

10 AN ACT concerning

20 **The Compassionate Use Of Marijuana**

30 FOR the purpose of allowing certain individuals in certain marijuana prosecutions to introduce,
40 and requiring the court to consider as a mitigating factor, certain evidence related to medical
50 necessity under certain circumstances; establishing certain penalties under certain circumstances;
60 making the provisions of this Act severable; and generally relating to evidence of certain medical
70 necessity in marijuana-related prosecutions.

80 BY repealing and reenacting, with amendments,
90 Article - Criminal Law
100 Section 5-601(c) and 5-619(c)
110 Annotated Code of Maryland
120 (2002 Volume)

130 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
140 That the Laws of Maryland read as follows:

150 **Article - Criminal Law**

160 § 5-601.

170 (c) (1) Except as provided in [paragraph (2)]PARAGRAPHS (2) AND (3) of this
180 subsection, a person who violates this section is guilty of a misdemeanor and on
190 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
200 \$25,000 or both.

210 (2) A person whose violation of this section involves the use or possession of
220 marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
230 or both.

240 (3) (I) IN A PROSECUTION FOR THE USE OR POSSESSION OF
250 MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT
260 SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF
270 MEDICAL NECESSITY.

280 (II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION,
290 IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED
300 MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION
310 OF A VIOLATION OF THIS SECTION, THE MAXIMUM PENALTY THAT
320 THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT
330 EXCEEDING \$100.

340 § 5-619.

350 (c) (1) Unless authorized under this title, a person may not use or possess with intent to
360 use drug paraphernalia to:

370 (i) plant, propagate, cultivate, grow, harvest, manufacture, compound,
380 convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or
390 conceal a controlled dangerous substance; or

400 (ii) inject, ingest, inhale, or otherwise introduce into the human body a

- 410 controlled dangerous substance.
- 420 (2) A person who violates this subsection is guilty of a misdemeanor and on
430 conviction is subject to:
- 440 (i) for a first violation, a fine not exceeding \$500; and
- 450 (ii) for each subsequent violation, imprisonment not exceeding 2 years or a
460 fine not exceeding \$2,000 or both.
- 470 (3) A person who is convicted of violating this subsection for the first time and who
480 previously has been convicted of violating subsection (d)(4) of this section is subject to
490 the penalty specified under paragraph (2)(ii) of this subsection.
- 500 (4) (I) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING
510 DRUG PARAPHERNALIA RELATED TO MARIJUANA, THE
520 DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER
530 AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL
540 NECESSITY.
- 550 (II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION,
560 IF THE COURT FINDS THAT THE PERSON USED OR POSSESSED DRUG
570 PARAPHERNALIA RELATED TO MARIJUANA BECAUSE OF MEDICAL
580 NECESSITY, ON CONVICTION OF A VIOLATION OF THIS
590 SUBSECTION, THE MAXIMUM PENALTY THAT THE COURT MAY
600 IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.

610 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the
620 application thereof to any person or circumstance is held invalid for any reason in a court
630 of competent jurisdiction, the invalidity does not affect other provisions or any other
640 application of this Act which can be given effect without the invalid provision or
650 application, and for this purpose the provisions of this Act are declared severable.

660 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1,
670 2003.

680 MANDATES: Governor Robert Ehrlich
690 Lieutenant Governor Michael Steele
700 President of the Senate Thomas V. Mike Miller, Jr.
710 Speaker of the House Michael Busch

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