

**CITY OF BALTIMORE
COUNCIL BILL 15-0475
(First Reader)**

Introduced by: Councilmember Middleton, President Young, Councilmembers Kraft, Branch,
Costello, Holton, Stokes, Henry, Reisinger, Clarke, Scott, Welch, Mosby, Curran

Introduced and read first time: January 26, 2015

Assigned to: Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Drug Paraphernalia and Smoking Aids – Commercial Display to Minors**

3 FOR the purpose of prohibiting the commercial display of certain drug paraphernalia and
4 smoking aids to minors; defining a certain term; clarifying and conforming related
5 provisions; and generally relating to drug paraphernalia and smoking aids.

6 BY adding

7 Article 19 - Police Ordinances
8 Section(s) 17-1(f) and 17-7
9 Baltimore City Code
10 (Edition 2000)

11 BY renumbering, with amendments

12 Article 19 - Police Ordinances
13 Section(s) 17-8
14 to be
15 Section(s) 17-6
16 Baltimore City Code
17 (Edition 2000)

18 BY repealing and reordaining, without amendments

19 Article 19 - Police Ordinances
20 Section(s) 17-10
21 Baltimore City Code
22 (Edition 2000)

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 Laws of Baltimore City read as follows:

25 **Baltimore City Code**

26 **Article 19. Police Ordinances**

27 **Subtitle 17. Drugs - Paraphernalia**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **§ 17-1. Definitions.**

2 (F) SMOKING AID.

3 “SMOKING AID” MEANS:

4 (1) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE,
5 TUBE, OR OTHER DEVICE THAT IS DESIGNED OR CAPABLE OF USE IN SMOKING OR
6 OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE; OR

7 (2) ANY CIGARETTE ROLLING PAPER THAT IS DESIGNED OR CAPABLE OF USE FOR
8 SMOKING OR OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE.

9 **§ 17-6 [§ 17-8.] Relevant factors.**

10 (a) *In general.*

11 To determine whether the use, possession, sale, or delivery of an object is prohibited by
12 §§ 17-2 THROUGH 17-5 OF this subtitle, a court should consider, among other logically
13 relevant factors:

14 (1) any statement by an owner or a person in control of the object concerning its use;

15 (2) any prior conviction of an owner or a person in control of the object under a state
16 or federal law relating to controlled dangerous substances;

17 (3) the proximity of the object, in time and space, to a direct violation of this subtitle
18 or to a controlled dangerous substance;

19 (4) any residue of a controlled dangerous substance on the object;

20 (5) direct or circumstantial evidence of the intent of an owner or a person in control
21 of the object to deliver it to another who the owner or person in control knows or
22 should reasonably know, intends to use the object to facilitate a violation of *{the}*
23 Maryland Controlled Dangerous Substances Act;

24 (6) any instructions, oral or written, provided with the object concerning its use;

25 (7) any descriptive materials accompanying the object that explain or depict its use;

26 (8) national or local advertising concerning the object’s use;

27 (9) the manner in which the object is displayed for sale;

28 (10) whether the owner or a person in control of the object is a licensed distributor or
29 dealer of tobacco products or a legitimate supplier of related items to the
30 community;

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- 1 (11) direct or circumstantial evidence of the ratio of sales of the object to the total
- 2 sales of the business enterprise;
- 3 (12) the existence and scope of legitimate uses for the object in the community;
- 4 (13) expert testimony concerning the object's use; and
- 5 (14) any other verifiable information that indicates that the object is intended or
- 6 designed for use in violation of law.

7 (b) *Innocence of owner not dispositive.*

8 The innocence of an owner or person in control of the object as to a direct violation of
9 this subtitle does not prevent a finding that the object is intended or designed for use in
10 violation of this subtitle or the Maryland Controlled Dangerous Substances Act.

11 **§17-7. DISPLAY OF SMOKING AIDS TO MINORS PROHIBITED.**

12 A PERSON MAY NOT DISPLAY A SMOKING AID, WITH THE INTENT TO SELL OR DELIVER IT TO
13 ANOTHER, IN ANY PLACE WHERE IT IS OPEN TO CASUAL VIEW BY A MINOR.

14 **§§17-8. to 17-9. {Reserved}**

15 **§ 17-10. Penalties.**

16 Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on
17 conviction, is subject to a fine of \$1,000 or imprisonment for 1 year or both fine and
18 imprisonment.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
20 are not law and may not be considered to have been enacted as a part of this or any prior
21 Ordinance.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
23 after the date it is enacted.