

~~(J) (1) A PERSON MAY NOT MAKE A FRAUDULENT REPRESENTATION TO A LAW ENFORCEMENT OFFICIAL OF ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION.~~

~~(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

Article - Criminal Law

5-601.

(c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) A person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3) (I) IN A PROSECUTION FOR THE USE OR POSSESSION OF MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL NECESSITY.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SECTION, THE MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.

5-619.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.