

May 28, 1969.

Honorable Thomas Hunter Lowe
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 820 and am returning it to you.

This Bill, as originally introduced, amended Section 122B(g) of Article 27 of the Annotated Code of Maryland to provide a greater penalty for second offenders convicted of any of the four offenses associated with the drug known as LSD and set forth in subsections (b), (c), (d) and (e) of Section 122B of Article 27. These separate offenses, as set out in the following four subsections, are: (b) unauthorized sale of the drug; (c) unauthorized possession of the drug; (d) unauthorized manufacture of the drug; and (e) administration of the drug to oneself.

As introduced, the Bill represented clear and fully desirable legislation. However, the Bill was amended in the course of the legislative process by adding a new sentence to subsection (c) which previously had related solely to the offense of possession. Under the amendment, subsection (c) would read:

“(c) It is unlawful for any person to have in his possession, unless for purposes of scientific research, the drug or compound known generally as LSD. Any person who has such unlawful possession for purposes of administering to himself or taking internally said drug or compound not under the direction of a licensed physician shall be punishable by the penalty provided for violations of subsection (e) of this Section.”

However, subsection (e), relating to the offense of administering LSD to oneself was not changed. Moreover, the parts of subsection (g) providing separate and different penalties for violations of subsection (c) and subsection (e) were not changed.

The Attorney General's office has advised me that the Bill in its present form is entirely unclear and may represent a lowering of the penalty for first offenders of the prohibition against possessing LSD.

One thing which is not completely clear under the amended Bill is whether possession of the drug on the one hand and self-administration of the drug on the other, are any longer entirely separate offenses subject to different and possibly cumulative penalties.

Another problem with the amended version of the Bill concerns the penalty for possession of the drug for purposes of self-administration. This is made unlawful by subsection (c) and, under subsection (g), violations of subsection (c) are subject to a maximum penalty of a \$500 fine or one year imprisonment. But, subsection (c) itself provides that possession for purposes of self-administration is subject to the penalty provided for violations of subsection (e), and subsection (g) provides a maximum penalty of a \$100 fine for violations of subsection (e).