

SENATE BILL 891

E1, E4, J1

CONSTITUTIONAL AMENDMENT

7lr2857
CF 7lr0587

By: **Senators Feldman, Ferguson, Guzzone, King, Lee, Manno, Smith, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

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,
16 occupies, or controls a property from prohibiting or regulating the use or cultivation
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

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

25 **Declaration of Rights**

26 **ARTICLE 48.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS ARTICLE, AN INDIVIDUAL IN THE STATE WHO IS AT LEAST 21 YEARS OLD HAS THE RIGHT UNDER STATE LAW TO:

(1) USE CANNABIS;

(2) POSSESS UP TO 2 OUNCES OF CANNABIS AT ANY ONE TIME; AND

(3) CULTIVATE UP TO 6 CANNABIS PLANTS AT ANY ONE TIME.

(B) THE RIGHT ENUMERATED IN THIS ARTICLE MAY NOT BE INFRINGED EXCEPT THAT THE TRANSFER OF CANNABIS BY PURCHASE OR SALE SHALL BE REGULATED AS NECESSARY TO ENSURE HEALTH AND SAFETY AND TAXED TO THE EXTENT THAT REVENUES FROM TAXATION OF CANNABIS ARE USED FOR THE FOLLOWING PURPOSES:

(1) EDUCATION FOR PUBLIC SCHOOLS;

(2) PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENT;

(3) SUBSTANCE ABUSE TREATMENT AND PREVENTION;

(4) RECIDIVISM REDUCTION AND REENTRY SERVICES; AND

(5) MENTAL HEALTH SERVICES.

(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 WORKPLACE.

(2) THIS ARTICLE DOES NOT APPLY TO LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF CANNABIS.

(3) THIS ARTICLE DOES NOT APPLY TO LAWS PROHIBITING OR REGULATING THE PUBLIC SMOKING OF CANNABIS.

(4) THIS ARTICLE DOES NOT PROHIBIT A PERSON WHO OWNS, OCCUPIES, OR CONTROLS A PROPERTY FROM PROHIBITING OR REGULATING THE 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.

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