

HOUSE BILL 1317

E1

8lr3014

By: **Delegate Benson**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sale of Kits, Pipes, Cigarette Rolling Papers, and Cigar Leaf**
3 **Wrappers - Prohibition**

4 FOR the purpose of prohibiting a person from selling cocaine freebase kits, glass or
5 ceramic tubes of a certain size that are sold with or without a screen-like
6 device, cigarette rolling papers, and cigar leaf wrappers subject to a certain
7 exception; establishing penalties for a violation of this Act; providing that a
8 commercial wholesale or retail establishment may sell cigarette rolling papers
9 and cigar leaf wrappers under certain circumstances; and generally relating to
10 drug paraphernalia.

11 BY adding to
12 Article - Criminal Law
13 Section 5-619.1
14 Annotated Code of Maryland
15 (2002 Volume and 2007 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 **5-619.1.**

20 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS**
21 **PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT SELL THE**
22 **FOLLOWING PRODUCTS:**

23 (1) **COCAINE FREEBASE KITS;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) GLASS OR CERAMIC TUBES LESS THAN 6 INCHES IN LENGTH**
2 **AND 1 INCH IN DIAMETER THAT ARE SOLD WITH OR WITHOUT A SCREEN-LIKE**
3 **DEVICE;**

4 **(3) CIGARETTE ROLLING PAPERS; AND**

5 **(4) CIGAR LEAF WRAPPERS.**

6 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
7 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

8 **(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 180**
9 **DAYS AND A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

10 **(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT**
11 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

12 **(C) (1) A COMMERCIAL RETAIL ESTABLISHMENT MAY SELL**
13 **CIGARETTE ROLLING PAPERS AND CIGAR LEAF WRAPPERS IF THE**
14 **ESTABLISHMENT:**

15 **(I) DERIVES AT LEAST 25% OF THE TOTAL ANNUAL**
16 **REVENUE OF THE ESTABLISHMENT FROM THE SALE OF TOBACCO PRODUCTS;**
17 **AND**

18 **(II) SELLS LOOSE TOBACCO INTENDED TO BE ROLLED INTO**
19 **CIGARETTES OR CIGARS.**

20 **(2) A COMMERCIAL WHOLESALE ESTABLISHMENT MAY SELL**
21 **CIGARETTE ROLLING PAPERS AND CIGAR LEAF WRAPPERS TO A COMMERCIAL**
22 **RETAIL ESTABLISHMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.