
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER 39

1 AN ACT concerning

2 **Criminal Law - Drug Paraphernalia**

3 FOR the purpose of clarifying that certain public employees and authorized providers
4 may possess drug paraphernalia under certain limited circumstances; defining a
5 certain term; and generally relating to drug paraphernalia.

6 BY renumbering
7 Article - Criminal Law
8 Section 5-101(o) through (dd), respectively
9 to be Section 5-101(p) through (ee), respectively
10 Annotated Code of Maryland
11 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
12 2002)

13 BY repealing
14 Article - Criminal Law
15 Section 5-619(a)
16 Annotated Code of Maryland
17 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
18 2002)

19 BY renumbering
20 Article - Criminal Law
21 Section 5-619(b) through (f), respectively
22 to be Section 5-619(a) through (e), respectively
23 Annotated Code of Maryland

1 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
2 2002)

3 BY adding to

4 Article - Criminal Law

5 Section 5-101(o)

6 Annotated Code of Maryland

7 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
8 2002)

9 BY repealing and reenacting, with amendments,

10 Article - Criminal Law

11 Section 5-619(c)(3)

12 Annotated Code of Maryland

13 (As enacted by Section 3 of this Act)

14 BY repealing and reenacting, with amendments,

15 Article - Criminal Law

16 Section 5-808 and 5-902(c) and (d)

17 Annotated Code of Maryland

18 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
19 2002)

20 BY repealing and reenacting, without amendments,

21 Article - Criminal Law

22 Section 5-902(e)

23 Annotated Code of Maryland

24 (As enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of
25 2002)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That Section(s) 5-101(o) through (dd), respectively, of Article -
28 Criminal Law of the Annotated Code of Maryland (as enacted by Chapter ____
29 (H.B.11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s)
30 5-101(p) through (ee), respectively.

31 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-619(a) of
32 Article - Criminal Law of the Annotated Code of Maryland (as enacted by Chapter
33 ____ (H.B.11) of the Acts of the General Assembly of 2002) be repealed.

34 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 5-619(b)
35 through (f), respectively, of Article - Criminal Law of the Annotated Code of Maryland
36 (as enacted by Chapter ____ (H.B.11) of the Acts of the General Assembly of 2002) be
37 renumbered to be Section(s) 5-619(a) through (e), respectively.

1 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Criminal Law**

4 5-101.

5 (O) (1) "DRUG PARAPHERNALIA" MEANS EQUIPMENT, A PRODUCT, OR
6 MATERIAL THAT IS USED, INTENDED FOR USE, OR DESIGNED FOR USE, IN:

7 (I) PLANTING, PROPAGATING, CULTIVATING, GROWING,
8 HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,
9 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,
10 STORING, CONTAINING, OR CONCEALING A CONTROLLED DANGEROUS SUBSTANCE
11 IN VIOLATION OF THIS TITLE; OR

12 (II) INJECTING, INGESTING, INHALING, OR OTHERWISE
13 INTRODUCING INTO THE HUMAN BODY A CONTROLLED DANGEROUS SUBSTANCE IN
14 VIOLATION OF THIS TITLE.

15 (2) "DRUG PARAPHERNALIA" INCLUDES:

16 (I) A KIT USED, INTENDED FOR USE, OR DESIGNED FOR USE IN
17 PLANTING, PROPAGATING, CULTIVATING, GROWING, OR HARVESTING ANY SPECIES
18 OF PLANT THAT IS A CONTROLLED DANGEROUS SUBSTANCE OR FROM WHICH A
19 CONTROLLED DANGEROUS SUBSTANCE CAN BE DERIVED;

20 (II) A KIT USED, INTENDED FOR USE, OR DESIGNED FOR USE IN
21 MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, OR
22 PREPARING A CONTROLLED DANGEROUS SUBSTANCE;

23 (III) AN ISOMERIZATION DEVICE USED, INTENDED FOR USE, OR
24 DESIGNED FOR USE IN INCREASING THE POTENCY OF ANY SPECIES OF PLANT THAT
25 IS A CONTROLLED DANGEROUS SUBSTANCE;

26 (IV) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED
27 FOR USE IN IDENTIFYING OR IN ANALYZING THE STRENGTH, EFFECTIVENESS, OR
28 PURITY OF A CONTROLLED DANGEROUS SUBSTANCE;

29 (V) A SCALE OR BALANCE USED, INTENDED FOR USE, OR DESIGNED
30 FOR USE IN WEIGHING OR MEASURING A CONTROLLED DANGEROUS SUBSTANCE;

31 (VI) A DILUENT OR ADULTERANT, SUCH AS QUININE
32 HYDROCHLORIDE, MANNITOL, MANNITE, DEXTROSE, OR LACTOSE, USED, INTENDED
33 FOR USE, OR DESIGNED FOR USE IN CUTTING A CONTROLLED DANGEROUS
34 SUBSTANCE;

35 (VII) A SEPARATION GIN OR SIFTER USED, INTENDED FOR USE, OR
36 DESIGNED FOR USE IN REMOVING TWIGS AND SEEDS FROM, OR IN OTHERWISE
37 CLEANING OR REFINING, MARIJUANA;

1 (VIII) A BLENDER, BOWL, CONTAINER, SPOON, OR MIXING DEVICE
2 USED, INTENDED FOR USE, OR DESIGNED FOR USE IN COMPOUNDING A
3 CONTROLLED DANGEROUS SUBSTANCE;

4 (IX) A CAPSULE, BALLOON, ENVELOPE, OR OTHER CONTAINER
5 USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PACKAGING SMALL
6 QUANTITIES OF A CONTROLLED DANGEROUS SUBSTANCE;

7 (X) A CONTAINER OR OTHER OBJECT USED, INTENDED FOR USE, OR
8 DESIGNED FOR USE IN STORING OR CONCEALING A CONTROLLED DANGEROUS
9 SUBSTANCE;

10 (XI) A HYPODERMIC SYRINGE, NEEDLE, OR OTHER OBJECT USED,
11 INTENDED FOR USE, OR DESIGNED FOR USE IN PARENTERALLY INJECTING A
12 CONTROLLED DANGEROUS SUBSTANCE INTO THE HUMAN BODY; AND

13 (XII) AN OBJECT USED, INTENDED FOR USE, OR DESIGNED FOR USE
14 IN INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA, COCAINE,
15 HASHISH, OR HASHISH OIL INTO THE HUMAN BODY SUCH AS:

16 1. A METAL, WOODEN, ACRYLIC, GLASS, STONE, PLASTIC, OR
17 CERAMIC PIPE WITH OR WITHOUT SCREEN, PERMANENT SCREEN, HASHISH HEAD,
18 OR PUNCTURED METAL BOWL;

19 2. A WATER PIPE;

20 3. A CARBURETION TUBE OR DEVICE;

21 4. A SMOKING OR CARBURETION MASK;

22 5. AN OBJECT KNOWN AS A ROACH CLIP USED TO HOLD
23 BURNING MATERIAL, SUCH AS A MARIJUANA CIGARETTE THAT HAS BECOME TOO
24 SMALL OR TOO SHORT TO BE HELD IN THE HAND;

25 6. A MINIATURE SPOON USED FOR COCAINE AND COCAINE
26 VIALS;

27 7. A CHAMBER PIPE;

28 8. A CARBURETOR PIPE;

29 9. AN ELECTRIC PIPE;

30 10. AN AIR-DRIVEN PIPE;

31 11. A CHILLUM;

32 12. A BONG; AND

33 13. AN ICE PIPE OR CHILLER.

1 5-619.

2 (c) (3) A person who is convicted of violating this subsection for the first
3 time and who previously has been convicted of violating subsection [(e)(4)] (D)(4) of
4 this section is subject to the penalty specified under paragraph (2)(ii) of this
5 subsection.

6 5-808.

7 (a) If the individual is engaged in the enforcement or prosecution of this title
8 or other law relating to controlled dangerous substances, criminal liability may not be
9 imposed under this title on:

10 (1) An authorized officer of the United States, this State, or a political
11 subdivision of this State; or

12 (2) An authorized police department civilian employee of the United
13 States, this State, or a political subdivision of this State.

14 (b) A public official or employee who is covered under subsection (a) of this
15 section may temporarily possess controlled dangerous [substances or controlled]
16 SUBSTANCES, DRUG PARAPHERNALIA, OR CONTROLLED paraphernalia incidental to
17 the discharge of official or employee duties.

18 5-902.

19 (c) An authorized provider may not prescribe, administer, manufacture,
20 distribute, dispense, or possess a controlled dangerous [substance or controlled]
21 SUBSTANCE, DRUG PARAPHERNALIA, OR CONTROLLED paraphernalia except:

22 (1) In the course of regular professional duties; and

23 (2) In conformity with this title and the standards of the authorized
24 provider's profession relating to controlled dangerous [substances or controlled]
25 SUBSTANCES, DRUG PARAPHERNALIA, OR CONTROLLED paraphernalia.

26 (d) A controlled dangerous [substance or controlled] SUBSTANCE, DRUG
27 PARAPHERNALIA, OR CONTROLLED paraphernalia manufactured, distributed,
28 dispensed, possessed, prescribed, or administered in violation of subsection (c) of this
29 section is contraband.

30 (e) (1) If the trier of fact specifically finds that a person has knowingly or
31 intentionally violated this section, the person is guilty of a misdemeanor and on
32 conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
33 \$100,000 or both.

34 (2) In all other cases, a person who violates this section is subject to a
35 civil penalty not exceeding \$50,000.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2002.