HOUSE BILL 73

By: Delegate Grammer
Introduced and read first time: January 9, 2020
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Firearms – Right to Purchase, Own, Possess, and Carry – Medical Cannabis

FOR the purpose of providing that a person may not be denied the right to purchase, own, possess, or carry a firearm solely on the basis that the person is a certain qualifying patient; prohibiting a State agency from accessing a certain database to obtain certain information; prohibiting a State agency from using certain information for a certain purpose; prohibiting a State agency from inquiring about a person’s status as a certain qualifying patient for a certain purpose; requiring a certain form to specifically authorize a certain qualifying patient to refrain from reporting the use of medical cannabis; establishing the intent of the General Assembly; defining a certain term; and generally relating to firearms.

BY adding to
Article – Public Safety
Section 5–701 to be under the new subtitle “Subtitle 7. Miscellaneous”
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

SUBTITLE 7. MISCELLANEOUS.

5–701.

(A) IN THIS SECTION, “QUALIFYING PATIENT” MEANS A PERSON WHO IS AUTHORIZED TO USE MEDICAL CANNABIS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.
(B) In accordance with § 13–3313(A) of the Health – General Article, a person may not be denied the right to purchase, own, possess, or carry a firearm under this title solely on the basis that the person is a qualifying patient.

(C) A state agency may not access a database containing the identities of qualifying patients to obtain information for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm.

(D) A state agency may not use information gathered from a database containing the identities of qualifying patients to obtain information for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm.

(E) A state agency may not inquire about a person’s status as a qualifying patient for the purpose of approving or disapproving the person from purchasing, owning, possessing, or carrying a firearm.

(F) Any form used for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm that inquires about the applicant’s use of controlled dangerous substances shall specifically authorize a qualifying patient to refrain from reporting the use of medical cannabis.

(G) It is the intent of the general assembly that medical cannabis should be treated as legal for purposes of state law and that the state should not penalize a qualifying patient for using the drug legally.

Section 2. And be it further enacted, That this Act shall take effect October 1, 2020.