

CHAPTER 734

(Senate Bill 506)

AN ACT to repeal and re-enact, with amendments, as renumbered, Section 313B (1) of Article 27 of the Annotated Code of Maryland (1969 Supplement), title "Crimes and Punishments," subtitle "Crimes and Punishments," subheading "Health—State Drug Abuse Control Act," revising existing penalties and establishing new penalties for certain violations of the State Drug Abuse Control Act.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 313B (1) of Article 27 of the Annotated Code of Maryland (1969 Supplement), title "Crimes and Punishments," subtitle "Crimes and Punishments," subheading "Health—State Drug Abuse Control Act," be and it is hereby repealed and re-enacted, with amendments, as renumbered, to read as follows:

313B. ~~(e)~~ (1)

(1) Any person who violates the provisions of subsection (b), (c), or (f) of this section shall be guilty of a felony; and on conviction for the first offense, shall be subject to a penalty of imprisonment for not less than two (2) nor more than five (5) years, or a fine of not more than \$2,000, or both such imprisonment and fine. Second and subsequent convictions shall subject the person so convicted to imprisonment for not less than five (5) years or a fine of not more than \$5,000, or both such imprisonment and fine.

(2) Any person eighteen (18) years of age or older, who violates subsection **[(b)]** (c) of this section by selling, delivering, or otherwise disposing of any depressant or stimulant drug to a person who has not attained his 21st birthday shall, upon first conviction thereof, be subject to imprisonment for not more than five (5) years, or a fine of not more than \$5,000, or both such imprisonment and fine. For the second and any subsequent convictions for such violations, the defendant shall be subject to imprisonment for not more than ten (10) years, or a fine of not more than \$10,000, or both such imprisonment and fine.

(3) *Any person who violates the provisions of subsection (d), (e), (g) or (h) of this section shall be guilty of a misdemeanor; and on conviction shall be subject to a penalty of imprisonment for not more than two (2) years, or a fine of not more than \$1,000, or both such imprisonment and fine.*

[(3)] (4) No person shall be guilty of violating the provisions of subsection (f) if he can prove to the satisfaction of the court that in making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof, so as to render such drug a counterfeit, or in doing any act which causes a drug to be a counterfeit drug or the sale or dispensing, or the holding for sale of dispensing, of a counterfeit drug, he acted in good faith, and had no reason to believe the use of the punch, die, plate, stone, or other thing involved would result in a drug being a counterfeit drug.