
By: **Senator Gladden**

Introduced and read first time: January 23, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Penalties for Use or Possession of**
3 **Methamphetamine**

4 FOR the purpose of increasing the penalty for possession or administration to
5 another, obtaining or attempting to obtain, or procuring or attempting to
6 procure the administration of a controlled dangerous substance, when the
7 violation involves the use or possession of methamphetamine; requiring the
8 Judicial Institute of the Judiciary to provide certain education to judges
9 regarding methamphetamine; and generally relating to penalties for illegal use
10 or possession of methamphetamine.

11 BY repealing and reenacting, with amendments,

12 Article - Criminal Law

13 Section 5-601

14 Annotated Code of Maryland

15 (2002 Volume and 2005 Supplement)

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

18 **Article - Criminal Law**

19 5-601.

20 (a) Except as otherwise provided in this title, a person may not:

21 (1) possess or administer to another a controlled dangerous substance,
22 unless obtained directly or by prescription or order from an authorized provider
23 acting in the course of professional practice; or

24 (2) obtain or attempt to obtain a controlled dangerous substance, or
25 procure or attempt to procure the administration of a controlled dangerous substance
26 by:

27 (i) fraud, deceit, misrepresentation, or subterfuge;

- 1 (ii) the counterfeiting or alteration of a prescription or a written
2 order;
- 3 (iii) the concealment of a material fact;
- 4 (iv) the use of a false name or address;
- 5 (v) falsely assuming the title of or representing to be a
6 manufacturer, distributor, or authorized provider; or
- 7 (vi) making, issuing, or presenting a false or counterfeit
8 prescription or written order.

9 (b) Information that is communicated to a physician in an effort to obtain a
10 controlled dangerous substance in violation of this section is not a privileged
11 communication.

12 (c) (1) Except as provided in paragraphs [(2) and (3)] (2), (3), AND (4) of this
13 subsection, a person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
15 \$25,000 or both.

16 (2) A person whose violation of this section involves the use or possession
17 of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding
18 \$1,000 or both.

19 (3) (i) In a prosecution for the use or possession of marijuana, the
20 defendant may introduce and the court shall consider as a mitigating factor any
21 evidence of medical necessity.

22 (ii) Notwithstanding paragraph (2) of this subsection, if the court
23 finds that the person used or possessed marijuana because of medical necessity, on
24 conviction of a violation of this section, the maximum penalty that the court may
25 impose on the person is a fine not exceeding \$100.

26 (4) A PERSON WHOSE VIOLATION OF THIS SECTION INVOLVES THE USE
27 OR POSSESSION OF METHAMPHETAMINE IS SUBJECT TO IMPRISONMENT NOT
28 EXCEEDING 8 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Judicial Institute of
30 the Judiciary shall provide education to judges regarding the growing problem of
31 methamphetamine addiction and the associated dangers to surrounding
32 communities.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2006.