

# HOUSE BILL 1209

E1  
HB 173/23 – JUD

4lr2044

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By: **Delegate Cardin**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Drug Paraphernalia – Penalties**

3 FOR the purpose of altering the penalties for a person using or possessing with intent to  
4 use, delivering or selling under certain circumstances, or manufacturing or  
5 possessing with intent to deliver or sell under certain circumstances drug  
6 paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body  
7 a controlled dangerous substance; altering the penalties for a person possessing or  
8 distributing controlled paraphernalia under circumstances that reasonably indicate  
9 an intention to use the controlled paraphernalia for certain purposes; and generally  
10 relating to drug paraphernalia.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 5–619(c) and (d) and 5–620(d)  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Criminal Law  
18 Section 5–620(a) and (b)  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)

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

23 **Article – Criminal Law**

24 5–619.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) Unless authorized under this title, a person may not use or possess with  
2 intent to use drug paraphernalia to:

3 (i) plant, propagate, cultivate, grow, harvest, manufacture,  
4 compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a  
5 controlled dangerous substance; or

6 (ii) inject, ingest, inhale, or otherwise introduce into the human body  
7 a controlled dangerous substance.

8 (2) A person who violates this subsection is guilty of a misdemeanor and  
9 on conviction is subject to:

10 (i) for a first violation, a fine not exceeding \$500; and

11 (ii) for each subsequent violation, imprisonment not exceeding [2  
12 years] **1 YEAR** or a fine not exceeding [~~\$2,000~~] **\$1,000** or both.

13 (3) A person who is convicted of violating this subsection for the first time  
14 and who previously has been convicted of violating subsection (d)(4) of this section is subject  
15 to the penalty specified under paragraph (2)(ii) of this subsection.

16 (d) (1) Unless authorized under this title, a person may not deliver or sell, or  
17 manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or  
18 under circumstances where one reasonably should know, that the drug paraphernalia will  
19 be used to:

20 (i) plant, propagate, cultivate, grow, harvest, manufacture,  
21 compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a  
22 controlled dangerous substance; or

23 (ii) inject, ingest, inhale, or otherwise introduce into the human body  
24 a controlled dangerous substance.

25 (2) A person who violates this subsection is guilty of a misdemeanor and  
26 on conviction is subject to:

27 (i) for a first violation, a fine not exceeding \$500; and

28 (ii) for each subsequent violation, imprisonment not exceeding [2  
29 years] **1 YEAR** or a fine not exceeding [~~\$2,000~~] **\$1,000** or both.

30 (3) A person who is convicted of violating this subsection for the first time  
31 and who previously has been convicted of violating paragraph (4) of this subsection is  
32 subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

1           (4) If a person who is at least 18 years old violates paragraph (1) of this  
2 subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than  
3 the person, the person is guilty of a separate misdemeanor and on conviction is subject to  
4 imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

5 5–620.

6           (a) Unless authorized under this title, a person may not:

7           (1) obtain or attempt to obtain controlled paraphernalia by:

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

9                   (ii) counterfeiting a prescription or a written order;

10                  (iii) concealing a material fact or the use of a false name or address;

11                  (iv) falsely assuming the title of or representing to be a  
12 manufacturer, distributor, or authorized provider; or

13                  (v) making or issuing a false or counterfeit prescription or written  
14 order; or

15           (2) possess or distribute controlled paraphernalia under circumstances  
16 which reasonably indicate an intention to use the controlled paraphernalia for purposes of  
17 illegally administering a controlled dangerous substance.

18           (b) Evidence of circumstances that reasonably indicate an intent to use controlled  
19 paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous  
20 substance unlawfully include the close proximity of the controlled paraphernalia to an  
21 adulterant, diluent, or equipment commonly used to illegally manufacture, administer,  
22 distribute, or dispense controlled dangerous substances, including:

23           (1) a scale;

24           (2) a sieve;

25           (3) a strainer;

26           (4) a measuring spoon;

27           (5) staples;

28           (6) a stapler;

29           (7) a glassine envelope;

- 1 (8) a gelatin capsule;
- 2 (9) procaine hydrochloride;
- 3 (10) mannitol;
- 4 (11) lactose;
- 5 (12) quinine; and
- 6 (13) a controlled dangerous substance.

7 (d) A person who violates this section is guilty of a misdemeanor and on conviction  
8 is subject to:

9 (1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; AND

10 (2) FOR EACH SUBSEQUENT VIOLATION, imprisonment not exceeding [4  
11 years] 1 YEAR or a fine not exceeding [\$25,000] \$1,000 or both.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2024.