

10 AN ACT CONCERNING  
20 **MARIJUANA – DECRIMINALIZATION OF POSSESSION**

30 FOR the purpose of permitting personal possession and use of marijuana.

40 BY repealing and reenacting, with amendments

50 Article – Criminal Law

60 Title - 5. Controlled Dangerous Substances, Prescriptions, and Other Substances

70 § 5-601. Possessing or administering controlled dangerous substance.

80 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

90 That the Laws of Maryland read as follows:

100 Article – Criminal Law

110 § 5-601. Possessing or administering controlled dangerous substance.

120 (a) In general.- Except as otherwise provided in this title, a person may not:

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

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

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

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

190 (iii) the concealment of a material fact;

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

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

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

240 (b) Information not privileged.- Information that is communicated to a physician in an effort to obtain a controlled  
250 dangerous substance in violation of this section is not a privileged communication.

260 (c) Penalty; medical necessity.-

270 (1) Except as provided in paragraphs (2), ~~and~~ (3), AND (4) of this subsection, a person who violates this  
280 section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or  
290 a fine not exceeding \$25,000 or both.

300 (2) A person whose violation of this section involves the use or possession of MORE THAN ONE OUNCE  
310 OF marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

320 (3) A PERSON WHOSE VIOLATION OF THIS SECTION INVOLVES THE USE OR POSSESSION OF  
330 ONE OUNCE OF MARIJUANA OR LESS SHALL FACE NO PENALTY.

340 ~~(3)~~(4) (i) In a prosecution for the use or possession of marijuana, the defendant may introduce and the  
350 court shall consider as a mitigating factor any evidence of medical necessity.

360 (ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or  
370 possessed marijuana because of medical necessity, ~~on conviction of a violation of this section, the~~

380 ~~maximum penalty that the court may impose on the person is a fine not exceeding \$100. THEY~~  
390 SHALL FACE NO PENALTY.

400 **MANDATES:**

410 Martin O'Malley, Governor of Maryland  
420 Michael Busch, Speaker of the House of Delegates  
430 Thomas V. Mike Miller, President of the State Senate

**SPONSOR:**

Scott T. Besore, Delegation Chair Person, Salisbury University