

**CITY OF BALTIMORE  
COUNCIL BILL 08-0032  
(First Reader)**

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Introduced by: Councilmembers Conaway, Branch, Young, Middleton, Spector, Reisinger  
Introduced and read first time: January 28, 2008  
Assigned to: Public Safety and Health Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Finance, Mayor's Office of Criminal Justice

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Salvia Divinorum – Prohibited**

3 FOR the purpose of prohibiting certain conduct involving Salvia divinorum; defining certain  
4 terms; and imposing certain penalties.

5 BY adding

6 Article 19 - Police Ordinances  
7 Section(s) 18-1 to 18-4, to be under the new subtitle,  
8 “Subtitle 18. Drugs – Salvia Divinorum”  
9 Baltimore City Code  
10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 19. Police Ordinances**

15 **Subtitle 18. Drugs – Salvia Divinorum**

16 **§ 18-1. DEFINITIONS.**

17 (A) *IN GENERAL.*

18 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

19 (B) *SALVIA DIVINORUM.*

20 (1) *GENERAL.*

21 “SALVIA DIVINORUM” MEANS THE PLANT CLASSIFIED BOTANICALLY AS SALVIA  
22 DIVINORUM, WHETHER GROWING OR NOT.

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

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1           (2) *INCLUSIONS.*

2                   “SALVIA DIVINORUM” INCLUDES:

3                   (I) ANY PART OF THE PLANT;

4                   (II) ANY EXTRACT FROM ANY PART OF THE PLANT;

5                   (III) ANY COMPOUND OR MANUFACTURE FROM ANY PART OF THE PLANT;

6                   (IV) ANY SALT, ISOMER, OR SALT OF ISOMER OF ANY PART OF THE PLANT OR ITS  
7                   EXTRACTS; AND

8                   (V) ANY COUNTERFEIT OR SIMULATED FORM OF ANY OF THESE.

9           **§ 18-2. PROHIBITED CONDUCT.**

10           (A) *SALE, GIVE, ETC.*

11                   NO PERSON MAY:

12                   (1) SELL, GIVE, OR OTHERWISE TRANSFER SALVIA DIVINORUM TO ANOTHER PERSON;  
13                   OR

14                   (2) POSSESS FOR THE PURPOSE OR WITH THE INTENT OF SELLING, GIVING, OR  
15                   OTHERWISE TRANSFERRING SALVIA DIVINORUM TO ANOTHER PERSON.

16           (B) *GROW, MANUFACTURE, ETC.*

17                   NO PERSON MAY PLANT, CULTIVATE, GROW, HARVEST, OR MANUFACTURE OR COMPOUND  
18                   ANY SALVIA DIVINORUM.

19           (C) *POSSESSION, USE, ETC.*

20                   NO PERSON MAY POSSESS, CHEW, SMOKE, OR OTHERWISE INGEST OR USE ANY SALVIA  
21                   DIVINORUM.

22           **§ 18-3. {RESERVED}**

23           **§ 18-4. PENALTIES.**

24           (A) *VIOLATION A MISDEMEANOR.*

25                   ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
26                   MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE FOLLOWING PENALTIES.

27           (B) *SALE, GIVE, ETC.*

28                   FOR A VIOLATION OF § 18-2(A) {PROHIBITED CONDUCT: SALE, GIVE, ETC.}, THE PENALTY  
29                   IS A FINE OF UP TO \$1,000 OR IMPRISONMENT FOR UP TO 1 YEAR OR BOTH.

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1 (C) *GROW, MANUFACTURE, ETC.*

2 FOR A VIOLATION OF § 18-2(B) {PROHIBITED CONDUCT: GROW, MANUFACTURE, ETC.},  
3 THE PENALTY IS A FINE OF UP TO \$500 OR IMPRISONMENT FOR UP TO 6 MONTHS OR BOTH.

4 (D) *POSSESS, USE, ETC.*

5 FOR A VIOLATION OF § 18-2(C) {PROHIBITED CONDUCT: POSSESS, USE, ETC.}, THE  
6 PENALTY IS A FINE OF UP TO \$500 OR IMPRISONMENT FOR UP TO 6 MONTHS OR BOTH.

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

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