

(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 PARAGRAPH (4) OF THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

(4) IF A PERSON WHO IS AT LEAST 18 YEARS OLD VIOLATES PARAGRAPH (1) OF THIS SUBSECTION BY DELIVERING DRUG PARAPHERNALIA TO A MINOR WHO IS AT LEAST 3 YEARS YOUNGER THAN THE PERSON, THE PERSON IS GUILTY OF A SEPARATE MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 8 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

(F) ADVERTISING; PENALTY.

(1) A PERSON MAY NOT ADVERTISE IN A NEWSPAPER, MAGAZINE, HANDBILL, POSTER, SIGN, MAILING, OR OTHER WRITING OR PUBLICATION, OR BY SOUND TRUCK, KNOWING, OR UNDER CIRCUMSTANCES WHERE ONE REASONABLY SHOULD KNOW, THAT THE PURPOSE OF THE ADVERTISEMENT, WHOLLY OR PARTLY, IS TO PROMOTE THE SALE OR DELIVERY OF DRUG PARAPHERNALIA.

(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.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 287A.

In subsection (a)(1) of this section, the former reference to "all" equipment, products, and materials "of any kind" is deleted as unnecessary.

Also in subsection (a)(1) of this section, the former phrase "but is not limited to" is deleted as unnecessary. *See* Art. 1, § 30.

In subsection (a)(2)(xii)6 of this section, the reference to a miniature "spoon used for cocaine" is substituted for the former reference to miniature "cocaine spoons" for clarity. The Criminal Law Article Review Committee calls this substitution to the attention of the General Assembly.

In subsection (b) of this section, the former reference to a court "or other authority" is deleted as unnecessary.

In subsections (c)(3) and (e)(3) of this section, the phrase "for the first time" is added for clarity.

In subsections (d)(1) and (e)(1) of this section, the references to actions being prohibited "[u]nless authorized under this title" are substituted for the former references to actions being unlawful if "in violation of this