

# HOUSE BILL 1051

E1, L1

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By: **Delegates Benson, Burns, Cane, Costa, Frush, Gaines, Glenn, Holmes, Kach, Nathan-Pulliam, Niemann, Robinson, and Ross**

Introduced and read first time: February 17, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Prohibition on Sale of Drug Paraphernalia to a Minor – Local Law**

3 FOR the purpose of authorizing the governing body of a county or a municipal  
4 corporation to adopt an ordinance or local law that prohibits a person from  
5 selling drug paraphernalia to a minor; authorizing a county or a municipal  
6 corporation to impose certain criminal or civil penalties; defining a certain term;  
7 and generally relating to the sale of drug paraphernalia to a minor.

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Law  
10 Section 5–101(a) and (o)  
11 Annotated Code of Maryland  
12 (2002 Volume and 2009 Supplement)

13 BY adding to  
14 Article – Criminal Law  
15 Section 5–619.1  
16 Annotated Code of Maryland  
17 (2002 Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 5–101.

22 (a) In this title the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (o) (1) “Drug paraphernalia” means equipment, a product, or material  
2 that is used, intended for use, or designed for use, in:

3 (i) planting, propagating, cultivating, growing, harvesting,  
4 manufacturing, compounding, converting, producing, processing, preparing, testing,  
5 analyzing, packaging, repackaging, storing, containing, or concealing a controlled  
6 dangerous substance in violation of this title; or

7 (ii) injecting, ingesting, inhaling, or otherwise introducing into  
8 the human body a controlled dangerous substance in violation of this title.

9 (2) “Drug paraphernalia” includes:

10 (i) a kit used, intended for use, or designed for use in planting,  
11 propagating, cultivating, growing, or harvesting any species of plant that is a  
12 controlled dangerous substance or from which a controlled dangerous substance can be  
13 derived;

14 (ii) a kit used, intended for use, or designed for use in  
15 manufacturing, compounding, converting, producing, processing, or preparing a  
16 controlled dangerous substance;

17 (iii) an isomerization device used, intended for use, or designed  
18 for use in increasing the potency of any species of plant that is a controlled dangerous  
19 substance;

20 (iv) testing equipment used, intended for use, or designed for use  
21 in identifying or in analyzing the strength, effectiveness, or purity of a controlled  
22 dangerous substance;

23 (v) a scale or balance used, intended for use, or designed for use  
24 in weighing or measuring a controlled dangerous substance;

25 (vi) a diluent or adulterant, such as quinine hydrochloride,  
26 mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in  
27 cutting a controlled dangerous substance;

28 (vii) a separation gin or sifter used, intended for use, or designed  
29 for use in removing twigs and seeds from, or in otherwise cleaning or refining,  
30 marijuana;

31 (viii) a blender, bowl, container, spoon, or mixing device used,  
32 intended for use, or designed for use in compounding a controlled dangerous  
33 substance;

1 (ix) a capsule, balloon, envelope, or other container used,  
2 intended for use, or designed for use in packaging small quantities of a controlled  
3 dangerous substance;

4 (x) a container or other object used, intended for use, or  
5 designed for use in storing or concealing a controlled dangerous substance;

6 (xi) a hypodermic syringe, needle, or other object used, intended  
7 for use, or designed for use in parenterally injecting a controlled dangerous substance  
8 into the human body; and

9 (xii) an object used, intended for use, or designed for use in  
10 ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish  
11 oil into the human body such as:

12 1. a metal, wooden, acrylic, glass, stone, plastic, or  
13 ceramic pipe with or without screen, permanent screen, hashish head, or punctured  
14 metal bowl;

15 2. a water pipe;

16 3. a carburetion tube or device;

17 4. a smoking or carburetion mask;

18 5. an object known as a roach clip used to hold burning  
19 material, such as a marijuana cigarette that has become too small or too short to be  
20 held in the hand;

21 6. a miniature spoon used for cocaine and cocaine vials;

22 7. a chamber pipe;

23 8. a carburetor pipe;

24 9. an electric pipe;

25 10. an air-driven pipe;

26 11. a chillum;

27 12. a bong; and

28 13. an ice pipe or chiller.

29 **5-619.1.**

1           **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**  
2 **GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION MAY ADOPT AN**  
3 **ORDINANCE OR LOCAL LAW THAT PROHIBITS A PERSON FROM SELLING DRUG**  
4 **PARAPHERNALIA AS DEFINED IN § 5-101 OF THIS TITLE TO ANY PERSON UNDER**  
5 **THE AGE OF 18.**

6           **(B) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL**  
7 **CORPORATION THAT ADOPTS AN ORDINANCE OR LOCAL LAW UNDER THIS**  
8 **SECTION MAY IMPOSE CRIMINAL PENALTIES OR CIVIL PENALTIES FOR A**  
9 **VIOLATION OF THE ORDINANCE THAT DO NOT EXCEED:**

10                   **(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 180**  
11 **DAYS AND A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

12                   **(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT**  
13 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2010.