

HOUSE BILL 1327

E1

1lr3087

By: **Delegate Conaway**

Introduced and read first time: March 4, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 14, 2011

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years**
3 **of Age – Penalties**

4 FOR the purpose of altering the penalties for a conviction for the crime of distributing
5 Salvia divinorum to a person under the age of 21 years; and generally relating
6 to the crime of distributing Salvia divinorum to a person under the age of 21
7 years.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–131
11 Annotated Code of Maryland
12 (2002 Volume and 2010 Supplement)

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

15 **Article – Criminal Law**

16 10–131.

17 (a) A person may not distribute Salvia divinorum to an individual under the
18 age of 21 years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) In a prosecution for a violation of this section, it is a defense that the
2 defendant examined the purchaser's or recipient's driver's license or other valid
3 identification issued by an employer, a government unit, or an institution of higher
4 education that positively identified the purchaser or recipient as at least 21 years of
5 age.

6 (c) A person who violates this section is guilty of a misdemeanor and on
7 conviction is subject to a fine not exceeding:

8 (1) ~~[\$300]~~ **\$1,000** for a first violation;

9 (2) ~~[\$1,000]~~ **\$2,000** for a second violation occurring within 2 years
10 after the first violation; and

11 (3) ~~[\$3,000]~~ **\$6,000** for each subsequent violation occurring within 2
12 years after the preceding violation.

13 (d) For purposes of this section, each separate incident at a different time
14 and occasion is a separate violation.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.