

SENATE BILL 792

E1

11r1924

By: **Senators Benson, Currie, Ferguson, Jones-Rodwell, Montgomery, and Ramirez**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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 a local law that prohibits a person from selling drug
5 paraphernalia to a minor; authorizing a county or a municipal corporation to
6 impose certain criminal or civil penalties; providing that a local law adopted by
7 a county or municipal corporation may authorize the revocation or nonrenewal
8 of a license or permit issued to a business found to be in violation of the local
9 law; defining a certain term; and generally relating to a local law prohibiting
10 the sale of drug paraphernalia to a minor.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 5–101(a) and (o)
14 Annotated Code of Maryland
15 (2002 Volume and 2010 Supplement)

16 BY adding to
17 Article – Criminal Law
18 Section 5–619.1
19 Annotated Code of Maryland
20 (2002 Volume and 2010 Supplement)

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

23 **Article – Criminal Law**

24 5–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 (2) “Drug paraphernalia” includes:

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

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

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

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

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

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

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

32 (viii) a blender, bowl, container, spoon, or mixing device used,
33 intended for use, or designed for use in compounding a controlled dangerous
34 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 LAW, THE GOVERNING BODY OF A**
2 **COUNTY OR A MUNICIPAL CORPORATION MAY ADOPT A LOCAL LAW THAT**
3 **PROHIBITS A PERSON FROM SELLING DRUG PARAPHERNALIA TO A MINOR.**

4 **(B) (1) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL**
5 **CORPORATION THAT ADOPTS A LOCAL LAW UNDER THIS SECTION MAY IMPOSE**
6 **CRIMINAL PENALTIES OR CIVIL PENALTIES FOR A VIOLATION OF THE LOCAL**
7 **LAW THAT DO NOT EXCEED:**

8 **(I) FOR A FIRST VIOLATION, IMPRISONMENT NOT**
9 **EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

10 **(II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT**
11 **NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

12 **(2) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY**
13 **AUTHORIZE THE REVOCATION OR NONRENEWAL OF A LICENSE OR PERMIT**
14 **ISSUED BY THE COUNTY OR MUNICIPAL CORPORATION TO A BUSINESS**
15 **ESTABLISHMENT FOUND TO BE IN VIOLATION OF THE LOCAL LAW.**

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