

SO AS TO GIVE IT THE DESTRUCTIVE CHARACTERISTICS OF A MILITARY ORDNANCE, INCLUDING A MOLOTOV COCKTAIL, PIPE BOMB, OR PETROLEUM SOAKED ~~FERTILIZER~~ AMMONIUM NITRATE.

(C) (1) "EXPLOSIVE MATERIAL" MEANS MATERIAL WHICH EXPLODES WHEN DETONATED AND HAS A DESTRUCTIVE CAPABILITY.

(2) "EXPLOSIVE MATERIAL" INCLUDES:

(I) EXPLOSIVES AS DEFINED IN ARTICLE 38A, § 26 OF THE CODE;
AND

(II) DYNAMITE FOR CONSTRUCTION WORK, ~~FERTILIZER FOR FARMING~~ AMMONIUM NITRATE, NATURAL GAS IN PIPELINES AND STORAGE TANKS, ETHER, AND CANNISTERIZED OXYGEN FOR HEALTH CARE FACILITIES.

(3) "EXPLOSIVE MATERIAL" DOES NOT INCLUDE THOSE ITEMS EXCLUDED AS EXPLOSIVES IN ARTICLE 38A, § 26 OF THE CODE WHEN THOSE ITEMS ARE USED IN THEIR ORIGINAL CONFIGURATION.

(D) (1) "INCENDIARY MATERIAL" MEANS A FLAMMABLE OR COMBUSTIBLE LIQUID.

(2) "INCENDIARY MATERIAL" INCLUDES GASOLINE, ACETONE, BENZENE, BUTANE, JET FUEL, FUEL OIL, KEROSENE, AND DIESEL FUEL.

(E) (1) "TOXIC MATERIAL" MEANS MATERIAL WHICH IS CAPABLE OF CAUSING DEATH OR SERIOUS BODILY INJURY ALMOST IMMEDIATELY ON BEING ABSORBED THROUGH THE SKIN, INHALED, OR INGESTED.

(2) "TOXIC MATERIAL" INCLUDES NERVE GAS, MUSTARD GAS, CYANIDE GAS, CHLORINE GAS, AND SULPHURIC ACID.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The definition of explosive material in subsection (c) incorporates by reference the definition of explosives in Article 38A, § 26. Subsection (c)(3) is added to clarify that fireworks, ammunition, and the other items excluded in Article 38A, § 26 are not destructive devices when used in their original configuration. If, however, they are deliberately altered and equipped with some type of detonation device, they would be covered by the definition of destructive device. For instance, ammunition would not be considered explosive material but a pipe bomb made from gunpowder obtained from ammunition would be covered.

139B. EXEMPTIONS FROM APPLICATION OF SUBHEADING.

THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

(1) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE WHILE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES;