

Unofficial Copy

1997 Regular Session

(PRE-FILED)

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7lr0761

By: Senator Haines

Requested: November 4, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Possession of Marijuana - Penalties**

3 FOR the purpose of increasing the penalty for persons convicted of the unlawful use or
4 possession of marijuana; and generally relating to penalties involving the use and
5 possession of controlled dangerous substances and controlled paraphernalia.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 287
9 Annotated Code of Maryland
10 (1996 Replacement Volume)

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

13 **Article 27 - Crimes and Punishments**

14 287.

15 Except as authorized by this subheading, it is unlawful for any person:

16 (a) To possess or administer to another any controlled dangerous substance,
17 unless such substance was obtained directly, or pursuant to a valid prescription or order
18 from a practitioner, while acting in the course of his professional practice.

19 (b) To obtain or attempt to obtain a controlled dangerous substance or controlled
20 paraphernalia or to procure or attempt to procure the administration of any controlled
21 dangerous substance by (1) fraud, deceit, misrepresentation or subterfuge, or (2) by the
22 forgery or alteration of a prescription or a written order, or (3) by the concealment of any
23 material fact or by the use of false name or address, or (4) by falsely assuming the title of
24 or representing himself to be a manufacturer, distributor or practitioner, or (5) by making
25 or uttering any false or forged prescription or written order.

26 Information communicated to a physician in an effort to obtain controlled
27 dangerous substances or controlled paraphernalia in violation of the provisions of this
28 subsection shall not be deemed a privileged communication.

1 (c) To affix any false or forged label to a package, container or other receptacle
2 containing any controlled dangerous substance, or to omit, remove, alter or obliterate any
3 label or symbol on any such controlled dangerous substance as required by the federal,
4 State, or local law.

5 (d) To possess or distribute controlled paraphernalia, which shall mean:

6 (1) A hypodermic syringe, needle or other instrument or implement or
7 combination thereof adapted for the administration of controlled dangerous substances
8 by hypodermic injections under circumstances which reasonably indicate an intention to
9 use such controlled paraphernalia for purposes of illegally administering any controlled
10 dangerous substance;

11 (2) Gelatin capsules, glassine envelopes or any other container suitable for
12 the packaging of individual quantities of controlled dangerous substances in sufficient
13 quantity to and under circumstances which reasonably indicate an intention to use any
14 such item for the illegal manufacture, distribution, or dispensing of any such controlled
15 dangerous substance. Evidence of such circumstances shall include but not be limited to
16 close proximity of any such controlled paraphernalia to any adulterants or equipment
17 commonly used in the illegal manufacture and distribution of controlled dangerous
18 substances, such as but not limited to any of the following: scales, sieves, strainers,
19 measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose,
20 quinine, or any controlled dangerous substance; or

21 (3) Lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine
22 hydrochloride or any other substance suitable as a diluent or adulterant in sufficient
23 quantity and under such circumstances which reasonably indicate an intention to use any
24 such substance for the illegal manufacture, distribution or dispensing of any controlled
25 substance. Evidence of such circumstances shall include but not be limited to close
26 proximity of any such controlled paraphernalia to any other adulterants, diluents or
27 equipment commonly used in the illegal manufacture and distribution of controlled
28 substances, such as but not limited to any of the following: scales, sieves, strainers,
29 measuring spoons, staples and staplers, glassine envelopes, gelatin capsules, or any
30 controlled substance.

31 (e) Any person who violates this section shall, upon conviction, be deemed guilty
32 of a misdemeanor and be sentenced to a term of imprisonment for not more than four (4)
33 years, a fine of not more than twenty-five thousand dollars (\$25,000), or both[; provided,
34 however, that any such person convicted of a violation of this section involving the use or
35 possession of marihuana shall be punished by a period of imprisonment not to exceed one
36 (1) year or by a fine not to exceed \$1,000.00, or both].

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.