



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
HB0551

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

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### Bill Summary

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.

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### Racial Equity Impact Statement

The bill’s repeal of controlled and drug paraphernalia laws will decrease the number of individuals charged and sentenced for controlled dangerous substance (CDS) paraphernalia offenses generally. The magnitude of the bill’s impacts on various demographic groups cannot be reliably estimated as no detailed demographic data are readily available on charges and convictions for CDS paraphernalia offenses.

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### Analysis

#### *Drug Paraphernalia*

Under current law, “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 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.

#### *Criminal Penalties for Misdemeanor Drug Paraphernalia Offenses*

With the exception of the sale or delivery of drug paraphernalia by an adult to a minor who is at least three years younger, which carries a penalty of a fine of up to \$15,000 and/or up to eight years imprisonment, offenses involving the use or possession, the delivery or sale, or the advertisement of the delivery or sale of drug paraphernalia generally have penalties consisting of a maximum fine of \$500 to \$2,000 and/or a maximum term of imprisonment of one to two years.

#### *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.

**Exhibit 1** displays the number of violations and guilty dispositions in fiscal 2024 and 2025 for existing offenses repealed by the bill. In fiscal 2025, there were a total of 405 guilty dispositions in the District Court and 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.

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**Exhibit 1**  
**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>
<b>District Court Offenses</b>				
<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
<b>Circuit Court Offenses</b>				
<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

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*Impacts of the Bill*

The Department of State Police (DSP) uses the Federal Bureau of Investigation’s National Incident Based Reporting System (NIBRS) to collect and report detailed information about crime incidents, victims, offenders, and arrestees. NIBRS also captures information on the relationships between victims and offenders, as well as the use of weapons and the value of stolen or damaged property.

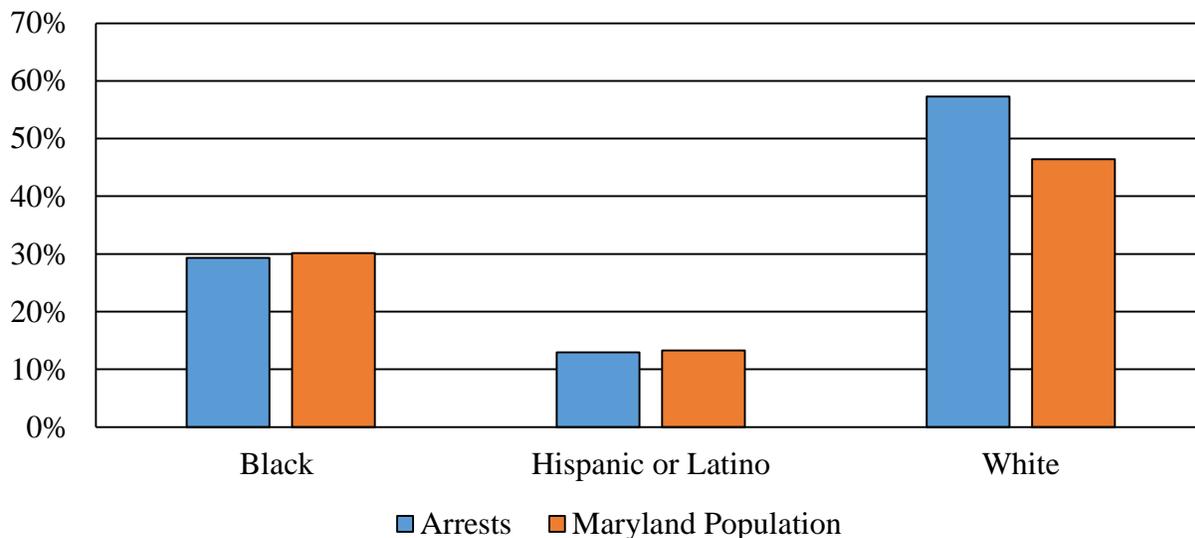
In general, NIBRS classifies drug/narcotic offenses as those that pertain to the illegal production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Specifically, “drug equipment” or CDS paraphernalia violations refer to the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

The available DSP arrest data for drug equipment/paraphernalia offenses suggest no disparities exist that impact people of color in the State. During 2024, NIBRS reporting agencies reported 5,794 drug equipment violations resulting in 890 arrests. As shown in **Exhibit 2**, Black and white arrestees comprised 30% and 57%, respectively, of the total arrestees. Hispanic arrestees comprised 13% of the total. Other racial groups not shown in the exhibit (*i.e.*, Asian, American Indian or Alaska Native and Native Hawaiian or Other Pacific Islander individuals) accounted for less than 1% of total arrestees. The data includes arrests for possession of drug paraphernalia for

both personal use and for the manufacture, sale, or distribution of CDS, and does not distinguish between the two purposes.

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**Exhibit 2**  
**Drug Equipment Violation Arrests in Maryland**  
**2024**



Source: Department of State Police; Department of Legislative Services

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The Department of Public Safety and Correctional Services (DPSCS) collects and reports criminal justice data regarding Maryland’s correctional facilities, inmate population, criminal history, and parole and probation. DPSCS reports that there are less than 10 people incarcerated for CDA paraphernalia offenses; the majority of the individuals in this population are white.

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**Conclusion**

Generally, the bill will decrease the number of individuals charged, convicted, and sentenced for specified CDS paraphernalia offenses. The bill’s overall impacts on various demographic groups cannot be reliably estimated as no granular data is available on arrests and sentencing for drug paraphernalia offenses. The annual Uniform Crime Report published by DSP releases composite data on various drug-related and other offenses but does not isolate paraphernalia arrests by type of drug equipment or purpose. Determining the actual racial equity impacts of the bill would require additional demographic data regarding the offenses in the bill, grouped by intent or purpose, including data that captures by racial and ethnic group the distribution of penalties related to use and possession of hypodermic syringes, needles, or any other object or combination of objects adapted to administer a CDS by hypodermic injection.

**Information Sources:** Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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# Appendix – Maryland Demographics

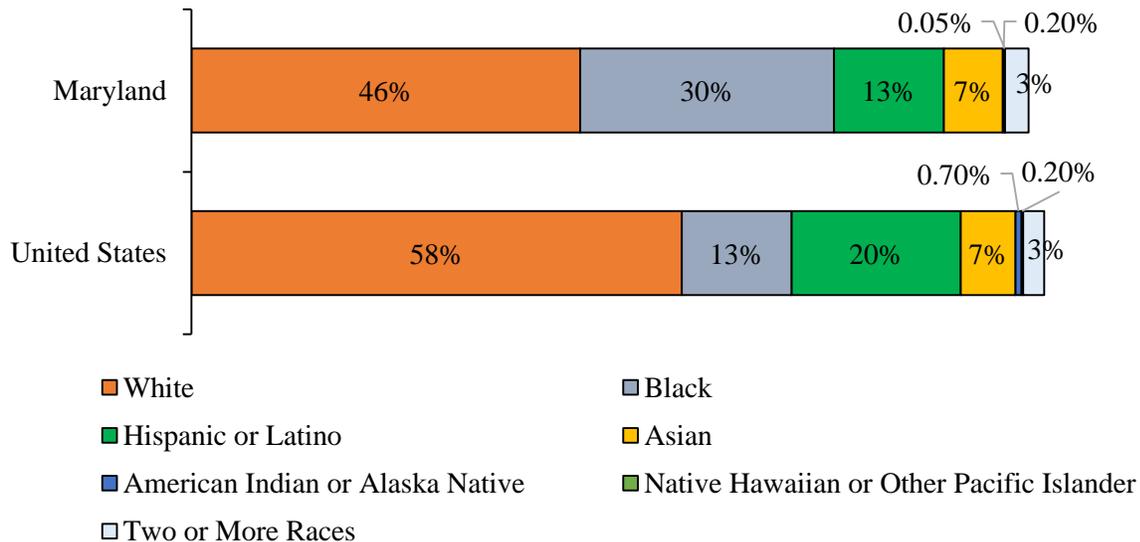
## Race and Ethnicity of the Maryland Population

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

## Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)