

SENATE BILL 1093

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6lr3689

By: **Senator Astle**

Introduced and read first time: February 22, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Construction of Laws Governing Medical Cannabis – Liability**
3 **for Costs Resulting From Use**

4 FOR the purpose of providing that certain provisions of law may not be construed to require
5 an employer, the Maryland Medical Assistance Program, or certain insurance
6 carriers to pay for or reimburse a person for certain costs that result from an
7 individual's use of medical cannabis in accordance with certain provisions of law; and
8 generally relating to the construction of laws governing medical cannabis.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 13–3314
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

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

16 **Article – Health – General**

17 13–3314.

18 (a) This subtitle may not be construed to authorize any individual to engage in,
19 and does not prevent the imposition of any civil, criminal, or other penalties for, the
20 following:

21 (1) Undertaking any task under the influence of marijuana or cannabis,
22 when doing so would constitute negligence or professional malpractice;

23 (2) Operating, navigating, or being in actual physical control of any motor
24 vehicle, aircraft, or boat while under the influence of marijuana or cannabis;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Smoking marijuana or cannabis in any public place;

2 (4) Smoking marijuana or cannabis in a motor vehicle; or

3 (5) Except as provided in subsection (b) of this section, smoking marijuana
4 or cannabis on a private property that:

5 (i) 1. Is rented from a landlord; and

6 2. Is subject to a policy that prohibits the smoking of
7 marijuana or cannabis on the property; or

8 (ii) Is subject to a policy that prohibits the smoking of marijuana or
9 cannabis on the property of an attached dwelling adopted by one of the following entities:

10 1. The board of directors of the council of unit owners of a
11 condominium regime; or

12 2. The governing body of a homeowners association.

13 (b) The provisions of subsection (a)(5) of this section do not apply to vaporizing
14 cannabis.

15 (c) This subtitle may not be construed to provide immunity to a person who
16 violates the provisions of this subtitle from criminal prosecution for a violation of any law
17 prohibiting or regulating the use, possession, dispensing, distribution, or promotion of
18 controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs,
19 or any conspiracy or attempt to commit any of those offenses.

20 (d) This subtitle may not be construed to require a hospital, medical facility, or
21 hospice program to report to the Commission any disciplinary action taken by the hospital,
22 medical facility, or hospice program against a certifying physician, including the revocation
23 of privileges, after the registration of the certifying physician by the Commission.

24 (e) This subtitle may not be construed to prohibit a person from being
25 concurrently licensed by the Commission as a grower, a dispensary, or a processor.

26 **(F) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE AN EMPLOYER, A**
27 **PROPERTY AND CASUALTY INSURER, THE MARYLAND MEDICAL ASSISTANCE**
28 **PROGRAM, OR A HEALTH INSURANCE CARRIER TO PAY FOR OR REIMBURSE A**
29 **PERSON FOR COSTS RELATING TO BODILY INJURY OR OTHER LOSS THAT RESULTS**
30 **FROM AN INDIVIDUAL'S USE OF CANNABIS IN ACCORDANCE WITH THIS SUBTITLE.**

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