

SENATE BILL 86

J1

9lr1278

(PRE-FILED)

By: **Senator Serafini**

Requested: November 16, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Possession of Medical Cannabis – Local Correctional Facilities and Home**
3 **Detention Program – Prohibition**

4 FOR the purpose of providing that a certain provision of law may not be construed to
5 authorize the possession of marijuana or cannabis on the grounds of a local
6 correctional facility or while an offender is in a home detention program; authorizing
7 the imposition of certain penalties for the possession of marijuana or cannabis on the
8 grounds of a local correctional facility and while an offender is in a home detention
9 program; making a conforming change; providing for the application of this Act; and
10 generally relating to marijuana and cannabis.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 13–3314
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2018 Supplement)

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

18 **Article – Health – General**

19 13–3314.

20 (a) This subtitle may not be construed to authorize any individual to engage in,
21 and does not prevent the imposition of any civil, criminal, or other penalties for, the
22 following:

23 (1) Undertaking any task under the influence of marijuana or cannabis,
24 when doing so would constitute negligence or professional malpractice;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Operating, navigating, or being in actual physical control of any motor
2 vehicle, aircraft, or boat while under the influence of marijuana or cannabis;

3 (3) Smoking marijuana or cannabis in any public place;

4 (4) Smoking marijuana or cannabis in a motor vehicle; [or]

5 **(5) POSSESSING MARIJUANA OR CANNABIS ON THE GROUNDS OF A**
6 **LOCAL CORRECTIONAL FACILITY, AS DEFINED IN § 1–101 OF THE CORRECTIONAL**
7 **SERVICES ARTICLE;**

8 **(6) POSSESSING MARIJUANA OR CANNABIS WHILE AN OFFENDER IS**
9 **IN A HOME DETENTION PROGRAM ESTABLISHED UNDER § 6–108 OF THE**
10 **CORRECTIONAL SERVICES ARTICLE; OR**

11 **[(5)] (7)** Except as provided in subsection (b) of this section, smoking
12 marijuana or cannabis on a private property that:

13 (i) 1. Is rented from a landlord; and

14 2. Is subject to a policy that prohibits the smoking of
15 marijuana or cannabis on the property; or

16 (ii) Is subject to a policy that prohibits the smoking of marijuana or
17 cannabis on the property of an attached dwelling adopted by one of the following entities:

18 1. The board of directors of the council of unit owners of a
19 condominium regime; or

20 2. The governing body of a homeowners association.

21 (b) The provisions of subsection **[(a)(5)] (A)(7)** of this section do not apply to
22 vaporizing cannabis.

23 (c) This subtitle may not be construed to provide immunity to a person who
24 violates the provisions of this subtitle from criminal prosecution for a violation of any law
25 prohibiting or regulating the use, possession, dispensing, distribution, or promotion of
26 controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs,
27 or any conspiracy or attempt to commit any of those offenses.

28 (d) This subtitle may not be construed to require a hospital, medical facility, or
29 hospice program to report to the Commission any disciplinary action taken by the hospital,
30 medical facility, or hospice program against a certifying provider, including the revocation
31 of privileges, after the registration of the certifying provider by the Commission.

1 (e) This subtitle may not be construed to prohibit a person from being
2 concurrently licensed by the Commission as a grower, a dispensary, or a processor.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply only prospectively and may not be applied or interpreted to have any effect on or
5 application to any cause of action arising before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.