

HOUSE BILL 1016

E1

4lr2228

By: **Delegates Dwyer, Anderson, and Smigiel**

Introduced and read first time: February 6, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis Freedom Act**

3 FOR the purpose of stating certain findings and declarations of the General Assembly
4 relating to federal acts, laws, orders, rules, and regulations resulting in a
5 prohibition of cannabis; prohibiting a State agency, political subdivision of the
6 State, a certain agent or employee of the State or a political subdivision of the
7 State, or a certain corporation from taking certain actions in furtherance of a
8 federal act, law, order, rule, or regulation prohibiting cannabis within the State;
9 establishing certain penalties for a violation of this Act; providing for the
10 severability of this Act; and generally relating to cannabis.

11 BY adding to

12 Article – Criminal Law

13 Section 5–629

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 **5–629.**

20 **(A) THE GENERAL ASSEMBLY FINDS THAT:**

21 **(1) AS UNDERSTOOD AT THE TIME OF THE FOUNDING OF THE**
22 **UNITED STATES, THE REGULATION OF COMMERCE WAS MEANT TO EMPOWER**
23 **THE UNITED STATES CONGRESS TO REGULATE:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE BUYING AND SELLING OF PRODUCTS MADE BY**
2 **OTHERS AND SOMETIMES THE BUYING AND SELLING OF LAND;**

3 **(II) ASSOCIATED FINANCE AND FINANCIAL INSTRUMENTS;**
4 **AND**

5 **(III) NAVIGATION AND OTHER CARRIAGE ACROSS STATE**
6 **JURISDICTIONAL LINES;**

7 **(2) THIS INTERSTATE REGULATION OF COMMERCE DID NOT**
8 **INCLUDE AGRICULTURE, MANUFACTURING, MINING, MALUM IN SE CRIME, LAND**
9 **USE, OR ACTIVITIES THAT MERELY AFFECTED COMMERCE; AND**

10 **(3) ALL FEDERAL ACTS, LAWS, ORDERS, RULES, AND**
11 **REGULATIONS RESULTING IN A PROHIBITION OF CANNABIS ARE A VIOLATION OF**
12 **THE UNITED STATES CONSTITUTION.**

13 **(B) THE GENERAL ASSEMBLY DECLARES THAT ALL FEDERAL ACTS,**
14 **LAWS, ORDERS, RULES, AND REGULATIONS THAT RESULT IN A PROHIBITION OF**
15 **CANNABIS FARMING, PRODUCTION, POSSESSION, AND SALE:**

16 **(1) ARE NOT AUTHORIZED BY THE CONSTITUTION OF THE**
17 **UNITED STATES;**

18 **(2) VIOLATE THE TRUE MEANING AND INTENT OF THE**
19 **CONSTITUTION AS GIVEN BY THE FOUNDERS AND RATIFIERS;**

20 **(3) ARE HEREBY DECLARED TO BE INVALID IN THIS STATE;**

21 **(4) SHALL NOT BE RECOGNIZED BY THIS STATE;**

22 **(5) ARE SPECIFICALLY REJECTED BY THIS STATE; AND**

23 **(6) SHALL BE CONSIDERED NULL AND VOID AND OF NO EFFECT IN**
24 **THIS STATE.**

25 **(C) NOTWITHSTANDING ANY LAW, REGULATION, RULE, OR ORDER TO**
26 **THE CONTRARY, A STATE AGENCY, POLITICAL SUBDIVISION OF THE STATE, AN**
27 **AGENT OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE**
28 **STATE ACTING IN THE AGENT'S OR EMPLOYEE'S OFFICIAL CAPACITY, OR**
29 **CORPORATION PROVIDING SERVICES ON BEHALF OF THE STATE OR A**
30 **POLITICAL SUBDIVISION OF THE STATE MAY NOT:**

1 **(1) ENFORCE A FEDERAL ACT, LAW, ORDER, RULE, OR**
2 **REGULATION PROHIBITING CANNABIS WITHIN THE STATE;**

3 **(2) PROVIDE MATERIAL SUPPORT, PARTICIPATION, OR**
4 **ASSISTANCE TO A FEDERAL AGENCY OR EMPLOYEE ENGAGED IN THE**
5 **ENFORCEMENT OF, OR INVESTIGATION OF AN ALLEGED VIOLATION OF, A**
6 **FEDERAL ACT, LAW, ORDER, RULE, OR REGULATION PROHIBITING CANNABIS**
7 **WITHIN THE STATE; OR**

8 **(3) USE STATE ASSETS, STATE FUNDS, OR FUNDS ALLOCATED BY**
9 **THE STATE TO LOCAL ENTITIES TO ENGAGE IN AN ACTIVITY THAT AIDS A**
10 **FEDERAL AGENCY, FEDERAL AGENT, OR CORPORATION PROVIDING SERVICES**
11 **TO THE FEDERAL GOVERNMENT IN THE ENFORCEMENT OF A FEDERAL ACT,**
12 **LAW, ORDER, RULE, OR REGULATION PROHIBITING CANNABIS WITHIN THE**
13 **STATE.**

14 **(D) (1) STATE GRANT FUNDS FOR A POLITICAL SUBDIVISION SHALL**
15 **BE DENIED FOR THE FISCAL YEAR FOLLOWING THE YEAR IN WHICH A FINAL**
16 **JUDICIAL DETERMINATION IN AN ACTION BROUGHT UNDER THIS SECTION IS**
17 **MADE THAT THE POLITICAL SUBDIVISION HAS INTENTIONALLY VIOLATED**
18 **SUBSECTION (C) OF THIS SECTION.**

19 **(2) AN AGENT OR EMPLOYEE OF THE STATE OR OF A POLITICAL**
20 **SUBDIVISION OF THE STATE WHO KNOWINGLY VIOLATES SUBSECTION (C) OF**
21 **THIS SECTION:**

22 **(I) SHALL BE DEEMED TO HAVE RESIGNED ANY**
23 **COMMISSION OF THE STATE THAT THE AGENT OR EMPLOYEE MAY POSSESS; AND**

24 **(II) SHALL BE FOREVER THEREAFTER INELIGIBLE FOR ANY**
25 **OFFICE OF TRUST, HONOR, OR EMOLUMENT UNDER THE LAWS OF THE STATE.**

26 **(3) A PERSON PROVIDING SERVICES TO OR ON BEHALF OF THE**
27 **STATE WHO VIOLATES SUBSECTION (C) OF THIS SECTION SHALL BE FOREVER**
28 **INELIGIBLE TO ACT ON BEHALF OF, OR PROVIDE SERVICES TO, THE STATE OR A**
29 **POLITICAL SUBDIVISION OF THE STATE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
31 Act or the application thereof to any person or circumstance is held invalid for any
32 reason in a court of competent jurisdiction, the invalidity does not affect other
33 provisions or any other application of this Act which can be given effect without the
34 invalid provision or application, and for this purpose the provisions of this Act are
35 declared severable.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.