



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0260

Criminal Law - Drug Paraphernalia - Prohibitions and Penalties

Bill Summary

This bill generally reduces the penalties for offenses involving drug paraphernalia and controlled paraphernalia.

Racial Equity Impact Statement

The bill's reduced penalties will shorten incarceration periods for those jailed for violating prohibitions against the use, possession, delivery, or sale of certain drug paraphernalia and obtaining or attempting to obtain controlled paraphernalia as specified under the bill. The magnitude of the bill's impacts on various demographic groups cannot be reliably estimated as no detailed data is available on arrests, charges, or convictions for the bill's specified drug paraphernalia offenses. Available data on the number of charges and convictions from the Administrative Office of the Courts, however, suggests that the provisions of the bill would apply to a relatively small number of individuals. Accordingly, the magnitude of any equity impacts would likely be minimal.

Analysis

The bill reduces penalties related to controlled drug paraphernalia from a maximum penalty of four years imprisonment and/or a \$25,000 maximum fine for all violations to (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. Subsequent offender penalties for violation of the prohibitions against the use or possession of drug paraphernalia and the delivery or sale of drug paraphernalia are reduced from a maximum penalty of two years imprisonment and/or \$2,000 fine, to a maximum penalty of one year imprisonment and/or \$1,000 fine. The bill also clarifies the distinction between the use of and the distribution of controlled drug paraphernalia.

Under existing law, without legal authorization, a person may not use or possess with intent to use drug paraphernalia to (1) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance (CDS); or (2) inject, ingest, inhale, or otherwise introduce a CDS into the human body. Chapter 4 of 2016, however, repealed the criminal prohibition on use or possession of marijuana-related drug paraphernalia.

In addition, 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 (1) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a CDS; or (2) inject, ingest, inhale, or otherwise introduce a CDS into the human body.

In general, a person may not obtain or attempt to obtain controlled paraphernalia by surreptitious means, including fraud counterfeit prescriptions and other specified methods of deceit. “Controlled paraphernalia” includes hypodermic needles and other items used to inject CDS, capsules and other packaging for individual quantities of CDS, and specified substances used as a diluent or adulterant.

Impacts of the Bill

According to the Administrative Office of the Courts, there was a combined total of 130 charges in the District Court and 55 charges in the circuit court in fiscal 2023 for the offenses addressed by the bill. Only one conviction (for use or possession of drug paraphernalia) was handed down by each court during that time period. No demographic data was readily available for charges and convictions; however, the relatively small number of charges and even smaller amount of convictions suggest that the bill’s changes would likely have a minimal impact.

Conclusion

Generally, the bill’s reduced penalties will shorten incarceration periods for those jailed for violating prohibitions against the use or possession of certain drug paraphernalia, delivery or sale of drug paraphernalia, and obtaining or attempting to obtain controlled paraphernalia. The bill’s impacts on various demographic groups cannot be reliably estimated as no detailed data is available. Available data suggests that the number of individuals charged, arrested, and/or convicted under these statutes are relatively small. Thus, the magnitude of any potential impacts would likely be minimal.

Information Sources: Administrative Office of the Courts; Department of Legislative Services

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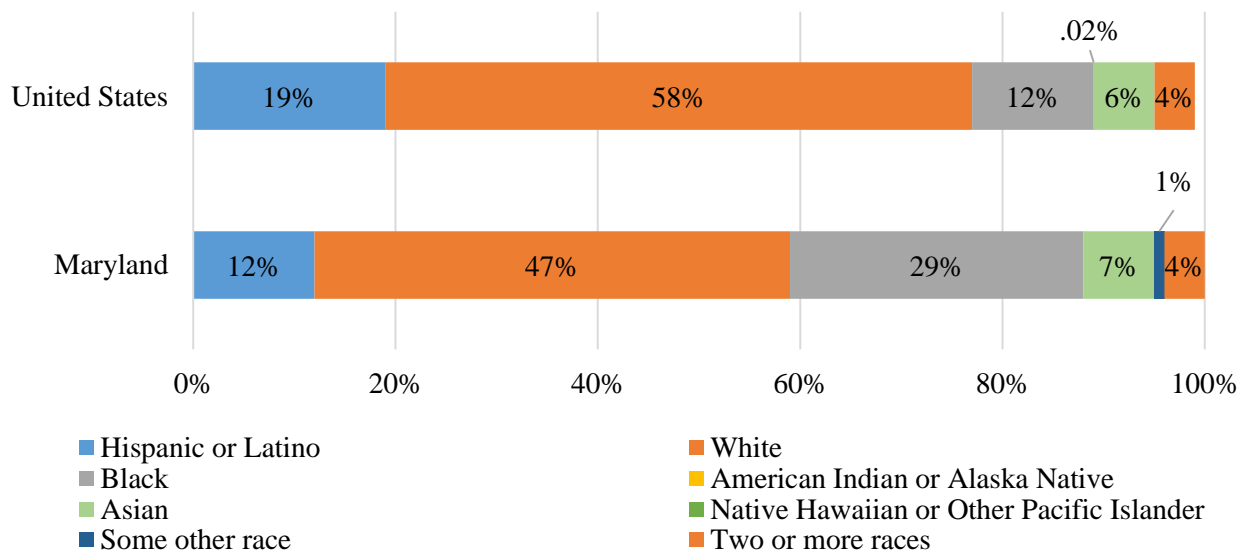
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.