the amount possessed was [not more than one ounce of marijuana] [more than one ounce but less than eight ounces of marijuana][eight ounces or more of marijuana][any amount of marijuana concentrate],
5. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of possession of [not more than one ounce of marijuana] [more than one ounce but less than eight ounces of marijuana] [more than eight ounces of marijuana] [marijuana concentrate].

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of possession of [not more than one ounce of marijuana] [more than one ounce but less than eight ounces of marijuana] [more than eight ounces of marijuana] [marijuana concentrate].

NOTES ON USE

When this instruction is used, the applicable definitions of "knowingly", "marijuana" and "marijuana concentrate" must be given.

SOURCE & AUTHORITY

§18-18-406, C.R.S.

COLJI-Crim. No. 36:03 and 36:05 (1983).

CLASSIFICATION OF OFFENSE

F5, where possession is eight ounces or more

M1, where possession is more than one ounce but less than eight ounces

P02, where possession is one ounce or less

**18:06 DISTRIBUTION, MANUFACTURING, DISPENSING, SALE
OR POSSESSION WITH INTENT TO DISTRIBUTE,
MANUFACTURE, DISPENSE OR SELL [MARIJUANA]
[MARIJUANA CONCENTRATE]**

The elements of [distribution] [manufacturing] [dispensing] [sale] [possessing with intent to (distribute) (manufacture) (dispense) (sell)] [marijuana] [marijuana concentrate] are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly
4. [[distributed] [manufactured] [dispensed] [sold] [possessed with intent to (distribute) (manufacture) (dispense) (sell)], with or without remuneration]

-or-

[4. [induced] [attempted to induce] [conspired with] one or more persons to,

5. [distribute] [manufacture] [dispense] [sell] [possess with intent to (distribute) (manufacture) (dispense) (sell)], with or without remuneration]

5. or 6. [marijuana] [marijuana concentrate]

[6. or 7. without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of [distribution] [manufacture] [dispensing] [sale] [possession with intent to (distribute) (manufacture) (dispense) (sell)] [marijuana] [marijuana concentrate].

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of [distribution] [manufacture] [dispensing] [sale] [possession with intent to (distribute) (manufacture) (dispense) (sell)] [marijuana] [marijuana concentrate].

NOTES ON USE

When this instruction is used, the applicable definitions of "knowingly", "marijuana", "marijuana concentrate", "manufacture", "dispense", "distribution", "remuneration" and "sale" must be given.

SOURCE & AUTHORITY

§18-18-406, C.R.S.

COLJI-Crim. No. 36:06 (1983)

CLASSIFICATION OF OFFENSE

F4

18:07 DISPENSING TO A MINOR

The elements of dispensing to a minor are:

1. That the defendant,

2. in the State of Colorado, at or about the date and place charged,

3. was eighteen years of age or older, and

4. knowingly

5. [transferred or dispensed

4. more than one ounce of marijuana,

5. for consideration,

6. to any person under eighteen years of age but at least fifteen years of age.]

-or-

5. [transferred or dispensed

6. any amount of marijuana concentrate,

7. with or without consideration,

8. to a person under the age of eighteen.]

-or-

5. [transferred or dispensed

6. any amount of marijuana,

7. with or without remuneration,

8. to a person under fifteen years of age.]

-or-

5. [distributed

6. an imitation controlled substance

7. to a person under eighteen years of age.]

[8. or 9.. without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of dispensing to a minor.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of dispensing to a minor.

NOTES ON USE

This instruction applies to marijuana and marijuana concentrate as well as imitation controlled substances.

When this instruction is used, the applicable definitions of "knowingly", "dispense", "marijuana", "marijuana concentrate" and "imitation controlled substance" must be given.

See §18-1-503.5 re: affirmative defenses based upon age of victim.

SOURCE & AUTHORITY

§§18-18-406(7) and -422(2), C.R.S.

COLJI-Crim. No. 36:08 (1993).

People v. Graybeal, 155 P.3d 614 (Colo. App. 2007)
(discussing statute)

CLASSIFICATION OF OFFENSE

F4

18:08 CULTIVATION OF [MARIJUANA] [MARIJUANA CONCENTRATE]

The elements of cultivation of [marijuana] [marijuana concentrate] are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly
4. [cultivated, grew, produced, processed, or manufactured (marijuana) (marijuana concentrate)

-or-

[allowed (marijuana) (marijuana concentrate) to be cultivated, grown, produced, processed, or manufactured,

5. on land owned, occupied, or controlled by the defendant,]

[5. or 6. without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of cultivation [marijuana] [marijuana concentrate].

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of cultivation of [marijuana] [marijuana concentrate].

NOTES ON USE

When this instruction is used, the applicable definitions of "knowingly", "marijuana", "marijuana concentrate" and "manufacture" must be given.

SOURCE & AUTHORITY

§18-18-406, C.R.S.

COLJI-Crim. No. 36:06 (1983).

CLASSIFICATION OF OFFENSE

F4

**18:09 POSSESSION OR USE OF MARIJUANA IN A
DETENTION FACILITY**

The elements of possession or use of marijuana in a detention facility are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. possessed or used [up to 8 ounces] [8 ounces or more] marijuana,
5. while confined in a detention facility.
6. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of possession or use of marijuana in a detention facility.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of possession or use of marijuana in a detention facility

NOTES ON USE

Delete inapplicable bracketed material.

The definitions of "knowingly", "marijuana" and "detention facility" must be given with this instruction.

People v. Goodale, 78 P.3d 1103 (Colo. 2003)(statute constitutional)

SOURCE & AUTHORITY

§18-18-406.5, C.R.S.

CLASSIFICATION OF OFFENSE

F5, if eight ounces or more used or possessed

F6, if less than eight ounces used or possessed

**18:10 MARIJUANA REGISTRY IDENTIFICATION -
UNLAWFUL ACTS**

The elements of marijuana registry identification -
unlawful acts are:

1. That the defendant,

2. in the State of Colorado, at or about the date and
place charged,

3. [fraudulently represented a medical condition to [a
physician] [the Department of Public Health &
Environment][a state or local law enforcement official] for
the [purpose of falsely obtaining a marijuana registry
identification from the department] [purpose of avoiding
arrest and prosecution for a marijuana related offense.]

- or -

[[fraudulently used] [knowingly committed the crime
of theft of] any other person's marihuana registry
identification card.]

- or -

[[fraudulently produced] [knowingly counterfeited]
[knowingly tampered with] one or more marijuana registry
identification card(s).]

- or -

[knowingly released or made public any confidential
record or any confidential information contained in any

record that was provided to or by the marijuana registry of the Department of Public Health & Environment,

4. without the written authorization of the marijuana registry patient.]

[4. or 5. without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of marijuana registry identification - unlawful acts.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty marijuana registry identification - unlawful acts.

NOTES ON USE

Delete inapplicable bracketed material.

The definition of "knowingly" should be given with this instruction. Where applicable, the elements of "theft" shall be given. The Colorado Department of Health & Environment must process the applications of patients who wish to qualify for and be placed on the confidential registry for medical marijuana use. The Department must issue marijuana registry identification cards when the person qualifies. § 18-18-406.5 (1)(e), C.R.S.

SOURCE & AUTHORITY

§18-18-406.3, C.R.S.

Colo. Constitution § 14, Art. XVIII

CLASSIFICATION OF OFFENSE

M1

18:11 SPECIAL INTERROGATORY - MANDATORY SENTENCE

If you find the defendant (insert defendant's name) not guilty of manufacturing, dispensing, selling, distributing, possessing, or possessing with intent to manufacture, dispense, sell, or distribute, or inducing, attempting to induce, or conspiring with one or more other persons, to manufacture, dispense, sell, distribute, possess, or possess with intent to manufacture, dispense, sell, or distribute possession, distribution, dispensing, or sale of a Schedule I or II controlled substance, you should disregard this instruction and fill out the verdict form reflecting your not guilty verdict.

If, however, you find the defendant guilty of manufacturing, dispensing, selling, distributing, possessing, or possessing with intent to manufacture, dispense, sell, or distribute, or inducing, attempting to induce, or conspiring with one or more other persons, to manufacture, dispense, sell, distribute, possess, or possess with intent to manufacture, dispense, sell, or distribute possession, distribution, dispensing, or sale of a Schedule I or II controlled substance, you should fill out the verdict form reflecting your guilty verdict and then answer the following questions:

Do you unanimously agree that the prosecution has proven beyond a reasonable doubt that the amount or represented amount of any material, compound, mixture or preparation of a Schedule [I] [II] controlled substances involved was at least twenty-five grams?

No

Yes

[If your answer is no, check the box reflecting your answer and the foreperson should sign the verdict form. [If your answer is yes, make the following finding:

We unanimously agree that the prosecution has proven beyond a reasonable doubt that the amount or represented amount of any material, compound, mixture or preparation of a Schedule [I] [II] controlled substances involved was:

At least twenty-five(25) grams, but less than four hundred and fifty (450) grams)

[] At least four hundred and fifty (450) grams,
but less than one thousand (1000) grams

[] One thousand (1000) grams or more]]

After you have made your finding, check the box reflecting your finding and the foreperson should sign the verdict form.

FOREPERSON

NOTES ON USE

This interrogatory should be used for §18-18-405(3) violations occurring after July 1, 1997. The defendant need not know the quantity of drugs he possessed.

Whittaker v. People, 48 P.3d 555 (Colo. 2002)

SOURCE & AUTHORITY

§18-18-405(3), C.R.S.

**18:12 FRAUD AND DECEIT REGARDING CONTROLLED
SUBSTANCES**

The elements of the crime of fraud or deceit regarding controlled substances are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. intentionally,
4. [[obtained] [procured the administration of] a controlled substance,
5. by [fraud, deceit, misrepresentation , subterfuge, forgery, alteration of a prescription or any written order, concealment of a material fact, use of a false name, or giving a false address.]

- or -

4. [[obtained] [procured the administration of] a controlled substance,
5. [by the forgery or alteration of a prescription or of any written order] [by the concealment of a material fact] [by the use of a false name] [by giving a false address].]

- or -

4. [made a false statement in any [prescription] [_____].]
_____.]
(insert type of order, report, or record required by Article 22)

- or -

4. [falsely assumed the title of] [represented himself to be] a [manufacturer] [wholesaler] [pharmacist] [practitioner] [_____].]
_____.]
(insert name of person authorized by law to obtain a controlled substance)

5. for the purpose of obtaining a controlled substance.]

- or -

4. [made or uttered a false or forged [prescription] [written order].]

- or -

4. [affixed a false or forged label to a package or receptacle,

5. containing a controlled substance.]

5. or 6. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of fraud or deceit regarding controlled substances.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of fraud or deceit regarding controlled substances.

NOTES ON USE

When this instruction is used, the applicable definitions of "intentionally", "controlled substance", "prescription", "manufacturer", "wholesaler", "pharmacist" and "practitioner" must be given.

See interrogatories for enhanced penalties for second or subsequent offenses.

SOURCE & AUTHORITY

§18-18-415, C.R.S.

COLJI-Crim. No. 36:10 (1983).

People v. Harte, 131 P.3d 1180(Colo. App. 2005)(§ 18-18-415(1)(b) constitutional).

CLASSIFICATION OF OFFENSE

F5

**18:13 INDUCING CONSUMPTION OF CONTROLLED SUBSTANCES
BY FRAUDULENT MEANS**

The elements of inducing consumption of controlled substances by fraudulent mean are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. intentionally,
4. by surreptitious or fraudulent means, misrepresentation, suppression of truth, deception, or subterfuge,
5. caused another person to unknowingly consume or receive the direct administration of a controlled substance,
6. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of inducing the consumption of a controlled substance by fraudulent means.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of inducing the consumption of controlled substances by fraudulent means.

NOTES ON USE

When this instruction is used, the applicable definitions of "intentionally" and "controlled substance" must be given.

The committee has inserted the mens rea "intentionally", because of the nature of the act.

SOURCE & AUTHORITY

§18-18-416, C.R.S.

CLASSIFICATION OF OFFENSE

F4

18:14 USE OF REAL PROPERTY FOR UNLAWFUL CONTROLLED SUBSTANCE DISTRIBUTION OR MANUFACTURE

The elements of the crime of use of real property for unlawful controlled substance distribution or manufacture are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly or intentionally,
4. [kept, maintained, controlled, rented, leased, or made available for use any store, shop, warehouse, dwelling, building, vehicle, vessel, aircraft, room, enclosure, or other structure or place, which that defendant knew was resorted to for the purpose of keeping for distribution, transporting for distribution, or distributing controlled substances]

- or -

[opened or maintained any place which that defendant knew was resorted to for the purpose of unlawfully manufacturing a controlled substance]

- or -

[managed or controlled any building, room, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, and knowingly or intentionally rented, leased, or made available for use, with or without compensation, the building, room, or enclosure which defendant knew was resorted to for the purpose of unlawfully manufacturing a controlled substance.]

5. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of the crime of use of real property for unlawful controlled substance distribution or manufacture.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of the crime of use of real property for unlawful controlled substance distribution or manufacture.

NOTES ON USE

Delete inapplicable bracketed material.

The applicable definitions of "intentionally", "knowingly", "distribution", "manufacture" and "controlled substance" must be given with this instruction.

A person does not violate this section:

(a) by reason of any act committed by another person while that other person is unlawfully on or in the structure or place, if the defendant lacked knowledge of the unlawful presence of that other person; or

(b) if the person has notified a law enforcement agency with jurisdiction, to make an arrest for the illegal conduct.

SOURCE & AUTHORITY

§18-18-411, C.R.S.

CLASSIFICATION OF OFFENSE

M1

18:15 POSSESSION OF MATERIALS TO MAKE METHAMPHETAMINE AND AMPHETAMINE

The elements of the crime of possession of materials to make methamphetamine and amphetamine are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly possessed ephedrine, pseudoephedrine or phenylpropanolamine,
4. with the intent to use them as immediate precursors in manufacturing any controlled substance.
5. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of the crime of possession of materials to make methamphetamine and amphetamine.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of the crime of possession of materials to make methamphetamine and amphetamine.

NOTES ON USE

The definitions of "knowingly", "with intent", "controlled substance" and "manufacture" should be given with this instruction.

SOURCE & AUTHORITY

§18-18-412.5, C.R.S.

CLASSIFICATION OF OFFENSE

F3

18:16 SALE OR DISTRIBUTION OF MATERIALS TO MANUFACTURE CONTROLLED SUBSTANCES

The elements of the crime of the sale or distribution of materials to manufacture controlled substances are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. sold or distributed chemicals, supplies or equipment when he knew, or reasonably should have known that a person intends to use the chemicals, supplies or equipment to illegally manufacture a controlled substance.
5. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of the crime of the sale or distribution of materials to manufacture controlled substances.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant

not guilty the crime of the sale or distribution of materials to manufacture controlled substances.

NOTES ON USE

The definitions of "knowingly", "with intent", "controlled substance" and "manufacture" should be given with this instruction.

SOURCE & AUTHORITY

§18-18-412.7, C.R.S.

CLASSIFICATION OF OFFENSE

F3

18:17 UNLAWFUL RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS

The elements of the crime of the unlawful retail sale of methamphetamine precursor drugs are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. as an owner, manager, operator, supervisor, employee or agent of a retail store,
4. [(for offenses before July 1, 2006) knowingly sold or delivered in a single retail sale in or from a store,
5. more than three packages of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs].

-or-

4. [(for offenses after July 1, 2006) knowingly sold or delivered in a single retail sale in or from a store,

5. to the same individual during any twenty-four-hour period more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs.]}

-or-

3. (for offenses after July 1, 2006) knowingly purchased more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs during any twenty-four hour period.]

-or-

3. [(for offenses after July 1, 2006)as an owner, manager, operator, supervisor, employee or agent of a retail store,

4. knowingly displayed or stored a methamphetamine precursor drug that is offered or retail sale in or from the store to prior to sale in an area of the store to which the public is allowed access.

-or-

3. (for offenses after July 1, 2006)as an owner, manager, operator, supervisor, employee or agent of a retail store,

4. Knowingly delivered in a retail sale in or from a store a methamphetamine precursor drug to a minor under eighteen years of age

[4. ,5. or 6. without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of the crime of the unlawful retail sale of methamphetamine precursor drugs.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant

not guilty the crime of the unlawful retail sale of methamphetamine precursor drugs.

NOTES ON USE

The statute was amended effective July 1, 2006. The retail sale of methamphetamine precursor drugs by a store to a purchaser is limited to sales in blister packs with each blister to contain not more than two dosage units or, when the use of blister packs is technically infeasible, sales in unit dose packets or pouches. For offenses on or after July 1, 2006, it shall be an affirmative defense to that the person performing the retail sale was presented with and reasonably relied upon a document that identified the person receiving the methamphetamine precursor drug as being eighteen years of age or older.

A person who is an owner, operator, manager, or supervisor at a store in which, or from which, a retail sale of a methamphetamine precursor drug in violation of this section is made shall not be liable under this section if he or she: (I) did not have knowledge of the sale; (II) did not participate in the sale; and (III) did not knowingly direct the person making the sale to commit a violation of this section.

The definitions of "knowingly", "retail store" and "methamphetamine precursor drug" must be given. For purposes of this section "methamphetamine precursor drug" means ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, isomers, or salts of isomers. "Methamphetamine precursor drug" does not include a substance contained in any package or container that is labeled by the manufacturer as intended for pediatric use. "Store" means any establishment primarily engaged in the sale of goods at retail.

SOURCE & AUTHORITY

§18-18-412.8, C.R.S.

CLASSIFICATION OF OFFENSE

M2

**18:18 [MANUFACTURE] [DISTRIBUTION] [POSSESSION WITH
INTENT TO DISTRIBUTE] AN IMITATION CONTROLLED
SUBSTANCE**

The elements of the crime of manufacture/distribution/
possession with intent to distribute an imitation
controlled substance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and
place charged,
3. knowingly,
4. [manufactured] [distributed] [possessed with intent to
distribute] any imitation controlled substance.
5. [without the affirmative defense in instruction number
_____].]

After considering all the evidence, if you decide the
prosecution has proven each of the elements beyond a
reasonable doubt, you should find the defendant guilty of
[manufacture] [distribution] [possession with intent to
distribute] an imitation controlled substance.

After considering all the evidence, if you decide the
prosecution has failed to prove any one or more of the
elements beyond a reasonable doubt, you should find the
defendant not guilty of [manufacture] [distribution]
[possession with intent to distribute] an imitation
controlled substance.

NOTES ON USE

Delete inapplicable bracketed material. When this
instruction is used, the appropriate definitions of
"knowingly", "with intent", "imitation controlled
substance," "distributed," and "manufacture of imitation
controlled substance" should be given. It is not a defense
that the defendant believed the imitation controlled
substance was a genuine controlled substance.

SOURCE & AUTHORITY

§ 18-18-422, C.R.S.

People v. Taylor, 131 P.3d 1158 (Colo. App. 2006)(discussing the mental state of knowingly)

CLASSIFICATION OF OFFENSE

F5

F4 (if the violation is committed subsequent to a prior conviction for a violation of the same crime.)

18:19 PROMOTION OF THE DISTRIBUTION OF IMITATION CONTROLLED SUBSTANCE

The elements of the crime of advertising or soliciting with intent to promote the distribution of imitation controlled substance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. promoted the distribution of imitation controlled substances,
5. [by placing in a [newspaper] [magazine] [handbill] [publication]]

-or-

[by [posting] [distributing] in any public place]

6. any [advertisement] [solicitation].
7. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of advertising or soliciting with intent to promote the distribution of imitation controlled substance.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of advertising or soliciting with intent to promote the distribution of imitation controlled substance.

NOTES ON USE

Delete inapplicable bracketed material. When this instruction is used, the appropriate definition of "knowingly", "distribute" and "imitation controlled substance" must be given.

SOURCE & AUTHORITY

§ 18-18-422(3)(a), C.R.S.

CLASSIFICATION OF OFFENSE

M1

18:20 MANUFACTURE, SALE OR DELIVERY OF DRUG PARAPHERNALIA

The elements of the crime of manufacture, sale, or delivery of drug paraphernalia are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. [sold] [delivered] [possessed with intent to (sell) (deliver)] [manufacture with intent to (sell) (deliver)]

[manufacture with intent to (sell) (deliver)] equipment, products, or materials,

5. under circumstances where the defendant knew or reasonably should have known,

that such equipment, products, or materials were practically certain to be used as drug paraphernalia,

6. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of manufacture, sale or, delivery of drug paraphernalia.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of manufacture, sale or, delivery of drug paraphernalia.

NOTES ON USE

When this instruction is used, the definition of "knowingly", "drug paraphernalia", "manufacture", "sale" and "deliver" must be given.

Lee v. Smith, 772 P.2d 82 (Colo. 1989).

SOURCE & AUTHORITY

§18-18-429, C.R.S.

COLJI-Crim. No. 36:12 (1983).

CLASSIFICATION OF OFFENSE

M2

18:21 ADVERTISEMENT OF DRUG PARAPHERNALIA

The elements of the crime of advertisement of drug paraphernalia are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. placed an advertisement in any [newspaper] [magazine] [handbill][_____],
(Insert type of other publication)
4. with intent to promote the sale of equipment, products, or materials,
5. designed and intended for use as drug paraphernalia,
6. [without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of advertisement of drug paraphernalia.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of advertisement of drug paraphernalia.

NOTES ON USE

When this instruction is used, the definition of "drug paraphernalia" and "with intent" must be given.

SOURCE & AUTHORITY

§18-18-430, C.R.S.

COLJI-Crim. No. 36:13 (1983).

CLASSIFICATION OF OFFENSE

M2

18:22 MONEY LAUNDERING

The elements of money laundering are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly or intentionally
4. [received or acquired proceeds or engaged in transactions involving the proceeds,
5. known to be derived from (cite the specific violation of 18-18-101, et. seq., C.R.S.)]

- or -

4. [gave, sold, transferred, traded, invested, concealed, transported or otherwise made available anything of value which the defendant knew was intended to be used for the purpose of committing or furthering the commission of (cite specific violation of 18-18-101, et. seq., C.R.S.)]

- or -

4. [directed, planned, organized, initiated, financed, managed, supervised or facilitated the transportation or transfer of proceeds known to be derived from (cite specific violation of § 18-18-101, et. seq., C.R.S.)]

- or -

4. [conducted a financial transaction involving proceeds derived from (cite specific violation of § 18-18-101, et. seq., C.R.S.), when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds to be derived from (cite specific violation of § 18-18-101,

et. seq., C.R.S.) or to avoid transaction reporting requirements under federal or state law.]

[5. or 6. without the affirmative defense in instruction number ____.]

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of money laundering.

After considering all the evidence, if you decide the prosecution failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty money laundering.

NOTES ON USE

Delete inapplicable bracketed material. The definition of "knowingly" must be given with this instruction. Also the specific elemental and definitional instructions relating to the violation of title 18, article 18 must be given.

SOURCE & AUTHORITY

§18-18-408, C.R.S.

CLASSIFICATION OF OFFENSE

F3

DEFINITIONS

18(1) ADMINISTER

"ADMINISTER," unless the context otherwise requires, means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in the practitioner's presence, by the practitioner's authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(2) COCAINE

"COCAINE" means coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this subsection (4).

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(3) CONTROLLED SUBSTANCE

"CONTROLLED SUBSTANCE" means a drug, substance, or immediate precursor included in schedules I through V of part 2 of this article, including cocaine, marihuana, and marihuana concentrate.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(4) Controlled Substance Analog

"CONTROLLED SUBSTANCE ANALOG" means a substance the chemical structure of which is substantially similar to the

chemical structure of a controlled substance in or added to schedule I or II and:

(II) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II; or

(III) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.

(b) The term does not include:

(I) A controlled substance;

(II) A substance for which there is an approved drug application, so long as such substance is in its intended and unconverted form;

(III) A substance with respect to which an exemption is in effect for investigational use by a particular person under §505 of the "Federal Food, Drug, and Cosmetic Act", 21 U.S.C. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(IV) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(5) DELIVER OR DELIVERY

"DELIVER OR DELIVERY," unless the context otherwise requires, means to transfer or attempt to transfer a

substance, actually or constructively, from one person to another, whether or not there is an agency relationship.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(6) DEPARTMENT

"DEPARTMENT" means the department of human services.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(7) DISPENSE

"DISPENSE" means to deliver a controlled substance to an ultimate user, patient, or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(8) DISPENSER

"DISPENSER" means a practitioner who dispenses.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(9) DISTRIBUTE

"DISTRIBUTE" means to deliver other than by administering or dispensing a controlled substance, with or without remuneration.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

ALTERNATE DEFINITION

"DISTRIBUTE" means the actual, constructive, or attempted transfer, delivery, or dispensing to another of an imitation controlled substance, with or without remuneration.

NOTES ON USE

Use with reference to § 18-18-410, C.R.S.

18(10)DISTRIBUTOR

"DISTRIBUTOR" means a person who distributes.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(11)DRUG

"DRUG" means:

(I) Substances recognized as drugs in the official United States pharmacopoeia, national formulary, or the official homeopathic pharmacopoeia of the United States, or any supplement to any of them;

(II) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals;

(III) Substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and

(IV) Substances intended for use as a component of any substance specified in subparagraph (I), (II), or (III) of this paragraph (a).

(a) The term does not include devices or their components, parts, or accessories.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(12)DRUG ENFORCEMENT

"DRUG ENFORCEMENT" administration" means the drug enforcement administration in the United States department of justice, or its successor agency.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(13)DRUG PARAPHERNALIA

"DRUG PARAPHERNALIA" means all equipment, products, and materials of any kind which are used, intended 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 in violation of the laws of this state. "Drug paraphernalia" includes, but is not limited to:

(a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;

(b) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(c) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(d) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(e) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(f) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; or

(g) Objects used, intended 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, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(II) Water pipes;

(III) Carburetion tubes and devices;

(IV) Smoking and carburetion masks;

(V) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

(VI) Miniature cocaine spoons and cocaine vials;

(VII) Chamber pipes;

(VIII) Carburetor pipes;

(IX) Electric pipes;

- (X) Air-driven pipes;
- (XI) Chillums;
- (XII) Bongos; or
- (XIII) Ice pipes or chillers.

NOTES ON USE

Use with reference to §§ 18-18-425 through -430, C.R.S.

18(14)IMITATION CONTROLLED SUBSTANCE

"IMITATION CONTROLLED SUBSTANCE" means a substance that is not the controlled substance that it is purported to be but which, by appearance, including color, shape, size, and markings, by representations made, and by consideration of all relevant factors as set forth in section 18-18-421, would lead a reasonable person to believe that the substance is the controlled substance that it is purported to be.

NOTES ON USE

Use with reference to § 18-18-420, C.R.S.

18(15)IMMEDIATE PRECURSOR

"IMMEDIATE PRECURSOR" means a substance which is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(16) ISOMER

"ISOMER" means an optical isomer, but in paragraph (e) of subsection (20) of this section and sections 18-18-203(2)(a) (XII) and (2)(a) (XXXIV) and 18-18-204(2)(a) (IV) the term includes a geometric isomer; in sections 18-18-203(2)(a) (VIII) and (2)(a) (XLII) and 18-18-206(2)(c) the term includes a positional isomer; and in sections 18-18-206(2)(b) (XXXV) and (2)(c) and 18-18-205(2)(a) the term includes any positional or geometric isomer.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(17) MANUFACTURE

"MANUFACTURE" means to produce, prepare, propagate, compound, convert, or process a controlled substance, directly or indirectly, by extraction from substances of natural origin, chemical synthesis, or a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(a) By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(b) By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

ALTERNATE DEFINITION

"MANUFACTURE" means the production, preparation, compounding, processing, encapsulating, packaging or repackaging, or labeling or relabeling of an imitation controlled substance.

NOTES ON USE

Use with reference to § 18-18-420, C.R.S.

18(18) MARIHUANA OR MARIJUANA

"MARIHUANA OR MARIJUANA" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin. It does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as "marihuana" in this subsection (18). "Marihuana" does not include marihuana concentrate as defined in subsection (19) of this section.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(19) MARIJUANA CONCENTRATE

"MARIJUANA CONCENTRATE" means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinols.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(20)NARCOTIC DRUG

"NARCOTIC DRUG" means any of the following, however manufactured:

(a) Opium, opium derivative, and any derivative of either including any salts, isomers, and salts of isomers of them that are theoretically possible within the specific chemical designation, but not isoquinoline alkaloids of opium;

(b) Synthetic opiate and any derivative of synthetic opiate, including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, of them that are theoretically possible within the specific chemical designation;

(c) Poppy straw and concentrate of poppy straw;

(d) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(e) Cocaine, or any salt, isomer, or salt of isomer of cocaine;

(f) Cocaine base;

(g) Ecgonine, or any derivative, salt, isomer, or salt of isomer of ecgonine;

(h) Any compound, mixture, or preparation containing any quantity of a substance listed in this subsection (20).

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(21)OPIATE

"OPIATE" means a substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term

includes opium, opium derivatives, and synthetic opiates. The term does not include, unless specifically scheduled as a controlled substance under section 18-18-201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(22)OPIUM POPPY

"OPIUM POPPY" means the plant of the species *Papaver somniferum* L., except its seeds.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(23)ORDER

"ORDER" means:

(a) A prescription order which is any order, other than a chart order, authorizing the dispensing of drugs or devices that is written, mechanically produced, computer generated, transmitted electronically or by facsimile, or produced by other means of communication by a practitioner and that includes the name or identification of the patient, the date, the symptom or purpose for which the drug is being prescribed, if included by the practitioner at the patient's authorization, and sufficient information for compounding, dispensing, and labeling; or

(b) A chart order which is an order for inpatient drugs or medications to be dispensed by a pharmacist, or pharmacy intern under the direct supervision of a pharmacist, which is to be administered by an authorized person only during the patient's stay in a hospital facility. It shall contain the name of the patient and of the medicine ordered and such directions as the

practitioner may prescribe concerning strength, dosage, frequency, and route of administration.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(24)PERSON

"PERSON" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government or governmental subdivision or agency, or any other legal or commercial entity.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(25)PHARMACY

"PHARMACY" means a prescription drug outlet as defined in section 12-22-102 (30.2), C.R.S.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(26)POPPY STRAW

"POPPY STRAW" means all parts, except the seeds, of the opium poppy, after mowing.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(27) PRACTITIONER

"PRACTITIONER" means a physician, podiatrist, dentist, optometrist, veterinarian, researcher, pharmacist, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by this state, to distribute, dispense, conduct research with respect to, administer, or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(28) PRODUCTION

"PRODUCTION," unless the context otherwise requires, includes the manufacturing of a controlled substance and the planting, cultivating, growing, or harvesting of a plant from which a controlled substance is derived.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(29) REMUNERATION

"REMUNERATION" means anything of value, including money, real property, tangible and intangible personal property, contract rights, choses in action, services, and any rights of use or employment or promises or agreements connected therewith.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(30)RESEARCHER

"RESEARCHER" means any person licensed by the department pursuant to this article to experiment with, study, or test any controlled substance within this state and includes analytical laboratories.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(31)SALE

"SALE" means a barter, an exchange, or a gift, or an offer therefor, and each such transaction made by any person, whether as the principal, proprietor, agent, servant, or employee.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(32)STATE

"STATE," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.

18(33)ULTIMATE USER

"ULTIMATE USER" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

NOTES ON USE

Use with reference to § 18-18-102, C.R.S.