

HOUSE BILL 927

E1
HB 1054/22 – JUD

3lr1540
CF 3lr1541

By: **Delegates Ruth and Moon**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use or Possession of a Controlled Dangerous Substance – De**
3 **Minimis Quantity**

4 FOR the purpose of making certain violations relating to the use or possession of certain
5 de minimis quantities of certain controlled dangerous substances a civil offense
6 rather than a misdemeanor; authorizing a court to refer a person under a certain age
7 who commits a certain violation to mental health assessment and treatment under
8 certain circumstances; requiring that a certain case proceed in drug court under
9 certain circumstances; and generally relating to the use or possession of a controlled
10 dangerous substance.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 5–601 and 5–601.1
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 5–601
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2022 Supplement)
21 (As enacted by Chapter 26 of the Acts of the General Assembly of 2022)

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

24 **Article – Criminal Law**

25 5–601.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) IN THIS SECTION, “DE MINIMIS QUANTITY OF A CONTROLLED
2 DANGEROUS SUBSTANCE” MEANS EQUAL TO OR LESS THAN:

3 (1) 100 MILLIGRAMS OF COCAINE;

4 (2) 65 MILLIGRAMS OF COCAINE BASE, COMMONLY KNOWN AS
5 “CRACK”;

6 (3) 60 MILLIGRAMS OF HEROIN;

7 (4) 200 MILLIGRAMS OR TWO TABLETS OF 3,
8 4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA);

9 (5) TWO USER UNITS OF LYSERGIC ACID DIETHYLAMIDE (LSD);

10 (6) TWO USER UNITS OF PSILOCYBIN, COMMONLY KNOWN AS
11 “MUSHROOMS”;

12 (7) TWO USER UNITS OF METHADONE;

13 (8) 60 MILLIGRAMS OF METHAMPHETAMINE; OR

14 (9) TWO TABLETS OF OXYCODONE OR HYDROCODONE.

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

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

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

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

22 (ii) the counterfeiting or alteration of a prescription or a written
23 order;

24 (iii) the concealment of a material fact;

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

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

1 (vi) making, issuing, or presenting a false or counterfeit prescription
2 or written order.

3 [(b)] (C) Information that is communicated to a physician in an effort to obtain
4 a controlled dangerous substance in violation of this section is not a privileged
5 communication.

6 [(c)] (D) (1) Except as provided in paragraphs (2), (3), and (4) of this
7 subsection, a person who violates this section is guilty of a misdemeanor and on conviction
8 is subject to:

9 (i) for a first conviction, imprisonment not exceeding 1 year or a fine
10 not exceeding \$5,000 or both;

11 (ii) for a second or third conviction, imprisonment not exceeding 18
12 months or a fine not exceeding \$5,000 or both; or

13 (iii) for a fourth or subsequent conviction, imprisonment not
14 exceeding 2 years or a fine not exceeding \$5,000 or both.

15 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
16 person whose violation of this section involves the use or possession of cannabis is guilty of
17 a misdemeanor of possession of cannabis and is subject to imprisonment not exceeding 6
18 months or a fine not exceeding \$1,000 or both.

19 (ii) 1. A finding of guilt under this section involving the use or
20 possession of the personal use amount of cannabis **OR A DE MINIMIS QUANTITY OF A**
21 **CONTROLLED DANGEROUS SUBSTANCE** is a civil offense punishable by a fine not
22 exceeding \$100.

23 2. A finding of guilt under this section involving the use or
24 possession of the civil use amount of cannabis is a civil offense punishable by a fine not
25 exceeding \$250.

26 3. A. In addition to a fine, a court may order a person
27 under the age of 21 years who commits a violation punishable under subparagraph 1 or
28 2 of this subparagraph to attend a drug education program approved by the Maryland
29 Department of Health, refer the person to an assessment for substance [abuse] **USE**
30 **disorder OR A MENTAL HEALTH ASSESSMENT**, and refer the person to substance [abuse]
31 **USE** treatment **OR MENTAL HEALTH TREATMENT**, if necessary.

32 B. A court that orders a person to a drug education program
33 or substance [abuse] **USE OR MENTAL HEALTH** assessment or treatment under this
34 subparagraph may hold the case sub curia pending receipt of proof of completion of the
35 program, assessment, or treatment.

1 (3) (i) 1. In this paragraph the following words have the meanings
2 indicated.

3 2. “Bona fide physician–patient relationship” means a
4 relationship in which the physician has ongoing responsibility for the assessment, care, and
5 treatment of a patient’s medical condition.

6 3. “Caregiver” means an individual designated by a patient
7 with a debilitating medical condition to provide physical or medical assistance to the
8 patient, including assisting with the medical use of cannabis, who:

9 A. is a resident of the State;

10 B. is at least 21 years old;

11 C. is an immediate family member, a spouse, or a domestic
12 partner of the patient;

13 D. has not been convicted of a crime of violence as defined in
14 § 14–101 of this article;

15 E. has not been convicted of a violation of a State or federal
16 controlled dangerous substances law;

17 F. has not been convicted of a crime of moral turpitude;

18 G. has been designated as caregiver by the patient in writing
19 that has been placed in the patient’s medical record prior to arrest;

20 H. is the only individual designated by the patient to serve as
21 caregiver; and

22 I. is not serving as caregiver for any other patient.

23 4. “Debilitating medical condition” means a chronic or
24 debilitating disease or medical condition or the treatment of a chronic or debilitating
25 disease or medical condition that produces one or more of the following, as documented by
26 a physician with whom the patient has a bona fide physician–patient relationship:

27 A. cachexia or wasting syndrome;

28 B. severe or chronic pain;

29 C. severe nausea;

30 D. seizures;

1 E. severe and persistent muscle spasms; or

2 F. any other condition that is severe and resistant to
3 conventional medicine.

4 (ii) 1. In a prosecution for the use or possession of cannabis, the
5 defendant may introduce and the court shall consider as a mitigating factor any evidence
6 of medical necessity.

7 2. Notwithstanding paragraph (2) of this subsection, if the
8 court finds that the person used or possessed cannabis because of medical necessity, the
9 court shall dismiss the charge.

10 (iii) 1. In a prosecution for the use or possession of cannabis
11 under this section, it is an affirmative defense that the defendant used or possessed
12 cannabis because:

13 A. the defendant has a debilitating medical condition that
14 has been diagnosed by a physician with whom the defendant has a bona fide
15 physician–patient relationship;

16 B. the debilitating medical condition is severe and resistant
17 to conventional medicine; and

18 C. cannabis is likely to provide the defendant with
19 therapeutic or palliative relief from the debilitating medical condition.

20 2. A. In a prosecution for the possession of cannabis
21 under this section, it is an affirmative defense that the defendant possessed cannabis
22 because the cannabis was intended for medical use by an individual with a debilitating
23 medical condition for whom the defendant is a caregiver.

24 B. A defendant may not assert the affirmative defense under
25 this subparagraph unless the defendant notifies the State’s Attorney of the defendant’s
26 intention to assert the affirmative defense and provides the State’s Attorney with all
27 documentation in support of the affirmative defense in accordance with the rules of
28 discovery provided in Maryland Rules 4–262 and 4–263.

29 3. An affirmative defense under this subparagraph may not
30 be used if the defendant was:

31 A. using cannabis in a public place or assisting the individual
32 for whom the defendant is a caregiver in using the cannabis in a public place; or

33 B. in possession of more than 1 ounce of cannabis.

1 (4) The smoking of cannabis in a public place is a civil offense punishable
2 by:

3 (i) for a first finding of guilt, a fine not exceeding \$250; and

4 (ii) for a second or subsequent finding of guilt, a fine not exceeding
5 \$500.

6 **[(d)] (E)** The provisions of subsection **[(c)(2)(ii)] (D)(2)(II)** of this section may
7 not be construed to affect the laws relating to:

8 (1) operating a vehicle or vessel while under the influence of or while
9 impaired by a controlled dangerous substance; or

10 (2) seizure and forfeiture.

11 **[(e)] (F)** (1) (i) Before imposing a sentence under subsection **[(c)] (D)** of
12 this section, the court may order the Maryland Department of Health or a certified and
13 licensed designee to conduct an assessment of the defendant for substance use disorder and
14 determine whether the defendant is in need of and may benefit from drug treatment.

15 (ii) If an assessment for substance use disorder is requested by the
16 defendant and the court denies the request, the court shall state on the record the basis for
17 the denial.

18 (2) On receiving an order under paragraph (1) of this subsection, the
19 Maryland Department of Health, or the designee, shall conduct an assessment of the
20 defendant for substance use disorder and provide the results to the court, the defendant or
21 the defendant's attorney, and the State identifying the defendant's drug treatment needs.

22 (3) The court shall consider the results of an assessment performed under
23 paragraph (2) of this subsection when imposing the defendant's sentence and:

24 (i) except as provided in subparagraph (ii) of this paragraph, the
25 court shall suspend the execution of the sentence and order probation and, if the
26 assessment shows that the defendant is in need of substance **[abuse] USE** treatment,
27 require the Maryland Department of Health or the designee to provide the medically
28 appropriate level of treatment as identified in the assessment; or

29 (ii) the court may impose a term of imprisonment under subsection
30 **[(c)] (D)** of this section and order the Division of Correction or local correctional facility to
31 facilitate the medically appropriate level of treatment for the defendant as identified in the
32 assessment.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
34 as follows:

Article – Criminal Law

1
2 5–601.

3 (a) IN THIS SECTION, “DE MINIMIS QUANTITY OF A CONTROLLED
4 DANGEROUS SUBSTANCE” MEANS EQUAL TO OR LESS THAN:

5 (1) 100 MILLIGRAMS OF COCAINE;

6 (2) 65 MILLIGRAMS OF COCAINE BASE, COMMONLY KNOWN AS
7 “CRACK”;

8 (3) 60 MILLIGRAMS OF HEROIN;

9 (4) 200 MILLIGRAMS OR TWO TABLETS OF 3,
10 4–METHYLENEDIOXYMETHAMPHETAMINE (MDMA);

11 (5) TWO USER UNITS OF LYSERGIC ACID DIETHYLAMIDE (LSD);

12 (6) TWO USER UNITS OF METHADONE;

13 (7) 60 MILLIGRAMS OF METHAMPHETAMINE; OR

14 (8) TWO TABLETS OF OXYCODONE.

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

16 (1) possess or administer to another a controlled dangerous substance,
17 unless:

18 (i) obtained directly or by prescription or order from an authorized
19 provider acting in the course of professional practice; or

20 (ii) the controlled dangerous substance is cannabis, the individual is
21 at least 21 years old, and the amount possessed is the personal use amount; or

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

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

25 (ii) the counterfeiting or alteration of a prescription or a written
26 order;

27 (iii) the concealment of a material fact;

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

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

4 (vi) making, issuing, or presenting a false or counterfeit prescription
5 or written order.

6 **[(b)] (C)** Information that is communicated to a physician in an effort to obtain
7 a controlled dangerous substance in violation of this section is not a privileged
8 communication.

9 **[(c)] (D)** (1) Except as provided in paragraphs (2), (3), and (4) of this
10 subsection, a person who violates this section is guilty of a misdemeanor and on conviction
11 is subject to:

12 (i) for a first conviction, imprisonment not exceeding 1 year or a fine
13 not exceeding \$5,000 or both;

14 (ii) for a second or third conviction, imprisonment not exceeding 18
15 months or a fine not exceeding \$5,000 or both; or

16 (iii) for a fourth or subsequent conviction, imprisonment not
17 exceeding 2 years or a fine not exceeding \$5,000 or both.

18 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
19 person whose violation of this section involves the use or possession of cannabis is guilty of
20 a misdemeanor of possession of cannabis and is subject to imprisonment not exceeding 6
21 months or a fine not exceeding \$1,000 or both.

22 (ii) 1. A finding of guilt under this section involving the use or
23 possession of the personal use amount of cannabis by a person under the age of 21 years
24 **OR THE USE OR POSSESSION OF A DE MINIMIS QUANTITY OF A CONTROLLED**
25 **DANGEROUS SUBSTANCE** is a civil offense punishable by a fine not exceeding \$100.

26 2. A finding of guilt under this section involving the use or
27 possession of the civil use amount of cannabis is a civil offense punishable by a fine not
28 exceeding \$250.

29 3. A. In addition to a fine, a court may order a person
30 under the age of 21 years who commits a violation punishable under subparagraph 1 or
31 2 of this subparagraph to attend a drug education program approved by the Maryland
32 Department of Health, refer the person to an assessment for substance **[abuse] USE**
33 **disorder OR A MENTAL HEALTH ASSESSMENT**, and refer the person to substance **[abuse]**
34 **USE** treatment **OR MENTAL HEALTH TREATMENT**, if necessary.

- 1 B. severe or chronic pain;
- 2 C. severe nausea;
- 3 D. seizures;
- 4 E. severe and persistent muscle spasms; or
- 5 F. any other condition that is severe and resistant to
6 conventional medicine.

7 (ii) 1. In a prosecution for the use or possession of cannabis, the
8 defendant may introduce and the court shall consider as a mitigating factor any evidence
9 of medical necessity.

10 2. Notwithstanding paragraph (2) of this subsection, if the
11 court finds that the person used or possessed cannabis because of medical necessity, the
12 court shall dismiss the charge.

13 (iii) 1. In a prosecution for the use or possession of cannabis
14 under this section, it is an affirmative defense that the defendant used or possessed
15 cannabis because:

16 A. the defendant has a debilitating medical condition that
17 has been diagnosed by a physician with whom the defendant has a bona fide
18 physician–patient relationship;

19 B. the debilitating medical condition is severe and resistant
20 to conventional medicine; and

21 C. cannabis is likely to provide the defendant with
22 therapeutic or palliative relief from the debilitating medical condition.

23 2. A. In a prosecution for the possession of cannabis
24 under this section, it is an affirmative defense that the defendant possessed cannabis
25 because the cannabis was intended for medical use by an individual with a debilitating
26 medical condition for whom the defendant is a caregiver.

27 B. A defendant may not assert the affirmative defense under
28 this subparagraph unless the defendant notifies the State’s Attorney of the defendant’s
29 intention to assert the affirmative defense and provides the State’s Attorney with all
30 documentation in support of the affirmative defense in accordance with the rules of
31 discovery provided in Maryland Rules 4–262 and 4–263.

32 3. An affirmative defense under this subparagraph may not
33 be used if the defendant was:

1 A. using cannabis in a public place or assisting the individual
2 for whom the defendant is a caregiver in using the cannabis in a public place; or

3 B. in possession of more than 1 ounce of cannabis.

4 (4) The smoking of cannabis in a public place is a civil offense punishable
5 by:

6 (i) for a first finding of guilt, a fine not exceeding \$250; and

7 (ii) for a second or subsequent finding of guilt, a fine not exceeding
8 \$500.

9 [(d)] (E) The provisions of subsection [(c)(2)(ii)] (D)(2)(II) of this section may
10 not be construed to affect the laws relating to:

11 (1) operating a vehicle or vessel while under the influence of or while
12 impaired by a controlled dangerous substance; or

13 (2) seizure and forfeiture.

14 [(e)] (F) (1) (i) Before imposing a sentence under subsection [(c)] (D) of
15 this section, the court may order the Maryland Department of Health or a certified and
16 licensed designee to conduct an assessment of the defendant for substance use disorder and
17 determine whether the defendant is in need of and may benefit from drug treatment.

18 (ii) If an assessment for substance use disorder is requested by the
19 defendant and the court denies the request, the court shall state on the record the basis for
20 the denial.

21 (2) On receiving an order under paragraph (1) of this subsection, the
22 Maryland Department of Health, or the designee, shall conduct an assessment of the
23 defendant for substance use disorder and provide the results to the court, the defendant or
24 the defendant's attorney, and the State identifying the defendant's drug treatment needs.

25 (3) The court shall consider the results of an assessment performed under
26 paragraph (2) of this subsection when imposing the defendant's sentence and:

27 (i) except as provided in subparagraph (ii) of this paragraph, the
28 court shall suspend the execution of the sentence and order probation and, if the
29 assessment shows that the defendant is in need of substance [abuse] USE treatment,
30 require the Maryland Department of Health or the designee to provide the medically
31 appropriate level of treatment as identified in the assessment; or

32 (ii) the court may impose a term of imprisonment under subsection
33 [(c)] (D) of this section and order the Division of Correction or local correctional facility to

1 facilitate the medically appropriate level of treatment for the defendant as identified in the
2 assessment.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
4 as follows:

5 **Article – Criminal Law**

6 5–601.1.

7 (a) **IN THIS SECTION, “DE MINIMIS QUANTITY OF A CONTROLLED**
8 **DANGEROUS SUBSTANCE” HAS THE MEANING STATED IN § 5–601 OF THIS SUBTITLE.**

9 (B) A police officer shall issue a citation to a person who the police officer has
10 probable cause to believe has committed a violation of § 5–601 of this part involving the use
11 or possession of the civil use amount of cannabis [or], the personal use amount of cannabis,
12 **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE.**

13 [(b)] (C) (1) A violation of § 5–601 of this part involving the use or possession
14 of the civil use amount of cannabis [or], the personal use amount of cannabis, **OR A DE**
15 **MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE** is a civil offense.

16 (2) Adjudication of a violation under § 5–601 of this part involving the use
17 or possession of the civil use amount of cannabis [or], the personal use amount of cannabis,
18 **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE:**

19 (i) is not a criminal conviction for any purpose; and

20 (ii) does not impose any of the civil disabilities that may result from
21 a criminal conviction.

22 [(c)] (D) (1) A citation issued for a violation of § 5–601 of this part involving
23 the use or possession of the civil use amount of cannabis [or], the personal use amount of
24 cannabis, **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE**
25 shall be signed by the police officer who issues the citation and shall contain:

26 (i) the name, address, and date of birth of the person charged;

27 (ii) the date and time that the violation occurred;

28 (iii) the location at which the violation occurred;

29 (iv) the fine that may be imposed;

30 (v) a notice stating that prepayment of the fine is allowed, except as
31 provided in paragraph (2) of this subsection; and

1 (vi) a notice in boldface type that states that the person shall:

2 1. pay the full amount of the preset fine; or

3 2. request a trial date at the date, time, and place established
4 by the District Court by writ or trial notice.

5 (2) If a citation for a violation of § 5–601 of this part involving the use or
6 possession of the civil use amount of cannabis [or], the personal use amount of cannabis,
7 **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE** is issued to
8 a person under the age of 21 years, the court shall summon the person for trial.

9 [(d)] (E) The form of the citation shall be uniform throughout the State and shall
10 be prescribed by the District Court.

11 [(e)] (F) (1) The Chief Judge of the District Court shall establish a schedule
12 for the prepayment of the fine.

13 (2) Prepayment of a fine shall be considered a plea of guilty to a Code
14 violation.

15 (3) A person described in subsection [(c)(2)] (D)(2) of this section may not
16 prepay the fine.

17 [(f)] (G) (1) A person may request a trial by sending a request for trial to the
18 District Court in the jurisdiction where the citation was issued within 30 days of the
19 issuance of the citation.

20 (2) If a person other than a person described in subsection [(c)(2)] (D)(2)
21 of this section does not request a trial or prepay the fine within 30 days of the issuance of
22 the citation, the court may impose the maximum fine and costs against the person and find
23 the person is guilty of a Code violation.

24 [(g)] (H) (1) The issuing jurisdiction shall forward a copy of the citation and
25 a request for trial to the District Court in the district having venue.

26 (2) **THE CASE SHALL PROCEED IN DRUG COURT, IF THE DISTRICT
27 COURT IN THE DISTRICT HAVING VENUE HAS A DRUG COURT.**

28 [(h)] (I) (1) The failure of a defendant to respond to a summons described in
29 subsection [(c)(2)] (D)(2) of this section shall be governed by § 5–212 of the Criminal
30 Procedure Article.

1 (2) If a person at least 21 years old fails to appear after having requested
2 a trial, the court may impose the maximum fine and costs against the person and find the
3 person is guilty of a Code violation.

4 **[(i)] (J)** In any proceeding for a Code violation under § 5–601 of this part
5 involving the use or possession of the civil use amount of cannabis [or], the personal use
6 amount of cannabis, **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS**
7 **SUBSTANCE:**

8 (1) the State has the burden to prove the guilt of the defendant by a
9 preponderance of the evidence;

10 (2) the court shall apply the evidentiary standards as prescribed by law or
11 rule for the trial of a criminal case;

12 (3) the court shall ensure that the defendant has received a copy of the
13 charges against the defendant and that the defendant understands those charges;

14 (4) the defendant is entitled to cross-examine all witnesses who appear
15 against the defendant, to produce evidence or witnesses on behalf of the defendant, and to
16 testify on the defendant's own behalf, if the defendant chooses to do so;

17 (5) the defendant is entitled to be represented by counsel of the defendant's
18 choice and at the expense of the defendant; and

19 (6) the defendant may enter a plea of guilty or not guilty, and the verdict
20 of the court in the case shall be:

21 (i) guilty of a Code violation;

22 (ii) not guilty of a Code violation; or

23 (iii) probation before judgment, imposed by the court in the same
24 manner and to the same extent as is allowed by law in the trial of a criminal case.

25 **[(j)] (K)** (1) The defendant is liable for the costs of the proceedings in the
26 District Court.

27 (2) The court costs in a Code violation case under § 5–601 of this part
28 involving the use or possession of the civil use amount of cannabis [or], the personal use
29 amount of cannabis, **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS**
30 **SUBSTANCE** in which costs are imposed are \$5.

31 **[(k)] (L)** (1) The State's Attorney for any county may prosecute a Code
32 violation under § 5–601 of this part involving the use or possession of the civil use amount
33 of cannabis [or], the personal use amount of cannabis, **OR A DE MINIMIS QUANTITY OF A**

1 **CONTROLLED DANGEROUS SUBSTANCE** in the same manner as prosecution of a violation
2 of the criminal laws of the State.

3 (2) In a Code violation case under § 5–601 of this part involving the use or
4 possession of the civil use amount of cannabis [or], the personal use amount of cannabis,
5 **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE**, the State’s
6 Attorney may:

7 (i) enter a nolle prosequi or move to place the case on the stet docket;
8 and

9 (ii) exercise authority in the same manner as prescribed by law for
10 violation of the criminal laws of the State.

11 ~~[(l)]~~ (M) A person issued a citation for a violation of § 5–601 of this part involving
12 the use or possession of the civil use amount of cannabis [or], the personal use amount of
13 cannabis, **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE**
14 who is under the age of 18 years shall be subject to the procedures and dispositions provided
15 in Title 3, Subtitle 8A of the Courts Article.

16 ~~[(m)]~~ (N) A citation for a violation of § 5–601 of this part involving the use or
17 possession of the civil use amount of cannabis [or], the personal use amount of cannabis,
18 **OR A DE MINIMIS QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE** and the
19 official record of a court regarding the citation are not subject to public inspection and may
20 not be included on the public website maintained by the Maryland Judiciary if:

21 (1) the defendant has prepaid the fine;

22 (2) the defendant has pled guilty to or been found guilty of the Code
23 violation and has fully paid the fine and costs imposed for the violation;

24 (3) the defendant has received a probation before judgment and has fully
25 paid the fine and completed any terms imposed by the court;

26 (4) the case has been removed from the stet docket after the defendant fully
27 paid the fine and completed any terms imposed by the court;

28 (5) the State has entered a nolle prosequi;

29 (6) the defendant has been found not guilty of the charge; or

30 (7) the charge has been dismissed.

31 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
32 effect on the taking effect of the termination provision specified in Section 15 of Chapter 26
33 of the Acts of the General Assembly of 2022. If that termination provision takes effect,

1 Section 1 of this Act, with no further action required by the General Assembly, shall be
2 abrogated and of no further force and effect. This Act may not be interpreted to have any
3 effect on that termination provision.

4 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
5 Section 4 of this Act, this Act shall take effect October 1, 2023.