

HOUSE BILL 667

E1

3lr2029
CF SB 532

By: **Delegate Grossman**

Introduced and read first time: February 6, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Overdosing in Public – Prohibition**

3 FOR the purpose of prohibiting a person from overdosing in certain public places or on a
4 public conveyance; authorizing a court to refer a person who overdoses in certain
5 public places or on a public conveyance to drug court or substance abuse treatment
6 in lieu of other penalties; and generally relating to drug overdosing.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 10–201
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 13–3601(a) and (d)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2022 Supplement)

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

19 **Article – Criminal Law**

20 10–201.

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

22 (2) **“OVERDOSE” HAS THE MEANING STATED IN § 13–3601 OF THE**
23 **HEALTH – GENERAL ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3)** (i) “Public conveyance” means a conveyance to which the public or a
2 portion of the public has access to and a right to use for transportation.

3 (ii) “Public conveyance” includes an airplane, vessel, bus, railway
4 car, school vehicle, and subway car.

5 **[(3)] (4)** (i) “Public place” means a place to which the public or a
6 portion of the public has access and a right to resort for business, dwelling, entertainment,
7 or other lawful purpose.

8 (ii) “Public place” includes:

9 1. a restaurant, shop, shopping center, store, tavern, or other
10 place of business;

11 2. a public building;

12 3. a public parking lot;

13 4. a public street, sidewalk, or right-of-way;

14 5. a public park or other public grounds;

15 6. the common areas of a building containing four or more
16 separate dwelling units, including a corridor, elevator, lobby, and stairwell;

17 7. a hotel or motel;

18 8. a place used for public resort or amusement, including an
19 amusement park, golf course, race track, sports arena, swimming pool, and theater;

20 9. an institution of elementary, secondary, or higher
21 education;

22 10. a place of public worship;

23 11. a place or building used for entering or exiting a public
24 conveyance, including an airport terminal, bus station, dock, railway station, subway
25 station, and wharf; and

26 12. the parking areas, sidewalks, and other grounds and
27 structures that are part of a public place.

28 (b) For purposes of a prosecution under this section, a public conveyance or a
29 public place need not be devoted solely to public use.

(c) (1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) (I) IN THIS PARAGRAPH, "PUBLIC PLACE" DOES NOT INCLUDE A HOTEL OR MOTEL ROOM.

(II) A PERSON MAY NOT OVERDOSE IN A PUBLIC PLACE OR ON A PUBLIC CONVEYANCE.

[(6)] (7) In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

(2) INSTEAD OF IMPOSING A TERM OF IMPRISONMENT OR A FINE, A COURT MAY REFER A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (C)(6) OF THIS SECTION TO:

(I) DRUG COURT; OR

(II) IF THERE IS NO DRUG COURT IN THE JURISDICTION, A
SUBSTANCE ABUSE TREATMENT PROGRAM.

Article – Health – General

13–3601.

(a) In this subtitle the following words have the meanings indicated.

(d) “Overdose” means a condition, including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, resulting from the consumption or use of any controlled dangerous substance that requires medical attention, assistance, or treatment, and clinical suspicion for drug overdose, including respiratory depression, unconsciousness, or altered mental state, without other conditions to explain the clinical condition.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2023.