

SENATE BILL 862

F2

9lr2717

By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord–Tenant – Tenant Protections – Medical Cannabis**

3 FOR the purpose of prohibiting a landlord from denying a certain patient a lease solely on
4 the basis of the possession of medical cannabis or the consumption of nonsmoked
5 medical cannabis; prohibiting a landlord from denying a certain caregiver a lease
6 solely on the basis of the possession of medical cannabis; providing that a certain
7 tenant who possesses medical cannabis or consumes nonsmoked medical cannabis is
8 not in breach of a lease solely on the basis of the possession or consumption of the
9 cannabis; providing that a certain tenant who possesses medical cannabis is not in
10 breach of a lease solely on the basis of the possession of medical cannabis; defining
11 certain terms; and generally relating to tenant protections and medical cannabis.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 13–3301(a), (b), and (m)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 8–218 and 8–402.1(d)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2018 Supplement)

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

24 **Article – Health – General**

25 13–3301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (b) “Caregiver” means:

3 (1) A person who has agreed to assist with a qualifying patient’s medical
4 use of cannabis; and

5 (2) For a qualifying patient under the age of 18 years, a parent or legal
6 guardian.

7 (m) “Qualifying patient” means an individual who:

8 (1) Has been provided with a written certification by a certifying provider
9 in accordance with a bona fide provider–patient relationship; and

10 (2) If under the age of 18 years, has a caregiver.

11 Article – Real Property

12 8–218.

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) “CAREGIVER” HAS THE MEANING STATED IN § 13–3301 OF THE
16 HEALTH – GENERAL ARTICLE.

17 (3) “NONSMOKED MEDICAL CANNABIS” MEANS MEDICAL CANNABIS
18 THAT IS CONSUMED BY A QUALIFYING PATIENT THROUGH A MEANS OTHER THAN
19 BURNING.

20 (4) “QUALIFYING PATIENT” HAS THE MEANING STATED IN § 13–3301
21 OF THE HEALTH – GENERAL ARTICLE.

22 (B) A LANDLORD MAY NOT DENY A QUALIFYING PATIENT A LEASE SOLELY
23 ON THE BASIS OF THE POSSESSION OF MEDICAL CANNABIS OR A RELATED PRODUCT
24 OR THE CONSUMPTION OF NONSMOKED MEDICAL CANNABIS.

25 (C) A LANDLORD MAY NOT DENY A CAREGIVER A LEASE SOLELY ON THE
26 BASIS OF THE POSSESSION OF MEDICAL CANNABIS OR A RELATED PRODUCT.

27 8–402.1.

28 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
29 MEANINGS INDICATED.

1 (II) “CAREGIVER” HAS THE MEANING STATED IN § 13-3301 OF
2 THE HEALTH – GENERAL ARTICLE.

3 (III) “NONSMOKED MEDICAL CANNABIS” MEANS MEDICAL
4 CANNABIS THAT IS CONSUMED BY A QUALIFYING PATIENT THROUGH A MEANS
5 OTHER THAN BURNING.

6 (IV) “QUALIFYING PATIENT” HAS THE MEANING STATED IN §
7 13-3301 OF THE HEALTH – GENERAL ARTICLE.

8 (2) A TENANT WHO IS A QUALIFYING PATIENT AND WHO POSSESSES
9 MEDICAL CANNABIS OR CONSUMES NONSMOKED MEDICAL CANNABIS IS NOT IN
10 BREACH OF A LEASE SOLELY ON THE BASIS OF THE POSSESSION OF MEDICAL
11 CANNABIS OR A RELATED PRODUCT OR THE CONSUMPTION OF NONSMOKED
12 MEDICAL CANNABIS.

13 (3) A TENANT WHO IS A CAREGIVER AND WHO POSSESSES MEDICAL
14 CANNABIS IS NOT IN BREACH OF A LEASE SOLELY ON THE BASIS OF THE POSSESSION
15 OF MEDICAL CANNABIS OR A RELATED PRODUCT.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.