

HOUSE BILL 1072

E1

11r2395

By: **Delegates Conaway, Alston, Anderson, Arora, Branch, Carter, Clagett, Clippinger, Dumais, Frush, Glass, Glenn, Jameson, K. Kelly, Lee, McComas, Mitchell, Norman, Oaks, B. Robinson, Rosenberg, Simmons, Stukes, Summers, Tarrant, Valderrama, Valentino-Smith, Vallario, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Salvia Divinorum – Regulations**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 and enforce certain regulations regarding the sale of Salvia divinorum;
5 specifying certain required contents of the regulations to be adopted; and
6 generally relating to Salvia divinorum.

7 BY adding to

8 Article – Criminal Law

9 Section 10–134

10 Annotated Code of Maryland

11 (2002 Volume and 2010 Supplement)

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

14 **Article – Criminal Law**

15 **10–134.**

16 **(A) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL**
17 **ADOPT AND ENFORCE REGULATIONS REGARDING THE SALE OF SALVIA**
18 **DIVINORUM CONSISTENT WITH THE PROVISIONS OF THIS PART.**

19 **(B) THE REGULATIONS SHALL INCLUDE REQUIREMENTS THAT A**
20 **SELLER OF SALVIA DIVINORUM:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) VERIFY THE BIRTH DATE OF A PURCHASER WHO IS UNDER**
2 **THE AGE OF 27 YEARS BY CHECKING APPROPRIATE PHOTO IDENTIFICATION;**

3 **(2) KEEP SALVIA DIVINORUM IN A PLACE THAT IS INACCESSIBLE**
4 **TO CUSTOMERS;**

5 **(3) MAINTAIN A CURRENT LIST OF PRODUCTS THAT CONTAIN**
6 **SALVIA DIVINORUM; AND**

7 **(4) POST AND CONTINUOUSLY UPDATE A SIGN IN THE SELLER'S**
8 **PLACE OF BUSINESS THAT SHOWS THE BIRTH DATE OF A PERSON WHO IS 21**
9 **YEARS OF AGE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.