

HOUSE BILL 777

E1

6lr2918

By: **Delegates B. Wilson, Flanagan, Kittleman, W. Miller, Parrott, and Szeliga**
Introduced and read first time: February 8, 2016
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Smoking or Consuming Marijuana in a Public Place –**
3 **Prohibition**

4 FOR the purpose of prohibiting a person from smoking or consuming marijuana in certain
5 public places; establishing a certain penalty; defining certain terms; and generally
6 relating to smoking or consuming marijuana.

7 BY repealing and reenacting, without amendments,

8 Article – Criminal Law

9 Section 5–601(a)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

12 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

13 BY repealing

14 Article – Criminal Law

15 Section 5–601(c)(4)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2015 Supplement)

18 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

19 BY adding to

20 Article – Criminal Law

21 Section 5–601.2

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2015 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-601.

2 (a) Except as otherwise provided in this title, a person may not:

3 (1) possess or administer to another a controlled dangerous substance,
4 unless obtained directly or by prescription or order from an authorized provider acting in
5 the course of professional practice; or

6 (2) obtain or attempt to obtain a controlled dangerous substance, or
7 procure or attempt to procure the administration of a controlled dangerous substance by:

8 (i) fraud, deceit, misrepresentation, or subterfuge;

9 (ii) the counterfeiting or alteration of a prescription or a written
10 order;

11 (iii) the concealment of a material fact;

12 (iv) the use of a false name or address;

13 (v) falsely assuming the title of or representing to be a
14 manufacturer, distributor, or authorized provider; or

15 (vi) making, issuing, or presenting a false or counterfeit prescription
16 or written order.

17 (c) [(4) A violation of this section involving the smoking of marijuana in a
18 public place is a civil offense punishable by a fine not exceeding \$500.]

19 **5-601.2.**

20 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 (2) **“PUBLIC CONVEYANCE” HAS THE MEANING STATED IN § 10-201**
23 **OF THIS ARTICLE.**

24 (3) **“PUBLIC PLACE” HAS THE MEANING STATED IN § 10-201 OF THIS**
25 **ARTICLE.**

26 (B) **FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, A PUBLIC**
27 **PLACE OR PUBLIC CONVEYANCE NEED NOT BE DEVOTED SOLELY TO PUBLIC USE.**

28 (C) **A PERSON MAY NOT SMOKE OR OTHERWISE CONSUME MARIJUANA:**

1 **(1) IN A PUBLIC PLACE;**

2 **(2) IN OR ON A PUBLIC CONVEYANCE; OR**

3 **(3) IN ANY AREA OTHERWISE ACCESSIBLE TO THE PUBLIC,**
4 **INCLUDING:**

5 **(I) AN INDOOR AREA OPEN TO THE PUBLIC;**

6 **(II) AN INDOOR PLACE IN WHICH MEETINGS ARE OPEN TO THE**
7 **PUBLIC;**

8 **(III) A GOVERNMENT-OWNED OR GOVERNMENT-OPERATED**
9 **MEANS OF MASS TRANSPORTATION; OR**

10 **(IV) AN INDOOR PLACE OF EMPLOYMENT.**

11 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
12 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

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