

SENATE BILL 676

R3

3lr2557

By: **Senator Waldstreicher**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drugged Driving – Cannabis–Impaired Driving Test Pilot Program**
3 **– Establishment**

4 FOR the purpose of establishing a pilot program to examine the effectiveness of
5 cannabis–impaired driving tests in enforcing the prohibition against driving while
6 impaired by drugs; authorizing police officers in participating jurisdictions to
7 administer voluntary cannabis–impaired driving tests under certain circumstances;
8 providing that the results of cannabis–impaired driving tests may not be used for
9 certain purposes; and generally relating to a pilot program to examine the
10 effectiveness of cannabis–impaired driving tests.

11 BY adding to
12 Article – Transportation
13 Section 16–205.3
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

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

18 **Article – Transportation**

19 **16–205.3.**

20 **(A) (1) IN THIS SECTION, “CANNABIS–IMPAIRED DRIVING TEST” MEANS A**
21 **DEVICE THAT IS CAPABLE OF ASSESSING COGNITIVE AND PHYSICAL IMPAIRMENT OF**
22 **MOTORISTS.**

23 **(2) “CANNABIS–IMPAIRED DRIVING TEST” DOES NOT INCLUDE A**
24 **BREATH OR BLOOD TEST, AS DEFINED IN § 16–205.1 OF THIS SUBTITLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THERE IS A PILOT PROGRAM TO EXAMINE THE EFFECTIVENESS OF**
2 **CANNABIS-IMPAIRED DRIVING TESTS IN ENFORCING THE PROHIBITION AGAINST**
3 **DRIVING WHILE IMPAIRED BY DRUGS.**

4 **(C) (1) THE PILOT PROGRAM SHALL TAKE PLACE IN LOCAL**
5 **JURISDICTIONS THAT VOLUNTEER TO PARTICIPATE.**

6 **(2) THE STATE COORDINATOR FOR THE DRUG RECOGNITION**
7 **EXPERT PROGRAM SHALL ENSURE THAT POLICE OFFICERS IN JURISDICTIONS THAT**
8 **PARTICIPATE IN THE PILOT PROGRAM RECEIVE TRAINING ON THE USE OF**
9 **CANNABIS-IMPAIRED DRIVING TESTS.**

10 **(D) (1) A POLICE OFFICER IN A PARTICIPATING JURISDICTION WHO HAS**
11 **REASONABLE GROUNDS TO BELIEVE THAT AN INDIVIDUAL IS OR HAS BEEN DRIVING**
12 **OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE THE INDIVIDUAL IS IMPAIRED**
13 **BY CANNABIS MAY REQUEST THAT THE INDIVIDUAL COMPLETE A**
14 **CANNABIS-IMPAIRED DRIVING TEST.**

15 **(2) A POLICE OFFICER WHO TESTS AN INDIVIDUAL USING A**
16 **CANNABIS-IMPAIRED DRIVING TEST MUST BE CERTIFIED AS A DRUG RECOGNITION**
17 **EXPERT.**

18 **(E) THE POLICE OFFICER REQUESTING THE TEST SHALL ADVISE THE**
19 **INDIVIDUAL TO BE TESTED THAT NEITHER COMPLETING THE TEST NOR REFUSING**
20 **TO COMPLETE THE TEST SHALL PREVENT OR REQUIRE A SUBSEQUENT BLOOD TEST**
21 **UNDER § 16-205.1 OF THIS SUBTITLE.**

22 **(F) (1) THE RESULTS OF CANNABIS-IMPAIRED DRIVING TESTS MAY NOT**
23 **BE USED AS:**

24 **(I) A GUIDE FOR THE POLICE OFFICER IN DECIDING WHETHER**
25 **TO INVESTIGATE FURTHER OR FILE CHARGES; OR**

26 **(II) EVIDENCE IN ANY CIVIL OR CRIMINAL COURT ACTION.**

27 **(2) COMPLETING OR REFUSING TO COMPLETE A TEST IS NOT**
28 **ADMISSIBLE IN EVIDENCE IN ANY CIVIL OR CRIMINAL COURT ACTION.**

29 **(G) REFUSAL TO COMPLETE A CANNABIS-IMPAIRED DRIVING TEST DOES**
30 **NOT CONSTITUTE A VIOLATION OF § 16-205.1 OF THIS SUBTITLE AND COMPLETING**
31 **A TEST DOES NOT RELIEVE THE INDIVIDUAL OF THE OBLIGATION TO TAKE THE TEST**
32 **REQUIRED UNDER § 16-205.1 OF THIS SUBTITLE IF REQUESTED TO DO SO BY THE**

1 POLICE OFFICER.

2 (H) THE STATE COORDINATOR FOR THE DRUG RECOGNITION EXPERT
3 PROGRAM SHALL ENSURE THAT EACH LOCAL JURISDICTION THAT PARTICIPATES IN
4 THE PILOT PROGRAM MAKES PUBLICLY AVAILABLE ANONYMIZED DATA ON THE
5 RESULTS OF CANNABIS-IMPAIRED DRIVING TESTS.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
7 2025, the State Coordinator for the Drug Recognition Expert Program shall submit, in
8 accordance with § 2-1257 of the State Government Article, a report to the General
9 Assembly for the period from October 1, 2023, through September 30, 2025, stating:

10 (1) the local jurisdictions that participated in the pilot program;

11 (2) the number of traffic stops that later resulted in a police officer
12 requesting an individual to take a cannabis-impaired driving test and the number of tests
13 performed;

14 (3) the types of cannabis-impaired driving tests used;

15 (4) the number of individuals who were subsequently charged with an
16 offense of driving while impaired by drugs after taking a cannabis-impaired driving test
17 and the final disposition of such charges;

18 (5) the results of any other studies on cannabis-impaired driving tests of
19 which the State Coordinator is aware; and

20 (6) recommendations for further legislation to enhance enforcement of the
21 prohibition on driving while impaired by drugs.

22 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
23 Assembly that, subject to the availability of funds, the pilot program established in Section
24 1 of this Act be funded by revenues generated from the taxation of recreational cannabis.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2023. It shall remain effective for a period of 3 years and, at the end of September
27 30, 2026, this Act, with no further action required by the General Assembly, shall be
28 abrogated and of no further force and effect.