

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).

Finally, as the amended Bill would probably be construed, the penalty for possession for purposes of self-administration is being lessened. Under the present law, any unauthorized possession, including possession for purposes of self-administration, subject to a maximum penalty of a \$500 fine or one year imprisonment or both. Under the amended Bill, possession for purposes of self-administration appears to be subject to the same penalty as violations of subsection (e), which is a maximum fine of \$100.

Because House Bill 820 is unclear and because it apparently lowers the penalty for the offense of possessing LSD, I have decided to veto it.

Sincerely,

/s/ Marvin Mandel,  
Governor.

*Read and journalized.*

Vetoed by the Governor—May 28, 1969

House Bill No. 820—By Delegate Menes:

An Act to repeal and re-enact, with amendments, ~~Section~~ SECTIONS 122B(C) AND 122B(g) of Article 27 of the Annotated Code of Maryland (1968 Supplement), title "Crime and Punishments," subtitle "Drugs," to provide a penalty for second and subsequent offenders convicted of violating any of the provisions pertaining to the use of the drug LSD AND TO PROVIDE THAT POSSESSION OF LSD FOR PURPOSES OF ADMINISTERING TO ONESELF OR TAKING INTERNALLY NOT UNDER THE DIRECTION OF A LICENSED PHYSICIAN SHALL BE PUNISHABLE BY THE PENALTY PROVIDED FOR VIOLATIONS OF SUBSECTION (E) OF THIS SECTION.

The Speaker put the question: Shall the bill pass notwithstanding the objections of the Executive?

Affirmative—None

Negative

Delegates—

Mr. Speaker, Briscoe, Fowler, Boyer, Athey, Thomason, Lipin, Burkhead, Connell, Helms, Allen, Fornos, Anderson, Benner, Compton, Nimmerrichter, Arata, Coolahan,