HOUSE BILL 1236

E1, E4, J1 HB 665/16 – JUD

CONSTITUTIONAL AMENDMENT

7lr0587 CF SB 891

By: Delegates Moon, Cullison, Ebersole, Hettleman, Kelly, Korman, Lierman, Morales, Mosby, Platt, Robinson, Sanchez, Tarlau, Waldstreicher, Wilkins, and K. Young

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2

Constitutional Amendment - Cannabis - Right to Use, Possess, and Cultivate

3 FOR the purpose of amending the Maryland Constitution to establish that, subject to 4 certain exceptions, an individual in the State who is at least a certain age has the 5 right under State law to use, possess in a certain amount, and cultivate to a certain 6 extent cannabis; providing that the right enumerated in this amendment may not be 7 infringed except that the transfer of cannabis by purchase or sale shall be regulated 8 as necessary to ensure health and safety and taxed to the extent that the revenues 9 are used for certain purposes; providing that the right enumerated in this 10 amendment does not require an employer to allow or accommodate the use or 11 possession of cannabis by an employee or in the workplace; providing that the right 12 enumerated in this amendment does not apply to laws related to driving under the 13 influence of cannabis; providing that the right enumerated in this amendment does 14 not apply to laws prohibiting or regulating the public smoking of cannabis; providing 15 that the right enumerated in this amendment does not prohibit a person who owns, occupies, or controls a property from prohibiting or regulating the use or cultivation 16 17 of cannabis on or in that property; and submitting this amendment to the qualified 18 voters of the State for their adoption or rejection.

- 19 BY proposing an addition to the Maryland Constitution
- 20 Declaration of Rights
- 21 Article 48

25

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Declaration of Rights

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



| 1 | ARTICLE | 18 |
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| | AKIICLE | 40. |

- 2 (A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS ARTICLE, AN 3 INDIVIDUAL IN THE STATE WHO IS AT LEAST 21 YEARS OLD HAS THE RIGHT UNDER 4 STATE LAW TO:
- 5 (1) USE CANNABIS;
- 6 (2) POSSESS UP TO 2 OUNCES OF CANNABIS AT ANY ONE TIME; AND
- 7 (3) CULTIVATE UP TO 6 CANNABIS PLANTS AT ANY ONE TIME.
- 8 (B) THE RIGHT ENUMERATED IN THIS ARTICLE MAY NOT BE INFRINGED 9 EXCEPT THAT THE TRANSFER OF CANNABIS BY PURCHASE OR SALE SHALL BE 10 REGULATED AS NECESSARY TO ENSURE HEALTH AND SAFETY AND TAXED TO THE 11 EXTENT THAT REVENUES FROM TAXATION OF CANNABIS ARE USED FOR THE 12 FOLLOWING PURPOSES:
- 13 (1) EDUCATION FOR PUBLIC SCHOOLS:
- 14 (2) PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENT;
- 15 (3) SUBSTANCE ABUSE TREATMENT AND PREVENTION;
- 16 (4) RECIDIVISM REDUCTION AND REENTRY SERVICES; AND
- 17 **(5) MENTAL HEALTH SERVICES.**
- 18 (C) (1) THIS ARTICLE DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE USE OR POSSESSION OF CANNABIS BY AN EMPLOYEE OR IN THE 20 WORKPLACE.
- 21 (2) THIS ARTICLE DOES NOT APPLY TO LAWS RELATED TO DRIVING 22 UNDER THE INFLUENCE OF CANNABIS.
- 23 (3) THIS ARTICLE DOES NOT APPLY TO LAWS PROHIBITING OR 24 REGULATING THE PUBLIC SMOKING OF CANNABIS.
- 25 (4) THIS ARTICLE DOES NOT PROHIBIT A PERSON WHO OWNS, 26 OCCUPIES, OR CONTROLS A PROPERTY FROM PROHIBITING OR REGULATING THE 27 USE OR CULTIVATION OF CANNABIS ON OR IN THAT PROPERTY.
- SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects

1 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland 2 Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November 2018 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.