

# SENATE BILL 756

L6

0lr3198  
CF 0lr3196

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By: **Senators Lam, Rosapepe, West, and Young**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Provisions – Public General Law – Preemption of Local Laws**

3 FOR the purpose of providing that a public general law may not be construed to limit a  
4 power or function of a local government except under certain circumstances;  
5 providing for the construction of this Act; providing for the application of this Act;  
6 and generally relating to the powers of local government.

7 BY adding to

8 Article – General Provisions

9 Section 1–404

10 Annotated Code of Maryland

11 (2019 Replacement Volume)

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

14 **Article – General Provisions**

15 **1–404.**

16 **(A) THIS SECTION MAY NOT BE CONSTRUED TO:**

17 **(1) CREATE OR GRANT A POWER OR AUTHORITY TO A LOCAL**  
18 **GOVERNMENT; OR**

19 **(2) LIMIT AN EXISTING POWER OR AUTHORITY OF A LOCAL**  
20 **GOVERNMENT.**

21 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS A PUBLIC**  
22 **GENERAL LAW SPECIFICALLY LIMITS THE CONCURRENT JURISDICTION OF A LOCAL**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 GOVERNMENT OR SPECIFICALLY DECLARES THE EXCLUSIVITY OF THE STATE'S  
2 JURISDICTION, THE PUBLIC GENERAL LAW MAY NOT BE CONSTRUED TO LIMIT A  
3 POWER OR FUNCTION OF A LOCAL GOVERNMENT.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
5 apply only prospectively and may not be applied or interpreted to overturn any ruling of a  
6 court of the State that was final before the effective date of this Act finding that the common  
7 law doctrine of preemption applied to preempt a local jurisdiction from enacting a law  
8 regarding a particular subject.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2020.