

FILED

COUNTY COUNCIL

2009 DEC 16 PM 4: 21

OF

DORCHESTER COUNTY, MARYLAND

CIRCUIT COURT
DORCHESTER COUNTY

2009 Legislative Session,
Legislative Day 17 November 17, 2009

Introduced By: County Council

BILL NO. 2009 - 14

An Act of the County Council of Dorchester County, Maryland to add New Chapter 12 entitled "Criminal Law" to the Code of Public Local Laws of Dorchester County, Maryland being Article 10 of the Code of Public Local Laws of Maryland to establish regulations to prohibit the possession and distribution of salvia and its related paraphernalia.

Introduced, read first time, ordered posted on official bulletin board of County Office Building, 501 Court Lane, Cambridge, Maryland, 21613.

Ordered publication for once a week for three (3) consecutive weeks, and public hearing scheduled on Tuesday, December 15, 2009, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:25 P.M.

By order:


Jane Baynard, County Manager

**COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND**

BILL NO. 2009 - 14

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO ADD NEW CHAPTER 12 ENTITLED "CRIMINAL LAW" TO THE CODE OF PUBLIC LOCAL LAWS OF DORCHESTER COUNTY, MARYLAND BEING ARTICLE 10 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND TO ESTABLISH REGULATIONS TO PROHIBIT THE POSSESSION AND DISTRIBUTION OF SALVIA AND ITS RELATED PARAPHERNALIA.

SECTION ONE: Acting under Article 25A, Section 5(S) of the Annotated Code of Maryland (The "Act") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland to add New Chapter 12 entitled "Criminal Law" to the Code of Public Local Laws of Dorchester County, Maryland being Article 10 of the Code of Public Laws of Maryland to establish regulations to prohibit the possession and distribution of salvia and its related paraphernalia to read as follows:

CRIMINAL LAW

ARTICLE I

Crimes Involving Dangerous Substances And Paraphernalia

§ 12.1. Salvia.

- (a) Legislative Findings. The County Council of Dorchester County, Maryland has determined that:
- (1) Salvia is known to be a hallucinogenic psychoactive substance, which can cause a loss of physical coordination, visual alterations or visions, multiple realities, a sense of total confusion or madness, a sense of flying, floating, twisting or turning, a loss of sense of awareness as an individual, and other hallucinations; and
 - (2) The County Council of Dorchester County, Maryland has received recommendations from the Sheriff of Dorchester County, Maryland and the Dorchester County Health Department that regulations be established to prohibit the possession and distribution of salvia and its relate paraphernalia; and

(3) The County Council of Dorchester County, Maryland believes that it is in the best interest of the health, safety and general welfare of its citizens and sojourners to prohibit the possession and distribution of salvia, and its related paraphernalia.

(b) Definitions. For the purposes of this section, the following definitions shall apply:

SALVIA – a material, compound, mixture or preparation in any form that contains the component salvinorin A, and is known variously as Salvia, Salvia Divinorum, Ska Pastora, Diviner’s Mint, Sally-D, Lady Salvia or any other name.

SALVIA PARAPHERNALIA – equipment, a product, or material that is used, intended for use, or designed for use, in: (i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing salvia; or (ii) injecting, ingesting, inhaling, or otherwise introducing salvia into the human body, as defined and set forth in §5-101 of the Criminal Law Article of the Annotated Code of Maryland, as from time to time amended, pursuant to the factors set forth in §5-619 of the Criminal Law Article of the Annotated Code of Maryland, as from time to time amended.

(c) Prohibited acts. The following acts are hereby prohibited:

- (1) It shall be unlawful to possess or administer to another salvia.
- (2) It shall be unlawful to manufacture, distribute, or dispense salvia.
- (3) It shall be unlawful to distribute, attempt to distribute a non-controlled substance: (i) that the person represents is salvia; (ii) that the person intends for use or distribution as salvia; or (iii) under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as salvia.
- (4) It shall be unlawful to possess or purchase a non-controlled substance that the person reasonably believes is salvia.
- (5) It shall be unlawful to use or possess with intent to use salvia paraphernalia.
- (6) It shall be unlawful to offer for sale, deliver, sell or distribute salvia paraphernalia.

(7) It shall be unlawful to own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing salvia; or (ii) manufacturing, distributing, dispensing, storing or concealing salvia paraphernalia.

(d) Violations and penalties. A person who is convicted of any prohibited act under this Subtitle shall be guilty of a misdemeanor and be subject to imprisonment for up to six (6) months, or fined up to one thousand dollars (\$1,000.00), or both.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND that General Code Publishers is directed to codify new Chapter 12 to the Code of Public Local Laws of Dorchester County, Maryland accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2009-14 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED THIS 15TH DAY OF DECEMBER, 2009

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

APPROVED THIS 15TH DAY OF DECEMBER, 2009

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

NICHOLS - *absent*

NEWCOMB - *aye*

ELZEY - *aye*

PRICE - *aye*

TRAVERS - *aye*

BILL NO. 2009- 14

cd2:Nov.09
Salvia-Code.Bill/bmk