

HOUSE BILL 1316

E1, L2

4lr2236
CF SB 43

By: **Delegates Swain, Barkley, Bobo, Burns, Dwyer, George, Glenn, Harper, Healey, McDonough, Pena–Melnyk, Stocksdales, V. Turner, Vaughn, Weir, and Wilson**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Sale of Drug Paraphernalia to a Minor – Local Law Authorizing**
3 **Business License Revocation for a Second or Subsequent Violation**

4 FOR the purpose of authorizing the governing body of a county or a municipal
5 corporation to adopt a local law that authorizes the county or municipal
6 corporation to revoke or not to renew the business license of an establishment
7 for the second or subsequent conviction of an employee of the establishment
8 under certain circumstances; and generally relating to the sale of drug
9 paraphernalia to a minor.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 5–619(d)
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 5–619.

19 (d) (1) Unless authorized under this title, a person may not deliver or sell,
20 or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing,
21 or under circumstances where one reasonably should know, that the drug
22 paraphernalia will be used to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) plant, propagate, cultivate, grow, harvest, manufacture,
2 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
3 contain, or conceal a controlled dangerous substance; or

4 (ii) inject, ingest, inhale, or otherwise introduce into the human
5 body a controlled dangerous substance.

6 (2) A person who violates this subsection is guilty of a misdemeanor
7 and on conviction is subject to:

8 (i) for a first violation, a fine not exceeding \$500; and

9 (ii) for each subsequent violation, imprisonment not exceeding 2
10 years or a fine not exceeding \$2,000 or both.

11 (3) A person who is convicted of violating this subsection for the first
12 time and who previously has been convicted of violating paragraph (4) of this
13 subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding
14 \$2,000 or both.

15 (4) If a person who is at least 18 years old violates paragraph (1) of
16 this subsection by delivering drug paraphernalia to a minor who is at least 3 years
17 younger than the person, the person is guilty of a separate misdemeanor and on
18 conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding
19 \$15,000 or both.

20 **(5) NOTWITHSTANDING ANY OTHER LAW, THE GOVERNING BODY**
21 **OF A COUNTY OR A MUNICIPAL CORPORATION MAY ADOPT A LOCAL LAW THAT**
22 **AUTHORIZES THE REVOCATION OR NONRENEWAL OF A BUSINESS LICENSE OR**
23 **PERMIT ISSUED BY THE COUNTY OR MUNICIPAL CORPORATION FOR A SECOND**
24 **OR SUBSEQUENT VIOLATION OF THIS SUBSECTION BY AN EMPLOYEE OF THE**
25 **BUSINESS ESTABLISHMENT IF:**

26 **(I) THE VIOLATION INVOLVES THE SALE OR DELIVERY OF**
27 **DRUG PARAPHERNALIA TO A MINOR; AND**

28 **(II) THE VIOLATION OCCURS ON THE PROPERTY OF THE**
29 **BUSINESS ESTABLISHMENT.**

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