

(7) Descriptive materials accompanying the object which explain or depict its use;

(8) National and local advertising concerning its use;

(9) The manner in which the object is displayed for sale;

(10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(11) Direct or circumstantial evidence of the ratio of sales of the object or objects 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 its use.

(c) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal a controlled dangerous substance in violation of this subheading. Any person who violates this subsection is guilty of a misdemeanor and upon conviction for a first offense may be fined not more than \$500. A person who is convicted of a subsequent violation of this [section] SUBSECTION may be imprisoned for not more than 2 years or fined not more than \$2,000 or both. Any person convicted of violating this [section] SUBSECTION who previously has been convicted of violating subsection (d)(2) shall be subject to the same penalties specified for subsequent violations of this [section] SUBSECTION.

(d) (1) It is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of this [act] SUBHEADING. Any person who violates this subsection is guilty of a misdemeanor and upon conviction for a first offense may be fined not more than \$500. A person who is convicted of a subsequent violation of this [section] SUBSECTION may be imprisoned for not more than 2 years or fined not more than \$2,000 or both. Any person convicted of violating this [section] SUBSECTION who previously has been convicted of violating [subsection (d)(2)] PARAGRAPH (2) OF THIS SUBSECTION shall be subject to