

HOUSE BILL 418

E1, L1

9lr0906

By: **Delegate Benson**

Introduced and read first time: February 2, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the legislative body of a county to adopt an ordinance
5 that prohibits a person from selling, subject to an exception, cocaine freebase
6 kits, glass or ceramic tubes of a certain size that are sold with or without a
7 screen-like device, cigarette rolling papers, and cigar leaf wrappers; providing
8 that a commercial wholesale or retail establishment may sell cigarette rolling
9 papers and cigar leaf wrappers under certain circumstances; authorizing a
10 county to impose certain criminal and civil penalties; and generally relating to
11 drug paraphernalia.

12 BY adding to
13 Article - Criminal Law
14 Section 5-619.1
15 Annotated Code of Maryland
16 (2002 Volume and 2008 Supplement)

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

19 **Article - Criminal Law**

20 **5-619.1.**

21 (A) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN
22 SUBSECTION (B) OF THIS SECTION, THE LEGISLATIVE BODY OF A COUNTY MAY
23 ADOPT AN ORDINANCE OR LOCAL LAW THAT PROHIBITS A PERSON FROM
24 SELLING THE FOLLOWING PRODUCTS:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

7 **(B) (1) A COMMERCIAL RETAIL ESTABLISHMENT MAY SELL**
8 **CIGARETTE ROLLING PAPERS AND CIGAR LEAF WRAPPERS IF THE**
9 **ESTABLISHMENT:**

10 **(I) DERIVES AT LEAST 25% OF THE TOTAL ANNUAL**
11 **REVENUE OF THE ESTABLISHMENT FROM THE SALE OF TOBACCO PRODUCTS;**
12 **AND**

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

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

18 **(C) THE LEGISLATIVE BODY OF A COUNTY THAT ADOPTS AN ORDINANCE**
19 **OR LOCAL LAW UNDER THIS SECTION MAY IMPOSE CRIMINAL PENALTIES AND**
20 **CIVIL PENALTIES FOR A VIOLATION OF THE ORDINANCE THAT DO NOT EXCEED:**

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2009.