



EARLY DRAFT — POSSIBLE LANGUAGE FOR A '22 MARYLAND CONSTITUTIONAL REFERRAL FOR CANNABIS LEGALIZATION

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:

ARTICLE XX – CANNABIS

1. (a) (1) Except as provided in subsection (b) of this section, an individual in the State who is at least 21 years old may, without being subject to penalty or sanction under State law or the laws of any political subdivision of the State:

(i) use cannabis;

(ii) possess a personal use amount of cannabis;

(iii) cultivate in the individual's residential dwelling, in an area not visible from a public place or another private property without optical aids, up to six cannabis plants;

(iv) possess in the individual's residential dwelling, for personal use, all the cannabis cultivated by the individual from cannabis plants described in item (iii) of this paragraph; and

(v) share, without receiving anything of value, up to 1 ounce of cannabis or five grams of concentrates with another individual who is at least 21 years old.

(b) This section shall not be construed to:

(1) allow the consumption of cannabis in public, other than in an area licensed by the State or municipalities for on-site consumption;

(2) require detention, correctional, or educational facilities to allow the possession or use of cannabis in such facilities;

(3) require an employer to allow or accommodate an employee's use or possession of cannabis in a workplace or impairment by cannabis; or

(4) authorize operating a vehicle, aircraft, railroad train, heavy equipment, or vessel while impaired by cannabis or undertaking any task while under the influence of cannabis, when doing so would constitute negligence or professional malpractice.

(c) For purposes of this section, “personal-use amount of cannabis” means up to four ounces of cannabis in forms other than concentrates and cannabis-infused products; up to 20 grams of cannabis concentrates; cannabis-infused products that contain up to 4,000 milligrams of tetrahydrocannabinols; and cannabis paraphernalia.

2. (a) The Legislature shall provide for the legalization under State law, the regulation, and the taxation of cannabis sold to adults who are not registered qualifying patients pursuant to Maryland Health Code, § 13-3304 or any successor statute.

(b) The Legislature shall foster equity, inclusion, and reparative justice in cannabis licensing and cannabis tax revenue distribution.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2022 for adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on 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.