

Council Bill 15-0475

Subtitle 17. Drugs - Paraphernalia

~~§ 17-1. Definitions.~~

~~(F) SMOKING AID:~~

~~“SMOKING AID” MEANS:~~

- ~~(1) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE, TUBE, OR OTHER DEVICE THAT IS DESIGNED OR CAPABLE OF USE IN SMOKING OR OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE; OR~~
- ~~(2) ANY CIGARETTE ROLLING PAPER THAT IS DESIGNED OR CAPABLE OF USE FOR SMOKING OR OTHERWISE INHALING A CONTROLLED DANGEROUS SUBSTANCE.~~

§ 17-6 [§ 17-8.] Relevant factors.

(a) *In general.*

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

- (1) any statement by an owner or a person in control of the object concerning its use;
- (2) any prior conviction of an owner or a person in control of the object under a state or federal law relating to controlled dangerous substances;
- (3) the proximity of the object, in time and space, to a direct violation of this subtitle or to a controlled dangerous substance;
- (4) any residue of a controlled dangerous substance on the object;
- (5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who the owner or person in control knows or should reasonably know, intends to use the object to facilitate a violation of *{the}* Maryland Controlled Dangerous Substances Act;
- (6) any instructions, oral or written, provided with the object concerning its use;
- (7) any descriptive materials accompanying the object that explain or depict its use;
- (8) national or local advertising concerning the object’s use;
- (9) the manner in which the object is displayed for sale;
- (10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or a legitimate supplier of related items to the 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~~ COMMERCIAL DISPLAY 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 (A) PLACEMENT IN WINDOWS PROHIBITED.

15 A PERSON MAY NOT PLACE ANY OF THE FOLLOWING IN A WINDOW OF A COMMERCIAL
16 ESTABLISHMENT:

17 (1) ANY SMALL GLASSINE OR PLASTIC BAG, GLASS OR PLASTIC VIAL, OR OTHER
18 CONTAINER THAT HOLDS LESS THAN 1/8 OF AN OUNCE AND IS DESIGNED OR
19 INTENDED FOR USE IN PACKAGING CONTROLLED DANGEROUS SUBSTANCES; OR

20 (2) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE,
21 TUBE, OR OTHER DEVICE, INCLUDING CIGARETTE ROLLING PAPER, THAT IS:

22 (I) DESIGNED OR INTENDED FOR SMOKING ANY SUBSTANCE; AND

23 (II) CAPABLE OF USE IN SMOKING OR OTHERWISE INHALING A CONTROLLED
24 DANGEROUS SUBSTANCE.

25 (B) REQUIRED PLACEMENT IN ESTABLISHMENTS OPEN TO MINORS.

26 IN ANY COMMERCIAL ESTABLISHMENT OPEN TO MINORS, ANY OF THE FOLLOWING
27 AVAILABLE FOR SALE MUST BE PLACED BEHIND A SALES COUNTER AND BE INACCESSIBLE
28 TO MINORS:

29 (1) ANY SMALL GLASSINE OR PLASTIC BAG, GLASS OR PLASTIC VIAL, OR OTHER
30 CONTAINER THAT HOLDS LESS THAN 1/8 OF AN OUNCE AND IS DESIGNED OR
31 INTENDED FOR USE IN PACKAGING CONTROLLED DANGEROUS SUBSTANCES; OR

32 (2) ANY METAL, WOOD, ACRYLIC, GLASS, STONE, PLASTIC, CERAMIC, OR OTHER PIPE,
33 TUBE, OR OTHER DEVICE, INCLUDING CIGARETTE ROLLING PAPER, THAT IS:

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- 1 (I) DESIGNED OR INTENDED FOR SMOKING ANY SUBSTANCE; AND
- 2 (II) CAPABLE OF USE IN SMOKING OR OTHERWISE INHALING A CONTROLLED
- 3 DANGEROUS SUBSTANCE.

4 **§§17-8. to 17-9. {Reserved}**

5 **§ 17-10. Penalties.**

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

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City