State Ingestion Statutes

Arizona – "Possession, Use"
13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs; classification **- Felony Probation or Optional Misdemeanor**
A. A person shall not knowingly:
1. Possess or use a dangerous drug.

13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs; classification **- Felony Probation**
A. A person shall not knowingly:
1. Possess or use a narcotic drug.

Delaware – "Possess, Use, or Consume" - Misdemeanor
4763 Possession of controlled substances or counterfeit controlled substances; class A or B misdemeanor.
(a) It shall be unlawful for any person to knowingly or intentionally possess, use, or consume a controlled substance or a counterfeit controlled substance (except a controlled substance or counterfeit controlled substance classified in § 4714(d)(19) of this title) unless:
(1) The possession, use or consumption of such substance was by a person who obtained the substance directly from or pursuant to, a lawful prescription or order;

Ohio – "Obtain, Possess, or Use" - Misdemeanor
2925.11 Drug possession offenses
(A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

Utah – "Possess or Use" - Misdemeanor
58-37-8. Prohibited acts -- Penalties.
(2) Prohibited acts B -- Penalties and reporting:
(a) It is unlawful:
(i) for a person knowingly and intentionally to possess or use a controlled substance analog or a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the person's professional practice, or as otherwise authorized by this chapter;

California – Separate Statute - Misdemeanor

ARTICLE 1. Addicts

11550. (a) A person shall not use, or be under the influence of any controlled substance that is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. A person convicted of violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not more than one year in a county jail. The court may also place a person convicted under this subdivision on probation for a period not to exceed five years.

(b) (1) A person who is convicted of violating subdivision (a) when the offense occurred within seven years of that person being convicted of two or more separate violations of that subdivision, and refuses to complete a licensed drug rehabilitation program offered by the court pursuant to subdivision (c), shall be punished by imprisonment in a county jail for not less than 180 days nor more than one year. In no event does the court have the power to absolve a person convicted of a violation of subdivision (a) who is punishable under this subdivision from the obligation of spending at least 180 days in confinement in a county jail unless there are no licensed drug rehabilitation programs reasonably available.

(2) For the purpose of this section, a drug rehabilitation program is not reasonably available unless the person is not required to pay more than the court determines that he or she is reasonably able to pay in order to participate in the program.

(c) (1) The court may, when it would be in the interest of justice, permit a person convicted of a violation of subdivision (a) punishable under subdivision (a) or (b) to complete a licensed drug rehabilitation program in lieu of part or all of the imprisonment in a county jail. As a condition of sentencing, the court may require the offender to pay all or a portion of the drug rehabilitation program.

(2) In order to alleviate jail overcrowding and to provide recidivist offenders with a reasonable opportunity to seek rehabilitation pursuant to this subdivision, counties are encouraged to include provisions to augment licensed drug rehabilitation programs in their substance abuse proposals and applications submitted to the state for federal and state drug abuse funds.

Colorado – Separate Statute - Misdemeanor
18-18-404. Unlawful use of a controlled substance

(1) (a) Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate in sections 18-18-406 and 18-18-406.5, any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor.

North Dakota – Separate Statute - Misdemeanor
19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.

1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana.

Wyoming – Separate Statute - Misdemeanor
§ 35-7-1039. Person using or under influence of controlled substance.

Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III except when administered or prescribed by or under the direction of a licensed practitioner, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed six (6) months or a fine not to exceed seven hundred fifty dollars ($750.00), or by both.

Kansas – Drugs in System + Corroboration

Once a controlled substance is within a person's system, the power of the person to control, possess, use, dispose of, or cause harm is at an end. The drug is assimilated by the body. The ability to control the drug is beyond human capabilities. The essential element of control is absent. Evidence of a controlled substance after it is assimilated in a person's blood does not establish possession or control of that substance. - State v. Flinchpaugh, 232 Kan. 831, 659 P.2d 208 (1983)

Georgia – Metabolites in the Blood Prove Possession in the Past

The court acknowledged that it was not the cocaine metabolites in the urine that were contraband, but they established possession “at some time in the immediate past.” - Green v. State, 260 Ga. 625, 398 S.E.2d 360 (1990))