

SENATE BILL 327

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By: **Senator McCray**

Introduced and read first time: January 22, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Drug Paraphernalia and Controlled Paraphernalia Prohibitions**
3 **– Repeal**

4 FOR the purpose of repealing certain prohibitions relating to drug paraphernalia and
5 controlled paraphernalia; and generally relating to drug paraphernalia and
6 controlled paraphernalia.

7 BY repealing

8 Article – Criminal Law

9 Section 5–101(h) and (p), 5–619, and 5–620

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Law

14 Section 5–101(a)

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2025 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Criminal Law

19 Section 5–101(i) through (o), (p–1), and (q) through (ff)

20 Annotated Code of Maryland

21 (2021 Replacement Volume and 2025 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That Section(s) 5–619 and 5–620 of Article – Criminal Law of the Annotated Code of
24 Maryland be repealed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
26 as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

5–101.

(a) In this title the following words have the meanings indicated.

[(h)] “Controlled paraphernalia” means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.]

[(i)] (H) “Deliver” means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

[(j)] (I) “Department” means the Maryland Department of Health.

[(k)] (J) “Depressant or stimulant drug” means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

[(l)] (K) (1) “Dispense” means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) “Dispense” includes to prescribe, administer, package, label, or compound a substance for delivery.

[(m)] (L) “Distribute” means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

[(n)] (M) (1) “Drug” means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

1 (ii) a substance intended for use in the diagnosis, cure, mitigation,
2 treatment, or prevention of disease in humans or other animals;

3 (iii) except for food, a substance intended to affect the structure or
4 function of the body of humans or other animals; or

5 (iv) a substance intended for use as a component of any substance
6 specified in item (i), (ii), or (iii) of this paragraph.

7 (2) "Drug" does not include a device or an accessory, part, or component of
8 a device.

9 [(o)] (N) "Drug dependent person" means a person who:

10 (1) is using a controlled dangerous substance; and

11 (2) is in a state of psychological or physical dependence, or both, that:

12 (i) arises from administration of that controlled dangerous
13 substance on a continuous basis; and

14 (ii) is characterized by behavioral and other responses that include
15 a strong compulsion to take the substance on a continuous basis in order to experience its
16 psychological effects or to avoid the discomfort of its absence.

17 [(p)] (1) "Drug paraphernalia" means equipment, a product, or material that is
18 used, intended for use, or designed for use, in:

19 (i) planting, propagating, cultivating, growing, harvesting,
20 manufacturing, compounding, converting, producing, processing, preparing, packaging,
21 repackaging, storing, containing, or concealing a controlled dangerous substance in
22 violation of this title; or

23 (ii) injecting, ingesting, inhaling, or otherwise introducing into the
24 human body a controlled dangerous substance in violation of this title.

25 (2) "Drug paraphernalia" includes:

26 (i) a kit used, intended for use, or designed for use in planting,
27 propagating, cultivating, growing, or harvesting any species of plant that is a controlled
28 dangerous substance other than cannabis or from which a controlled dangerous substance
29 can be derived;

30 (ii) a kit used, intended for use, or designed for use in
31 manufacturing, compounding, converting, producing, processing, or preparing a controlled
32 dangerous substance other than cannabis;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance other than cannabis;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance other than cannabis;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance other than cannabis;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance other than cannabis;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, a controlled dangerous substance other than cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance other than cannabis;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance other than cannabis;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance other than cannabis;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body.]

[(p-1)] (O) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

1 **[(q)] (P)** (1) “Manufacture”, with respect to a controlled dangerous substance,
2 means to produce, prepare, propagate, compound, convert, or process a controlled
3 dangerous substance:

4 (i) directly or indirectly by extraction from substances of natural
5 origin;

6 (ii) independently by chemical synthesis; or

7 (iii) by a combination of extraction and chemical synthesis.

8 (2) “Manufacture” includes to package and repackage a controlled
9 dangerous substance and label and relabel its containers.

10 (3) “Manufacture” does not include:

11 (i) to prepare or compound a controlled dangerous substance by an
12 individual for the individual’s own use; or

13 (ii) to prepare, compound, package, or label a controlled dangerous
14 substance:

15 1. by an authorized provider incidental to administering or
16 dispensing a controlled dangerous substance in the course of professional practice; or

17 2. if the controlled dangerous substance is not for sale by an
18 authorized provider, or by the authorized provider’s agent under the authorized provider’s
19 supervision, for or incidental to research, teaching, or chemical analysis.

20 **[(r)] (Q)** (1) “Narcotic drug” means a substance:

21 (i) that has been found to present an extreme danger to the health
22 and welfare of the community because of addiction-forming and addiction-sustaining
23 qualities;

24 (ii) that is:

25 1. an opiate;

26 2. a compound, manufactured substance, salt, derivative, or
27 preparation of opium, coca leaf, or an opiate; or

28 3. a substance and any compound, manufactured substance,
29 salt, derivative, or preparation that is chemically identical with a substance listed in items
30 1 and 2 of this item; and

31 (iii) that is produced:

3. by a combination of extraction and chemical synthesis.

[(v)] (U) “Possess” means to exercise actual or constructive dominion or control over a thing by one or more persons.

1 ~~[(w)]~~ **(v)** (1) “Prescription drug” means a drug that:

2 (i) is intended to be used by an individual; and

3 (ii) because of its toxicity, other potentiality for harmful effect,
4 method of use, or collateral measures necessary for its use:

5 1. bears a cautionary label warning a person that under
6 federal law the drug may not be dispensed without a prescription; or

7 2. is designated by the Department as not safe for use except
8 under the supervision of a person licensed by the State to administer a prescription drug.

9 (2) “Prescription drug” does not include a controlled dangerous substance.

10 ~~[(x)]~~ **(w)** “Produce”, with respect to a controlled dangerous substance, includes
11 to manufacture, plant, cultivate, grow, and harvest.

12 ~~[(y)]~~ **(x)** “Registrant” means a person who is registered by the Department to
13 manufacture, distribute, or dispense a controlled dangerous substance in the State.

14 ~~[(z)]~~ **(y)** “Schedule I” means the controlled dangerous substances described in §
15 5–402 of this title.

16 ~~[(aa)]~~ **(z)** “Schedule II” means the controlled dangerous substances described in
17 § 5–403 of this title.

18 ~~[(bb)]~~ **(aa)** “Schedule III” means the controlled dangerous substances described in
19 § 5–404 of this title.

20 ~~[(cc)]~~ **(bb)** “Schedule IV” means the controlled dangerous substances described in
21 § 5–405 of this title.

22 ~~[(dd)]~~ **(cc)** “Schedule V” means the controlled dangerous substances described in §
23 5–406 of this title.

24 ~~[(ee)]~~ **(dd)** “Secretary” means the Secretary of the Department.

25 ~~[(ff)]~~ **(ee)** “Ultimate user” means a person who lawfully possesses a controlled
26 dangerous substance for the person’s own use, for the use of a member of the person’s
27 household, or for administration to an animal owned by the person or by a member of the
28 person’s household.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2026.