

SENATE BILL 714

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8lr2813
CF HB 1218

By: Washington County Senators and Anne Arundel County Senators

Introduced and read first time: February 2, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 8, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Anne Arundel County and Washington County~~ **Possession of Medical Cannabis**
3 **in Local Correctional Facilities – Prohibition**

4 FOR the purpose of providing that a certain provision of law may not be construed to
5 authorize the possession of marijuana or cannabis on the grounds of a local
6 correctional facility ~~in Anne Arundel County and Washington County~~; authorizing
7 the imposition of certain penalties for the possession of marijuana or cannabis on the
8 grounds of a local correctional facility ~~in Anne Arundel County and Washington~~
9 ~~County~~; making a conforming change; providing for the application of this Act; and
10 generally relating to the prohibition of marijuana and cannabis on the grounds of a
11 local correctional facility ~~in Anne Arundel County and Washington County~~.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 13–3314
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2017 Supplement)

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

19 **Article – Health – General**

20 13–3314.

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

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

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

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

9 (4) Smoking marijuana or cannabis in a motor vehicle; [or]

10 (5) **POSSESSING MARIJUANA OR CANNABIS ON THE GROUNDS OF A**
11 **LOCAL CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL**
12 **SERVICES ARTICLE, ~~LOCATED IN WASHINGTON COUNTY; OR~~**

13 (6) Except as provided in subsection (b) of this section, smoking marijuana
14 or cannabis on a private property that:

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

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

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

20 1. The board of directors of the council of unit owners of a
21 condominium regime; or

22 2. The governing body of a homeowners association.

23 (b) The provisions of subsection [(a)(5)] **(A)(6)** of this section do not apply to
24 vaporizing cannabis.

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

30 (d) This subtitle may not be construed to require a hospital, medical facility, or
31 hospice program to report to the Commission any disciplinary action taken by the hospital,

1 medical facility, or hospice program against a certifying provider, including the revocation
2 of privileges, after the registration of the certifying provider by the Commission.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
6 apply only prospectively and may not be applied or interpreted to have any effect on or
7 application to any cause of action arising before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.