

HOUSE BILL 183

E1

6lr1489

By: Delegates Valentino-Smith, B. Wilson, Atterbeary, Barron, Beidle, Bromwell, Clippinger, Dumais, Folden, Fraser-Hidalgo, Hill, Jackson, Krimm, Lisanti, Patterson, Rosenberg, Smith, Sophocleus, Vallario, and C. Wilson C. Wilson, and Kittleman

Introduced and read first time: January 21, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Law~~ Vehicle Laws – Smoking Marijuana in ~~Public and in~~ Vehicles –
3 Prohibition

4 FOR the purpose of ~~prohibiting a person from smoking marijuana in a public place, with a~~
5 ~~certain exception~~, prohibiting a driver of a motor vehicle from smoking or consuming
6 marijuana in the passenger area of the motor vehicle on a highway; prohibiting an
7 occupant of a motor vehicle from smoking marijuana in the passenger area of the
8 motor vehicle on a highway; establishing certain penalties; ~~defining certain terms~~;
9 and generally relating to smoking marijuana.

10 ~~BY adding to~~
11 ~~Article — Criminal Law~~
12 ~~Section 5 — 601.2~~
13 ~~Annotated Code of Maryland~~
14 ~~(2012 Replacement Volume and 2015 Supplement)~~

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article — Criminal Law~~
17 ~~Section 10 — 201(a)(3)~~
18 ~~Annotated Code of Maryland~~
19 ~~(2012 Replacement Volume and 2015 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 21–903
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2015 Supplement)

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

8 ~~Article – Criminal Law~~

9 ~~5–601.2.~~

10 ~~(A) (1) IN THIS SECTION, “PUBLIC PLACE” HAS THE MEANING STATED IN~~
 11 ~~§ 10–201 OF THIS ARTICLE.~~

12 ~~(2) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, “PUBLIC~~
 13 ~~PLACE” DOES NOT INCLUDE A PRIVATE RESIDENCE OR THE CURTLAGE OF THE~~
 14 ~~PRIVATE RESIDENCE.~~

15 ~~(B) A PERSON MAY NOT SMOKE MARIJUANA IN A PUBLIC PLACE, UNLESS~~
 16 ~~AUTHORIZED BY A GOVERNMENT ENTITY THAT HAS JURISDICTION OVER THE~~
 17 ~~PUBLIC PLACE.~~

18 ~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR~~
 19 ~~AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.~~

20 ~~10–201.~~

21 ~~(a) (3) (i) “Public place” means a place to which the public or a portion of~~
 22 ~~the public has access and a right to resort for business, dwelling, entertainment, or other~~
 23 ~~lawful purpose.~~

24 ~~(ii) “Public place” includes:~~

25 ~~1. a restaurant, shop, shopping center, store, tavern, or other~~
 26 ~~place of business;~~

27 ~~2. a public building;~~

28 ~~3. a public parking lot;~~

29 ~~4. a public street, sidewalk, or right of way;~~

30 ~~5. a public park or other public grounds;~~

~~6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;~~

~~7. a hotel or motel;~~

~~8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;~~

~~9. an institution of elementary, secondary, or higher education;~~

~~10. a place of public worship;~~

~~11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and~~

~~12. the parking areas, sidewalks, and other grounds and structures that are part of a public place.~~

Article – Transportation

21-903.

(a) (1) In this section the following words have the meanings indicated.

(2) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that contains at least 0.5% alcohol by volume and is fit for beverage purposes.

(3) (i) “Passenger area” means an area that:

1. Is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation; or

2. Is readily accessible to the driver or a passenger of a motor vehicle while in their seating positions.

(ii) “Passenger area” does not include:

1. A locked glove compartment;

2. The trunk of a motor vehicle; or

3. If a motor vehicle is not equipped with a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or a passenger of the motor vehicle.

1 (b) This section applies to a motor vehicle that is driven, stopped, standing, or
2 otherwise located on a highway.

3 (c) A driver of a motor vehicle may not consume an alcoholic beverage in a
4 passenger area of a motor vehicle on a highway.

5 **(D) A DRIVER OF A MOTOR VEHICLE MAY NOT SMOKE OR OTHERWISE**
6 **CONSUME MARIJUANA IN A PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.**

7 **(E) AN OCCUPANT OF A MOTOR VEHICLE MAY NOT SMOKE MARIJUANA IN A**
8 **PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.**

9 **[(d)] (F)** Notwithstanding Article 2B, Title 19 of the Code or any other provision
10 of law, the prohibition contained in this section applies throughout the State.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.