

# HOUSE BILL 1604

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HB 1304/16 – JUD

0lr3720

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By: **Delegate Jalisi**

Introduced and read first time: February 14, 2020

Assigned to: Rules and Executive Nominations

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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 10–201(a)(3)  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2019 Supplement)

11 BY repealing  
12 Article – Criminal Law  
13 Section 5–601(c)(4)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2019 Supplement)

16 BY adding to  
17 Article – Criminal Law  
18 Section 5–601.2  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2019 Supplement)

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

23 **Article – Criminal Law**

24 5–601.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

10 (iii) the concealment of a material fact;

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

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

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

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

18 **5-601.2.**

19 **(A) IN THIS SECTION, "PUBLIC PLACE" HAS THE MEANING STATED IN §**  
20 **10-201 OF THIS ARTICLE.**

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

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

24 10-201.

25 (a) (3) (i) "Public place" means a place to which the public or a portion of  
26 the public has access and a right to resort for business, dwelling, entertainment, or other  
27 lawful purpose.

28 (ii) "Public place" includes:

29 1. a restaurant, shop, shopping center, store, tavern, or other

- 1 place of business;
- 2 2. a public building;
- 3 3. a public parking lot;
- 4 4. a public street, sidewalk, or right-of-way;
- 5 5. a public park or other public grounds;
- 6 6. the common areas of a building containing four or more  
7 separate dwelling units, including a corridor, elevator, lobby, and stairwell;
- 8 7. a hotel or motel;
- 9 8. a place used for public resort or amusement, including an  
10 amusement park, golf course, race track, sports arena, swimming pool, and theater;
- 11 9. an institution of elementary, secondary, or higher  
12 education;
- 13 10. a place of public worship;
- 14 11. a place or building used for entering or exiting a public  
15 conveyance, including an airport terminal, bus station, dock, railway station, subway  
16 station, and wharf; and
- 17 12. the parking areas, sidewalks, and other grounds and  
18 structures that are part of a public place.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2020.