

# HOUSE BILL 260

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HB 1209/24 – JUD

(PRE-FILED)

5lr1548

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By: **Delegate Cardin**

Requested: October 31, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Criminal Law – Drug Paraphernalia – Prohibitions and Penalties**

FOR the purpose of altering the penalties for a person using or possessing with intent to use, delivering or selling under certain circumstances, or manufacturing or possessing with intent to deliver or sell under certain circumstances drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance; repealing the prohibition on possessing controlled paraphernalia under certain circumstances; removing intent to administer a controlled dangerous substance from a certain list of intents; altering the penalties for a person possessing or distributing controlled paraphernalia under circumstances that reasonably indicate an intention to use the controlled paraphernalia for certain purposes; and generally relating to drug paraphernalia.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 5–619(c) and (d) and 5–620(a), (b), and (d)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2024 Supplement)

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

### **Article – Criminal Law**

5–619.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

5-620.

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

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

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

(ii) counterfeiting a prescription or a written order;

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

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

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

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

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

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

(6) a stapler;

(7) a glassine envelope;

(8) a gelatin capsule;

(9) procaine hydrochloride;

- (10) mannitol;
- (11) lactose;
- (12) quinine; and
- (13) a controlled dangerous substance.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.