

# SENATE BILL 1036

E1

6lr3735  
CF HB 1304

---

By: **Senator Muse**

Introduced and read first time: February 17, 2016

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Smoking Marijuana in Public – Penalty**

3 FOR the purpose of repealing a civil fine for smoking marijuana in public; providing that  
4 smoking marijuana in a public place is a criminal misdemeanor; establishing a  
5 certain penalty; defining a certain term; and generally relating to marijuana.

6 BY repealing and reenacting, without amendments,  
7 Article – Criminal Law  
8 Section 5–601(a) and (b)  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2015 Supplement)  
11 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

12 BY repealing  
13 Article – Criminal Law  
14 Section 5–601(c)(4)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2015 Supplement)  
17 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

18 BY adding to  
19 Article – Criminal Law  
20 Section 5–601.2  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2015 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article – Criminal Law  
25 Section 10–201(a)(3)  
26 Annotated Code of Maryland  
27 (2012 Replacement Volume and 2015 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 **5–601.**

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

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

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

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

12 (ii) the counterfeiting or alteration of a prescription or a written  
13 order;

14 (iii) the concealment of a material fact;

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

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

18 (vi) making, issuing, or presenting a false or counterfeit prescription  
19 or written order.

20 (b) Information that is communicated to a physician in an effort to obtain a  
21 controlled dangerous substance in violation of this section is not a privileged  
22 communication.

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

25 **5–601.2.**

26 (A) IN THIS SECTION, “PUBLIC PLACE” HAS THE MEANING STATED IN §  
27 10–201 OF THIS ARTICLE.

28 (B) A PERSON MAY NOT SMOKE MARIJUANA IN A PUBLIC PLACE.

1           **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
2 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

3 10–201.

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

7                           (ii)   “Public place” includes:

- 8                           1.    a restaurant, shop, shopping center, store, tavern, or other  
9 place of business;
- 10                          2.    a public building;
- 11                          3.    a public parking lot;
- 12                          4.    a public street, sidewalk, or right-of-way;
- 13                          5.    a public park or other public grounds;
- 14                          6.    the common areas of a building containing four or more  
15 separate dwelling units, including a corridor, elevator, lobby, and stairwell;
- 16                          7.    a hotel or motel;
- 17                          8.    a place used for public resort or amusement, including an  
18 amusement park, golf course, race track, sports arena, swimming pool, and theater;
- 19                          9.    an institution of elementary, secondary, or higher  
20 education;
- 21                          10.   a place of public worship;
- 22                          11.   a place or building used for entering or exiting a public  
23 conveyance, including an airport terminal, bus station, dock, railway station, subway  
24 station, and wharf; and
- 25                          12.   the parking areas, sidewalks, and other grounds and  
26 structures that are part of a public place.

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