3lr2028 CF HB 667

By: Senator Corderman

Introduced and read first time: February 3, 2023

Assigned to: Judicial Proceedings

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 public conveyance; authorizing a court to refer a person who overdoses in certain 4 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, Article – Health – General 13 14 Section 13–3601(a) and (d) 15 Annotated Code of Maryland (2019 Replacement Volume and 2022 Supplement) 16 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 18 That the Laws of Maryland read as follows: Article - Criminal Law 19 20 10-201.21 In this section the following words have the meanings indicated. (a) (1)

"Overdose" has the meaning stated in § 13-3601 of the

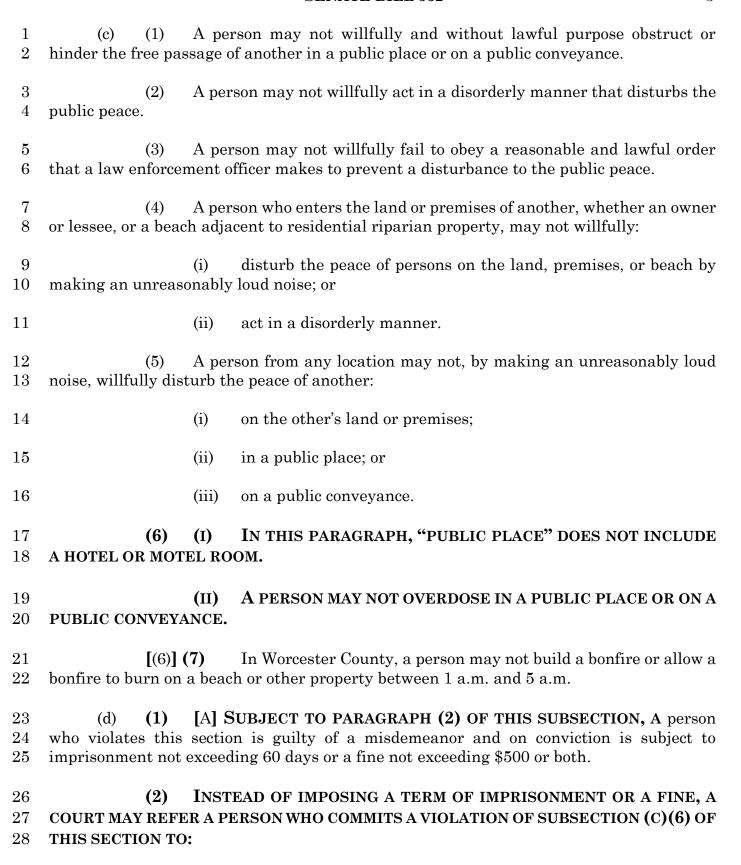
(2) "OVERDOSE"
HEALTH – GENERAL ARTICLE.

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- "Public conveyance" means a conveyance to which the public or a 1 **(3)** (i) 2 portion of the public has access to and a right to use for transportation. 3 "Public conveyance" includes an airplane, vessel, bus, railway (ii) 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 "Public place" includes: (ii) 9 1. a restaurant, shop, shopping center, store, tavern, or other place of business: 10 11 2. a public building; a public parking lot; 123. 13 4. a public street, sidewalk, or right-of-way; 14 a public park or other public grounds; 5. 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 amusement park, golf course, race track, sports arena, swimming pool, and theater; 19 20 9. an institution of elementary, secondary, or higher 21education; 22 10. a place of public worship; 23 11. a place or building used for entering or exiting a public 24conveyance, including an airport terminal, bus station, dock, railway station, subway 25station, 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 public place need not be devoted solely to public use.



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(I)

DRUG COURT; OR

1 (II) IF THERE IS NO DRUG COURT IN THE JURISDICTION, A 2 SUBSTANCE ABUSE TREATMENT PROGRAM.

3 Article – Health – General

4 13–3601.

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- 5 (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.