

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 217
Judiciary

(Delegate R. Long)

Vehicle Laws - Cannabis Use in Motor Vehicle With Minor Occupant -
Prohibition

This bill prohibits an individual from smoking, vaping, or consuming cannabis in the passenger area of a motor vehicle in which a minor is an occupant. A violator is guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a fine of up to \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provision. The District Court can handle any additional caseload with existing budgeted resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill’s penalty provision.

Small Business Effect: None.

Analysis

Current Law:

Definitions

“Cannabis” means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration greater than

0.3% on a dry weight basis. It does not include hemp as defined in § 14-101 of the Agriculture Article.

“Passenger area” means an area that is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation or is readily accessible to the driver or a passenger while in their seating positions. The passenger area of a vehicle does not include (1) a locked glove compartment; (2) the trunk of a motor vehicle; or (3) if the motor vehicle does not have a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or a passenger.

Smoking Cannabis in the Passenger Area of a Vehicle

An *occupant* of a motor vehicle may not *smoke* cannabis in the passenger area of a motor vehicle on a highway. A violation of this prohibition is a civil offense subject to a maximum fine of \$25. A violation is not subject to the assessment of points and is not a traffic violation of the Maryland Vehicle Law. Additionally, a *driver* of a motor vehicle may not *smoke or consume* cannabis in the passenger area of a motor vehicle on a highway. A violation of this prohibition is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$530, and the Motor Vehicle Administration (MVA) must assess one point against a violator’s license. If, however, the violation contributes to an accident, the prepayment penalty is \$570, and MVA must assess three points against the violator’s license.

Use and Possession of Cannabis

Pursuant to Chapter 26 of 2022 and the passage of the associated constitutional referendum, a person at least age 21 may use and possess the personal use amount of cannabis. Possession of the personal use amount of cannabis by a person younger than age 21 and possession of the civil use amount of cannabis by anyone are subject to civil penalties. Possession of more than the civil use amount of cannabis by anyone is subject to a criminal penalty.

“Personal use amount” means (1) up to 1.5 ounces of usable cannabis; (2) up to 12 grams of concentrated cannabis; (3) cannabis products containing up to 750 milligrams of delta-9-THC; or (4) up to 2 cannabis plants. “Civil use amount” means (1) more than 1.5 ounces but not more than 2.5 ounces of usable cannabis; (2) more than 12 grams but not more than 20 grams of concentrated cannabis; or (3) cannabis products containing more than 750 milligrams but not more than 1,250 milligrams of delta-9-THC.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Alcohol, Tobacco, and Cannabis Commission; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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