

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 702

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Medical Research” and substitute “Compassionate Use”; strike beginning with “establishing” in line 3 down through “Assembly;” in line 25 and substitute “allowing certain individuals in certain marijuana prosecutions to introduce, and requiring the court to consider as a mitigating factor, certain evidence related to medical necessity under certain circumstances; establishing certain penalties under certain circumstances;”; and strike beginning with “the” in line 26 down through “Program” in line 27 and substitute “evidence of certain medical necessity in marijuana-related prosecutions”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 15 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 5-601(c) and 5-619(c)

Annotated Code of Maryland

(2002 Volume)”.

AMENDMENT NO. 2

On pages 2 through 10, strike in their entirety the lines beginning with line 18 on page 2 through line 29 on page 10, inclusive, and substitute:

“Article - Criminal Law

5-601.

(c) (1) Except as provided in [paragraph (2)]PARAGRAPHS (2) AND (3) of this

(Over)

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 marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3) (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.

5-619.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(4) (I) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO 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 DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SUBSECTION, THE MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.”.