

HB0837/203121/1

BY: Delegate Chisholm

AMENDMENTS TO HOUSE BILL 837  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “areas;” insert “prohibiting an individual from operating a vehicle while impaired by cannabis;”.

On page 3, before line 32, insert:

“BY repealing and reenacting, with amendments,  
Article - Transportation  
Section 21-902(c)  
Annotated Code of Maryland  
(2020 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 33, after line 14, insert:

**“Article – Transportation**

21–902.

(c) (1) (i) 1. A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

**2. A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE THE PERSON IS IMPAIRED BY CANNABIS.**

(Over)

(ii) **1. A person convicted of a violation of SUBPARAGRAPH (I)1 OF this paragraph is subject to:**

**[1.] A. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; and**

**[2.] B. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.**

**2. A PERSON CONVICTED OF A VIOLATION OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IS SUBJECT TO:**

**A. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**B. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this subsection or subsection (a), (b), or (d) of this section shall be considered a prior conviction.

(iv) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(2) (i) 1. A person may not violate [paragraph (1)] PARAGRAPH (1)(I)1 of this subsection while transporting a minor.

2. A PERSON MAY NOT VIOLATE PARAGRAPH (1)(I)2 OF THIS SUBSECTION WHILE TRANSPORTING A MINOR.

(ii) 1. A person convicted of a violation of SUBPARAGRAPH (I)1 OF this paragraph is subject to:

[1.] A. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

[2.] B. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

2. A PERSON CONVICTED OF A VIOLATION OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IS SUBJECT TO:

A. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

B. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2), (b)(2), or (d)(2) of this section shall be considered a prior conviction.”.