

Chapter 392

(House Bill 1327)

AN ACT concerning

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

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

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

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

Article – Criminal Law

10–131.

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

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

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

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

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

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

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

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

Approved by the Governor, May 10, 2011.