



# *Maryland Student Legislature*

2009-2010 Legislative Compendium

[www.msl.org](http://www.msl.org)

Letter from Governor Andrew Horn .....	4
Discriminatory Practices- Gender Identity or Expression.....	5
Alcoholic Beverages – Direct Wine Shipper’s License .....	8
Give Children Help Or Independence Concerning Education .....	11
Higher Education – Collective Bargaining – Graduate Student Employees .....	16
MARIJUANA – DECRIMINALIZATION OF POSSESSION .....	20
Carroll County – Gaming.....	31
Death with Dignity.....	35
ALCOHOL TAX – 10 CENT INCREASE PER GALLON SOLD.....	54
MARYLAND HEALTH – THE USE OF INDOOR TANNING DEVICES BY MINORS .....	55
All-Schedule Prescription Electronic Reporting .....	56
Driving Under the Influence – Penalties .....	59
School Hours – Delaying Public High School Start Times .....	72
HEADLIGHTS ON FOR SAFETY .....	73
Family Law – Marriage – Equality of Marriage.....	74
Election Law – Voter Registration – Age Qualification for Voter Registration.....	76
HUNTING AND TRAPPING – SAFETY OF THE GENERAL PUBLIC .....	77
HUNTING IN MARYLAND STATE PARKS .....	83
Compensation of the Governor and Lt. Governor.....	84
THE CONSTRUCTION OF SIDEWALKS ALONG ALL THE ROADS IN RESIDENTIAL NEIGHBORHOODS IN MARYLAND.....	93
GOVERNMENT ACCOUNTABILITY .....	94
A REPEAL OF THE DEFENSE OF MARRIAGE ACT (DOMA) .....	97
BUDGET ALLOCATION TO CHESAPEAKE BAY CONSERVATION PROGRAMS .....	98
MARYLAND NATIONAL GUARD STUDENTS BEING NON DEPLOYABLE.....	100
THE BANNING OF GANG BANDANNAS IN MARYLAND PUBLIC HIGH SCHOOLS.....	101
THE FUTURE OF THE FIRST MARINER ARENA .....	102
HOMESTEAD EXEMPTION IN MARYLAND.....	103

THE CONTINUED USE OF SPEED CAMERAS IN THE GREAT STATE OF MARYLAND.....	104
CAMPAIGN FUNDS AND THE NATIONAL DEBT .....	105
THE REFORM OF THE MEDICAL TORT LAWS IN THE STATE OF MARYLAND.....	107
MARYLAND PRISON REFORM .....	111
The Availability of Rape Kits .....	113
AN AMENDMENT TO THE UNITED STATES CONSTTUTION THAT WOULD GUARANTEE THE RIGHT TO PRIVACY .....	114
REVENUE GENERATION IN THE STATE OF MARYLAND.....	115
EMINENT DOMAIN ABUSE.....	116
GAY RIGHTS AND CRITICAL BLOOD SHORTAGE .....	118
PUBLIC HIGH SCHOOL GRADUATION REQUIREMENTS- PERSONAL FINANCE EDUCATION.....	119
THE REVITALIZATION OF AMERICA’S NEWSPAPER INDUSTRY .....	120
THE SAFE STORAGE OF COAL ASH IN THE UNITED STATES.....	121
Buck v. Bell, 274 U.S. 200 (1927).....	122
PROPERTY TAX IN THE STATE OF MARYLAND .....	123
INSTANT RUNOFF VOTING IN THE STATE OF MARYLAND .....	124
THE USE OF LEGACY IN COLLEGE ADDMISSIONS.....	126
MARIJUANA-CHANGING THE SCHEDULING OF MARIJUANA IN THE CRIMINAL CODE .....	128
INVASIVE SPECIES-NEED FOR AN ERADICATION OF KUDZU .....	129

## Letter from Governor Andrew Horn

To the distinguished public servants of the great state of Maryland,

Every year the Maryland Student Legislature (MSL) sends out a compendium of bills that have passed our General Assembly. Enclosed here is that compendium of bills.

The Maryland Student Legislature is an organization dedicated to empowering Maryland college students with an way to have their voices heard in the government of Maryland. Several times a year we meet to learn parliamentary procedure and debate bills that are written and introduced by our membership.

The following are a few exceptional bills that passed our mock legislature:

- **A007-0910: An Act Concerning Marijuana—Decriminalization of Possession.** This bill won our award for Most Outstanding Act for the 2009-2010 academic year. This bill legalizes the use of medical marijuana. It also keeps those who use marijuana for personal consumption from clogging our jail system. Instead, prison space can be used to house dealers and other more heinous criminals.
- **A008-0910: An Act Concerning Economic Development – Responsible Spending – Green Energy Public Investment.** The MSL delegate who introduced this bill won our Thomas V. Mike Miller, Jr. Award for Up-and-Coming Members for the 2009-2010 academic year. The Body passed this bill as a public investment into economic growth with long-term effectiveness and stability by creating a new excise tax on consumer electronic goods.
- **A023-0910: An Act Concerning Family Law – Marriage – Equality of Marriage.** The MSL delegate who introduced this bill won our award for Best Orator for the 2009-2010 academic year. The argument for this bill was that for far too long, gay Marylanders have been denied the right to marry. This bill would allow marriage for same-sex couples in Maryland.

To learn more about who we are and what we do, please visit our website at [www.msl.org](http://www.msl.org) or send me an email at [governor@msl.org](mailto:governor@msl.org). We welcome any and all questions.

I hope as you enter the 2011 legislative year, you consider the ideas of the *Voice of College Students Across Maryland*.

Sincerely,



Andrew Horn  
MSL Governor  
2010-2011 Academic Year

AN ACT CONCERNING

**Discriminatory Practices- Gender Identity or Expression**

FOR the purpose of protecting transsexual and transgender individuals under the Antidiscrimination Act of 2001; and prohibiting discriminatory practices based on gender identity or expression.

BY adding to:

Article – Human Relations Commission  
Section 10-20, 23(a)-38, 2-11, 17(a)-31(h), 12(t)-24 (ii) Annotated  
Code of Maryland (2001)

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the laws of Maryland read as follows:

§10–20

IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

GENDER IDENTITY OR EXPRESSION.

“GENDER IDENTITY OR EXPRESSION” MEANS AN INDIVIDUAL’S HAVING OR BEING PERCEIVED AS HAVING A GENDER-RELATED SELF-IDENTITY, SELF-IMAGE APPEARANCE, EXPRESSION, OR BEHAVIOR WHETHER OR NOT THOSE GENDER-RELATED CHARACTERISTICS DIFFER FROM THOSE ASSOCIATED WITH THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.

TRANSGENDER.

“TRANSGENDER” MEANS A PERSON WHO IDENTIFIES WITH OR EXPRESSES A GENDER IDENTITY THAT DIFFERS FROM THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.

TRANSSEXUAL.

“TRANSSEXUAL” IS AN INDIVIDUAL WHO HAS A PARTIAL OR FULL REVERSAL OF SEX THAT DIFFERS FROM THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH. TYPICALLY THIS IS MALE-TO-FEMALE AND FEMALE-TO-MALE.

It is unlawful for an owner or operator of a place of public accommodation or an agent or employee of the owner or operator, because of the race, creed, sex,

age, color, national origin, marital status, sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL) or disability of any person, to refuse, withhold from, or deny to such person any of the accommodations, advantages, facilities and privileges of such place of public accommodation.

Nothing in this section shall be construed or interpreted to prohibit<sup>16</sup> the proprietor of any establishment, or the employees of the establishment, from the right to deny service to any person for failure to conform to the usual and regular requirements, standards and regulations for the establishment so long as the denial is not based upon discrimination on the grounds of race, sex, age, color, creed, national origin, marital status, sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability.

§23-38

(a) It is unlawful for any person, business, corporation, partnership, copartnership or association or any other individual, agent, employee, group or firm which is licensed or regulated by a unit in the Department of Labor, Licensing, and Regulation as set out in § 2-108 of the Business Regulation Article to refuse, withhold from, deny or discriminate against any person the accommodations, advantages,

facilities, privileges, sales, or services because of the race, sex, creed, color, national origin, marital status sexual orientation, GENDER IDENTITY OR

EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability of any person. Nothing in this section shall be construed or interpreted to prohibit any person, business, corporation, partnership, copartnership, association or any other individual, agent, employee, group or firm which is licensed or regulated by the Department of Labor, Licensing, and Regulation from the right to refuse, withhold from, or deny any person for failure to conform to the usual and regular requirements, standards, and regulations of any person, business, corporation, partnership, copartnership, or association contemplated by this section so long as the denial is not based upon discrimination on the grounds of race, sex, color, creed, [or] national origin, marital status, sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability.

§2-11

It is hereby declared to be the policy of the State of Maryland, in the exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government and for the promotion of the State's trade, commerce and manufacturers to assure all persons equal

opportunity in receiving employment and in all labor management-union relations regardless of race, color, religion, ancestry or national origin, sex, age, marital status,

sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment, and to that end to prohibit

discrimination in employment by any person, group, labor organization, organization or any employer or his agents.

§ 12(t)-24 (ii)

"Restrictive covenants" means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, marital status, sex, familial status, sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL), disability, or national origin.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

AN ACT CONCERNING

**Alcoholic Beverages – Direct Wine Shipper’s License**

FOR the purpose of repealing provisions that provide for a direct wine seller’s permit and establishing a direct wine shipper’s license to be issued by the Office of the Comptroller to certain persons in or outside of the State;

BY repealing  
Article 2B – Alcoholic Beverages  
Section 7.5–101 through 7.5  
Annotated Code of Maryland

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

**Article 2B – Alcoholic Beverages**  
2–101.

(a) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

- (1) \$50 for a solicitor’s permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;
- (2) \$75 for a public storage permit, a public transportation permit, or an import and export permit;
- (3) \$100 for a public storage and transportation permit, a nonresident dealer permit, or a bulk transfer permit;
- (4) \$400 for a family beer and wine facility permit; and
- (5) ~~\$10~~ \$100 for a direct wine ~~seller’s permit~~ SHIPPER’S

LICENSE. TITLE 7.5. DIRECTWINE SHIPPER’S LICENSE.  
7.5–101.

(A) A PERSON SHALL BE LICENSED BY THE OFFICE OF THE COMPTROLLER AS A DIRECT WINE SHIPPER BEFORE THE PERSON MAY ENGAGE IN SHIPPING WINE DIRECTLY TO A RESIDENT IN THE STATE.

7.5–102.

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE:

- (1) A PERSON LICENSED OUTSIDE OF THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE;
- (2) AN AUTHORIZED BRAND OWNER OF WINE, A UNITED STATES IMPORTER OF WINE, OR A DESIGNATED MARYLAND AGENT OF A BRAND OWNER OR UNITED STATES IMPORTER;

(3) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE; OR

(4) A PERSON LICENSED BY THE STATE OR OUTSIDE THE STATE TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF THE PREMISES.

7.5-103.

(A) AN APPLICANT FOR A LICENSE SHALL:

(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES;

(2) PROVIDE TO THE OFFICE OF THE COMPTROLLER A COPY OF THE CURRENT ALCOHOLIC BEVERAGES LICENSE OF THE APPLICANT; AND

(3) PAY A FEE OF \$100.

(B) THE OFFICE OF THE COMPTROLLER SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR A LICENSE.

7.5-104.

(A) A DIRECT WINE SHIPPER SHALL:

(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A RESIDENT IN THE STATE ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS ALCOHOL; SIGNATURE OF PERSON AT LEAST AGE 21 YEARS OLD REQUIRED FOR DELIVERY";

(2) REPORT TO THE OFFICE OF THE COMPTROLLER ANNUALLY THE TOTAL OF WINE, BY TYPE, SHIPPED IN THE STATE THE PRECEDING CALENDAR YEAR;

(3) PAY ANNUALLY TO THE OFFICE OF THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO RESIDENTS OF THE STATE IN THE PRECEDING CALENDAR YEAR, THE AMOUNT OF THE TAXES TO BE CALCULATED AS IF THE SALE WERE MADE AT THE DELIVERY LOCATION;

(4) ALLOW THE OFFICE OF THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT WINE SHIPPER'S RECORDS ON REQUEST; AND

(5) CONSENT TO THE JURISDICTION OF THE OFFICE OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

(B) A DIRECT WINE SHIPPER MAY NOT:

(1) SHIP MORE THAN 36 10-LITER CASES OF WINE ANNUALLY TO ANY ONE INDIVIDUAL.

7.5-105.

(A) TO RECEIVE A DIRECT SHIPMENT OF WINE, A RESIDENT OF THE STATE MUST BE AT LEAST 21 YEARS OF AGE.

(B) A SHIPMENT OF WINE MAY BE ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.

(C) A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

7.5-106.

(A) A PERSON WITHOUT A LICENSE MAY NOT SHIP WINE DIRECTLY TO CONSUMERS IN THE STATE.

7.5-107.

(A) A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010.

**AN ACT CONCERNING  
Give Children Help Or Independence Concerning Education**

FOR the purpose of providing quality educational choices for the children of Maryland particularly in underperforming counties through the expansion of the Public Charter School Program; altering the Public Charter School Act of 2003.

BY repealing, and reenacting, with amendments  
Article – Education  
Title 9 – Maryland Public Charter School Program  
Section §9–102, §9–104, §9–106, §9–110  
Annotated Code of Maryland

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

§9–102.

In this title, “public charter school” means a public school that:

- (1) Is nonsectarian in all its programs, policies, and operations;
- (2) Is a school to which parents choose to send their children;
- (3) Is open to all students on a space-available basis and admits students on a lottery basis if more students apply than can be accommodated;
- (4) Is a new public school or a conversion of an existing public school OR A CONVERSION OF AN EXISTING PRIVATE SCHOOL;
- (5) Provides a program of elementary or secondary education or both;
- (6) Operates in pursuit of a specific set of educational objectives;
- (7) Is tuition-free;
- (8) Is subject to federal and State laws prohibiting discrimination;
- (9) Is in compliance with all applicable health and safety laws;
- (10) Is in compliance with § 9-107 of this title;
- (11) Operates under the supervision of the public chartering authority from which its charter is granted and in accordance with its charter and, except as provided in § 9-106 of this title, the provisions of law and regulation governing other public schools;
- (12) Requires students to be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises; and
- (13) Is created in accordance with this title and the appropriate county board policy.

§9–104.

- (a) (1) An application to establish a public charter school shall be submitted to the county board of the county in which the charter school will be located.
- (2) An application to establish a public charter school may be submitted to a county board by:
  - (i) The staff of a public school;
  - (ii) A parent or guardian of a student who attends a public school in the county;
  - (iii) A nonsectarian nonprofit entity;
  - (iv) A nonsectarian institution of higher education in the State; or
  - (v) Any combination of persons specified in items (i) through (iv) of this paragraph.
- (3) A public chartering authority may not grant a charter under this title to:
  - ~~(i) A private school;~~
  - ~~(ii) (I) A parochial school; or~~
  - ~~(iii) (II) A home school.~~
- (4) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall

review the application and render a decision within 120 days of receipt of the application.  
(ii) For a restructured PUBLIC OR PRIVATE school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;
  2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;
  3. If an extension is not granted, and 30 days have elapsed, the State Board ~~may~~ SHALL become a chartering authority; and
  4. If an extension has been granted, and 45 days have elapsed, the State Board ~~may~~ SHALL become a chartering authority.
- (b) (1) If the county board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4-205(c) of this article.
- (2) The State Board shall render a decision within 120 days of the filing of an appeal under this subsection.
- (3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct the county board to grant a charter and shall mediate with the county board and the applicant to implement the charter.
- (C) THE STATE BOARD SHALL BECOME THE SOLE CHARTERING AUTHORITY FOR A COUNTY UNDER THE FOLLOWING CIRCUMSTANCES:
- (1) THE COMBINED ADEQUATE YEARLY PROGRESS REPORT SHOWS A COUNTY'S SCHOOLS TO BE IN A STATE OF NOT IN IMPROVEMENT FOR TWO CONSECUTIVE YEARS OR THREE OF ANY FIVE YEARS; OR
  - (2) THE COMBINED APPLICANTS TO A COUNTY'S EXISTING CHARTER SCHOOLS EXCEEDS 150% OF THE COMBINED CAPACITY OF THAT COUNTY'S CHARTER SCHOOLS; OR
  - (3) THE STATE BOARD REVERSES THE DECISION OF 75% OF A COUNTY BOARDS DENIAL OF CHARTERS.

§9-106.

- (a) Subject to subsection (b) of this section, a public charter school shall comply with the provisions of law and regulation governing other public schools.
- (b) Subject to subsection (c) of this section, a waiver of the requirements under subsection (a) of this section may be sought through an appeal to the State Board.
- (1) ALL CHARTERS GRANTED BY THE STATE BOARD UNDER SECTION §9-104 OF THIS TITLE SHALL AUTOMATICALLY BE GRANTED A WAIVER TO SUBSECTION (A) OF THIS SECTION IN ACCORDANCE TO SUBSECTION (C) OF THIS SECTION.
- (c) A waiver may not be granted from provisions of law or regulation relating to:
- (1) Audit requirements;
  - (2) The measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school; or
  - (3) The health, safety, or civil rights of a student or an employee of the charter school.

§9-110.

- (a) (1) Each county board shall develop a public charter school policy and submit it to the State Board.
- (2) The policy required under paragraph (1) of this subsection shall include guidelines and procedures regarding:
- (i) Evaluation of public charter schools;
  - (ii) Revocation of a charter;
  - (iii) Reporting requirements; and
  - (iv) Financial, programmatic, or compliance audits of public charter schools.
- (3) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOT INCLUDE POLICIES, GUIDELINES OR PROCEDURES THAT:
- (I) PREVENT THE STATE BOARD, ANY COUNTY BOARD OR ANY INDIVIDUAL CHARTER SCHOOL FROM OBTAINING FEDERAL GRANTS; OR
  - (II) RESTRICT THE NUMBER OF CHARTER SCHOOLS IN A COUNTY THAT HAS

NOT MET ALL OF IT'S ADEQUATE YEARLY PROGRESS.

(b) The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect January 1, 2010

AN ACT CONCERNING

**Higher Education – Collective Bargaining – Graduate Student Employees**

FOR the purpose of providing collective bargaining rights to adjunct faculty and graduate students in public institutions of higher education; establishing separate collective bargaining units for certain adjunct faculty and certain graduate students; and generally relating to collective bargaining for employees of public institutions of higher education.

BY adding to,

Article – State Personnel and Pensions

Section 3–101, 3–102, and 3–403(d)

Annotated Code of Maryland (2004 Replacement Volume and 2007 Supplement)

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

Article – State Personnel and Pensions

Section 3–101

(a) In this title the following words have the meanings indicated. (b) “Board”

means:

- (1) with regard to any matter relating to employees of any of the units of State government described in §3–102(a)(1) through(4) of this subtitle, the State Labor Relations Board; and
- (2) with regard to any matter relating to employees of any State institution of higher education described in § 3–102(a)(5) of this subtitle, the State Higher Education Labor Relations Board.

(c) “Collective bargaining” means:

- (1) good faith negotiations by authorized representatives of employees and their employer with the intention of:
  - (i) 1. reaching an agreement about wages, hours, and other terms and conditions of employment; and 2. incorporating the terms of the agreement in a written memorandum of understanding or other written understanding; or
  - (ii) clarifying terms and conditions of employment;

(e) “Exclusive representative” means an employee organization that has been certified by the Board as an exclusive representative under Subtitle 4 of this title.

**(F) “GRADUATE STUDENT EMPLOYEE” MEANS A GRADUATE STUDENT AT A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, WHO IS A TEACHING ASSISTANT, RESEARCH ASSISTANT, ADMINISTRATIVE ASSISTANT, OR IN A COMPARABLE POSITION, FELLOW, OR POST-DOCTORAL INTERN.**

[(f)] (G) “President” means:

- (1) with regard to a constituent institution, as defined in § 12–101 of the Education Article, the president of the constituent institution;
- (2) with regard to a center or institute, as those terms are defined in § 12–101 of the Education Article, the president of the center or institute;
- (3) with regard to the University System of Maryland Office, the Chancellor of the University System of Maryland; and
- (4) with regard to Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College, the president of the institution.

[(g)] (H) “System institution” means:

- (1) a constituent institution, as defined in § 12–101 of the Education Article;
- (2) a center or institute, as those terms are defined in § 12–101 of the Education Article; and
- (3) the University System of Maryland Office.

Section 3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to all employees of:

- (1) the principal departments within the Executive Branch of State government;
- (2) the Maryland Insurance Administration;
- (3) the State Department of Assessments and Taxation;
- (4) the State Lottery Agency; and
- (5) the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

(b) This title does not apply to:

- (1) employees of the Maryland Transit Administration, as that term is defined in § 7–601(a)(2) of the Transportation Article;
- (2) an employee who is elected to the position by popular vote;
- (3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;
- (4) an employee who is:
  - (i) a special appointment in the State Personnel Management System; or
  - (ii) 1. directly appointed by the Governor by an appointment that is not

- provided for by the Maryland Constitution; 2. appointed by or on the staff of the Governor or Lieutenant Governor; or 3. assigned to the Government House or the Governor's Office;
- (5) an employee assigned to the Board or with access to records of the Board;
- (6) an employee in:
- (i) the executive service of the State Personnel Management System; or
  - (ii) a unit of the Executive Branch with an independent personnel system who is: 1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or 2. a deputy or assistant administrator of the unit or a comparable position;
- (7) (i) a temporary or contractual employee in the State Personnel Management System; or
- (ii) a contractual, temporary, or emergency employee in a unit of the Executive Branch with an independent personnel system;
- (8) an employee who is entitled to participate in collective bargaining under another law;
- (9) an employee of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College who is:
- (i) a chief administrator or in a comparable position;
  - (ii) a deputy, associate, or assistant administrator or in a comparable position;
  - (iii) a member of the **TENURED OR TENURE TRACK** faculty, including a faculty librarian;
  - (iv) [a] **AN UNDERGRADUATE** student employee[, including a teaching assistant or a comparable position, fellow, or post doctoral intern];
  - (v) a contingent, contractual, temporary, or emergency employee, **EXCEPT FOR ADJUNCT FACULTY AND GRADUATE STUDENT EMPLOYEES**;
  - (vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues, **EXCEPT FOR ADJUNCT FACULTY AND GRADUATE STUDENT EMPLOYEES**; or
  - (vii) an employee whose regular place of employment is outside the State of Maryland;
- (10) an employee whose participation in a labor organization would be contrary to the State's ethics laws;
- (11) any supervisory, managerial, or confidential employee of a unit of State government listed in subsection (a)(1) through (4) of this section, as defined in regulations adopted by the Secretary; or
- (12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(5) of this section, as defined in regulations adopted by the governing board of the institution.

Section 3-403.

- (d) (1) Each system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall have separate bargaining units.

(2) The presidents of the system institutions may agree to cooperate for the purpose of collective bargaining:

- (i) before the election of exclusive representatives; or
- (ii) after the certification of exclusive representatives under § 3-406(a) of this subtitle.

(3) Appropriate bargaining units shall consist of:

- (i) all eligible nonexempt employees, as described in the federal Fair Labor Standards Act, except eligible sworn police officers;
- (ii) all eligible exempt employees, as described in the federal Fair Labor Standards Act; [and]
- (iii) all eligible sworn police officers;

**(IV) ALL ADJUNCT FACULTY OR ANY FACULTY THAT HAS SIMILAR STATUS AND DUTIES AS ADJUNCT FACULTY; AND**

**(V) ALL GRADUATE STUDENT EMPLOYEES.**

SECTION 2. AND BE IT FURTHER ENACTED,  
That this Act shall take effect July 1, 2010.

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

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

BY repealing and reenacting, with amendments

Article – Criminal Law

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

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

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

That the Laws of Maryland read as follows:

Article – Criminal Law

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

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

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

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

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

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

(iii) the concealment of a material fact;

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

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

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

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

(c) Penalty; medical necessity.-

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

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

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

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

(ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or

possessed marijuana because of medical necessity, ~~on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.~~ THEY SHALL FACE NO PENALTY.

AN ACT CONCERNING

**Economic Development – Responsible Spending – Green Energy Public Investment**

FOR the purpose of stimulating the Maryland economy with a fiscally responsible spending plan 40 that is budget neutral.

FOR the purpose of authorizing and empowering the Department of Business and Economic Development funded by a consumer electronic excise tax.

FOR the purpose of creating jobs across the State of Maryland.

BY adding to

Article TAX – GENERAL

Title 14 – ENVIRONMENTAL EXCISE TAXES

Section §1–101, §2–101, §3–101

Annotated Code of Maryland

**SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the 140 following be added to the laws of Maryland and be read as follows:

**Article – TAX – GENERAL**

**Title 14 – ENVIRONMENTAL EXCISE TAXES**

**§1–101. APPLICATION OF CONSUMER ELECTRONICS EXCISE TAX**

**(a.) DEFINITION OF APPLICATION OF EXCISE TAX**

(1) THE APPLICATION OF THIS EXCISE TAX WILL ONLY APPLY TO ALL PURCHASES MADE ON TELEVISIONS AND COMPUTER MONITORS.

(i) THE APPLICATION OF THIS EXCISE TAX INCLUDES THE PURCHASE OF PERSONAL LAPTOPS; TELEVISIONS THAT CONTAIN CATHODE TUBES; COMPUTER MONITORS THAT CONTAIN CATHODE RAY TUBES OR USE LIQUID CRYSTAL DISPLAYS (LCD); TELEVISIONS CONTAINING LCD SCREENS, WHICH INCLUDES ANY DEVICE CONTAINING AN LCD DISPLAY GREATER THAN 4 INCHES MEASURED DIAGONALLY (VIEWABLE SIZE) THAT HAS TELEVISION TUNER CAPABILITY 330 AND CAN PROCESS A BROADCAST, CABLE FOR SATELLITE TRANSMITTED TELEVISION 350 SIGNAL; PLASMA TELEVISIONS; AND PORTABLE DVD PLAYERS WITH LCD SCREENS.

(2) THE APPLICATION OF THIS EXCISE TAX WILL ONLY APPLY TO THE FIRSTHAND SALES OF ALL PRODUCTS MENTIONED IN SUB-PARAGRAPH (1) AND SUB-CLAUSE (i) OF SUB-PARAGRAPH (1) IN SUBSECTION (A) OF THIS SECTION BY ANY COMMERCIAL RETAILER.

(i) FIRSTHAND SALES ARE THOSE MADE BY COMMERCIAL RETAILERS WHOSE REVENUES ARE TAXABLE BY THE GOVERNMENT OF THE STATE OF MARYLAND AND/OR THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

(ii) THE APPLICATION OF THIS TAX WILL BE MADE ONTO COMMERCIAL RETAILERS

WHOSE SALES ARE CONDUCTED VIA

PHYSICAL COMMERCE OR ELECTRONIC  
COMMERCE

(3.) THE APPLICATION OF THIS EXCISE TAX WILL BE OCCUR AFTER THE APPLICATION OF THE MARYLAND STATE SALES TAX AND WILL NOT BE INCLUDED IN THE CALCULATION OF MARYLAND STATES SALES TAX FOR PURCHASES UNDER THE CONDITIONS SPECIFIED IN SUBSECTION (a.) OF THIS SECTION.

(4.) SALES EXEMPT FROM THIS TAX

(i) USED AND NOT REFURBISHED SALES  
(ii) SALES PART OF A MOTOR VEHICLE, OR A COMPONENT PART OF A MOTOR VEHICLE ASSEMBLED BY OR FOR A VEHICLE MANUFACTURER OR FRANCHISED DEALER. THIS INCLUDES REPLACEMENT PARTS FOR USE IN A MOTOR VEHICLE.

(iii) SALES WITH SCREENS CONTAINED WITHIN, OR A PART OF A PIECE OF INDUSTRIAL, COMMERCIAL, OR MEDICAL EQUIPMENT, INCLUDING MONITORING OR CONTROL EQUIPMENT.

(iv) SALES WITH SCREENS CONTAINED WITHIN A CLOTHES WASHER, CLOTHES DRYER, REFRIGERATOR, REFRIGERATOR AND FREEZER, MICROWAVE OVEN, CONVENTIONAL OVEN OR RANGE, DISHWASHER, ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER.

(v) SALES SHIPPED TO THE BUYER FROM A LOCATION OUTSIDE OF THE STATE OF MARYLAND,

(5.) ITEMIZATION OF THE EXCISE TAX

(i) COMMERCIAL RETAILERS AS DEFINED IN SUB-PARAGRAPH (2) AND SUB-CLAUSE 780

(i)(ii) OF SUB-PARAGRAPH (2) IN SUBSECTION (a) OF THIS SECTION MUST ITEMIZE THE TAX AMOUNT ON THE PURCHASER'S RECEIPT AND IDENTIFY IT AS "GREEN ENERGY FEE".

**(b.) DEFINITION OF MONETARY AMOUNT OF EXCISE TAX**

(1) THE EXCISE TAX WILL BE APPLIED UNDER ALL CONDITIONS SPECIFIED IN SUBSECTION (a.) OF THIS SECTION.

(2) THE MONETARY AMOUNT WILL BE ASSESSED BASED ON THE VIEWABLE SCREEN SIZE, WHICH WILL BE MEASURED DIAGONALLY.

(i) IF THE VIEWABLE SCREEN SIZE IS GREATER THAN 4 INCHES BUT LESS THAN 15 INCHES, THEN THE MONETARY AMOUNT OF THE TAX WILL BE \$8 (EIGHT U.S. DOLLARS).

(ii) IF THE VIEWABLE SCREEN SIZE IS GREATER THAN OR EQUAL TO 15 INCHES BUT LESS THAN 35 INCHES, THEN THE MONETARY AMOUNT OF THE TAX WILL BE

\$16 (SIXTEEN U.S. DOLLARS).

(iii) IF THE VIEWABLE SCREEN SIZE IS GREATER THAN OR EQUAL TO 35 INCHES, THEN THE MONETARY AMOUNT OF THE TAX WILL BE \$25 (TWENTY FIVE U.S. DOLLARS).

(3) THE MONETARY AMOUNTS AS DESCRIBED IN SUB-PARAGRAPH (2) AND SUB-CLAUSE (i)(ii)(iii) OF SUB-PARAGRAPH (2) IN SUBSECTION (b) OF THIS SECTION CAN BE INDEXED TO THE RATE OF INFLATION AS DETERMINED BY THE NATIONAL INFLATION OR CONSUMER PRICE INDEX.

(4) THE MONETARY AMOUNTS AS DESCRIBED IN SUB-PARAGRAPH (2) AND SUB-CLAUSE (i)(ii)(iii) OF SUB-PARAGRAPH (2) IN SUBSECTION (b) OF THIS SECTION WILL BE INDEXED TO INFLATION EVERY THREE YEARS UNLESS THE INFLATION RATE IS NEGATIVE OR THE CURRENT FISCAL YEAR'S INFLATION RATE EXCEEDS 4%.

**§2-101. COLLECTION OF CONSUMER ELECTRONICS EXCISE TAX**

**(a.) TIME OF COLLECTION**

(1) THE TAX UNDER THE CONDITIONS OF §1-101 WILL BE COLLECTED ANNUALLY AT THE SAME TIME AS OTHER MARYLAND TAXES.

**§3-101. JURISDICTION OF CONSUMER ELECTRONICS EXCISE TAX**

**(a.) APPROPRIATION OF EXCISE TAX REVENUES**

(1) AFTER THE COLLECTION OF THE EXCISE TAX UNDER THE CONDITIONS SPECIFIED IN §1-101 AND §2-101, ALL REVENUES FROM SAID EXCISE TAX WILL BE GIVEN EXPLICITLY AND SOLELY TO THE 1380 MARYLAND DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT (HEREBY REFERRED TO AS "THE DEPARTMENT")

(2) THE APPROPRIATION OF THESE REVENUES AS SPECIFIED IN §1-101, §2-101, AND §3-101 MAY ONLY BE CHANGED BY LEGISLATIVE STATUTE OF THE GENERAL ASSEMBLY OF MARYLAND.

**(b.) APPROPRIATE EXTEMPORANEOUS LEGISLATION**

(1.) THE GENERAL ASSEMBLY OF MARYLAND MAY PASS LEGISLATION NECESSARY AND PROPER TO THE EXECUTION OF THE PROVISIONS OF TITLE 14 – 1490 ENVIRONMENTAL EXCISE TAXES OF ARTICLE TAX – GENERAL.

**§4-101. POWERS OVER THE NEW REVENUE**

**(a.) DEPARTMENT SPENDING SOURCES** - THE DEPARTMENT MAY ONLY SPEND THE TAX REVENUES APPROPRIATED TO IT UNDER THE CONDITIONS SPECIFIED IN §1-101, §2-101, AND §3-101.

**(b.) DEPARTMENT SPENDING OUTPUTS** – THE DEPARTMENT MAY ONLY SPEND ITS REVENUES ON GREEN ENERGY AND/OR GREEN TECHNOLOGY INVESTMENTS AND/OR PUBLIC WORKS PROJECTS AS DEMONSTRATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, OR THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.

(i) THE SPENDING MAY ONLY BE FOR GREEN ENERGY

AND/OR GREEN TECHNOLOGY INVESTMENTS AND/OR PUBLIC WORKS PROJECTS INSIDE THE GEOGRAPHICAL BOUNDARIES OF THE STATE OF MARYLAND.

(c.) *DEPARTMENT SPENDING AUTONOMY* – THE DEPARTMENT’S SPENDING DECISIONS MAY NOT BE OVERRIDEN, NULLIFIED, VOIDED, OR OTHERWISE DISRUPTED UNLESS THEY VIOLATE THE CONDITIONS OF SUBSECTIONS (A.) AND (B.) OF THIS SECTION.

(i) ONLY THE GENERAL ASSEMBLY OF MARYLAND MAY OVERRIDE, NULLIFY, VOID, OR OTHERWISE DISRUPT IF THE SPENDING DECISIONS DO NOT MEET THE CONDITIONS OF SUBSECTIONS (A.) AND (B.) OF THIS SECTION OR OTHERWISE ARE UNETHICAL, ILLEGAL, OR UNBECOMING OF THE PURPOSE OF THIS ACT.

(d.) *DEPARTMENT SPENDING TIMING* – THE DEPARTMENT MAY EITHER (1.) SPEND ALL ITS REVENUES IN A GIVEN YEAR, (2.) IMPOUND ANY UNSPENT REVENUES WHICH CAN BE USED IN LATER YEARS UNDER CONDITIONS OF SUBSECTION (B.) OF THIS SECTION, OR (3.) AT THE START OF THE FISCAL YEAR, IMPOUND ALL REVENUE FUNDS FOR THE NEXT FIVE YEARS IN ORDER TO SAVE AND SPEND FOR LARGER PROJECTS UNDER THE CONDITIONS OF SUBSECTION (B.) OF THIS SECTION AT THE BEGINNING OF THE SIXTH YEAR MARKED FROM THE START OF THE FIVE YEAR IMPOUNDMENT.

**§5-101. TRANSPARENCY OF THE DEPARTMENT**

(a.) *REPORTS TO THE GENERAL ASSEMBLY OF MARYLAND*

(1) AT THE END OF EVERY FISCAL YEAR, THE DEPARTMENT MUST REPORT TO THE GENERAL ASSEMBLY OF MARYLAND THE ALLOCATION OF EVERY PENNY SPENT AND/OR EVERY PENNY IMPOUNDED EACH YEAR.

(2) AT THE END OF EVERY FISCAL YEAR, THE DEPARTMENT MUST REPORT THE RETURNS ON INVESTMENTS UNDER CONDITIONS OF SUBSECTION (B.) OF SECTION 2 AND/OR THE ECONOMIC EFFECTS OF SPENDING ON PUBLIC WORKS PROJECTS UNDER CONDITIONS OF SUBSECTION (B.) OF SECTION 2.

(b.) *REPORTS TO THE DEPARTMENT FROM THE GENERAL ASSEMBLY OF MARYLAND.*

(1) THE DEPARTMENT MUST ACCEPT AND CONSIDER ANY REPORTS SUBMITTED BY THE GENERAL ASSEMBLY OF MARYLAND CONCERNING POTENTIAL SPENDING OPPORTUNITIES AND/OR DECISIONS REGARDING SPENDING VS. IMPOUNDMENT,

(c.) *INVESTIGATION OF THE DEPARTMENT*

(1) THE MARYLAND ATTORNEY GENERAL MAY INVESTIGATE THE DEPARTMENT ONLY UNDER AUTHORIZATION BY THE GENERAL ASSEMBLY OF MARYLAND IF UNDER REASONABLE SUSPICION THE DEPARTMENT HAS COMMITTED OR CONDONED ANY UNETHICAL, ILLEGAL, OR OTHERWISE UNBECOMING ACTS.

(i) THE ATTORNEY GENERAL ONLY WOULD HAVE INVESTIGATORY JURISDICTION OVER CRIMES DIRECTLY RELATED AND PERTINENT TO THE ACTIONS OR EVENTS THAT CREATED THE REASONABLE SUSPICION OF SUB-PARAGRAPH (1).

(ii) IF ANY VIOLATIONS ARE FOUND UNDER THE

CONDITIONS OF SUB-PARAGRAPH (1), THEN THE GENERAL ASSEMBLY MAY REMOVE THE AFFECTED MEMBERS OF THE DEPARTMENT AND CONTINUE WITH NORMAL CRIMINAL OR CIVIL PROCEEDINGS.

**(d.) APPROPRIATE LEGISLATION** – THE GENERAL ASSEMBLY OF MARYLAND MAY PASS AND NECESSARY AND PROPER LEGISLATION REGARDING THE EXECUTION OF THE DEPARTMENT AS LONG AS IT DOES NOT VIOLATE ANY CONDITIONS OF §1–101, §2–101, AND §3–101.

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

**SECTION 3.** AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, inconsistent with this Act, are repealed to the extent of the inconsistency.

**SECTION 4.** AND BE IT FURTHER ENACTED, That this act shall take effect one year after passing the General Assembly of Maryland.

**An Act concerning**

**Carroll County – Gaming**

FOR the purpose of authorizing certain organizations in Carroll County to conduct certain card games and casino games under certain circumstances; requiring an organization to obtain a permit from the county commissioners before conducting games; specifying certain requirements for the conduct of games and certain limits for wagers and prizes; requiring the county to adopt certain regulations; defining a certain term; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 13–906  
Annotated Code of Maryland

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

**Article 13 – Gaming, Local Provisions**  
§13–906.

(a) Notwithstanding § 13–903 of this subtitle, a person may not conduct a card game, dice game, roulette, or casino night unless the person is:

(1) a senior center site council that conducts a card game under subsection (b) of this section; **OR**

**(2) AN ORGANIZATION THAT IS GRANTED A PERMIT TO CONDUCT A CARD GAME OR CASINO NIGHT UNDER SUBSECTION (C) OF THIS SECTION.**

(b) Senior citizen site council games.-

(1) A senior center site council may conduct a card game in a senior center 5 days per week, ~~excluding Sunday.~~

(2) A senior center site council may not:

(i) award a prize of money exceeding ~~\$5~~ **10** to a winner in each session; and

(ii) charge a participant more than \$1 to play one session.

(3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

(C)

**(1) IN THIS SUBSECTION, “CASINO NIGHT” INCLUDES THE PLAY OF CARD GAMES, DICE GAMES, AND ROULETTE.**

**(2) BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME OR**

**CASINO NIGHT UNDER THIS SUBSECTION, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE COUNTY COMMISSIONERS.**

**(3) TO CONDUCT A CARD GAME OR CASINO NIGHT, AN ORGANIZATION MUST BE A BONA FIDE:**

- (I) RELIGIOUS ORGANIZATION;**
- (II) FRATERNAL ORGANIZATION;**
- (III) CIVIC ORGANIZATION;**
- (IV) WAR VETERANS' ORGANIZATION;**
- (V) HOSPITAL;**
- (VI) AMATEUR ATHLETIC ORGANIZATION;**
- (VII) CHARITABLE ORGANIZATION; OR**
- (VIII) VOLUNTEER FIRE COMPANY.**

**(4) BEFORE THE COUNTY COMMISSIONERS ISSUE A PERMIT, THEY SHALL DETERMINE WHETHER THE ORGANIZATION APPLYING FOR THE PERMIT QUALIFIES UNDER THIS SUBTITLE AND THE CONDITIONS OF THIS SUBTITLE ARE MET.**

**(5) THE PERMIT SHALL STATE THAT THE CARD GAME OR CASINO NIGHT SHALL BE MANAGED AND OPERATED ONLY BY MEMBERS OF THE ORGANIZATION HOLDING THE PERMIT.**

**(6) A PERMIT IS NOT TRANSFERABLE.**

**(7) AN INDIVIDUAL OR GROUP OF INDIVIDUALS MAY NOT BENEFIT FINANCIALLY, OR RECEIVE PROCEEDS FOR PERSONAL USE OR BENEFIT, FROM A CARD GAME OR CASINO NIGHT CONDUCTED UNDER THIS SECTION.**

**(8) A PERMIT HOLDER MAY NOT:**

- (I) AWARD A MONEY PRIZE GREATER THAN \$10 PER CARD GAME;**
- (II) ALLOW A PLAYER TO BET MORE THAN \$10 IN ANY ONE GAME;**
- (III) EXCHANGE TOKENS USED FOR WAGERING FOR MONEY OR AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.**

**(9) THE COUNTY SHALL ADOPT REGULATIONS TO: GOVERN THE ISSUANCE OF PERMITS; ESTABLISH A FEE FOR PERMITS; AND REGULATE THE DESIGN AND MANNER IN WHICH GAMES ARE CONDUCTED TO PREVENT FRAUD AND PROTECT THE PUBLIC.**

**(I) THE REGULATIONS SHALL INCLUDE AGE RESTRICTIONS,  
REPORTING REQUIREMENTS, AND PRIZE AND WAGERING  
LIMITATIONS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

AN ACT CONCERNING:

**Death with Dignity**

FOR the purpose of ensuring the continued dignity of all terminally ill Maryland residents if they so choose;

BY repealing and amending Article --  
Health General Title 5

Section 5-611

Annotated Code of Maryland

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

Section 5 -- Death

§ 5-611. Medically ineffective treatment not required; mercy killing or euthanasia prohibited; construction of subtitle.

(a) *Ethically inappropriate treatment not required.*- Except as provided in § 5-613(a) (3) of this subtitle, nothing in this subtitle may be construed to require a physician to prescribe or render medical treatment to a patient that the physician determines to be ethically inappropriate. (b) *Medically ineffective treatment not required.*-

(1) Except as provided in § 5-613 (a) (3) of this subtitle, nothing in this subtitle may be construed to require a physician to prescribe or render medically ineffective treatment.

(2)(i) Except as provided in subparagraph (ii) of this paragraph, a patient's attending physician may withhold or withdraw as medically ineffective a treatment that under generally accepted medical practices is life-sustaining in nature only if the patient's attending physician and a second physician certify in writing that the treatment is medically ineffective and the attending physician informs the patient or the patient's agent or surrogate of the physician's decision.

(ii) If the patient is being treated in the emergency department of a hospital and only one physician is available, the

certification of a second physician is not required.

~~(c) *Mercy killing or euthanasia prohibited.* Nothing in this subtitle may be construed to condone, authorize, or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.~~

(c) EUTHANASIA PERMITTED

(1) DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN §5-611, HAVE THE FOLLOWING MEANINGS:

(i) "ADULT" MEANS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

(ii) "ATTENDING PHYSICIAN" MEANS THE PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR THE CARE OF THE PATIENT AND TREATMENT OF THE PATIENT'S TERMINAL DISEASE.

(iii) "CAPABLE" MEANS THAT IN THE OPINION OF A COURT OR IN THE OPINION OF THE PATIENT'S ATTENDING PHYSICIAN OR CONSULTING PHYSICIAN, PSYCHIATRIST OR PSYCHOLOGIST, A PATIENT HAS THE ABILITY TO MAKE AND COMMUNICATE HEALTH CARE DECISIONS TO HEALTH CARE PROVIDERS,

INCLUDING COMMUNICATION THROUGH PERSONS FAMILIAR WITH THE PATIENT'S MANNER OF

COMMUNICATING IF THOSE PERSONS ARE AVAILABLE.

(iv) "CONSULTING PHYSICIAN" MEANS A PHYSICIAN WHO IS QUALIFIED BY SPECIALTY OR EXPERIENCE

TO MAKE A PROFESSIONAL DIAGNOSIS AND PROGNOSIS REGARDING THE PATIENT'S DISEASE. (v) "COUNSELING" MEANS ONE OR MORE CONSULTATIONS AS NECESSARY BETWEEN A STATE LICENSED PSYCHIATRIST OR PSYCHOLOGIST AND A

PATIENT FOR THE PURPOSE OF DETERMINING THAT THE PATIENT IS CAPABLE AND NOT SUFFERING

FROM A PSYCHIATRIC OR PSYCHOLOGICAL DISORDER OR DEPRESSION CAUSING IMPAIRED JUDGMENT.

(vi) "HEALTH CARE PROVIDER" MEANS A PERSON LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED OR PERMITTED BY THE LAW OF THIS STATE TO

ADMINISTER HEALTH CARE OR DISPENSE MEDICATION IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION, AND INCLUDES A HEALTH CARE FACILITY.

(vii) "INFORMED DECISION" MEANS A DECISION BY A QUALIFIED PATIENT, TO REQUEST AND OBTAIN A

PRESCRIPTION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER, THAT IS BASED ON AN APPRECIATION OF THE RELEVANT FACTS AND

AFTER BEING FULLY INFORMED BY THE ATTENDING PHYSICIAN OF:

(A) HIS OR HER MEDICAL DIAGNOSIS;

(B) HIS OR HER PROGNOSIS;

(C) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO BE PRESCRIBED;

(D) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED; AND

(E) THE FEASIBLE ALTERNATIVES, INCLUDING, BUT NOT LIMITED TO, COMFORT CARE, HOSPICE CARE AND PAIN CONTROL.

(viii) "MEDICALLY CONFIRMED" MEANS THE MEDICAL OPINION OF THE ATTENDING PHYSICIAN

HAS BEEN CONFIRMED BY A CONSULTING

PHYSICIAN WHO HAS EXAMINED THE PATIENT AND THE PATIENT'S RELEVANT MEDICAL RECORDS.

(ix) "PATIENT" MEANS A PERSON WHO IS UNDER THE CARE OF A PHYSICIAN.

(x) "PHYSICIAN" MEANS A DOCTOR OF MEDICINE OR OSTEOPATHY LICENSED TO PRACTICE MEDICINE BY THE BOARD OF MEDICAL EXAMINERS FOR THE STATE OF MARYLAND.

(xi) "QUALIFIED PATIENT" MEANS A CAPABLE ADULT WHO IS A RESIDENT OF MARYLAND AND HAS

SATISFIED THE REQUIREMENTS OF §5-611 IN ORDER TO OBTAIN A PRESCRIPTION FOR MEDICATION TO

END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER.

(xii) "TERMINAL DISEASE" MEANS AN INCURABLE AND IRREVERSIBLE DISEASE THAT HAS BEEN MEDICALLY CONFIRMED AND WILL, WITHIN

REASONABLE MEDICAL JUDGMENT, PRODUCE DEATH WITHIN SIX MONTHS.

(2) WHO MAY INITIATE A WRITTEN REQUEST FOR MEDICATION.

(i) AN ADULT WHO IS CAPABLE, IS A RESIDENT OF MARYLAND, AND HAS BEEN DETERMINED BY THE ATTENDING PHYSICIAN AND CONSULTING PHYSICIAN TO BE SUFFERING FROM A TERMINAL

DISEASE, AND WHO HAS VOLUNTARILY EXPRESSED HIS OR HER WISH TO DIE, MAY MAKE A WRITTEN REQUEST FOR MEDICATION FOR THE PURPOSE OF ENDING HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER IN ACCORDANCE WITH §5-611.

(ii) NO PERSON SHALL QUALIFY UNDER THE PROVISIONS OF §5-611 SOLELY BECAUSE OF AGE OR DISABILITY.

(3) FORM OF THE WRITTEN REQUEST.

(i) A VALID REQUEST FOR MEDICATION UNDER §5-611 SHALL BE IN SUBSTANTIALLY THE FORM DESCRIBED

IN §5-611, SIGNED AND DATED BY THE PATIENT AND WITNESSED BY AT LEAST TWO INDIVIDUALS WHO,

IN THE PRESENCE OF THE PATIENT, ATTEST THAT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF THE PATIENT IS CAPABLE, ACTING VOLUNTARILY, AND IS NOT BEING COERCED TO SIGN THE REQUEST.

(ii) ONE OF THE WITNESSES SHALL BE A PERSON WHO IS NOT:

(A) A RELATIVE OF THE PATIENT BY BLOOD, MARRIAGE OR ADOPTION;

(B) A PERSON WHO AT THE TIME THE REQUEST IS SIGNED WOULD BE ENTITLED TO ANY

PORTION OF THE ESTATE OF THE QUALIFIED PATIENT UPON DEATH UNDER ANY WILL OR BY OPERATION OF LAW; OR

(C) AN OWNER, OPERATOR OR EMPLOYEE OF A HEALTH CARE FACILITY WHERE THE

QUALIFIED PATIENT IS RECEIVING MEDICAL TREATMENT OR IS RESIDENT.

(iii) THE PATIENT'S ATTENDING PHYSICIAN AT THE TIME THE REQUEST IS SIGNED SHALL NOT BE A

WITNESS.

(iv) IF THE PATIENT IS A PATIENT IN A LONG TERM CARE FACILITY AT THE TIME THE WRITTEN REQUEST IS MADE, ONE OF THE WITNESSES SHALL BE AN INDIVIDUAL DESIGNATED BY THE FACILITY AND HAVING THE QUALIFICATIONS SPECIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE. (4) SAFEGUARDS: ATTENDING PHYSICIAN RESPONSIBILITIES.

(i) THE ATTENDING PHYSICIAN SHALL:

(A) MAKE THE INITIAL DETERMINATION OF WHETHER A PATIENT HAS A TERMINAL DISEASE, IS CAPABLE, AND HAS MADE THE REQUEST VOLUNTARILY;

(B) REQUEST THAT THE PATIENT DEMONSTRATE MARYLAND RESIDENCY;

(C) TO ENSURE THAT THE PATIENT IS MAKING AN INFORMED DECISION, INFORM THE PATIENT OF:

(1) HIS OR HER MEDICAL DIAGNOSIS; (2) HIS OR HER PROGNOSIS;

(3) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO BE PRESCRIBED;

(4) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED; AND

(5) THE FEASIBLE ALTERNATIVES, INCLUDING, BUT NOT LIMITED TO, COMFORT CARE, HOSPICE CARE AND PAIN CONTROL;

(D) REFER THE PATIENT TO A CONSULTING PHYSICIAN FOR MEDICAL CONFIRMATION OF THE DIAGNOSIS, AND FOR A DETERMINATION

THAT THE PATIENT IS CAPABLE AND ACTING VOLUNTARILY;

(E) REFER THE PATIENT FOR COUNSELING IF APPROPRIATE;

(F) RECOMMEND THAT THE PATIENT NOTIFY

NEXT OF KIN;

(G) COUNSEL THE PATIENT ABOUT THE IMPORTANCE OF HAVING ANOTHER PERSON PRESENT WHEN THE PATIENT TAKES THE MEDICATION PRESCRIBED AND OF NOT TAKING THE MEDICATION IN A PUBLIC PLACE;

(H) INFORM THE PATIENT THAT HE OR SHE HAS AN OPPORTUNITY TO RESCIND THE REQUEST AT ANY TIME AND IN ANY MANNER, AND OFFER THE PATIENT AN OPPORTUNITY TO RESCIND AT THE END OF THE 15 DAY WAITING PERIOD;

(I) VERIFY, IMMEDIATELY PRIOR TO WRITING THE PRESCRIPTION FOR MEDICATION, THAT THE PATIENT IS MAKING AN INFORMED DECISION;

(J) FULFILL THE MEDICAL RECORD DOCUMENTATION REQUIREMENTS;

(K) ENSURE THAT ALL APPROPRIATE STEPS ARE CARRIED OUT PRIOR TO WRITING A PRESCRIPTION FOR MEDICATION TO ENABLE A QUALIFIED PATIENT TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER; AND

(L) (1) DISPENSE MEDICATIONS DIRECTLY, INCLUDING ANCILLARY MEDICATIONS INTENDED TO FACILITATE THE DESIRED EFFECT TO MINIMIZE THE PATIENT'S DISCOMFORT, PROVIDED THE ATTENDING PHYSICIAN IS REGISTERED AS A DISPENSING PHYSICIAN WITH THE BOARD OF MEDICAL EXAMINERS, HAS A CURRENT DRUG ENFORCEMENT ADMINISTRATION CERTIFICATE AND COMPLIES WITH ANY APPLICABLE ADMINISTRATIVE RULE; OR

(2) WITH THE PATIENT'S WRITTEN CONSENT:

(I) CONTACT A PHARMACIST AND INFORM THE PHARMACIST OF THE PRESCRIPTION; AND

(II) DELIVER THE WRITTEN

PRESCRIPTION PERSONALLY OR BY MAIL TO THE PHARMACIST, WHO WILL DISPENSE THE MEDICATIONS TO EITHER THE PATIENT, THE ATTENDING PHYSICIAN OR AN EXPRESSLY IDENTIFIED AGENT OF THE PATIENT.

(ii) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ATTENDING PHYSICIAN MAY SIGN THE PATIENT'S DEATH CERTIFICATE.

(5) CONSULTING PHYSICIAN CONFIRMATION.

(i) BEFORE A PATIENT IS QUALIFIED, A CONSULTING PHYSICIAN SHALL EXAMINE THE PATIENT AND HIS OR HER RELEVANT MEDICAL RECORDS AND CONFIRM, IN WRITING, THE ATTENDING PHYSICIAN'S

DIAGNOSIS THAT THE PATIENT IS SUFFERING FROM A TERMINAL DISEASE, AND VERIFY THAT THE PATIENT IS CAPABLE, IS ACTING VOLUNTARILY AND HAS MADE AN INFORMED DECISION. (6)

COUNSELING REFERRAL.

(i) IF IN THE OPINION OF THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN A PATIENT MAY BE SUFFERING FROM A PSYCHIATRIC OR PSYCHOLOGICAL DISORDER OR DEPRESSION CAUSING IMPAIRED JUDGMENT, EITHER PHYSICIAN SHALL REFER THE PATIENT FOR COUNSELING. NO

MEDICATION TO END A PATIENT'S LIFE IN A HUMANE AND DIGNIFIED MANNER SHALL BE PRESCRIBED UNTIL THE PERSON PERFORMING THE COUNSELING DETERMINES THAT THE PATIENT IS NOT SUFFERING FROM A PSYCHIATRIC OR PSYCHOLOGICAL DISORDER OR DEPRESSION CAUSING IMPAIRED JUDGMENT.

(7) INFORMED DECISION.

(i) NO PERSON SHALL RECEIVE A PRESCRIPTION FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER UNLESS HE OR SHE HAS

MADE AN INFORMED DECISION.

(ii) IMMEDIATELY PRIOR TO WRITING A PRESCRIPTION FOR MEDICATION, THE ATTENDING

PHYSICIAN SHALL VERIFY THAT THE PATIENT IS MAKING AN INFORMED DECISION.

(8) FAMILY NOTIFICATION.

(i) THE ATTENDING PHYSICIAN SHALL RECOMMEND THAT THE PATIENT NOTIFY THE NEXT OF KIN OF HIS OR HER REQUEST FOR MEDICATION. A PATIENT WHO DECLINES OR IS UNABLE TO NOTIFY NEXT OF KIN SHALL NOT HAVE HIS OR HER REQUEST DENIED FOR THAT REASON.

(9) WRITTEN AND ORAL REQUESTS.

(i) IN ORDER TO RECEIVE A PRESCRIPTION FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER, A QUALIFIED PATIENT SHALL HAVE MADE AN ORAL REQUEST AND A WRITTEN REQUEST, AND REITERATE THE ORAL REQUEST TO HIS OR HER ATTENDING PHYSICIAN NO LESS THAN FIFTEEN (15) DAYS AFTER MAKING THE INITIAL ORAL REQUEST. AT THE TIME THE QUALIFIED PATIENT MAKES HIS OR HER SECOND ORAL REQUEST, THE ATTENDING PHYSICIAN SHALL OFFER THE PATIENT AN OPPORTUNITY TO RESCIND THE REQUEST.

(10) RIGHT TO RESCIND REQUEST.

(i) A PATIENT MAY RESCIND HIS OR HER REQUEST AT ANY TIME AND IN ANY MANNER WITHOUT REGARD TO HIS OR HER MENTAL STATE. NO PRESCRIPTION FOR MEDICATION MAY BE WRITTEN WITHOUT THE ATTENDING PHYSICIAN OFFERING THE QUALIFIED PATIENT AN OPPORTUNITY TO RESCIND THE REQUEST.

(11) WAITING PERIODS.

(i) NO LESS THAN FIFTEEN (15) DAYS SHALL ELAPSE BETWEEN THE PATIENT'S INITIAL ORAL REQUEST AND THE WRITING OF A PRESCRIPTION.

(ii) NO LESS THAN 48 HOURS SHALL ELAPSE BETWEEN THE PATIENT'S WRITTEN REQUEST AND THE WRITING OF A PRESCRIPTION.

(12) MEDICAL RECORD DOCUMENTATION REQUIREMENTS.

(i) THE FOLLOWING SHALL BE DOCUMENTED OR

FILED IN THE PATIENT'S MEDICAL RECORD: (A) ALL ORAL REQUESTS BY A PATIENT FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER;

(B) ALL WRITTEN REQUESTS BY A PATIENT FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER;

(C) THE ATTENDING PHYSICIAN'S DIAGNOSIS AND PROGNOSIS, DETERMINATION THAT THE PATIENT IS CAPABLE, ACTING VOLUNTARILY AND HAS MADE AN INFORMED DECISION;

(D) THE CONSULTING PHYSICIAN'S DIAGNOSIS AND PROGNOSIS, AND VERIFICATION THAT THE PATIENT IS CAPABLE, ACTING VOLUNTARILY AND HAS MADE AN INFORMED DECISION;

(E) A REPORT OF THE OUTCOME AND DETERMINATIONS MADE DURING COUNSELING, IF PERFORMED;

(F) THE ATTENDING PHYSICIAN'S OFFER TO THE PATIENT TO RESCIND HIS OR HER REQUEST AT THE TIME OF THE PATIENT'S SECOND ORAL REQUEST; AND

(G) A NOTE BY THE ATTENDING PHYSICIAN INDICATING THAT ALL REQUIREMENTS HAVE BEEN MET AND INDICATING THE STEPS TAKEN TO CARRY OUT THE REQUEST, INCLUDING A NOTATION OF THE MEDICATION PRESCRIBED.

(13) RESIDENCY REQUIREMENT.

(i) ONLY REQUESTS MADE BY MARYLAND RESIDENTS SHALL BE GRANTED. FACTORS DEMONSTRATING MARYLAND RESIDENCY INCLUDE BUT ARE NOT LIMITED TO:

- (A) POSSESSION OF AN MARYLAND DRIVER LICENSE;
- (B) REGISTRATION TO VOTE IN MARYLAND; (C) EVIDENCE THAT THE PERSON OWNS OR LEASES PROPERTY IN MARYLAND; OR
- (D) FILING OF A MARYLAND TAX RETURN FOR THE MOST RECENT TAX YEAR. (14)

REPORTING REQUIREMENTS.

- (i) (A) THE HEALTH SERVICES SHALL ANNUALLY REVIEW A SAMPLE OF RECORDS MAINTAINED. (B) THE DIVISION SHALL REQUIRE ANY HEALTH CARE PROVIDER UPON DISPENSING MEDICATION TO FILE A COPY OF THE DISPENSING RECORD WITH THE DIVISION.
  - (ii) THE HEALTH SERVICES SHALL MAKE RULES TO FACILITATE THE COLLECTION OF INFORMATION. EXCEPT AS OTHERWISE REQUIRED BY LAW, THE INFORMATION COLLECTED SHALL NOT BE A PUBLIC RECORD AND MAY NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC.
  - (iii) THE DIVISION SHALL GENERATE AND MAKE AVAILABLE TO THE PUBLIC AN ANNUAL STATISTICAL REPORT OF INFORMATION COLLECTED UNDER SUBSECTION (ii) OF THIS SECTION.
- (15) EFFECT ON CONSTRUCTION OF WILLS, CONTRACTS AND STATUTES.
- (i) NO PROVISION IN A CONTRACT, WILL OR OTHER AGREEMENT, WHETHER WRITTEN OR ORAL, TO THE EXTENT THE PROVISION WOULD AFFECT WHETHER A PERSON MAY MAKE OR RESCIND A REQUEST FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER, SHALL BE VALID.
  - (ii) NO OBLIGATION OWING UNDER ANY CURRENTLY EXISTING CONTRACT SHALL BE CONDITIONED OR AFFECTED BY THE MAKING OR RESCINDING OF A REQUEST, BY A PERSON, FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER.
- (16) INSURANCE OR ANNUITY POLICIES.
- (i) THE SALE, PROCUREMENT, OR ISSUANCE OF ANY LIFE, HEALTH, OR ACCIDENT INSURANCE OR ANNUITY POLICY OR THE RATE CHARGED FOR ANY POLICY SHALL NOT BE CONDITIONED UPON OR AFFECTED BY THE MAKING OR RESCINDING OF A REQUEST, BY A PERSON, FOR MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER. NEITHER SHALL A QUALIFIED PATIENT'S ACT OF INGESTING MEDICATION TO END HIS OR HER

LIFE IN A HUMANE AND DIGNIFIED MANNER HAVE AN EFFECT UPON A LIFE, HEALTH, OR ACCIDENT INSURANCE OR ANNUITY POLICY.

(17) CONSTRUCTION OF ACT.

NOTHING IN §5-611 SHALL BE CONSTRUED TO AUTHORIZE A PHYSICIAN OR ANY OTHER PERSON TO END A PATIENT'S LIFE BY LETHAL INJECTION, MERCY KILLING. ACTIONS TAKEN IN ACCORDANCE WITH §5-611 SHALL NOT, FOR ANY PURPOSE, CONSTITUTE SUICIDE, ASSISTED SUICIDE, MERCY KILLING OR HOMICIDE, UNDER THE LAW.

(18) IMMUNITIES; BASIS FOR PROHIBITING HEALTH CARE PROVIDER FROM PARTICIPATION; NOTIFICATION; PERMISSIBLE SANCTIONS.

(i) NO PERSON SHALL BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION FOR PARTICIPATING IN GOOD FAITH COMPLIANCE WITH §5-611.

THIS INCLUDES BEING PRESENT WHEN A QUALIFIED PATIENT TAKES THE PRESCRIBED MEDICATION TO END HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER.

(ii) NO PROFESSIONAL ORGANIZATION OR ASSOCIATION, OR HEALTH CARE PROVIDER, MAY SUBJECT A PERSON TO CENSURE, DISCIPLINE, SUSPENSION, LOSS OF LICENSE, LOSS OF PRIVILEGES,

LOSS OF MEMBERSHIP OR OTHER PENALTY FOR PARTICIPATING OR REFUSING TO PARTICIPATE IN GOOD FAITH COMPLIANCE WITH §5-611.

(iii) NO REQUEST BY A PATIENT FOR OR PROVISION BY AN ATTENDING PHYSICIAN OF MEDICATION IN GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF

§5-611 SHALL CONSTITUTE NEGLIGENCE FOR ANY PURPOSE OF LAW OR PROVIDE THE SOLE BASIS FOR

THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR.

(iv) NO HEALTH CARE PROVIDER SHALL BE UNDER ANY DUTY, WHETHER BY CONTRACT, BY STATUTE OR BY ANY OTHER LEGAL REQUIREMENT TO PARTICIPATE IN THE PROVISION TO A QUALIFIED PATIENT OF MEDICATION TO END HIS OR HER LIFE IN

A HUMANE AND DIGNIFIED MANNER. IF A HEALTH CARE PROVIDER IS UNABLE OR UNWILLING TO CARRY OUT A PATIENT'S REQUEST UNDER §5-611, AND THE PATIENT TRANSFERS HIS OR HER CARE TO A NEW HEALTH CARE PROVIDER, THE PRIOR HEALTH CARE PROVIDER SHALL TRANSFER, UPON REQUEST, A COPY OF THE PATIENT'S RELEVANT MEDICAL RECORDS TO THE NEW HEALTH CARE PROVIDER.

(v) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HEALTH CARE PROVIDER MAY PROHIBIT ANOTHER HEALTH CARE PROVIDER FROM PARTICIPATING IN §5-611 ON THE PREMISES OF THE PROHIBITING PROVIDER IF

THE PROHIBITING PROVIDER HAS NOTIFIED THE HEALTH CARE PROVIDER OF THE PROHIBITING PROVIDER'S POLICY REGARDING PARTICIPATING IN §5-611. NOTHING IN THIS

PARAGRAPH PREVENTS A HEALTH CARE PROVIDER FROM PROVIDING HEALTH CARE SERVICES TO A PATIENT THAT DO NOT CONSTITUTE PARTICIPATION IN §5-611.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (i) TO (v) OF THIS SECTION, A HEALTH CARE PROVIDER MAY SUBJECT ANOTHER HEALTH CARE PROVIDER TO THE

SANCTIONS STATED IN THIS PARAGRAPH IF THE SANCTIONING HEALTH CARE PROVIDER HAS NOTIFIED THE SANCTIONED PROVIDER PRIOR

TO PARTICIPATION IN §5-611 THAT IT PROHIBITS PARTICIPATION IN §5-611:

(1) LOSS OF PRIVILEGES, LOSS OF MEMBERSHIP OR OTHER SANCTIONS PROVIDED PURSUANT TO THE MEDICAL STAFF BYLAWS, POLICIES AND PROCEDURES OF THE SANCTIONING HEALTH CARE PROVIDER IF THE SANCTIONED PROVIDER IS A MEMBER OF THE SANCTIONING PROVIDER'S MEDICAL STAFF AND PARTICIPATES IN §5-611 WHILE ON THE HEALTH CARE FACILITY

PREMISES, OF THE SANCTIONING HEALTH CARE PROVIDER, BUT NOT INCLUDING THE PRIVATE MEDICAL OFFICE OF A PHYSICIAN OR OTHER PROVIDER;

(2) TERMINATION OF LEASE OR OTHER PROPERTY CONTRACT OR OTHER NONMONETARY REMEDIES PROVIDED BY LEASE CONTRACT, NOT INCLUDING LOSS OF RESTRICTION OF MEDICAL STAFF PRIVILEGES OR EXCLUSION FROM A PROVIDER PANEL, IF THE SANCTIONED PROVIDER PARTICIPATES WHILE ON THE PREMISES OF THE SANCTIONING HEALTH CARE PROVIDER OR ON PROPERTY THAT IS OWNED BY OR UNDER THE DIRECT CONTROL OF THE SANCTIONING HEALTH CARE PROVIDER; OR

(3) TERMINATION OF CONTRACT OR OTHER NONMONETARY REMEDIES PROVIDED BY CONTRACT IF THE SANCTIONED PROVIDER PARTICIPATES IN §5-611 WHILE ACTING IN THE COURSE AND SCOPE OF THE SANCTIONED PROVIDER'S CAPACITY AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE SANCTIONING HEALTH CARE PROVIDER. NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO PREVENT:

(I) A HEALTH CARE PROVIDER FROM PARTICIPATING IN §5-611 WHILE ACTING OUTSIDE THE COURSE AND SCOPE OF THE PROVIDER'S CAPACITY AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR;

OR

(II) A PATIENT FROM CONTRACTING WITH HIS OR HER ATTENDING PHYSICIAN AND CONSULTING PHYSICIAN TO ACT OUTSIDE THE COURSE AND SCOPE OF THE PROVIDER'S CAPACITY AS AN

EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE  
SANCTIONING HEALTH CARE PROVIDER.

(C) A HEALTH CARE PROVIDER THAT IMPOSES SANCTIONS  
PURSUANT TO PARAGRAPH (B) OF  
THIS SUBSECTION MUST FOLLOW ALL DUE PROCESS AND  
OTHER PROCEDURES THE  
SANCTIONING HEALTH CARE PROVIDER MAY HAVE THAT ARE  
RELATED TO THE IMPOSITION  
OF SANCTIONS ON ANOTHER HEALTH CARE PROVIDER.

(D) FOR PURPOSES OF THIS SUBSECTION:

(1) "NOTIFY" MEANS A SEPARATE STATEMENT IN  
WRITING TO THE HEALTH CARE PROVIDER SPECIFICALLY  
INFORMING THE HEALTH CARE PROVIDER PRIOR TO THE  
PROVIDER'S PARTICIPATION

IN §5-611 OF THE SANCTIONING HEALTH CARE  
PROVIDER'S POLICY ABOUT  
PARTICIPATION IN ACTIVITIES COVERED BY §5-611.

(2) "PARTICIPATE IN §5-611" MEANS TO PERFORM THE  
DUTIES OF AN ATTENDING PHYSICIAN, THE CONSULTING  
PHYSICIAN FUNCTION OR THE COUNSELING  
FUNCTION

(3) "PARTICIPATE IN §5-611" DOES NOT INCLUDE:

(I) MAKING AN INITIAL DETERMINATION THAT A  
PATIENT HAS A TERMINAL DISEASE AND  
INFORMING THE PATIENT OF THE MEDICAL  
PROGNOSIS;

(II) PROVIDING INFORMATION  
ABOUT THE MARYLAND DEATH WITH DIGNITY  
ACT TO A PATIENT UPON THE REQUEST OF THE  
PATIENT;

(III) PROVIDING A PATIENT, UPON  
THE REQUEST OF THE PATIENT, WITH

A REFERRAL TO ANOTHER  
PHYSICIAN; OR  
(IV) A PATIENT CONTRACTING WITH HIS OR HER  
ATTENDING PHYSICIAN AND CONSULTING  
PHYSICIAN TO  
ACT OUTSIDE OF THE COURSE AND SCOPE OF THE  
PROVIDER'S CAPACITY AS AN EMPLOYEE OR  
INDEPENDENT CONTRACTOR OF THE  
SANCTIONING HEALTH CARE PROVIDER.

(vi) SUSPENSION OR TERMINATION OF STAFF  
MEMBERSHIP OR PRIVILEGES UNDER SUBSECTION (v) OF THIS SECTION IS NOT  
REPORTABLE. ACTION TAKEN PURSUANT TO §5-611 SHALL NOT BE THE  
SOLE BASIS FOR A REPORT OF UNPROFESSIONAL OR  
DISHONORABLE CONDUCT.

(vii) NO PROVISION OF §5-611 SHALL BE CONSTRUED TO ALLOW A LOWER  
STANDARD OF CARE FOR  
PATIENTS IN THE COMMUNITY WHERE THE PATIENT IS TREATED OR A  
SIMILAR COMMUNITY.

(19) LIABILITIES.

(i) A PERSON WHO WITHOUT AUTHORIZATION OF THE PATIENT  
WILLFULLY ALTERS OR FORGES A  
REQUEST FOR MEDICATION OR CONCEALS OR  
DESTROYS A RESCISSION OF THAT REQUEST WITH THE INTENT OR  
EFFECT OF CAUSING THE PATIENT'S DEATH SHALL BE GUILTY OF A  
CLASS A FELONY.

(ii) A PERSON WHO COERCES OR EXERTS UNDUE INFLUENCE ON A  
PATIENT TO REQUEST MEDICATION  
FOR THE PURPOSE OF ENDING THE PATIENT'S LIFE,  
OR TO DESTROY A RESCISSION OF SUCH A REQUEST, SHALL BE GUILTY OF  
A CLASS A FELONY.

(iii) NOTHING IN §5-611 LIMITS FURTHER LIABILITY  
FOR CIVIL DAMAGES RESULTING FROM OTHER NEGLIGENT  
CONDUCT OR INTENTIONAL MISCONDUCT BY ANY PERSON.

(iv) THE PENALTIES IN §5-611 DO NOT PRECLUDE  
CRIMINAL PENALTIES APPLICABLE UNDER OTHER LAW FOR CONDUCT  
WHICH IS INCONSISTENT WITH

THE PROVISIONS OF §5-611.

(20) CLAIMS BY GOVERNMENTAL ENTITY FOR COSTS INCURRED.

(i) ANY GOVERNMENTAL ENTITY THAT INCURS COSTS RESULTING FROM A PERSON TERMINATING

HIS OR HER LIFE PURSUANT TO THE PROVISIONS OF

§5-611 IN A PUBLIC PLACE SHALL HAVE A CLAIM AGAINST THE ESTATE OF THE PERSON TO RECOVER

SUCH COSTS AND REASONABLE ATTORNEY FEES RELATED TO ENFORCING THE CLAIM. (21)

SEVERABILITY.

ANY SECTION OF §5-611 BEING HELD INVALID AS TO ANY PERSON OR CIRCUMSTANCE SHALL NOT AFFECT THE APPLICATION OF ANY OTHER SECTION OF §5-611 WHICH CAN BE GIVEN FULL EFFECT WITHOUT THE INVALID SECTION OR APPLICATION.

(22) FORM OF THE REQUEST.

A REQUEST FOR A MEDICATION AS AUTHORIZED BY §5-611 SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

REQUEST FOR MEDICATION  
TO END MY LIFE IN A HUMANE AND  
DIGNIFIED MANNER

I, \_\_\_\_\_, AM AN ADULT OF SOUND MIND.

I AM SUFFERING FROM \_\_\_\_\_, WHICH MY ATTENDING PHYSICIAN HAS DETERMINED IS A TERMINAL DISEASE AND WHICH HAS BEEN MEDICALLY CONFIRMED BY A CONSULTING PHYSICIAN.

I HAVE BEEN FULLY INFORMED OF MY DIAGNOSIS, PROGNOSIS, THE NATURE OF MEDICATION TO BE PRESCRIBED AND POTENTIAL ASSOCIATED RISKS, THE EXPECTED RESULT, AND THE FEASIBLE ALTERNATIVES, INCLUDING COMFORT CARE, HOSPICE CARE AND PAIN CONTROL.

I REQUEST THAT MY ATTENDING PHYSICIAN PRESCRIBE MEDICATION THAT WILL END MY LIFE IN A HUMANE AND DIGNIFIED MANNER.

INITIAL ONE:

\_\_\_\_\_ I HAVE INFORMED MY FAMILY OF MY DECISION AND TAKEN THEIR OPINIONS INTO CONSIDERATION.

\_\_\_\_\_ I HAVE DECIDED NOT TO INFORM MY FAMILY OF MY DECISION.

\_\_\_\_\_ I HAVE NO FAMILY TO INFORM OF MY DECISION.

I UNDERSTAND THAT I HAVE THE RIGHT TO RESCIND THIS REQUEST AT ANY TIME.

I UNDERSTAND THE FULL IMPORT OF THIS REQUEST AND I EXPECT TO DIE WHEN I TAKE THE MEDICATION TO BE PRESCRIBED. I FURTHER UNDERSTAND THAT ALTHOUGH MOST DEATHS OCCUR WITHIN THREE HOURS, MY DEATH MAY TAKE LONGER AND MY PHYSICIAN HAS COUNSELED ME ABOUT THIS POSSIBILITY.

I MAKE THIS REQUEST VOLUNTARILY AND WITHOUT RESERVATION, AND I ACCEPT FULL MORAL RESPONSIBILITY FOR MY ACTIONS.

SIGNED: \_\_\_\_\_

DATED: \_\_\_\_\_

DECLARATION OF WITNESSES

WE DECLARE THAT THE PERSON SIGNING THIS REQUEST:

(A) IS PERSONALLY KNOWN TO US OR HAS PROVIDED PROOF OF IDENTITY;

(B) SIGNED THIS REQUEST IN OUR PRESENCE;

(C) APPEARS TO BE OF SOUND MIND AND NOT UNDER DURESS, FRAUD OR  
UNDUE INFLUENCE;

(D) IS NOT A PATIENT FOR WHOM EITHER OF US IS ATTENDING  
PHYSICIAN.

\_\_\_\_\_ WITNESS 1/DATE

\_\_\_\_\_ WITNESS 2/DATE

NOTE: ONE WITNESS SHALL NOT BE A RELATIVE (BY BLOOD, MARRIAGE OR  
ADOPTION) OF THE PERSON SIGNING THIS REQUEST, SHALL NOT BE ENTITLED TO  
ANY PORTION OF THE PERSON'S ESTATE UPON DEATH AND SHALL NOT OWN,  
OPERATE OR BE EMPLOYED AT A HEALTH CARE FACILITY WHERE THE PERSON IS  
A

PATIENT OR RESIDENT. IF THE PATIENT IS AN INPATIENT  
AT A HEALTH CARE FACILITY, ONE OF THE WITNESSES

SH

(23) PENALTIES.

(i) IT SHALL BE A CLASS A FELONY FOR A PERSON WITHOUT AUTHORIZATION OF THE PRINCIPAL TO WILLFULLY ALTER, FORGE, CONCEAL OR DESTROY AN INSTRUMENT, THE REINSTATEMENT OR REVOCATION OF AN INSTRUMENT OR ANY OTHER EVIDENCE OR DOCUMENT REFLECTING THE PRINCIPAL'S DESIRES AND INTERESTS, WITH THE INTENT AND EFFECT OF CAUSING A WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES OR OF ARTIFICIALLY ADMINISTERED NUTRITION AND HYDRATION WHICH HASTENS THE DEATH OF THE PRINCIPAL.

(ii) EXCEPT AS PROVIDED IN SUBSECTION (i) OF THIS SECTION, IT SHALL BE A CLASS A MISDEMEANOR FOR A PERSON WITHOUT AUTHORIZATION OF THE PRINCIPAL TO WILLFULLY ALTER, FORGE, CONCEAL OR DESTROY AN INSTRUMENT, THE REINSTATEMENT OR REVOCATION OF AN INSTRUMENT, OR ANY OTHER EVIDENCE OR DOCUMENT REFLECTING THE PRINCIPAL'S DESIRES AND INTERESTS WITH THE INTENT OR EFFECT OF AFFECTING A HEALTH CARE DECISION.

(d) *Assistance in eating and drinking.*- A health care provider shall make reasonable efforts to provide an individual with food and water by mouth

and to assist the individual as needed to eat and drink voluntarily. (e) *Construction of subtitle.*-

- (1) Nothing in this subtitle is intended to preclude a separate decision by a health care agent or surrogate regarding the provision of or the withholding or withdrawal of nutrients and fluids administered by artificial means.
- (2) Nothing in this subtitle authorizes any action with respect to medical treatment, if the health care provider is aware that the patient for whom the health care is provided has expressed disagreement with the action.

AND BE IT FURTHER ENACTED, that this Act take effect on October 1, 2010.

**AN ACT CONCERNING**

**ALCOHOL TAX – 10 CENT INCREASE PER GALLON SOLD**

FOR the purpose of ameliorating Maryland’s structural deficit and perilous fiscal state.  
BY reenacting and repealing with amendments,

Article – Tax – General  
§ 5-105  
Annotated Code of Maryland

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

**§ 5-105. Tax rates.**

(a) *Distilled spirits.*- Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for distilled spirits is:

(1) \$1.50-~~\$1.60~~ for each gallon or 39.63-~~40.30~~ cents for each liter; and

(2) if distilled spirits contain a percentage of alcohol greater than 100 proof, an additional tax, for each 1 proof over 100 proof, of 1.5 ~~1.5~~ cents for each gallon or 0.3963-~~2.99~~ cents for each liter.

(b) *Wine.*- Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for wine is 40 ~~50~~-cents for each gallon or 10.57-~~13~~cents for each liter.

(c) *Beer - In general.*- Except as provided in subsection (d) of this section, the alcoholic beverage tax rate on beer is 9 ~~19~~-cents for each gallon or 2.3778-~~4.94~~ cents for each liter.

(d) *Retaliatory tax.*- The tax imposed under § 5-102(b) of this subtitle shall equal the amount that the discriminating jurisdiction charges a Maryland licensee or permit holder.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7/1/10.

**AN ACT CONCERNING**

**MARYLAND HEALTH – THE USE OF INDOOR TANNING DEVICES BY MINORS**

FOR the purpose of protecting Maryland minors from unnecessary exposure to harmful ultraviolet light.  
BY reenacting with amendments,

Article – Health - General  
§ 20-106  
Annotated Code of Maryland

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

**Section 20-106**

(a) *Definitions.*-

(1) In this section the following words have the meanings indicated.

(2) "Tanning device" means any equipment that emits radiation used for tanning of the skin, including sunlamps, tanning booths, or tanning beds.

(3) "Tanning facility" means any place where a tanning device is used for a fee, membership dues, or other compensation.

(b) *Prohibition; exception.*- An owner, employee, or operator of a tanning facility may not allow a minor UNDER THE AGE OF 16 YEARS TO USE A TANNING DEVICE UNLESS A MEDICAL CONDITION REQUIRES. FURTHERMORE, AN OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY MAY NOT ALLOW A MINOR under the age of 18 years to use a tanning device unless the minor's parent or legal guardian provides written consent on the premises of the tanning facility and in the presence of an owner, employee, or operator of the tanning facility.

(c) *Verifying documentation.*- The owner, employee, or operator of a tanning facility shall require appropriate documentation to verify the age of an individual AND/OR MEDICAL CONDITION REQUIRING TANNING before allowing the individual access to a tanning device.

(d) *Civil penalty and regulations.*-

(1) The Secretary may impose on a person who violates this section:

(i) For a first violation, a civil penalty not to exceed \$250;

(ii) For a second violation, a civil penalty not to exceed \$500; and

(iii) For each subsequent violation, a civil penalty not to exceed \$1,000.

(2) The Secretary may adopt regulations to implement and carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect upon passage.

## AN ACT CONCERNING

### All-Schedule Prescription Electronic Reporting

FOR the purpose of establishing a State-administered prescription drug monitoring systems in order to ensure that health care providers have access to the accurate, timely prescription history information that they may use as a tool for the early identification of patients at risk for addiction in order to initiate appropriate medical interventions and avert the tragic personal, family, and community consequences of untreated addiction.

BY adding to  
Article-Health-General  
Section 21-220  
Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE MARYLAND GENERAL ASSEMBLY, that the laws of Maryland read as follows

#### **§ 21-220. Prescription requirements.**

(a) In *general*. - A drug that is intended for use by human beings and is in any of the following classifications may be dispensed by a pharmacist only on a written or oral prescriptions from a health practitioner authorized by law to prescribe the drug:

- (1) A habit-forming drug to which § 21-218(b)(1) of this subtitle applies.
- (2) A drug that because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a health practitioner who is authorized by law to administer such a drug.
- (3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of this subtitle to use under the professional supervision of a health practitioner authorized by law to administer such a drug.

(b) *Form of prescription*.-

- (1) A prescription may be written or oral. However, a pharmacist may not dispense a drug on an oral prescription unless the pharmacist promptly writes out and files the prescription.
- (2) A prescription for a controlled dangerous substance within the meaning of Title 5 of the Criminal Law Article may not be written on a preprinted prescription form that states the name, quantity, or strength of the controlled dangerous substance.
- (3) ALL SCHEDULE II PRESCRIPTIONS MUST BE LOGGED BY THE PHARMACIST ELECTRONICALLY IN MARYLANDS ELECTRONIC REPORTING SYSTEM
  - (i) THE SECRETARY SHALL ESTABLISH, MAINTAIN, AND ADMINISTER AN ELECTRONIC SYSTEM TO MONITOR THE DISPENSING OF COVERED SUBSTANCES TO BE KNOWN AS THE PRESCRIPTION MONITORING PROGRAM.
  - (ii) THE SECRETARY SHALL PROVIDE THE MARYLAND BOARD OF

PHARMACY WITH A BASIC FILE LAYOUT TO ENABLE ELECTRONIC  
TRANSMISSION OF THE INFORMATION REQUIRED.

↔ (4) When a prescription is written, a separate prescription form is required for each controlled

dangerous substances. If a pharmacist is otherwise satisfied that a prescription is valid the pharmacists may fill the prescription if the pharmacist promptly writes out and files a prescription for each substance and also files the original prescription.

(4) (5) A prescription shall be legible.

(c) Prescription *refills*. - A pharmacist may not refill and dispense a prescription unless the refilling is authorized by:

- (1) The health practitioner's specification in the original prescription as to how many times it may be refilled; or
- (2) An oral order of the health practitioner that promptly is written out and filed by the pharmacist.

(d) *Improperly dispensed drug considered misbranded*. - The dispensing of a drug without complying with the requirements of this section is the dispensing of a misbranded drug.

(e) *Caution statements*. -

- (1) A drug that is subject to the prescription requirements of this section is misbranded if, at any time before it is dispensed, its label does not bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without Prescription".
- (2) A drug to which the prescription requirements of this section do not apply is misbranded if, at any time before it is dispensed, its label bears the caution statement quoted in paragraph (1) of this subsection.

(f) *Exemptions by rule or regulation*. -

- (1) The prescription requirements of this section do not apply to any drug that is exempted under a rule or regulation adopted by the Secretary
- (2) The Secretary, by rule or regulation, may exempt any drug from the requirements of this section if the Secretary finds that, as to the drug, the requirements of this section are not necessary for the protection of the public health.
- (3) The Secretary, by rule and regulation, may exempt from the requirements of this section any drug that is removed from the prescription requirements of the federal act by a rule or regulation adopted under that act.

An Act Concerning  
**Driving Under the Influence – Penalties**

FOR the purpose of instituting harsher penalties against drunken and otherwise impaired drivers to better protect the citizens of the State of Maryland.

BY repealing and reenacting, with amendments.

Article – Transportation

Title 16. Vehicle Laws – Drivers' Licenses

Subtitle 2. Suspension of Revocation on conviction of certain alcohol or drug related offenses.

Annotated Code of Maryland

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

Article – Transportation

§ 16-205. Suspension or revocation on conviction of certain alcohol- or drug-related offenses.

(a) *Revocation for violation of § 21-902 of the article.* The Administration may revoke the license of any person who:

(1) Is convicted under § 21-902 (a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled substance; or,

(2) Within a 3-year period, is convicted under § 21-902 (b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(iii) § 21-902(c) of this article of driving or attempting to drive a motor 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; or

(iv) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

(b) *Revocation for violation of Title 2, Subtitle 5 of the Criminal Law Article.* - The Administration:

(1) Shall revoke the license of any person who has been convicted, under Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) ~~60~~ *180-day suspension*. - Subject to subsection (d-1) of this section, the Administration may suspend for

not LESS ~~more~~ than 60 days AND NOT MORE THAN 180 DAYS the license of any person who is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or 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.

*(d) ~~2~~-year suspension.-*

(1) Subject to subsection (d-1) and subsection (e) of this section, the Administration may suspend for not ~~more~~ LESS than 1 year AND NOT MORE THAN 2 YEARS AND 6 MONTHS the license of any person who, within a ~~5~~ 10-year period, is convicted of any violation of § 21-902 article after the person was previously convicted of any violation under § 21-902 article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16-404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21-902 of 550 this article described in this subsection.

*(E) 5-YEAR SUSPENSION.-*

(1) SUBJECT TO SUBSECTION (D-1) AND SUBSECTION (E) OF THIS SECTION, THE ADMINISTRATION MAY SUSPEND FOR NOT LESS THAN 3 YEARS AND NOT MORE THAN 5 YEARS THE LICENSE OF ANY PERSON WHO, WITHIN A 10 YEAR PERIOD, IS CONVICTED OF ANY VIOLATIONS OF § 21-902 ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY TWO VIOLATIONS UNDER § 21-902.

(2) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF A SUSPENSION TO A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE PROVIDED THAT THEY HAVE NOT HAD A RESTRICTED LICENSE FOLLOWING PREVIOUS VIOLATIONS.

(3) A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR THE VIOLATION OF § 21-902 OF THE ARTICLE DESCRIBED IN THIS SUBSECTION.

*(F) PERMANENT REVOCATION OF LICENSE*

(1) SUBJECT TO SUBSECTION (D-1) AND SUBSECTION (E) OF THIS SECTION, THE ADMINISTRATION MAY PERMANENTLY REVOKE THE LICENSE OF ANY PERSON WHO, WITHIN A 5 YEAR PERIOD, IS CONVICTED OF ANY VIOLATIONS OF § 21-902 AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY THREE VIOLATIONS UNDER § 21-902.

(2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED LICENSE TO THE PERSON.

(3) THE ADMINISTRATION MAY CONSIDER RE-ISSUING THE PERSON'S LICENSE AFTER 7 YEARS OF THE REVOCATION.

*~~(d-1)~~(G) Violations by person under 21 years of age.-*

(1) Notwithstanding subsections (c) and (d) of this section, for a person who is under the age of

21 years on the date of a violation of § 21-902 of this article, and who is subsequently convicted

of the violation under § 21-902 of this article, the Administration shall suspend the person's license to drive for:

~~(i) 1 year for a first conviction of § 21-902 article; and~~

~~(ii) (i) 2 years for a second or subsequent ANY conviction of § 21-902 of this article.~~

(2) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16-113(f) of this title or § 16-205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection.

(3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16-206(c)(3) or § 16-213 of this subtitle, or § 16-404 of this title that arises out of the circumstances of the conviction for a violation of § 21-920 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

~~(eH) 4 2 AND 5-year suspension; hearing; notice.-~~

(1) In this subsection, "motor vehicle" does not include a commercial motor vehicle.

(2) Subject to the provisions of this subsection, the Administration shall suspend for AT LEAST 1 year OR 3 YEARS (IN THE CASE OF SECTION E) the license of a person who is convicted of:

(i) A violation of § 21-902(a) of this article more than once within a 5 10-year period;

(ii) A violation of § 21-902(a) of this article within a 5 10-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

(iii) A violation of § 21-902(d) of this article within a 5 10-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for AT LEAST 1 year;

(ii) States that the period of the first 45 days of the ~~1-year~~ period of suspension is not subject to modification by the Administration;

(iii) States a restricted license may be issued for the remainder of the ~~1-year~~ period of suspension if:

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for the remainder of the ~~1-year~~ period of suspension;
2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;
3. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a ~~5~~ 10-year period; and
4. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:
  - A. A violation of § 21-902(a) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or
  - B. A violation of § 21-902(d) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(a) of this article;

(IV) STATES THAT A RESTRICTED LICENSE MAY NOT BE ISSUED UNDER TO CONDITIONS OUTLINED IN SECTION E SUBSECTION 3.

~~(V)~~ Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the ~~1-year~~ period of suspension;

~~(VI)~~ Advises the person of the right to request a hearing on a suspension under this paragraph; and

~~(VII)~~ Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a ~~1-year~~ period of suspension, with the period of the first 45 days of the suspension not subject to modification by the Administration, and for the remainder of the ~~1-year~~ period of suspension to be issued a restricted license under this paragraph if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;
2. The violation did not arise out of circumstances that involved a death of, or serious physical injury to, another person;
3. The person surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and
4. The person elects in writing, within the same time limit for requesting a hearing, to

meet the ignition interlock system requirements under this paragraph for the remainder

of the ~~1-year~~ period of suspension.

5. THE PERSON WAS NOT GRANTED A RESTRICTED LICENSE ON A SECOND CONVICTION IF CONVICTED OF A THIRD OFFENSE.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. More than one violation of § 21-902(a) of this article within a ~~5~~ 10-year period;

2. A violation of § 21-902(a) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or

(iii) The person fails to appear for a hearing requested by the person.

(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Impose a suspension of 45 days;

(ii) Order the person to maintain, for the remainder of the ~~1-year~~ period of suspension, an ignition interlock system on a motor vehicle owned or operated by the person; and

(iii) Impose a restriction on the person's license for the remainder of the ~~1-year~~ period of suspension that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system and permits the person to drive only to and from:

1. Work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a ~~5~~ 10-year period;

2. Work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21-902(a) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

B. A violation of § 21-902(d) of this article within a ~~5~~ 10-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(6) A person who participates in the Ignition Interlock System Program for at least 3 months under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the ~~1-year~~ period of suspension,

issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than ~~4~~<sup>5</sup> ~~year~~-YEARS, dating from the expiration of the ~~1-year~~ period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the ~~1-year~~ period of suspension;

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the ~~1-year~~ period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the ~~1-year~~ period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(10) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the ~~1-year~~ period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the ~~1-year~~ period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

(12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

(13) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition

interlock system.

(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) or (d) of this article described in this subsection.

*(F) Modification upon participation in Ignition Interlock System Program.-*

(1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16-205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title.

(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (e) of this section.

*(G) Administration to reinstate license after suspension.-* When a suspension imposed under subsection (c), (d), (d-1), or (e) of this section or § 16-206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect on June 1, 2010.

AN ACT CONCERNING

**School Hours – Delaying Public High School Start Times**

FOR the purpose of improving the academic performance, health, and safety of Maryland’s public high school students.

BY repealing, amending, and re-enacting  
Article—Education  
Section 7-103. Required school days and holidays.

Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the laws of Maryland read as follows:

**Section 7-103. Required school days and holidays**

BY adding to  
Article – Education  
Section 7-118

Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the laws of Maryland read as follows:

**Section 7-119 SCHOOL HOURS**

*(B) EFFECT OF SECTION—THIS SECTION REQUIRES THAT:*

(1) NO PUBLIC HIGH SCHOOL IN THE STATE OF MARYLAND MAY BEGIN ITS FIRST CLASS PERIOD BEFORE 8:45 A.M.

(2) NO PUBLIC HIGH SCHOOL IN THE STATE OF MARYLAND MAY HAVE A NORMAL SCHOOL DAY LASTING FEWER THAN SEVEN HOURS.

SCHOOLS WHICH SEEK EXEMPTION TO THIS PROVISION MAY APPLY FOR SUCH AN EXEMPTION FROM THEIR LOCAL SCHOOL BOARD AND MUST GIVE A GOOD REASON FOR DOING SO.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect upon the 2010-2011 school year.

**AN ACT CONCERNING  
HEADLIGHTS ON FOR SAFETY**

FOR the purpose of requiring the use of headlights at all times

BY repealing and reenacting, with amendments

Article – Transportation

Title - 22. Vehicle Laws – Equipment of Vehicles.

§ 22-201.1. When lighted lamps are required.

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

That the Laws of Maryland read as follows:

Article – Transportation

§ 22-201.1. When lighted lamps are required.

Every vehicle on a highway in this State, at ALL TIMES ~~any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead,~~ shall display lighted lamps and illuminating devices as respectively required in this subtitle for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stoplights, turn signals, and other signaling devices shall be lighted as prescribed for the use of these devices.

AN ACT CONCERNING

**Family Law – Marriage – Equality of Marriage**

FOR the purpose of eliminating the restriction of valid marriages performed in the States of Maryland to marriage between a man and a woman and extending the definition of valid marriage to include same-sex couples.

BY repealing and re-enacting, with amendments, Article –  
Family Law  
Sections 2–201 and 2–202.  
Annotated Code of Maryland (2004 Replacement Volume and 2007 Supplement)

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

Article – Family Law  
Section 2–201. Valid marriages.

~~Only a marriage between a man and a woman is valid in this State.~~  
**THE FOLLOWING MARRIAGES ARE VALID IN THIS STATE: (A) A MARRIAGE BETWEEN ONE MAN AND ONE WOMAN.  
(B) A MARRIAGE BETWEEN ONE MAN AND ONE OTHER MAN.  
(C) A MARRIAGE BETWEEN ONE WOMAN AND ONE OTHER WOMAN.**

Section 2–202. Marriages within certain degrees of relationships void; penalties.

(a) *In general.* – Any marriage performed in this State that is prohibited by this section is void.

(b) *Marriages within 3 degrees of direct lineal consanguinity or within first degree of collateral consanguinity prohibited; penalties.* -

- (1) A man may not marry his:
- (i) ~~grandmother~~ **GRANDPARENT**;
  - (ii) ~~mother~~ **PARENT**;
  - (iii) ~~daughter~~ **CHILD**;
  - (iv) ~~sister~~ **SIBLING**;
  - (v) ~~granddaughter~~ **GRANDCHILD**;

- A woman may not marry her:
- (i) ~~grandfather~~ **GRANDPARENT**;
  - (ii) ~~father~~ **PARENT**;
  - (iii) ~~son~~ **CHILD**;
  - (iv) ~~brother~~ **SIBLING**;
  - (v) ~~grandson~~ **GRANDCHILD**.

- (3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.

(c) *Certain marriages within other degrees of affinity or consanguinity prohibited; penalties. -*

(1) A man may not marry his:

- (i) ~~grandfather's wife~~ **GRANDPARENT'S SPOUSE**; (ii) ~~wife's grandmother~~ **SPOUSE'S GRANDPARENT**; (iii) ~~father's sister~~ **PARENT'S SIBLING**;
- (iv) ~~mother's sister~~ **STEPPARENT**; (v) ~~stepmother~~ **SPOUSE'S PARENT**; (vi) ~~wife's mother~~ **SPOUSE'S CHILD**;
- (vii) ~~wife's daughter~~ **CHILD'S SPOUSE**; (viii) ~~son's wife~~ **GRANDCHILD'S SPOUSE**;
- (ix) ~~grandson's wife~~ **SPOUSE'S GRANDCHILD**; **OR**
- (x) ~~wife's granddaughter~~; **SIBLING'S CHILD**.
- (xi) ~~brother's daughter~~; **OR**
- (xii) ~~sister's daughter~~.

(2) A woman may not marry her:

- (i) ~~grandmother's husband~~ **GRANDPARENT'S SPOUSE**; (ii) ~~husband's grandfather~~ **SPOUSE'S GRANDPARENT**; (iii) ~~father's brother~~ **PARENT'S SIBLING**;
- (iv) ~~mother's brother~~ **STEPPARENT**; (v) ~~stepfather~~ **SPOUSE'S PARENT**;
- (vi) ~~husband's father~~ **SPOUSE'S CHILD**;
- (vii) ~~husband's son~~ **CHILD'S SPOUSE**;
- (viii) ~~daughter's husband~~ **GRANDCHILD'S SPOUSE**; (ix) ~~husband's grandson~~ **SPOUSE'S GRANDCHILD**; **OR** (x) ~~brother's son~~ **SIBLING'S CHILD**.
- (xi) ~~sister's son~~; **OR**
- (xii) ~~granddaughter's husband~~.

(3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$500.

SECTION 2. AND BE IT FURTHER ENACTED,  
That this Act shall take effect immediately upon passage of this legislation.

AN ACT CONCERNING

**Election Law – Voter Registration – Age Qualification for Voter Registration**

FOR the purpose of lowering the voting age in the State of Maryland to 16 years old. BY repealing

and re-enacting, with amendments,

Article – Election Law

Section 3–102.

Annotated Code of Maryland (2004 Replacement Volume and 2007 Supplement)

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

Article – Election Law

Section 3–102. Qualifications for Voter Registration.

(a) *In general.*- Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (1) is a citizen of the United States;
- (2) is at least ~~18~~ **16** years old or will be ~~18~~ **16** years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the State as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

(b) *Exceptions.*- An individual is not qualified to be a registered voter if the individual:

- (1) has been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction;
- (2) is under guardianship for mental disability; or
- (3) has been convicted of buying or selling votes.

SECTION 2. AND BE IT FURTHER ENACTED,

That this Act shall take effect immediately upon passage of this legislation.

AN ACT CONCERNING  
**HUNTING AND TRAPPING – SAFETY OF THE GENERAL PUBLIC**

FOR the purpose of protecting the general public from dangerous hunting and trapping practices.

BY repealing and reenacting, with amendments

Article – Natural Resources

Title – 10 Wildlife.

§ 10-410. Restrictions on hunting wildlife generally.

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

That the Laws of Maryland read as follows:

Article – Natural Resources

§ 10-410. Restrictions on hunting wildlife generally.

(a) Sundays.-

(1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10-906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10-906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester, Frederick, St. Mary's, Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10-415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

- (i) The bow hunting season in November; and
- (ii) The deer firearms season.

- (4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:
- (i) In Baltimore, Carroll, Howard, and Prince George's counties; and
  - (ii) In Baltimore City.

(b) Nighttime.- A person may not hunt any game bird or mammal, except raccoon and opossum, at nighttime.

(c) Hunting from vehicles.-

(1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10-307 of this title.

(d) Pursuing wildlife with off-road vehicles.-

(1) (i) For the purposes of this subsection, "off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) "Off-road vehicle" includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

(2) A person may not pursue wildlife with an off-road vehicle.

(e) Hunting at nighttime with lights; casting artificial light from vehicle on woods, wild animals, etc.-

(1) A person or 2 or more persons together may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings, or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle travelling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on the farmer's or landowner's own or leased land using artificial lights to check on the farmer's or landowner's land, crops, livestock, or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2) (i) In Baltimore City and Montgomery and Prince George's counties only, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals, or wild birds for the sole purpose of observing or photographing wildlife until 9:00 p.m.

(ii) If a person casts the rays of any artificial light under this paragraph, the person has the

burden of establishing that the person was doing so for the purposes of observing or photographing wildlife.

(iii) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearm or bow in the person's possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

(f) Shooting from and across highways.- A person may not shoot at any species of wildlife on, from, or across any paved OR UNPAVED public highway ROAD or the shoulder of the highway ROAD. ~~A person may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover municipal waterworks property in Carroll County.~~

(g) Shooting or disturbing wildlife within safety zones.- A person, ~~other than the owner or occupant,~~ while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within ~~150~~ 3000 yards FEET, known as the "safety zone," of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, ~~without the specific advance permission of the owner or occupant.~~ During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone. ~~without the specific advance permission of the owner or occupant.~~

(h) Digging in or driving on cleared field prohibited.- A person may not dig in or drive a motor vehicle on any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of ingress or egress to any person's property, cattle ways, or fields.

(i) Carrying firearm while hunting under the influence of alcohol or narcotic drug.- A person may not carry a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of alcohol or any narcotic drug.

(j) Hunting from aircraft.-

(1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the State.

(2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court.

(k) Snaring.- A person may not set any trap, ~~except box traps for rabbits,~~ net, or snare of any description to take any game birds or mammals, ~~except fur-bearing mammals.~~ A trap, net, or snare found in the possession of any person shall be prima facie evidence that the device was used to violate this subsection. A law enforcement officer of the State shall confiscate and destroy the device. A person may not place traps of any description on another person's property without the other person's written permission.

(l) Hunting with ferrets or weasels.- A person may not hunt with any ferret or weasel.

(m) Killing wildlife by poison.- A person may not kill, attempt to kill, or injure by poison wildlife or domestic poultry.

(n) Molesting game birds or mammals in dens.- A person may not smoke, burn, injure, hunt, or molest any game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

~~(o) Steel jaw leghold traps in certain counties.~~

~~(1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur bearing mammals in water only. —~~

(O) STEEL JAW LEGHOLD TRAPS.

(1) A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN ANY STEEL JAW LEGHOLD TRAP.

(2) This subsection does not apply to:

(i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland; or

(ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service who exercises the agent's duties for wildlife control under guidelines established by the Department.

~~(P) Snare traps in certain counties.~~

(P) SNARE TRAPS.

(1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:  
1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and  
2. Is designed or set with the intent of capturing an animal by the neck.

(ii) "Snare trap" includes:  
1. A pole snare;  
2. A hanging snare; and  
3. A neck snare.

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not use, sell, possess, set, place, or maintain a snare trap. —~~

~~(ii) In Anne Arundel County, from July 1, 1990 through June 30, 1992, a person may sell or possess a snare trap.~~

(2) A PERSON MAY NOT USE, SELL, POSSESS, SET, PLACE, OR MAINTAIN A SNARE TRAP.

SECTION 2. AND BE IT FURTHER ENACTED, that this act shall take effect January 1, 2011.

AN ACT CONCERNING  
**HUNTING IN MARYLAND STATE PARKS**

FOR the purpose of preserving the safety of the public while enjoying Maryland State Parks and recreation areas.

BY enacting

Article – Natural Resources

Title – 5 Forests and Parks.

§ 5-1011. Hunting in State Parks Prohibited.

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

That the Laws of Maryland read as follows:

Title – 5 Forests and Parks.

§ 5-1011. Hunting in State Parks Prohibited.

(1)Hunting wildlife by any means within the boundaries of a Maryland State Park is prohibited.

(2)This Section does not apply to:

(i)Department personnel engaged in wildlife management , or,

(ii)Personnel under the direct, physical supervision of Department personnel aiding in wildlife management.

SECTION 2. AND BE IT FURTHER ENACTED, that this act shall take effect January 1, 2011.

**AN ACT CONCERNING  
Compensation of the Governor and Lt. Governor**

FOR allowing the compensation of the Governor and Lt. Governor to more accurately reflect deserved compensation.

BY repealing and reenacting, with amendments

Constitution of Maryland  
Article II, Executive Department  
Section 21A. Salaries of Governor and Lieutenant Governor; Governor's Salary Commission.

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

- (a) The salaries of the Governor and Lieutenant Governor shall be as provided in this section.
- (b) The Governor's Salary Commission is created. It consists of seven members: The State Treasurer; three appointed by the President of the Senate; and three appointed by the Speaker of the House of Delegates. Members of the General Assembly and officers and employees of the State or a political subdivision of the State are not eligible for appointment to the Commission. The members of the Commission shall elect a member to be chairman, and the concurrence of at least five members is required for any formal commission action. The terms of members shall be for 4 years, except that the persons first appointed to the Commission shall serve from June 1, 1977 until May 31, 1980. The members of the Commission are eligible for reappointment. Members shall serve without compensation but shall be reimbursed for expenses incurred in carrying out responsibilities under this section.
- (c) Within ten days after the commencement of the regular session of the General Assembly in 1978, and within ten days after the commencement of the regular session of the General Assembly each fourth year thereafter, the Commission shall make a written recommendation to the Governor, Lieutenant Governor, and other members of the General Assembly as to the salary of the Governor and Lieutenant Governor.
- (d) The recommendation shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease the recommended salaries, but may not amend the joint resolution to increase the recommended salaries. If the General Assembly fails to adopt a joint resolution in accordance with this section within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the General Assembly amends the joint resolution in accordance with this section, the salaries specified in the joint resolution, as amended, shall apply. If the Commission recommends no salary change, a joint resolution shall not be introduced.
- ~~(e) The Commission may not recommend salaries lower than that received by the incumbent Governor at the time the recommendation is made; and the General Assembly may not amend the joint resolution to provide for salaries lower than that received by the incumbent Governor and Lieutenant Governor.~~
- (E) A change in salary resulting from either Commission recommendation or amended joint resolution under this section shall take effect at the beginning of the next ensuing term of the Governor and Lieutenant Governor.

(gF) Commission inaction or failure of the Commission to meet the requirements of this section with respect to proposing a change in salary for the Governor and Lieutenant Governor shall result in no change

in salary.

**A RESOLUTION CONCERNING THE BALTIMORE AND POTOMAC TUNNEL**

**WHEREAS:** Amtrak's North East Corridor (NEC) is not only the most traveled rail line in the United States, but is also America's only high speed rail line; and,

**WHEREAS:** This rail line is slowed by several major bottlenecks; and,

**WHEREAS:** The worst of these bottlenecks is the Baltimore and Potomac tunnel, which the NEC passes through southbound out of Baltimore Penn Station; and,

**WHEREAS:** The current layout of this tunnel includes two sharp turns that limit trains to 30 miles per hour; and,

**WHEREAS:** Replacing this tunnel with a new, smooth tunnel would permit high speed trains to traverse the tunnel at their top speed; and,

**WHEREAS:** Increasing speeds on the NEC will increase traffic on the NEC, and in turn, increase passenger traffic into Baltimore city; and,

**WHEREAS:** Higher passenger traffic translates into more businesses and more tourists coming into Baltimore.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the start of a study into replacing the Baltimore and Potomac Tunnel with a new, high speed tunnel.

**BE IT FURTHER RESOLVED:** That this replacement tunnel should be a cooperative effort between the City of Baltimore, the State of Maryland, and the federal government.

**A RESOLUTION CONCERNING URBAN GROWTH ON THE EASTERN SHORE**

**WHEREAS:** Maryland's Eastern Shore is composed of distinct, separated towns and cities; and,

**WHEREAS:** These towns and cities are separated by open land, which is vital to the economic and environmental health of Maryland; and,

**WHEREAS:** This open land is threatened by encroching urban growth; and,

**WHEREAS:** Urban development in outlying regions cost the tax payer money, as they must pay to expand infrastructure to these new areas; and,

**WHEREAS:** Local governments are unwilling to stem this growth, as they are swayed by the short term economic benefits; and,

**WHEREAS:** These benefits disappear quickly, replaced by the high costs of expanding infrastructure and services; and,

**WHEREAS:** Calvert County, which is similar in having distinct and separated urban areas, has had great economic and environmental benefits from successfully adopting urban growth controls; and,

**WHEREAS:** Adopting state laws that control the urban growth on the eastern shore will yield similar benefits to the State of Maryland; and,

**WHEREAS:** The opportunity for these economic and environmental benefits cannot be ignored.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland State Government to enact legislation creating state level urban growth controls for the Eastern Shore.

**A RESOLUTION CONCERNING SOUTHERN MARYLAND TRANSPORTATION**

**WHEREAS:** The Governor Thomas Johnson Bridge and the Governor Harry W. Nice Memorial Bridge in Southern Maryland both need replacement; and,

**WHEREAS:** These two lane bridges are bottle necks that delay and discourage commerce in Southern Maryland; and,

**WHEREAS:** These bridges have no alternative routes, and are vital to growth and commerce in Southern Maryland; and,

**WHEREAS:** These bridges are exceeding their designed capacity, which leads to higher than necessary maintenance costs and excessive wear; and,

**WHEREAS:** The Nice bridge is almost 70 years old; and,

**WHEREAS:** Since it was opened 1978, the Thomas Johnson Bridge has closed for several months to repair structural faults; and,

**WHEREAS:** These bridges need to be replaced with new, modern, wider bridges capable of handling larger volumes of traffic; and,

**WHEREAS:** Construction costs could be deferred by a bond sale repaid by tolls on the two bridges.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the replacement of both the Governor Thomas Johnson Bridge and the Governor Harry Nice Bridge with new toll bridges more than capable of handling projected traffic volumes.

**A RESOLUTION CONCERNING TRANSPORTATION BETWEEN BALTIMORE AND  
WASHINGTON**

**WHEREAS:** The Baltimore-Washington corridor is the most heavily trafficked in the State of Maryland; and,

**WHEREAS:** MARC currently provides the only mass transit option between these two major cities; and,

**WHEREAS:** MARC's Penn and Camden lines are currently crowded nearly to the point of capacity; and,

**WHEREAS:** Attempts to expand service on these two lines have been prevented by Amtrak and CSX who own the rail lines used by MARC; and,

**WHEREAS:** The only way to expand mass transit in this busy corridor is to add additional lines; and,

**WHEREAS:** The most logical option for a new rail line is the former Washington, Baltimore and Annapolis right of way; and,

**WHEREAS:** This right of way has been preserved between New Carrollton and the City of Baltimore; and,

**WHEREAS:** This translates into a minimum of loss of private property in the conversion process; and,

**WHEREAS:** The use of this right of way would allow a line to run from Union Station in Washington, D.C. to BWI Marshall Airport, where it can join the current Baltimore Light Rail; and,

**WHEREAS:** A new light rail line through the Baltimore Washington Corridor would reduce the cost of maintenance of I-95 and MD 295, as well as lower traffic volumes and the number of accidents on these roads; and,

**WHEREAS:** This new light rail line would stimulate economic development in Baltimore City, and along the route of the line.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the start of the necessary studies for the creation of an express light rail line between Washington's Union Station and the City of Baltimore.

**BE IT FURTHER RESOLVED:** That this project be supported by the City of Baltimore, the surrounding counties, the State of Maryland, Washington D.C., and the federal government.

## **A RESOLUTION CONCERNING BALTIMORE MASS TRANSIT**

**WHEREAS:** Baltimore is unique in major cities in the North East Corridor in lacking a rail mass transit network; and,

**WHEREAS:** Light rail mass transit is much more reliable, popular, and cost effective than other forms of mass transit; and,

**WHEREAS:** This lack discourages economic and residential development inside Baltimore and leads to potential investments in Baltimore to go to other NEC cities with rail mass transit; and,

**WHEREAS:** Not having a rail mass transit system creates higher cost of living for Baltimore Metropolitan Area residents, and employees of potential businesses; and,

**WHEREAS:** A mass transit system would help lower the infrastructure maintenance costs associated with the 120 large expressways and smaller roads within Baltimore by lowering their traffic volumes; and,

**WHEREAS:** A light rail mass transit network would lead to closer in development and redevelopment of areas with already existing roads and infrastructure, greatly reducing the burden that outside growth puts on the tax payer; and,

**WHEREAS:** A light rail mass transit would help to revitalize economically blighted regions of the Charm City, by encouraging redevelopment of downtrodden areas.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the start of the necessary studies for the creation of a large light rail mass transit network serving Baltimore City and the surrounding urban areas.

**BE IT FURTHER RESOLVED:** That this project be supported by the City of Baltimore, the surrounding counties, the State of Maryland, and the federal government.

**A RESOLUION CONCERNING THE HOWARD STREET TUNNEL**

**WHEREAS:** The Howard Street Tunnel has carried freight traffic through the middle of Baltimore since 1895; and,

**WHEREAS:** This tunnel is not capable of handling the larger inter modal freight cars that are coming in to use; and,

**WHEREAS:** This problem is preventing the flow of freight traffic through Baltimore City; and,

**WHEREAS:** Limits on shipping availability hurt businesses and discourage economic growth in Baltimore; and,

**WHEREAS:** Replacing the Howard Street Tunnel with a new, large freight route through Baltimore would encourage economic growth in Baltimore, and bring an influx of businesses and jobs; and,

**WHEREAS:** The replaced Howard Street Tunnel would be available to other uses, such as expanding mass transit services.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the start of a study into replacing the Howard Street Tunnel with a new, large freight route through Baltimore.

**BE IT FURTHER RESOLVED:** That this replacement route should be a cooperative effort between the City of Baltimore, the State of Maryland, the federal government, and CSX.

**A resolution concerning  
THE CONSTRUCTION OF SIDEWALKS ALONG ALL THE ROADS IN RESIDENTIAL  
NEIGHBORHOODS IN MARYLAND.**

WHEREAS: Washington Coalition for Smarter Growth reported 6000 pedestrian deaths last year in the United States as occurred in residential areas void of sidewalk, another 110, 000 injuries every year are as a result of the same; and,

WHEREAS: Several roads in our neighborhoods lack sidewalks; and,

WHEREAS: The lack of sidewalks make people tend to walk their dogs, jog, and ride bicycles using the same road, as a result some are fatally struck from behind by careless drivers; and,

WHEREAS: The construction of sidewalks in residential areas would spare precious lives; and,

WHEREAS: It has often been said "Where sidewalk ends, danger begins."

BE IT THEREFORE RESOLVED: That the Maryland State legislature urges the State of Maryland to construct sidewalks where there are none in all residential neighborhoods in the State of Maryland.

**A resolution concerning  
GOVERNMENT ACCOUNTABILITY**

**WHEREAS:** The object of Maryland’s General Assembly is to be representative of the people; and,

**WHEREAS:** The Maryland Constitution stipulates: “That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government”; and,

**WHEREAS:** The best way for people to participate in the legislative process is to review proposed laws; and,

**WHEREAS:** In general, it is productive to hold governmental officials accountable for their conduct; and,

**WHEREAS:** For the people to participate in the legislative process and hold their governmental officials accountable they must understand the laws as they are written; and,

**WHEREAS:** For the public to come to understand legislation it must be publicly available and accessible.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the State to make all non-emergency legislation available online and in electronic form at Maryland public libraries for three days before voted on.

**A RESOLUTION CONCERNING HEALTHCARE REFORM IN THE UNITED STATES**

**WHEREAS:** In the United States, currently as many as 46 million people are currently without health insurance; and,

**WHEREAS:** While it is true that hospitals cannot turn away any patient that needs treatment, regardless of their insurance status, larger taxpayer funded hospital bills can be averted with a program that would allow people to receive treatment from a general practitioner; and,

**WHEREAS:** Seeing a general practitioner on a regular basis will allow disorders and other maladies to be largely preempted, thus drastically reducing the cost to taxpayers in other areas; and,

**WHEREAS:** Larger revamps of health care which include “public options” or would put all citizens under a government run insurance system are not feasible at this time, as they would ultimately cost in excess of one trillion dollars, which the United States cannot afford, given the current recession and the multi-billion dollar stimulus package passed early this year.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Congress to pass and President Obama to sign legislation which would give American Citizens who cannot afford insurance the option of buying public insurance.

**A RESOLUTION CONCERNING THE SELLING OF HEALTH INSURANCE ACROSS STATE LINES**

**WHEREAS:** Under Federal Law, health insurance cannot be sold across State lines, significantly reducing competition and driving premiums for people up; and,

**WHEREAS:** Instead of competing in one national health insurance market, health insurance companies are competing in fifty different State markets, which results in less competition and higher premiums; and,

**WHEREAS:** Competition in the national auto insurance market has resulted in lower rates and more competition for people in every State due to the fact that the number of competing companies is higher; and,

**WHEREAS:** While there may be problems with America's healthcare system, a smaller and more gradual change such as this will increase the availability and decrease the price of healthcare, resulting in a greater number of people being insured, while also reducing the opposition of the American People, who are against broad and sweeping changes.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Congress to pass and President Obama to sign Legislation which would create a national market for health insurance.

**WHEREAS:** The Pledge is predominantly sworn by children in public schools in accordance with state laws requiring the Pledge to be offered; and,

**WHEREAS:** The statement of “Under God” in the Pledge of Allegiance is a direct violation of the separation of church and state.

**WHEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Congress to return the Pledge of Allegiance to its original words written by Bellamy in 1892.

**WHEREAS:** The DOMA prevents states from being required to recognize the marriage of same sex couples in other states; and,

**WHEREAS:** The DOMA defines marriage as a legal union exclusively between one man and one woman; and,

**WHEREAS:** The DOMA impedes the civil rights and liberties of certain individuals based on their sexual preferences; and,

**WHEREAS:** The DOMA also oversteps Congressional authority in violation of the 10<sup>th</sup> Amendment of the United States Constitution; and,

**WHEREAS:** It also violates state’s rights under the Full Faith and Credit Clause of the United States Constitution which declares that states within the United States have to respect the public acts, records, and judicial proceedings of other states.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urge President Barack Obama and the United States Congress to develop and enact swift legislation to repeal the Defense of Marriage Act.

**A Resolution Concerning  
BUDGET ALLOCATION TO CHESAPEAKE BAY CONSERVATION PROGRAMS**

**WHEREAS:** In 2000, the Chesapeake Bay Program, a regional partnership of state and federal agencies, academic institutions, and non-governmental organizations which serve as the primary leader in bay restoration efforts, signed the Chesapeake 2000 Agreement; and,

**WHEREAS:** In signing this initiative, the program partners recommitted to their goal of removing the Bay from the EPA's endangered waters list by 2010; and,

**WHEREAS:** The 2000 initiative appears on the track to failure; and,

**WHEREAS:** This most recent letdown mirrors those of the last 20 years; and,

**WHEREAS:** The major factor in this apparent failure has been an inability to reduce manure concentrations in the bay; and,

**WHEREAS:** Manure is the single largest Bay pollutant; and,

**WHEREAS:** Manure reduction has been so unsuccessful because farmers have difficulty complying with nutrient reduction regulations; and,

**WHEREAS:** This is due to the fact that many farmers are reluctant to employ "greener" agricultural technologies because of the negative impact this overhaul would have on their finances; and,

**WHEREAS:** Making matters worse, funding shortfalls plague financial assistance programs created to help farmers transition towards nutrient reduction farming practices.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland state government to set aside 1% of each fiscal year's budget to fund Chesapeake Bay conservation programs; and,

**BE IT FURTHER RESOLVED:** These funds would more specifically be used to fund conservation programs such as the financial assistance programs created to help farmers' afford the transition to nutrient reducing technology.

**A RESOLUTION CONCERNING ONE TENTH OF ONE CENT**

**WHEREAS:** There is absolutely no good reason that the price of gas currently includes \$.009; and,

**WHEREAS:** This sometimes leads to gas stations purposely omitting the \$.009 from the end of their prices to make them appear lower; and,

**WHEREAS:** Introducing a \$.001 gasoline tax would alleviate the aggravation and end the sheer silliness that is the tenth of a cent.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the creation of a tax of \$.001 per gallon of gasoline be created.

**BE IT FURTHER RESOLVED:** That the income from this tax be directed in to funding Baltimore mass transit.

**A RESOLUTION CONCERNING  
MARYLAND NATIONAL GUARD STUDENTS BEING NON DEPLOYABLE**

- WHEREAS:** Only a few of Maryland National Guard soldiers are full time college students and the overwhelming rest of the force are not college students; and,
- WHEREAS:** The Maryland national guard insists on college students stopping school when their units are activated for no less than two years; and,
- WHEREAS:** This stoppage makes a Maryland National Guard student's college career nearly impossible to complete; and,
- WHEREAS:** The state of Maryland exempts National Guard students who participate in ROTC from being activated and deployed to war; and,
- WHEREAS:** This exemption should be applied to all students in National Guard and not just those participating in ROTC.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to pass and Governor O'Malley to sign comprehensive legislation making all Maryland National Guard members non deployable while in school full time as students.

**A Resolution Concerning  
THE BANNING OF GANG BANDANNAS IN MARYLAND PUBLIC HIGH SCHOOLS**

**WHEREAS:** Gang bandannas add more tension between rival gangs; and,

**WHEREAS:** High School is a place to learn and not a gangland; and,

**WHEREAS:** Much of gang violence happens at school, so wearing bandannas increases the tension between rival gangs; and,

**WHEREAS:** The bandanna can also be referred to as a “flag”; and,

**WHEREAS:** The gang bandanna identifies the person’s gang affiliation.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urge the Maryland General Assembly and Maryland Governor Martin O’Malley to ban all gang bandannas in Maryland public high schools.

A Resolution Concerning:  
**THE FUTURE OF THE FIRST MARINER ARENA**

**WHEREAS:** The First Mariner Arena is an antiquated venue with outdated equipment and limited seating compared to venues such as the Verizon Center in Washington, DC; and,

**WHEREAS:** Performance Artists are highly unlikely to perform in the First Mariner Arena when they can attract a crowd three times larger to a venue which is less than fifty miles away; and,

**WHEREAS:** Baltimore City could take in more money in taxes, while local businesses would also be given a boost if a more attractive venue were to replace the First Mariner Arena; and,

**WHEREAS:** The building of a new venue would also facilitate a temporary growth in jobs in a time where unemployment is at highs the country has not seen since the great depression; and,

**WHEREAS:** Jobs would also be increased in the long term in the service industry in terms of the jobs created in the new venue as well as the increased business which would receive a boost from the increased patronage at the new venue.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the State of Maryland and the City of Baltimore to have the First Mariner Arena torn down and replaced with a more advanced and space efficient design.

**BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the construction of the new arena to be funded by a partnership in which the State enters into an agreement with a corporation to fund part of the cost of the venue in exchange for the naming rights to the new venue.

A Resolution Concerning  
**HOMESTEAD EXEMPTION IN MARYLAND**

**WHEREAS:** A homestead exemption, determined by state law, is the amount of equity that you can protect in a Chapter 7 bankruptcy and is determined by state law; and,

**WHEREAS:** While most state's laws vary in the amount of equity they protect, Maryland offers absolutely no equity protection; and,

**WHEREAS:** During the harsh economic climate in which bankruptcy relief would significantly improve the lives of Marylanders, the fear of losing their homes may be a deterrent; and,

**WHEREAS:** Instituting a Homestead Exemption would force creditors to be more responsible when lending, as the risk assumed by the creditor when lending would increase as the opportunity of equity gain decreases.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urge the House and Senate to pass, and Governor Martin O'Malley to sign, legislation which would put in to place a Homestead Exemption.

**BE IT FURTHER RESOLVED:** That this Homestead Exemption be fairly determined based on Maryland's cost of living.

**A Resolution Concerning  
THE CONTINUED USE OF SPEED CAMERAS IN THE GREAT STATE OF MARYLAND**

- WHEREAS:** In 2009, the Maryland State Senate passed Senate Bill 277 to legalize the use of speed cameras throughout the state of Maryland; and,
- WHEREAS:** The presence of speed cameras has been shown to increase the rate of rear-end collisions by 55%; and,
- WHEREAS:** Speed cameras do nothing to remove reckless drivers from the road in the manner that police officers can; and,
- WHEREAS:** Errors within the computer system may result in tickets being issued to drivers who have not actually violated any traffic laws; and,
- WHEREAS:** The speed cameras cannot recognize the driver of the vehicle, putting the onus on the owner of the vehicle to find and turn in the driver if they are issued a ticket while not driving the vehicle; and,
- WHEREAS:** As a result of this, almost a third of tickets issued by speed cameras are issued to people other than the one who committed the offence; and,
- WHEREAS:** Due to the lapse in time between the offense and the issuance of the ticket, it is often difficult to gather evidence to prove innocence; and,
- WHEREAS:** The speed cameras are not actually operated by police officers, but rather an outside company that receives a commission on every ticket issued; and,
- WHEREAS:** The presence of speed cameras also raises the question of government surveillance on ordinary citizens.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to overturn any and all laws pertaining to the use of speed cameras and immediately outlaw their use within the state.

**A resolution concerning  
CAMPAIGN FUNDS AND THE NATIONAL DEBT**

**WHEREAS:** The national debt is over \$12,000,000,000,000; and,

**WHEREAS:** This is causing detrimental affects to our nation as we have severely limited discretionary funds; and,

**WHEREAS:** This is affecting our growth and dominance as a nation; and, **WHEREAS:** Federal

Elections raise millions of dollars for candidates; and, **WHEREAS:** A portion of this revenue raised by

federal candidates could be contributed  
to the national debt; and,

**WHEREAS:** The funds generated by federal congressional and presidential elections that go towards the national debt would significantly reduce the current national debt; and,

**WHEREAS:** A mere 5% of the revenues raised by President Barack Obama and Senator John McCain would amount to over \$37,000,000,000 and \$18,000,000,000, respectively; and,

**THEREFORE BE IT RESOLVED:** That the Maryland General Assembly urge the United States Congress to mandate five percent of the funds raised for federal elections, including House of Representatives, Senate, and presidential campaigns/elections, be used to pay down the national debt.

**A RESOLUTION CONCERNING RECREATION ON THE EASTERN SHORE**

**WHEREAS:** There are limited recreational areas on Maryland's Eastern Shore; and,

**WHEREAS:** There is a movement nationwide to transform old railroad grades into trails for recreation; and,

**WHEREAS:** There are ample abandoned railroad grades that are perfect for conversion to rail trails; and,

**WHEREAS:** The construction of such rail trails draws people into the area of the trail for the recreation opportunity; and,

**WHEREAS:** The longer the trails are, the more appealing they are to cyclists and other people seeking recreation; and,

**WHEREAS:** There is the potential to create trails that would link the Chesapeake Bay with Ocean City; and,

**WHEREAS:** Trails linking Kent Island, Queen Anne, Easton, Salisbury, and Ocean city would improve the ability of Marylanders to enjoy the outdoors, and improve their health, as well as increasing tourism and providing jobs.

**THEREFORE BE IT RESOLVED THAT:** The Maryland Student Legislature urges the creation of Eastern Shore rail trails, using the abandoned right of ways, connecting Kent Island, Queen Anne, Easton, Salisbury, Ocean City, and other areas.

**BE IT FURTHER RESOLVED:** That this process should be completed by 2030, and funded with private investments, state Open Space funds, and any available federal grants.

A Resolution Concerning  
**THE REFORM OF THE MEDICAL TORT LAWS IN THE STATE OF MARYLAND**

**WHEREAS:** Reforms to the medical malpractice tort laws are shown to lower the cost of health care across the board; and,

**WHEREAS:** The current system allows for too many frivolous suits to be filed, thus causing the courts to be over run with unmerited cases; and,

**WHEREAS:** The current system yields the practice of defensive medicine; and,

**WHEREAS:** Defensive medicine is the practice of exhausting all possible tests and procedures that often do not help the patient but lower the doctor's chance of facing a lawsuit; and,

**WHEREAS** : 95% of doctors admit to practicing defensive medicine; and,

**WHEREAS:** The costs of defensive medicine are passed on directly to the patients;  
and,

**WHEREAS** : Reducing doctor's liability would greatly reduce the practice and cost of defensive medicine, and thus reduce the cost of health care; and,

**WHEREAS:** The current health care system is exceedingly wasteful; and,

**WHEREAS:** The waste of the system drives up the cost of health care across the board;

**THEREFORE** **BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to seriously consider any and all reforms to the medical malpractice tort laws in the great State of Maryland for the purpose of lowering health care costs.

**A RESOLUTION CONCERNING THE DOVER BRIDGE**

**WHEREAS:** The Dover Bridge connects Talbot and Caroline County together, built in 1932, the swing bridge is out of date and has major structure problems, and,

**WHEREAS:** The bridge has caused major delays by becoming stuck in the summer time and too icy in the winter, and,

**WHEREAS:** Is one of only four historic swing spans left in the state, and,

**WHEREAS:** The current layout of this bridge includes two narrow lanes that limit vehicles sizes and higher MPH, and,

**WHEREAS:** Replacing this bridge with a new, higher spanning bridge would help with traffic on the roads and on the Choptank river, and,

**WHEREAS:** Increasing traffic flow on route 331 to and from Talbot and Caroline County.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the start of a study into replacing the Dover bridge with a new bridge.

**BE IT FURTHER RESOLVED:** That this replacement bridge cooperative effort between the Counties of Talbot and Caroline, the State of Maryland, and the federal government.

**A RESOLUTION CONCERNING THE FUTURE OF THE JONES FALLS EXPRESSWAY**

- WHEREAS:** The Jones Falls Expressway is an elevated freeway that runs through downtown Baltimore; and,
- WHEREAS:** This elevated freeway acts as a physical barrier between east and central Baltimore; and,
- WHEREAS:** This barrier acts to discourage investment in east Baltimore, and keeps business investment in central Baltimore from spreading out into the neighboring areas; and
- WHEREAS:** The federal government has several grant programs designed to encourage infrastructure development and job creation, as well as redevelopment incentives; and,
- WHEREAS:** Removing the elevated freeway is essential to redevelopment in east Baltimore; and,
- WHEREAS:** Converting this elevated freeway into an at grade boulevard would allow for traffic and people to flow in every direction without physical barriers; and,
- WHEREAS:** This boulevard would serve to not only carry traffic, but would also allow the opportunity for the construction of light rail from Pennsylvania Station into the Harbor East area; and,
- WHEREAS:** This new corridor would attract new investments into an area that is primarily parking lots and underutilized space; and,
- WHEREAS:** Any investment taken now will create short term jobs in construction, and long term jobs and economic gain from new businesses and industry.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the Maryland General Assembly and the City of Baltimore to transform the Jones Falls Expressway south of Calvert Street and Pennsylvania Station into a boulevard with light rail right of ways.

**BE IT FURTHER RESOLVED:** That this area should receive targeted development incentives.

**BE IT FURTHER RESOLVED:** That the state and city seek any available federal funds for this project.

**AN EMERGENCY RESOLUTION CONCERNING GREEN ENERGY IN MARYLAND**

- WHEREAS:** The State of Maryland is currently dismantling the Union Dam on the Patapsco River; and,
- WHEREAS:** This removal is part of a larger program to remove smaller dams from this river; and,
- WHEREAS:** This program is partially funded by a federal stimulus grant; and,
- WHEREAS:** These dams, along with numerous larger dams in Maryland, are an untapped resource that can be utilized to generate clean electricity; and,
- WHEREAS:** Allowing these dams to be converted to generate electricity would not only create short term construction jobs, but also well paying long term technical jobs; and,
- WHEREAS:** Converting dams to generate electricity would reduce Maryland's reliance on fossil fuels; and,
- WHEREAS:** Hydroelectric generation is the most reliable source of green energy, and the conversion process would generate the most electricity for the least environmental impact possible; and,
- WHEREAS:** This potential for environmental and economic benefits should not be thrown away by dismantling our resources.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland State Government to end this dam removal program.

**BE IT FURTHER RESOLVED:** That the Maryland State Government should create a permit program to allow and encourage the conversion of existing dams to generate hydroelectricity.

**A Resolution Concerning  
MARYLAND PRISON REFORM**

**WHEREAS:** According to the National Correctional Industries Association, Maryland ranks ninth in the sales of prisoner-made merchandise; and,

**WHEREAS:** Maryland Correctional Enterprises has been lauded as "Maryland's premier rehabilitation program" and endeavors to be financially successful; and,

**WHEREAS:** In fiscal year 2008, Maryland Correctional Enterprises recorded sales of approximately \$51.5 million; and,

**WHEREAS:** Revenues generated by such a fund ought to be used to further prisoner rehabilitation; and,

**WHEREAS:** Current profits from this program are typically distributed into the state's general fund after some monies are allocated to expanding the program; and,

**WHEREAS:** Due to the high per-prisoner cost of correctional facilities in Maryland it is appropriate to address prison reform; and,

**WHEREAS:** Funding for secondary and post-secondary education for prisoners is extremely limited.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to pass and Governor Martin O'Malley to sign legislation funding a study to report on the best way to use surpluses from Maryland Correctional Enterprises to further prisoner rehabilitation with a particular aim on the usefulness of funding secondary education for inmates with such monies.

## **A RESOLUTION CONCERNING RELATIONS WITH SOMALIA**

**WHEREAS:** The United States' embassy in Mogadishu was closed in 1991 following the collapse of the Ziad Barre regime, and the resulting civil war, and;

**WHEREAS:** in 2009 Sharif Ahmed, lifelong Somali politician, was elected in a three round parliamentary election, to the position of President of the Transitional Federal Government. He won the third "run-off" round with a vote of 293-126. There was no reporting of corruption associated with this election, and;

**WHEREAS:** The U.S. already exercises military influence in the region as evidenced by the successful September 14<sup>th</sup> helicopter raid, and the April 2009 Navy rescue operations, and;

**WHEREAS:** Somalia's economy, with a per capita GDP of \$600, is second lowest in the region, but not by much. Widespread poverty due to development woes, has not been helped despite massive amount of aid pledged by U.N. countries. And;

**WHEREAS:** African Union troops struggle to maintain order in the South, against Al- Shabaab, radical remnants of the Islamic Courts Union. The humanitarian crisis in the area, declared by the United Nations in 2007, occupies most of the resources donated by relief groups. And;

**WHEREAS:** This has resulted in the northern half of the country, Somaliland and Puntland, being handed a deficit in aid and International abuse. And;

**WHEREAS:** A U.S. embassy would mean the renewal of peacecorp missions in Somalia, as well as renewed investment and international aid and oversight.

**Therefore be it resolved:** The Maryland Student Legislature urges the White House, the Senate, and the Department of State to nominate and confirm an ambassador to Somalia. And;

**Therefore be it further resolved:** the mandates establish the diplomatic mission an Embassy in Bossaso, Puntland, in northern Somalia.

A RESOLUTION CONCERNING

**The Availability of Rape Kits**

FOR the purpose of bringing justice to victims of sexual assault.

**WHEREAS:** Only two hospitals in Maryland provide rape kits; and,

**WHEREAS:** Rape kits make it possible to gather the forensic evidence needed to bring perpetrators of sexual assault to justice; and,

**WHEREAS:** Forensic evidence can disappear quickly and easily, making it essential for victims of sexual assault to have quick and ready access to rape kits.

**THEREFORE BE IT RESOLVED:** That Maryland Student Legislature urges the Maryland General Assembly to mandate that at least one hospital in every county in Maryland must provide rape kits.

**BE IT FURTHER RESOLVED:** That these leadership positions include the President of the Senate and the Speaker of the House, the majority and minority leaders of both houses, all whips and deputy whips, and all committee, subcommittee, and delegation chairmanship and vice chairmanship positions.

A Resolution Concerning:

**AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WOULD GUARANTEE THE RIGHT TO PRIVACY**

**WHEREAS:** In 1965, in the case of *Griswold v. Connecticut*, the United States Supreme Court found that there is a constitutional right to privacy and that although that right is not explicitly stated in the constitution, the right is found in the emanations from penumbras of other constitutional protections; and,

**WHEREAS:** The Supreme Court also found that the constitutional right to privacy invalidated many abortion laws in the 1973 case of *Roe v. Wade*; and,

**WHEREAS:** These decisions and the idea that a right to privacy exists in the constitution have proved to be extremely controversial and vigorously debated, several decades later; and,

**WHEREAS:** Numerous judicial appointments have been delayed or otherwise impacted based on the sole issue of whether or not the nominee believes in a constitutional right to privacy; and,

**WHEREAS:** As long as the constitutional right to privacy remains a controversial constitutional question, many rights stemming from the right to privacy remain one Supreme Court decision away from being overturned.

**WHEREAS:** The state of Montana guarantees a right to privacy explicitly in their state constitution which states: "The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest."; and,

**WHEREAS:** Computer technology and genetic technology are likely to make the issue of privacy an even greater concern for Americans in the upcoming decades.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Congress to pass an amendment to the United States Constitution explicitly guaranteeing the right to privacy, similar in form to the aforementioned Montana state constitution section regarding privacy.

**BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the 50 state legislatures to ratify such an amendment.

A Resolution Concerning:

**REVENUE GENERATION IN THE STATE OF MARYLAND**

**WHEREAS:** Maryland is current experiencing a record budget deficit in a struggling economy; and,

**WHEREAS:** Many Marylanders use tanning salons to obtain full body tans because they cannot sunbathe on a beach fully disrobed; and,

**WHEREAS:** These tanning booths cast rays of artificial light which can be harmful to the person bathing in the artificial rays; and,

**WHEREAS:** By opening nude beaches in parts of Maryland, people could sunbathe safely and without the aid of artificial rays of light; and,

**WHEREAS:** The fees generated by charging admission to such a nude beach would provide funding to programs vital to the functioning of the state of Maryland,

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to pass and Governor O'Malley to sign, legislation which would create a study to find feasible locations for nude beaches in Maryland.

**BE IT FURTHER RESOLVED:** That the Maryland Student Legislatures urges that these beaches, when opened, should operate on a fee per entry basis for the upkeep of changing areas as well as money which would go into the State's general fund.

A Resolution Concerning  
**EMINENT DOMAIN ABUSE**

- WHEREAS:** The government is stealing property from hard-working American families, some of whom who have lived in their homes for their entire lives, and turning it over to other private citizens in hopes of increasing tax revenue; and,
- WHEREAS:** The Fifth Amendment to the United States Constitution states that “nor should private property be taken for public use, without just compensation”, which does not express power but limits it and clearly states “public use” not private economic development; and,
- WHEREAS:** In many cases compensation given is not enough for citizens to relocate and purchase comparable housing; and,
- WHEREAS:** Eminent domain disproportionately affects the poor, minorities, the elderly, and religious institutions and benefits wealthy politically connected persons and businesses; and,
- WHEREAS:** The Maryland Legislature liberally uses it’s eminent domain power for redevelopment projects; and,
- WHEREAS:** Baltimore City has used eminent domain to remove many small businesses for private development; and,
- WHEREAS:** 70% of Baltimore County voters supported a referendum to stop an eminent domain redevelopment project; and,
- WHEREAS:** Private property should be protected and no one, including the government, should be allowed to take it without the owners consent.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to pass legislation that would stop eminent domain abuse in Maryland.

A RESOLUTION CONCERNING  
**Parking at the Glenmont Metro  
Station**

**WHEREAS:** The Glenmont Metro Station acts as the eastern terminus of the red line of the Washington Metro system; and,

**WHEREAS:** Currently there are only 1781 parking spaces available at the Glenmont Metro Station; and,

**WHEREAS:** These parking spaces often fill up early on weekdays, making it impossible for one who leaves later in the day to find parking at the station; and,

**WHEREAS:** The impending completion of the nearby Inter-County Connector will likely increase the amount of Maryland residents driving to the Metro station; and,

**WHEREAS:** With parking limited in the area, the only other options involve parking illegally at nearby shopping centers or using public transportation routes that are inconvenient for most commuters; and,

**WHEREAS:** With an increase in the quantity of parking at Glenmont, it would become far more prudent for many to take Metro to work instead of driving in.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to undertake a study in an effort to examine the feasibility of expanding parking options at the Glenmont Metro Station.

A RESOLUTION CONCERNING  
**GAY RIGHTS AND CRITICAL BLOOD SHORTAGE**

**WHEREAS:** Any man who has had sex with another man since 1977 is not allowed to donate blood in the United States; and,

**WHEREAS:** This ban exists to prevent HIV infection in blood transfusion recipients; and,

**WHEREAS:** HIV can be detected through blood tests 10-21 days after infection; and,

**WHEREAS:** Donated blood is already tested for HIV; and,

**WHEREAS:** There is a critical blood shortage in the United States.

**THEREFORE BE IT RESOLVED:** That Maryland Student Legislature urges the United States Congress to require the Food and Drug Administration to allow men to donate blood regardless of whether they have had sex with another man since 1977.

A RESOLUTION CONCERNING  
**PUBLIC HIGH SCHOOL GRADUATION REQUIREMENTS- PERSONAL FINANCE EDUCATION**

**WHEREAS:** Currently, each county determines its own requirements for high school graduation; and,

**WHEREAS:** There is no guarantee that any public high school student in Maryland will receive an education in basic personal finance; and,

**WHEREAS:** A population educated in basic personal finance could have lessened the severity of the current economic recession.

**THEREFORE BE IT RESOLVED:** That Maryland Student Legislature urges the Maryland General Assembly to pass legislation mandating that Maryland's public high schools educate their students in basic personal finance.

**BE IT FURTHER RESOLVED:** That passing this educational requirement shall be required for graduation from public high school in Maryland.

**BE IT FURTHER RESOLVED:** That "basic personal finance" shall include education about savings, investments, stocks, bonds, mutual funds, mortgages, loans, and other pertinent information.

**A Resolution Concerning  
THE REVITALIZATION OF AMERICA'S NEWSPAPER INDUSTRY**

**WHEREAS:** Since January 2007, more than 12, 000 journalists have found themselves jobless; and,

**WHEREAS:** Total newspaper revenues have plummeted 30% since the first quarter of fiscal year 2009; and,

**WHEREAS:** Ad purchases have fallen 42% in the same period; and,

**WHEREAS:** The nation's smallest community papers and largest dailies including the Chicago Tribune, the Los Angeles Times, the Minneapolis Star Tribune and the Philadelphia Inquirer are facing bankruptcy; and,

**WHEREAS:** Most if not all sources of journalistic information – from radio to television to the Internet – gather their news from newspaper reporters; and,

**WHEREAS:** With newspapers folding, members of the public sphere are facing lower levels of public scrutiny and accountability than ever before; and,

**WHEREAS:** The Newspaper Revitalization Act, proposed by Maryland Senator Ben Cardin would allow newspapers to operate as non-profits, if they choose, under 501(c)(3) status for educational purposes, similar to public broadcasting; and,

**WHEREAS:** Under nonprofit status, donations to support newspapers choosing to run as non-profits would be tax deductible and revenue made by these newspapers would be tax exempt; and,

**WHEREAS:** This Act would provide many newspapers with an option vital to their survival.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges President Barack Obama and the United States Congress to pass the Newspaper Revitalization Act.

**A Resolution Concerning  
THE SAFE STORAGE OF COAL ASH IN THE UNITED STATES**

**WHEREAS:** In transforming coal into energy, power plants extract British thermal energy units (BTUs) from their coal, leaving behind a lethal ash of sodium, thallium, mercury, boron, aluminum and arsenic; and,

**WHEREAS:** Nearly 130 million tons of this toxic ash is heaped into “poison mountains,” or dumped into ponds and old mine shafts; and,

**WHEREAS:** These shallow artificial lakes of concentrated toxicity are prone to rupturing and leaching poisons into sources of ground water; and,

**WHEREAS:** Drinking water contaminated by chemicals leached from settling ponds have been found to contain concentrations of chemicals 30 times the legal limit; and,

**WHEREAS:** Once saturated within the earth, noxious liquids leaked from settling ponds wreck inestimable damage on infrastructure - cracking and warping the floors and foundations of homes and businesses; and,

**WHEREAS:** In December 2008, a Tennessee Valley Authority coal ash storage facility unleashed 300 acres of sludge upon the town of Harriman, Tennessee; and,

**WHEREAS:** After facing lawsuit, the EPA revealed the existence of 44 such vulnerable storage sites across the United States; and,

**WHEREAS:** All were deemed a “high hazard” to human life; and,

**WHEREAS:** There exist no enforced national regulations regarding the disposal of coal ash.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Environmental Protection Agency to establish nationwide standards backed up by penalty regarding the safe storage of coal ash.

**A Resolution Concerning  
Buck v. Bell, 274 U.S. 200 (1927)**

**WHEREAS:** In 1927 the Supreme Court ruled it legal to compulsory sterilize mentally challenged individuals

**WHEREAS:** It is an infringement on the rights of individuals to sterilize an individual due to a mental deficiency

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the federal government to overturn Buck v. Bell which allows compulsory sterilization to occur due to mental deficiency.

**A RESOLUTION CONCERNING:  
PROPERTY TAX IN THE STATE OF MARYLAND**

**WHEREAS:** The state of Maryland limits counties from increasing property taxes more than 10% on properties that increased more than 10% in market value in one year under the Homestead Tax Credit; and, 50

**WHEREAS:** The Counties' main source of self-generated income comes from property taxes that go to fund schools, hospitals, police, and other local services ;and,

**WHEREAS:** The State of Maryland has cut financial aid to counties due to budget shortfalls, leading counties to suffer both decreasing state aid and a shrinking tax base; and,

**WHEREAS:** Increases in property value over 10% only happen when the owner invests lots of money which could benefit the county greatly.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the General Assembly to consider a repeal of the Homestead Tax Credit.

A Resolution Concerning  
**INSTANT RUNOFF VOTING IN THE STATE OF MARYLAND**

**WHEREAS:** Voter turnout is a major issue that determines the effectiveness of the system on which our nation is founded; and,

**WHEREAS:** The separation of primary and general elections deters some potential voters, being twice the time commitment of a single general election; and,

**WHEREAS:** A winner-take-all system of voting encourages extremism and negative campaigning in order to appeal to the party base; and,

**WHEREAS:** In the current system there is no electoral reward for politicians in supporting moderation and bipartisanship; and,

**WHEREAS:** Voting for third party candidates in the current system is typically regarded as throwing the vote away, as there is little chance for said candidates' victory; and,

**WHEREAS:** Instant Runoff Voting is defined as a system in which voters rank their choices for an office, 1 or 2 or 3, and so on, depending on how many candidates are running for said office; then, after the first and only round of voting, any candidate with a majority wins the election, but if no one has a majority, second choice candidates of those who voted for the candidate with the fewest votes are automatically allocated, and so on until someone gets a majority of all votes cast; and,

**WHEREAS:** With the tabulation occurring electronically, a majority winner is guaranteed on election night; and,

**WHEREAS:** Instant Runoff Voting, hereafter referred to as IRV, has been adopted by many other democratic countries, such as: Australia, Ireland, Great Britain, and New Zealand, as well as in 46 American elections, including San Francisco; and,

**WHEREAS:** IRV has been shown to increase voter turnout by only requiring a single election; and,

**WHEREAS:** IRV reduces extremism and promotes moderation in elections, since it would be in candidates' best interest to be listed as second choice and therefore appeal to third-party voters and members of the opposite party; and,

**WHEREAS:** IRV encourages votes for third party candidates without risking a minority victory in an election; and,

**WHEREAS:** IRV guarantees that all elections are won by a majority of votes, regardless of the number of candidates running for office.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to revise voting procedures for elections in the state of Maryland to eliminate primary elections and switch to the IRV system of voting.

**A RESOLUTION CONCERNING  
THE USE OF LEGACY IN COLLEGE ADMISSIONS**

**WHEREAS:** Secondary education serves as a way to level society's playing field; and

**WHEREAS:** If colleges and universities factor in legacy when deciding admission it places those without legacy at a disadvantage; and,

**WHEREAS:** Where one's parents or grandparents went to college has no bearing on how well qualified that person is for any certain level of higher education; and,

**WHEREAS:** By factoring in legacy to the admissions decisions, students who may otherwise be rejected are given a better chance of acceptance due to their familial connections to the university or college.

**THEREFORE BE IT RESOLVED:**

That the Maryland Student Legislature urges the Maryland General Assembly to prohibit public state colleges and universities from asking, or factor in the location of an applicant's parents or grandparent's higher education when considering admissions.

**A RESOLUTION CONCERNING REGULATION OF XENON HEADLAMPS**

**WHEREAS:** Xenon headlamps output 1.5 times more light than standard headlamps; and,

**WHEREAS:** Scientific research has shown that, at any given intensity level, the light from xenon headlamps produces 40% more glare than tungsten-halogen lights; and,

**WHEREAS:** HID headlamp bulb types D1R, D1S, D2R, D2S and 9500 contain the toxic heavy metal mercury, and the disposal of mercury-containing vehicle parts is increasingly regulated throughout the world, for example under US EPA regulations; and,

**WHEREAS:** Light from xenon headlamps is farther down the blue side of the spectrum than tungsten-halogen headlamps, increasing visual discomfort for drivers; and,

**WHEREAS:** The increased glare and visual discomfort caused by Xenon headlamps can cause unsafe driving conditions and increased chance of collision.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland General Assembly to immediately pass legislation disallowing the use of xenon headlamps in commercial vehicles registered in Maryland.

AN ACT CONCERNING

**MARIJUANA-CHANGING THE SCHEDULING OF MARIJUANA IN THE CRIMINAL CODE**

**WHEREAS:** For the purpose of changing the scheduling of marijuana in the criminal code;

**WHEREAS:** The Maryland Student Legislature has recently enacted legislation in order to allow for medical marijuana; and,

**WHEREAS:** Medical marijuana is considered a Schedule I drug according to the Controlled Substances Act, preventing any sort of research on its medical uses in America; and,

**WHEREAS:** Drugs such as anabolic steroids and ketamine are considered to be Schedule III drugs, despite being far more dangerous according to various accounts from capable sources; and,

**WHEREAS:** In the state of Maryland Marijuana is also classified as a Schedule I drug.

**THEREFORE BE IT RESOLVED:** The Maryland Student Legislature encourages the United States Congress to amend the Controlled Substances Act in order to make Marijuana a Schedule III drug in order to allow for medical testing.

**BE IT FURTHER RESOLVED:** Within the state of Maryland Marijuana shall hereby be referred to as a Schedule III drug, rather than a schedule I, allowing for medical use and testing.

A RESOLUTION CONCERNING

**INVASIVE SPECIES-NEED FOR AN ERADICATION OF KUDZU**

**WHEREAS:** For the purpose of ridding the state of Maryland of the invasive species *Pueraria Montana*, common name Kudzu, which is growing more common in the Southeast United States; and,

**WHEREAS:** Kudzu has been proven to damage crops, with average estimates reaching \$500 million dollars annually as well as effects local plants and infrastructure in a given area where it grows out of control.

**THEREFORE BE IT RESOLVED:** The Maryland Student Legislature shall encourage the removal and control of Kudzu 90 within the state of Maryland through various methods including but not limited to crown removal, 100 grazing, controlled firing, and fungal herbicide; and,

**BE IT FURTHER RESOLVED:** That the Maryland State Government begin a program to aid in the eradication of kuduzu in Maryland.

**A RESOLUTION CONCERNING THE BALTIMORE METRO SUBWAY**

**WHEREAS:** The Baltimore Metro Subway serves 51,000 passengers per day; and,

**WHEREAS:** This subway provides a very important means of reducing road congestion as well as the positive environmental impacts of mass transit; and,

**WHEREAS:** In order to be more useful, the Metro Subway is badly in need of expansion; and,

**WHEREAS:** An expansion to the North West would lessen traffic congestion on I-795, as well as local routes; and,

**WHEREAS:** This expansion would open up subway travel to the people of Reisterstown and Westminster, as well as making it more attractive for people living further away from Baltimore; and,

**WHEREAS:** This expansion could be achieved at minimal cost, while providing a huge wealth of returns for Maryland.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the Maryland Department of Transportation to study the possibility of extending the Baltimore Metro Subway to Reisterstown and Westminster.

**A RESOLUTION CONCERNING PORTABLE TOILETS**

**WHEREAS:** Portable toilets are commonly used to provide temporary restroom facilities; and,

**WHEREAS:** While convenient, these portable toilets usually leave much to be desired from a sanitary viewpoint; and,

**WHEREAS:** Hand sanitizer dispensers are increasingly common everywhere as a convenient and easy way to promote cleanliness and prevent the spread of disease; and,

**WHEREAS:** Requiring portable toilets to have hand sanitizer dispensers will greatly improve the sanitary nature of these temporary facilities, as well as promote a cleaner, healthier Maryland.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the Maryland State Government to enact legislation requiring all portable toilets in Maryland to be equipped with hand sanitizer dispensers, and these dispensers to be regularly filled.

**A RESOLUTION CONCERNING THE DEICING AGENTS USED IN MARYLAND**

**WHEREAS:** Rock Salt, sodium chloride, is the most common deicer used for road treatment in Maryland; and,

**WHEREAS:** Sodium chloride is highly corrosive, having a negative effect not only on roadway infrastructure and automobiles; and,

**WHEREAS:** This corrosion shortens the lifespan of these structures, costing the state huge amounts of money in excessive maintenance and early replacement costs; and,

**WHEREAS:** Sodium chloride also has a massive effect on fragile ecosystems, upsetting the balance of healthy water and causing substantial damage to the Chesapeake Bay Watershed; and,

**WHEREAS:** There are alternative compounds, including alternative salts and organic compounds, that can be used to deice roads; and,

**WHEREAS:** These alternative compounds are much less corrosive than sodium chloride, and have a much lower impact on the environment; and,

**WHEREAS:** The opportunity to protect Maryland's delicate infrastructure and environment is one that the state must seize.

**THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature encourages the Maryland Department of Transportation to study and adopt less corrosive and less environmentally harmful deicing compounds and/or mixtures.