



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 15-0475, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Middleton

A BILL ENTITLED

AN ORDINANCE concerning

Drug Paraphernalia and Smoking Aids - Commercial Display to Minors

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

BY adding

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

BY renumbering, with amendments

Article 19 - Police Ordinances
Section(s) 17-8

to be

Section(s) 17-6
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

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

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 17. Drugs - Paraphernalia

§ 171. 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.

§ 176[§ 178.] 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;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community;

(13) expert testimony concerning the object's use; and

(14) any other verifiable information that indicates that the object is intended or designed for use in violation of law.

(b) Innocence of owner not dispositive.

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

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

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

§§17-8. to 179. {Reserved}

§ 1710. Penalties.

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

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

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

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