E1, E4 9lr2760 CF 9lr2154

By: Senator Carter

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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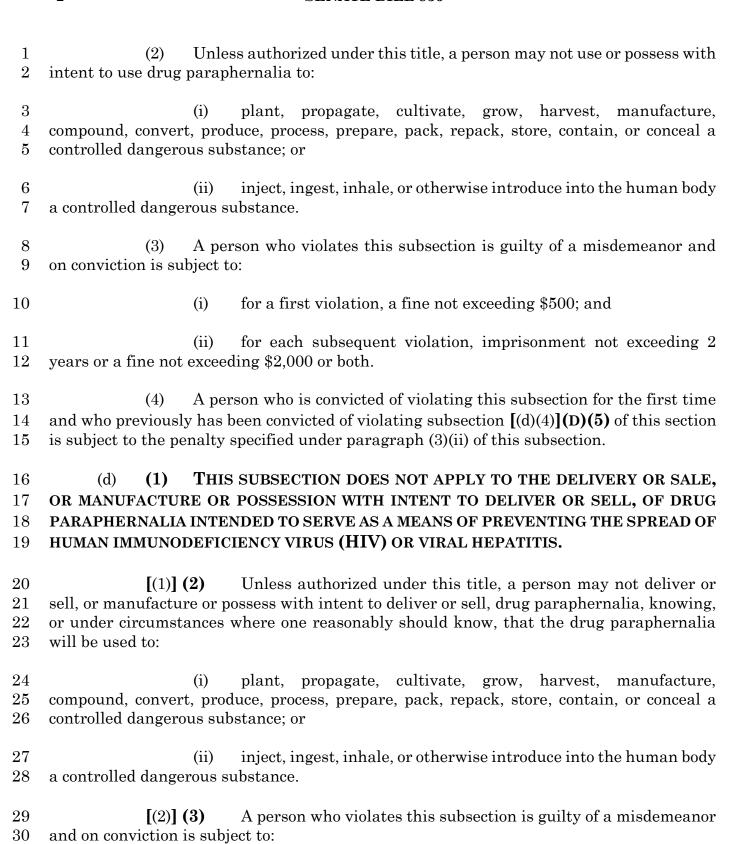
Criminal Law - Drug Paraphernalia - Prevention of HIV and Viral Hepatitis

- 3 FOR the purpose of excepting drug paraphernalia that has been provided to or obtained by
- 4 the user or possessor as a means of preventing the spread of human
- 5 immunodeficiency virus (HIV) or viral hepatitis from certain prohibitions against
- 6 using, possessing, selling, delivering, manufacturing, and possessing with intent to
- 7 deliver or sell drug paraphernalia; and generally relating to drug paraphernalia.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Criminal Law
- 10 Section 5–619(c) and (d)
- 11 Annotated Code of Maryland
- 12 (2012 Replacement Volume and 2018 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 14 That the Laws of Maryland read as follows:
- 15 Article Criminal Law
- 16 5-619.
- 17 (c) (1) This subsection does not apply to:
- 18 (I) THE USE OR POSSESSION OF DRUG PARAPHERNALIA THAT
- 19 HAS BEEN PROVIDED TO OR OBTAINED BY THE USER OR POSSESSOR AS A MEANS OF
- 20 PREVENTING THE SPREAD OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR VIRAL
- 21 HEPATITIS; OR
- 22 (II) the use or possession of drug paraphernalia involving the use or
- 23 possession of marijuana.



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(i)



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

- 1 (ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.
- [(3)] (4) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph [(4)] (5) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.
- [(4)] (5) If a person who is at least 18 years old violates paragraph [(1)] 8 (2) 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.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.