E1, E4 9lr2154 CF SB 836

By: **Delegates Moon, Acevero, Charkoudian, Gilchrist, Hettleman, and Love** Introduced and read first time: February 8, 2019
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

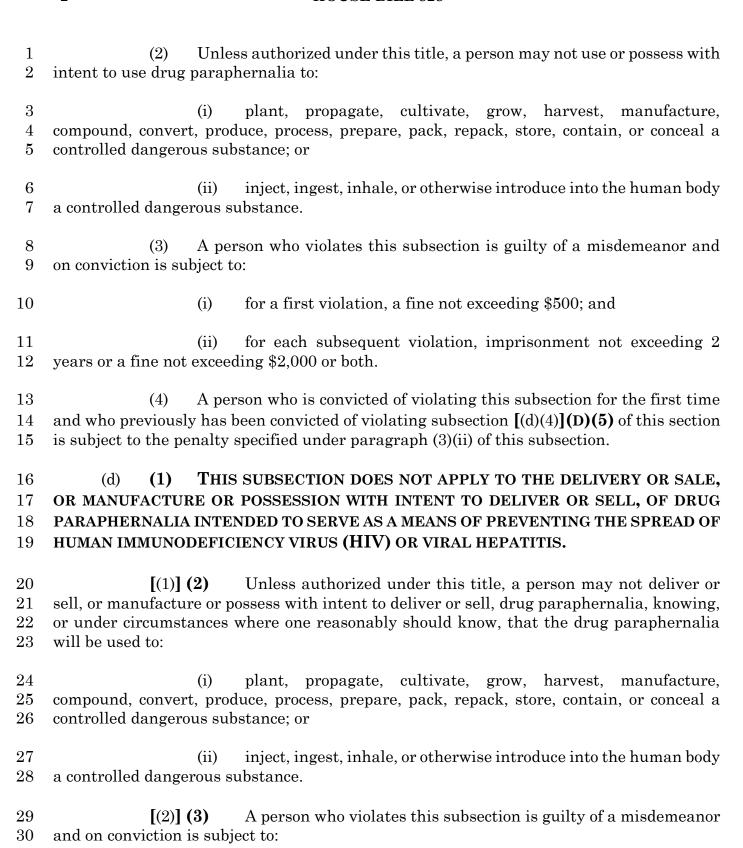
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Criminal Law -	- Drug Para	aphernalia -	 Prevention 	of HIV an	ıd Viral He	patitis

- FOR the purpose of excepting drug paraphernalia that has been provided to or obtained by the user or possessor as a means of preventing the spread of human immunodeficiency virus (HIV) or viral hepatitis from certain prohibitions against using, possessing, selling, delivering, manufacturing, and possessing with intent to deliver or sell drug paraphernalia; and generally relating to drug paraphernalia.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Criminal Law
- 10 Section 5–619(c) and (d)
- 11 Annotated Code of Maryland
- 12 (2012 Replacement Volume and 2018 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 14 That the Laws of Maryland read as follows:
- 15 Article Criminal Law
- 16 5-619.
- 17 (c) (1) This subsection does not apply to:
- 18 (I) THE USE OR POSSESSION OF DRUG PARAPHERNALIA THAT
- 19 HAS BEEN PROVIDED TO OR OBTAINED BY THE USER OR POSSESSOR AS A MEANS OF
- 20 PREVENTING THE SPREAD OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR VIRAL
- 21 HEPATITIS; OR
- 22 (II) the use or possession of drug paraphernalia involving the use or
- 23 possession of marijuana.

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(i)



for a first violation, a fine not exceeding \$500; and

- 1 (ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.
- [(3)] (4) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph [(4)] (5) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.
- [(4)] (5) If a person who is at least 18 years old violates paragraph [(1)] 8 (2) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.