

HOUSE BILL 651

E1
HB 1043/17 – JUD

8lr0554

By: **Delegates Valentino–Smith, Atterbeary, Barkley, Beidle, Buckel, Chang, Ciliberti, Grammer, Gutierrez, Jackson, Jalisi, Kipke, Krebs, Krimm, Lisanti, McKay, McMillan, Rose, Saab, Sophocleus, Szeliga, Vallario, and West**

Introduced and read first time: January 29, 2018
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Smoking Marijuana in Vehicles – Prohibition**

3 FOR the purpose of prohibiting a driver of a motor vehicle from smoking or consuming
4 marijuana in a passenger area of a motor vehicle on a highway; prohibiting an
5 occupant of a motor vehicle from smoking marijuana in a passenger area of a motor
6 vehicle on a highway; and generally relating to smoking marijuana in a motor
7 vehicle.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 21–903
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2017 Supplement)

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

15 **Article – Transportation**

16 21–903.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. Is designed to seat the driver and any passenger of a motor
2 vehicle while the motor vehicle is in operation; or

3 2. Is readily accessible to the driver or a passenger of a motor
4 vehicle while in their seating positions.

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

6 1. A locked glove compartment;

7 2. The trunk of a motor vehicle; or

8 3. If a motor vehicle is not equipped with a trunk, the area
9 behind the rearmost upright seat or an area that is not normally occupied by the driver or
10 a passenger of the motor vehicle.

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

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

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

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

19 **[(d)] (F)** Notwithstanding § 6–320, § 6–321, or § 6–322 of the Alcoholic
20 Beverages Article, or any other provision of law, the prohibition contained in this section
21 applies throughout the State.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.