

Maryland Sale of a Controlled Substance Laws

How Maryland Classifies CDS

Maryland divides CDS into five “schedules.” Schedule I lists the most dangerous drugs, which have a high probability of abuse and addiction, and no recognized medical value. Schedules II, III, IV, and V decrease in dangerousness and probability of abuse; and increase in recognized medical uses.

These schedules are also used to determine the applicable penalties for illegally possessing specific CDS (described in the next section). If you’ve been arrested for illegal CDS possession, you’ll need to consult the Maine Code that lists precisely which drugs fit into each group. Go to the statute ([Md. Ann. Code. § 5-402, 5-403, 5-404, 5-405, & 5-406.](#)) and find the substance you're charged with possessing -- it will be listed under one of the five Schedules.

Penalties for Making or Selling CDS

It is illegal in Maryland to make, sell, or possess CDS with the intent to do these things; with few exceptions, such as a doctor who legally prescribes a prescription medication. Penalties vary according to the Schedule of the CDS involved. (Md. Ann. Code. § 5-602.)

Schedule I and II narcotic substances

Making, selling, or possessing Schedule I or II Narcotic CDS with the intent to do those things incurs a fine of up to \$25,000, up to 20 years in prison, or both. Second convictions incur a fine of up to \$100,000, at least ten years in prison, or both. Third convictions incur a fine of up to \$100,000, at least 25 years in prison, or both. Fourth convictions incur a fine of up to \$100,000, at least 40 years in prison, or both. (Md. Ann. Code. § 5-608.)

Schedule I and II hallucinogenic substances

Making, selling, or possessing a Schedule I or II hallucinogenic CDS with the intent to do those things incurs a fine of up to \$20,000, up to 20 years in prison, or both. Second convictions incur a fine of up to \$100,000, at least ten years in prison, or both. Third convictions incur a fine of up to \$100,000, at least 25 years in prison, or both. Fourth convictions incur a fine of up to \$100,000, at least 40 years in prison, or both. (Md. Ann. Code. § 5-609.)

Schedule III, IV, and V substances

Making, selling, or possessing a Schedule III, IV, or V CDS with the intent to do those things incurs a fine of up to \$15,000, up to five years in prison, or both. Second and subsequent convictions incur a fine of up to \$15,000, at least two (and up to five) years in prison, or both. (Md. Ann. Code. § 5-607.)

What Does Drug Possession Mean Under Maryland Law?

Legally, possession refers to having control over something. This means the drugs don't have to be in your pocket or your hand. If you can exercise control over them, they are in your possession. If the drugs are found under your car seat, on your end table, or laying loose in your lap, you are considered in "possession" of them.

Marijuana Possession

Marijuana is the only drug that requires a different penalty under Maryland law. If you are convicted of being in possession of marijuana, you will face misdemeanor penalties of up to one year in jail.

Maryland Drug Possession – Penalties

If you are found in possession of any other drug, aside from marijuana, you will face a felony charge. Possession of drugs carries a potential 4 year prison sentence and fines reaching \$25,000. This maximum potential sentence applies to drugs like cocaine, heroin, ecstasy, LSD, meth, and prescription drugs.

Alternatives to Incarceration

There are no hard and fast rules in Maryland when it comes to who gets probation and who doesn't. There are no guaranteed second chances here. The court, with the help of the prosecution, will weigh many factors in determining your sentence. With the assistance of an aggressive defense attorney, you may be able to argue that you are a good candidate for such an alternative, increasing your chances of being granted probation instead of active jail time. But remember, if you're caught in violation of this probation, you could go back to jail.

When you are charged with drug possession, having someone in your corner looking out for your best interest is important. While we can tell you what the law says, an experienced criminal defense attorney can help you build a rock solid defense and weigh any other potential options.

Cocaine Statutes in Maryland

The charges and penalties under Maryland's cocaine laws are listed below.

Code Section	Art. 27 §§276, et seq.
Possession	Misdemeanor with penalty of up to 4 yrs. and/or \$25,000; Bringing 28 g. into state: felony with penalty of up to \$50,000 and/or 25 yrs.; Subsequent offense: double penalties
Sale	Felony with penalty of 20 yrs. and/or \$25,000; Sale of more than 448 g. or 50 g. of crack: not less than 40 yrs.; Subsequent offense: double penalties; 2 yrs. mandatory, not less than 10 yr. sentence; Third offense: not less than 40 yrs. Sale to minors or near school property: stricter penalties
Trafficking	If "drug kingpin" 20-40 yrs. and/or \$1,000,000 fine

There are Maryland state statutes as well as federal laws on the books. Federal drug laws prohibit simple cocaine possession along with manufacturing and cultivation and trafficking and distribution. As seen above, penalties for cocaine possession or sale can be severe and generally vary depending on whether you have prior drug convictions and the quantity of drugs involved.

In some cases, prosecutors can offer a plea bargain to a lower-level offender in exchange for helping to build a case against higher-level producers and dealers.

In addition, some jurisdictions have recently created specialized “drug courts” that allow first or second-time drug crime defendants to spend time in treatment in lieu of a jail sentence.

Offense	Penalty	Incarceration	Max. Fine
Possession Marijuana			
Personal Use			
10 g or less	fine-only*	none	\$ 100
10g - 50 lbs	misdemeanor	1 year	\$ 1,000
With intent to distribute			
Less than 50 lbs	felony	5 years	\$ 15,000
More than 50 lbs	felony	5 years**	\$ 15,000
More than 50 lbs (drug kingpin)	felony	20 - 40 years	\$ 1,000,000
In a school vehicle, or in, on, or within 1000 feet of an elementary or secondary school	felony	2 - 5 years	\$ 40,000
Involving a minor	felony	20 years	\$ 20,000
* Fine increases to \$250 for second-time offenders.			
** Subsequent offense carries a mandatory minimum sentence of 2 years.			
Trafficking			
5 - 45 kgs	felony	10 years	\$ 10,000
More than 45 kgs	felony	25 years	\$ 50,000
In possession of a firearm while trafficking	felony	5* - 20 years	\$ 0
* Mandatory minimum sentence			
Cultivation			
See Possession section for details.			
Hash & Concentrates			
Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.			
Paraphernalia			
Possession of paraphernalia	misdemeanor	1 year	\$ 1,000
Selling paraphernalia	misdemeanor	2 years	\$ 2,000
To a minor who is at least 3 years younger	misdemeanor	8 years	\$ 15,000
Advertising the distribution of paraphernalia	misdemeanor	2 years	\$ 2,000
Paraphernalia includes all equipment and materials used in the use, manufacture, or distribution of marijuana			