WEST VIRGINIA CODE: §47-19-3

§47-19-3. Drug paraphernalia defined.

- (a) The following items, if marketed for use or designed for the use with controlled substances, are considered drug paraphernalia for the purpose stated in §47-19-1 *et seq*. of this code:
- (1) Kits marketed for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits marketed for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices marketed for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment marketed for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances: *Provided*, That test strips are not considered drug paraphernalia for the purpose stated in §47-19-1 *et seq*. of this code;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters marketed for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes, and other containers marketed for use, or designed for use in packaging small quantities of controlled substances;
- (10) Hypodermic syringes, needles, and other objects marketed for use, or designed for use in parenterally injecting controlled substances into the human body;
- (11) Paper of colorful design, with names oriented for use with controlled dangerous substances and displayed: *Provided*, That white paper or tobacco-oriented paper not necessarily designed for use with controlled substances is not covered;
- (12) Pipes displayed in the proximity of roach clips, or literature encouraging illegal use of

controlled substances, are covered by this article: *Provided*, That pipes otherwise displayed are not covered by this article;

- (13) Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that have become too small or too short to be held in the hand;
- (14) Miniature cocaine spoons and cocaine vials; and
- (15) Chillums or bongs.
- (b) In determining whether an object is marketed for use or designed for use as drug paraphernalia, the State Tax Commissioner or other authority should consider the following:
- (1) The proximity of the object, in time and space, to a controlled substance;
- (2) The existence of any residue of controlled substances on the object;
- (3) Instructions, oral or written, provided with the object concerning its use;
- (4) Descriptive materials accompanying the object which explain or depict its use;
- (5) National and local advertising concerning its use;
- (6) The manner in which the object is displayed for sale;
- (7) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (8) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise; and
- (9) The existence and scope of legitimate uses for the object in the community.