

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 551

(Delegate Simpson, *et al.*)

Judiciary

**Criminal Law - Drug Paraphernalia and Controlled Paraphernalia Prohibitions -
Repeal**

This bill repeals §§ 5-619 (drug paraphernalia) and 5-620 (controlled paraphernalia) of the Criminal Law Article, resulting in the elimination of all criminal prohibitions and associated penalties previously established under those sections. In addition, the bill repeals the statutory definitions of “drug paraphernalia” and “controlled paraphernalia” contained in Title 5 of the Criminal Law Article.

Fiscal Summary

State Effect: Minimal decrease in general fund revenues from fines imposed in the District Court. Expenditures are not materially affected, as discussed below.

Local Effect: Potential minimal decrease in local reincarceration expenditures due to the bill’s elimination of existing drug paraphernalia and controlled paraphernalia offenses. Local revenues are not materially affected.

Small Business Effect: None.

Analysis

Current Law:

Drug Paraphernalia

“Drug paraphernalia” means equipment, a product, or material that is used, intended for use, or designed for use, in (1) planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance (CDS) in violation of Title 5 of the Criminal Law Article or (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a CDS in violation of Title 5 of the Criminal Law Article. Several items are specifically included as drug paraphernalia in statute.

Use or Possession of Drug Paraphernalia: Unless authorized under law, a person may not use or possess with intent to use drug paraphernalia to:

- plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a CDS; or
- inject, ingest, inhale, or otherwise introduce a CDS into the human body.

Delivery or Sale of Drug Paraphernalia: Unless authorized under law, a person may not deliver or sell, or manufacture or possess with the intent to deliver or sell, drug paraphernalia, knowing or under circumstances where a person reasonably should know that the drug paraphernalia will be used to:

- plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a CDS; or
- inject, ingest, inhale, or otherwise introduce a CDS into the human body.

A separate offense may be charged if a person who is at least 18 years old violates the above prohibition by delivering drug paraphernalia to a minor who is at least 3 years younger than the person.

Advertisement to Promote Delivery or Sale of Drug Paraphernalia: A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

Exhibit 1 contains information on penalties for offenses involving the use or possession, the delivery or sale, or the advertisement of the delivery or sale of drug paraphernalia.

Exhibit 1
Criminal Penalties for Drug Paraphernalia Offenses
§ 5-619 of the Criminal Law Article

<u>Violation</u>	<u>Penalty</u>
First-time violation (use, possession, delivery, sale, or advertisement to promote delivery or sale)	Misdemeanor \$500 maximum fine
Subsequent violation (use, possession, delivery, or sale)	Misdemeanor Up to one year imprisonment and/or a maximum fine of \$1,000
Subsequent violation (advertisement to promote delivery or sale)	Misdemeanor Up to two years imprisonment and/or a maximum fine of \$2,000
First-time violation (use or possession) – violator has a prior conviction for delivery of drug paraphernalia by an adult to a minor who is at least three years younger	Misdemeanor Up to one year imprisonment and/or a maximum fine of \$1,000
First-time violation (delivery or sale) – violator has a prior conviction for delivery of drug paraphernalia by an adult to a minor who is at least three years younger	Misdemeanor Up to two years imprisonment and/or a maximum fine of \$2,000
Sale or delivery of drug paraphernalia by an adult to a minor who is at least three years younger	Misdemeanor (separate) Up to eight years imprisonment and/or a maximum fine of \$15,000

Source: Department of Legislative Services

Controlled Paraphernalia

“Controlled paraphernalia” means (1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a CDS by hypodermic injection; (2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities

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

Section 5-620 of the Criminal Law Article prohibits a person from possessing or distributing controlled paraphernalia under circumstances that reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a CDS. Unless otherwise specified, a person is also prohibited from obtaining or attempting to obtain controlled paraphernalia by:

- fraud, deceit, misrepresentation, or subterfuge;
- counterfeiting a prescription or a written order;
- concealing a material fact or the use of a false name or address;
- falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
- making or issuing a false or counterfeit prescription or written order.

Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, distribute, or dispense a CDS unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense a CDS, including a scale, a sieve, a strainer, a measuring spoon, staples, a stapler, a glassine envelope, a gelatin capsule, procaine hydrochloride, mannitol, lactose, quinine, and a CDS.

Violators are guilty of a misdemeanor punishable by (1) a \$500 maximum fine for a first violation and (2) imprisonment for up to one year and/or a \$1,000 maximum fine for a second or subsequent violation.

State Revenues: General fund revenues decrease minimally due to the bill's repeal of specified criminal offenses and associated fines.

Exhibit 2 displays the number of violations and guilty dispositions for existing offenses repealed by the bill in fiscal 2024 and 2025. In fiscal 2025, there were 394 guilty dispositions in the District Court for using or possessing drug paraphernalia (§ 5-619(c) of the Criminal Law Article) and 0 guilty dispositions for all other drug and controlled paraphernalia offenses.

Exhibit 2
Violations and Guilty Dispositions
Drug Paraphernalia and Controlled Paraphernalia
§§ 5-619 and 5-620 of the Criminal Law Article

	Fiscal 2024		Fiscal 2025	
	<u>Violations</u>	<u>Guilty Dispositions</u>	<u>Violations</u>	<u>Guilty Dispositions</u>
District Court Offenses				
<i>Criminal Law, § 5-619(c)</i>	1,485	292	1,682	394
<i>Criminal Law, § 5-619(d)</i>	0	1	1	0
<i>Criminal Law, § 5-619(e)</i>	0	0	0	0
<i>Criminal Law, § 5-620</i>	0	0	0	0
Circuit Court Offenses				
<i>Criminal Law, § 5-619(c)</i>	27	7	35	11
<i>Criminal Law, § 5-619(d)</i>	0	0	0	0
<i>Criminal Law, § 5-619(e)</i>	0	0	0	0
<i>Criminal Law, § 5-620</i>	0	0	0	0

Source: Maryland Judiciary

State Expenditures: General fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) are not materially affected. For fiscal 2025, DPSCS advises that the Division of Corrections conducted four intakes and the Division of Parole and Probation opened cases for 76 individuals who had committed a drug or controlled paraphernalia-related offense.

The Judiciary and the Office of the Public Defender (OPD) advise that the bill would reduce their respective caseloads. Any reduction in the Judiciary's workload is not anticipated to materially affect its finances or operations, as resources are assumed to be reallocated to other purposes. Similarly, the Department of Legislative Services advises that, given current OPD caseloads and resources, any reduction in OPD caseloads resulting from the bill are likely redirected to other cases.

Local Revenues: Local revenues from fines imposed in the circuit courts are not materially affected. In fiscal 2025, there were 11 guilty dispositions in the circuit courts for

using or possessing drug paraphernalia (§ 5-619(c) of the Criminal Law Article) and 0 guilty dispositions for all other drug and controlled paraphernalia offenses.

Local Expenditures: Local expenditures may decrease minimally as a result of the bill's repeal of specified criminal offenses. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 327 (Senator McCray) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2026
sj/aad

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