

HOUSE BILL 1408

E1

7lr2011

By: **Delegates Sanchez and Vallario**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances – Places of Use**

3 FOR the purpose of altering the prohibition against keeping a dwelling, a building, a
4 vehicle, a vessel, an aircraft, or any other place resorted to by individuals for the
5 purpose of administering illegally controlled dangerous substances to remove the
6 prohibition from provisions relating to common nuisance; altering a certain penalty;
7 and generally relating to controlled dangerous substances.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 5–601(a) and 5–605

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2016 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 5–601.

17 (a) Except as otherwise provided in this title, a person may not:

18 (1) possess or administer to another a controlled dangerous substance,
19 unless obtained directly or by prescription or order from an authorized provider acting in
20 the course of professional practice; [or]

21 (2) obtain or attempt to obtain a controlled dangerous substance, or
22 procure or attempt to procure the administration of a controlled dangerous substance by:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) fraud, deceit, misrepresentation, or subterfuge;
- 2 (ii) the counterfeiting or alteration of a prescription or a written
3 order;
- 4 (iii) the concealment of a material fact;
- 5 (iv) the use of a false name or address;
- 6 (v) falsely assuming the title of or representing to be a
7 manufacturer, distributor, or authorized provider; or
- 8 (vi) making, issuing, or presenting a false or counterfeit prescription
9 or written order; **OR**

10 **(3) KEEP A DWELLING, A BUILDING, A VEHICLE, A VESSEL, AN**
11 **AIRCRAFT, OR ANY OTHER PLACE RESORTED TO BY INDIVIDUALS FOR THE PURPOSE**
12 **OF ADMINISTERING ILLEGALLY CONTROLLED DANGEROUS SUBSTANCES.**

13 5–605.

14 (a) “Common nuisance” means a dwelling, building, vehicle, vessel, aircraft, or
15 other place[:

16 (1) resorted to by individuals for the purpose of administering illegally
17 controlled dangerous substances; or

18 (2)] where controlled dangerous substances or controlled paraphernalia are
19 manufactured, distributed, dispensed, stored, or concealed illegally.

20 (b) A person may not keep a common nuisance.

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
22 October 1, 2017.