

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 193  
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

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**Criminal Law - Drug Paraphernalia**

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This bill clarifies current law provisions relating to when public officials and authorized providers may possess drug paraphernalia by providing that: (1) a public official or employee who is engaged in the enforcement or prosecution of laws relating to controlled dangerous substances may temporarily possess drug paraphernalia incidental to the discharge of official or employee duties; and (2) an authorized provider may not prescribe, administer, manufacture, distribute, dispense, or possess drug paraphernalia except in the course of regular professional duties and in conformity with applicable law and the standards of the provider's profession relating to drug paraphernalia.

The bill defines "drug paraphernalia" and repeals the current definition of drug paraphernalia applicable only to the section of law concerning illegal possession of controlled dangerous substances and drug paraphernalia and adds the identical definition to the section which defines terms for purposes of the entire title concerning controlled dangerous substances.

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**Fiscal Summary**

**State Effect:** The bill's provisions are not expected to significantly affect the operations or finances of public agencies engaged in the enforcement or prosecution of Maryland's criminal code relating to drug paraphernalia.

**Local Effect:** None -- see above.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** A public official or employee who is engaged in the enforcement or prosecution of laws relating to controlled dangerous substances may temporarily possess controlled dangerous substances or controlled paraphernalia incidental to the discharge of official or employee duties.

An authorized provider may not prescribe, administer, manufacture, distribute, dispense, or possess controlled dangerous substances or controlled paraphernalia except in the course of regular professional duties and in conformity with applicable law and the standards of the provider's profession relating to controlled dangerous substances or controlled paraphernalia.

If a trier of fact specifically finds that a person has knowingly or intentionally violated this prohibition, the person is guilty of a misdemeanor and subject to maximum penalties of a fine of \$100,000 and/or imprisonment for two years. In all other cases, persons violating the prohibition are subject to a maximum civil penalty of \$50,000.

**Background:** This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

The committee notes that the current law provisions being amended by this bill, some of which were originally enacted in 1970, refer only to "controlled paraphernalia," not to "drug paraphernalia." "Drug paraphernalia" is a more modern and comprehensive term. The committee specifically recommended adding a reference to "drug paraphernalia" in the appropriate section of the new article.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Criminal Law Article Review Committee, Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2002  
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