

# HOUSE BILL 1304

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By: **Delegates Jalisi, Aumann, Beitzel, Cluster, Mautz, Metzgar, Parrott, Szeliga, and West**

Introduced and read first time: February 12, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Smoking Marijuana in Public – Penalty**

3 FOR the purpose of repealing a civil fine for smoking marijuana in public; providing that  
4 smoking marijuana in a public place is a criminal misdemeanor; establishing a  
5 certain penalty; defining a certain term; and generally relating to marijuana.

6 BY repealing and reenacting, without amendments,

7 Article – Criminal Law

8 Section 5–601(a) and (b)

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2015 Supplement)

11 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

12 BY repealing

13 Article – Criminal Law

14 Section 5–601(c)(4)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2015 Supplement)

17 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

18 BY adding to

19 Article – Criminal Law

20 Section 5–601.2

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2015 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Criminal Law

25 Section 10–201(a)(3)

26 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

5–601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) [(4) A violation of this section involving the smoking of marijuana in a public place is a civil offense punishable by a fine not exceeding \$500.]

**5–601.2.**

**(A) IN THIS SECTION, “PUBLIC PLACE” HAS THE MEANING STATED IN § 10–201 OF THIS ARTICLE.**

**(B) A PERSON MAY NOT SMOKE MARIJUANA IN A PUBLIC PLACE.**

1 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
2 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

3 10–201.

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

7 (ii) “Public place” includes:

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

10 2. a public building;

11 3. a public parking lot;

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

13 5. a public park or other public grounds;

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

16 7. a hotel or motel;

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

19 9. an institution of elementary, secondary, or higher  
20 education;

21 10. a place of public worship;

22 11. a place or building used for entering or exiting a public  
23 conveyance, including an airport terminal, bus station, dock, railway station, subway  
24 station, and wharf; and

25 12. the parking areas, sidewalks, and other grounds and  
26 structures that are part of a public place.

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