

# HOUSE BILL 665

E1, E4, J1

CONSTITUTIONAL AMENDMENT

6lr0505

---

By: **Delegate Moon**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Marijuana – Right to Use, Possess, and Cultivate**

3 FOR the purpose of amending the Maryland Constitution to establish that, subject to  
4 certain exceptions, an individual in the State who is at least a certain age has the  
5 right under State law to use, possess, and cultivate marijuana; providing that the  
6 right enumerated in this amendment may not be infringed except that the transfer  
7 of marijuana by purchase or sale may be regulated as necessary to insure health and  
8 safety and taxed to the extent that the revenues are used for certain purposes;  
9 providing that the right enumerated in this amendment does not require an  
10 employer to allow or accommodate the use, possession, or cultivation of marijuana  
11 by an employee or in the workplace; providing that the right enumerated in this  
12 amendment does not apply to laws related to driving under the influence of  
13 marijuana; providing that the right enumerated in this amendment does not prohibit  
14 a person who owns, occupies, or controls a property from prohibiting or regulating  
15 the use, possession, or cultivation of marijuana on or in that property; and  
16 submitting this amendment to the qualified voters of the State for their adoption or  
17 rejection.

18 BY proposing an addition to the Maryland Constitution

19 Declaration of Rights

20 Article 48

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 (Three-fifths of all the members elected to each of the two Houses concurring), That it be  
23 proposed that the Maryland Constitution read as follows:

24 **Declaration of Rights**

25 **ARTICLE 48.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS ARTICLE, AN**  
2 **INDIVIDUAL IN THE STATE WHO IS AT LEAST 21 YEARS OLD HAS THE RIGHT UNDER**  
3 **STATE LAW TO USE, POSSESS, AND CULTIVATE MARIJUANA.**

4           **(B) THE RIGHT ENUMERATED IN THIS ARTICLE MAY NOT BE INFRINGED**  
5 **EXCEPT THAT THE TRANSFER OF MARIJUANA BY PURCHASE OR SALE MAY BE**  
6 **REGULATED AS NECESSARY TO INSURE HEALTH AND SAFETY AND TAXED TO THE**  
7 **EXTENT THAT REVENUES FROM TAXATION OF MARIJUANA ARE USED FOR THE**  
8 **FOLLOWING PURPOSES:**

9                   **(1) EDUCATION FOR PUBLIC SCHOOLS;**

10                   **(2) PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENT;**

11                   **(3) SUBSTANCE ABUSE TREATMENT AND PREVENTION;**

12                   **(4) RECIDIVISM REDUCTION AND REENTRY SERVICES; AND**

13                   **(5) MENTAL HEALTH SERVICES.**

14           **(C) (1) THIS ARTICLE DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR**  
15 **ACCOMMODATE THE USE, POSSESSION, OR CULTIVATION OF MARIJUANA BY AN**  
16 **EMPLOYEE OR IN THE WORKPLACE.**

17                   **(2) THIS ARTICLE DOES NOT APPLY TO LAWS RELATED TO DRIVING**  
18 **UNDER THE INFLUENCE OF MARIJUANA.**

19                   **(3) THIS ARTICLE DOES NOT PROHIBIT A PERSON WHO OWNS,**  
20 **OCCUPIES, OR CONTROLS A PROPERTY FROM PROHIBITING OR REGULATING THE**  
21 **USE, POSSESSION, OR CULTIVATION OF MARIJUANA ON OR IN THAT PROPERTY.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
23 determines that the amendment to the Maryland Constitution proposed by this Act affects  
24 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland  
25 Constitution concerning local approval of constitutional amendments do not apply.

26           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
27 proposed as an amendment to the Maryland Constitution shall be submitted to the  
28 qualified voters of the State at the next general election to be held in November 2016 for  
29 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that  
30 general election, the vote on this proposed amendment to the Constitution shall be by  
31 ballot, and upon each ballot there shall be printed the words "For the Constitutional  
32 Amendment" and "Against the Constitutional Amendment," as now provided by law.  
33 Immediately after the election, all returns shall be made to the Governor of the vote for and

1 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,  
2 and further proceedings had in accordance with Article XIV.