

# HOUSE BILL 1126

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By: **Delegates Haddaway–Riccio, Eckardt, and Vitale**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Synthetic Marijuana – Prohibition**

3 FOR the purpose of prohibiting a person from purchasing, using, or possessing certain  
4 synthetic marijuana; prohibiting a person from distributing synthetic marijuana  
5 under certain circumstances; establishing penalties for a violation of this Act;  
6 providing that property seized in connection with enforcement of this Act is  
7 subject to forfeiture in accordance with certain provisions of law; providing for  
8 the applicability of this Act; defining certain terms; and generally relating to  
9 synthetic marijuana.

10 BY adding to

11 Article – Criminal Law

12 Section 5–711

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Criminal Law**

18 **5–711.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
20 **MEANINGS INDICATED.**

21 **(2) “DISTRIBUTE” MEANS TO:**

22 **(I) GIVE, SELL, DELIVER, DISPENSE, OR ISSUE;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(II) OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE;**  
2 **OR**

3                   **(III) CAUSE OR HIRE ANOTHER PERSON TO GIVE, SELL,**  
4 **DELIVER, DISPENSE, OR ISSUE.**

5                   **(3) (I) “SYNTHETIC MARIJUANA” MEANS A PSYCHOACTIVE**  
6 **DESIGNER DRUG, CANNABIMIMETIC AGENT, OR SYNTHETIC CANNABINOID**  
7 **SPRAYED ON NATURAL HERBS, INCENSE, OR OTHER DRIED, LEAFY PLANT**  
8 **MATERIAL THAT WHEN CONSUMED OR INGESTED MIMICS THE INTOXICATING**  
9 **EFFECTS OF MARIJUANA.**

10                   **(II) “SYNTHETIC MARIJUANA” INCLUDES ANY COMPOUND,**  
11 **MIXTURE, OR PREPARATION THAT WOULD BE REASONABLY INDICATED UNDER**  
12 **ALL THE CIRCUMSTANCES TO BE MARIJUANA OR SYNTHETIC MARIJUANA,**  
13 **INCLUDING PRODUCTS COMMONLY KNOWN OR SOLD AS “SPICE”, “K2”,**  
14 **“SCOOBY SNAX”, AND “POTPOURRI”.**

15                   **(B) THIS SECTION DOES NOT APPLY TO AN ACCREDITED ACADEMIC OR**  
16 **MEDICAL INSTITUTION OR RESEARCH FACILITY, OR AN AUTHORIZED AGENT OF**  
17 **THE INSTITUTION OR FACILITY, THAT CONDUCTS RESEARCH ON SYNTHETIC**  
18 **MARIJUANA.**

19                   **(C) (1) A PERSON MAY NOT PURCHASE, USE, OR POSSESS SYNTHETIC**  
20 **MARIJUANA.**

21                   **(2) A PERSON MAY NOT DISTRIBUTE A PRODUCT:**

22                   **(I) THAT THE PERSON REPRESENTS IS SYNTHETIC**  
23 **MARIJUANA;**

24                   **(II) THAT THE PERSON INTENDS FOR USE OR DISTRIBUTION**  
25 **AS SYNTHETIC MARIJUANA; OR**

26                   **(III) UNDER CIRCUMSTANCES IN WHICH THE PERSON**  
27 **REASONABLY KNOWS THE PRODUCT WILL BE USED OR DISTRIBUTED AS**  
28 **SYNTHETIC MARIJUANA.**

29                   **(D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
30 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
31 **EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

1                   **(2) PROPERTY SEIZED IN CONNECTION WITH ENFORCEMENT OF**  
2 **THIS SECTION IS SUBJECT TO FORFEITURE IN ACCORDANCE WITH TITLE 12 OF**  
3 **THE CRIMINAL PROCEDURE ARTICLE.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2014.