

HOUSE BILL 183

E1

6lr1489

By: **Delegates Valentino–Smith, Atterbeary, Barron, Beidle, Bromwell, Clippinger, Dumais, Folden, Fraser–Hidalgo, Hill, Jackson, Krimm, Lisanti, Patterson, Rosenberg, Smith, Sophocleus, Vallario, and C. Wilson**

Introduced and read first time: January 21, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Smoking Marijuana in Public and in Vehicles – Prohibition**

3 FOR the purpose of prohibiting a person from smoking marijuana in a public place, with a
4 certain exception; prohibiting a driver of a motor vehicle from smoking or consuming
5 marijuana in the passenger area of the motor vehicle on a highway; prohibiting an
6 occupant of a motor vehicle from smoking marijuana in the passenger area of the
7 motor vehicle on a highway; establishing certain penalties; defining certain terms;
8 and generally relating to smoking marijuana.

9 BY adding to

10 Article – Criminal Law
11 Section 5–601.2
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Criminal Law
16 Section 10–201(a)(3)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Transportation
21 Section 21–903
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

1
2 **5-601.2.**

3 (A) (1) IN THIS SECTION, “PUBLIC PLACE” HAS THE MEANING STATED IN
4 § 10-201 OF THIS ARTICLE.

5 (2) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, “PUBLIC
6 PLACE” DOES NOT INCLUDE A PRIVATE RESIDENCE OR THE CURTILAGE OF THE
7 PRIVATE RESIDENCE.

8 (B) A PERSON MAY NOT SMOKE MARIJUANA IN A PUBLIC PLACE, UNLESS
9 AUTHORIZED BY A GOVERNMENT ENTITY THAT HAS JURISDICTION OVER THE
10 PUBLIC PLACE.

11 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
12 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

13 10-201.

14 (a) (3) (i) “Public place” means a place to which the public or a portion of
15 the public has access and a right to resort for business, dwelling, entertainment, or other
16 lawful purpose.

17 (ii) “Public place” includes:

18 1. a restaurant, shop, shopping center, store, tavern, or other
19 place of business;

20 2. a public building;

21 3. a public parking lot;

22 4. a public street, sidewalk, or right-of-way;

23 5. a public park or other public grounds;

24 6. the common areas of a building containing four or more
25 separate dwelling units, including a corridor, elevator, lobby, and stairwell;

26 7. a hotel or motel;

27 8. a place used for public resort or amusement, including an
28 amusement park, golf course, race track, sports arena, swimming pool, and theater;

- 1 9. an institution of elementary, secondary, or higher
2 education;
- 3 10. a place of public worship;
- 4 11. a place or building used for entering or exiting a public
5 conveyance, including an airport terminal, bus station, dock, railway station, subway
6 station, and wharf; and
- 7 12. the parking areas, sidewalks, and other grounds and
8 structures that are part of a public place.

9 **Article – Transportation**

10 21–903.

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

12 (2) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented
13 liquor, liquid, or compound that contains at least 0.5% alcohol by volume and is fit for
14 beverage purposes.

15 (3) (i) “Passenger area” means an area that:

- 16 1. Is designed to seat the driver and any passenger of a motor
17 vehicle while the motor vehicle is in operation; or
- 18 2. Is readily accessible to the driver or a passenger of a motor
19 vehicle while in their seating positions.

20 (ii) “Passenger area” does not include:

- 21 1. A locked glove compartment;
- 22 2. The trunk of a motor vehicle; or
- 23 3. If a motor vehicle is not equipped with a trunk, the area
24 behind the rearmost upright seat or an area that is not normally occupied by the driver or
25 a passenger of the motor vehicle.

26 (b) This section applies to a motor vehicle that is driven, stopped, standing, or
27 otherwise located on a highway.

28 (c) A driver of a motor vehicle may not consume an alcoholic beverage in a
29 passenger area of a motor vehicle on a highway.

1 **(D) A DRIVER OF A MOTOR VEHICLE MAY NOT SMOKE OR OTHERWISE**
2 **CONSUME MARIJUANA IN A PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.**

3 **(E) AN OCCUPANT OF A MOTOR VEHICLE MAY NOT SMOKE MARIJUANA IN A**
4 **PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.**

5 **[(d)] (F)** Notwithstanding Article 2B, Title 19 of the Code or any other provision
6 of law, the prohibition contained in this section applies throughout the State.

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