

SB0179/843424/1

BY: Senator Lam

AMENDMENTS TO SENATE BILL 179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Firearms – Right to Purchase, Possess, and Carry –”; in the same line, after “Cannabis” insert “– Effect on Rights – Firearms, Medical Care, and Custody and Visitation”; in line 3, strike “person” and substitute “qualifying patient”; in line 5, after “cannabis,” insert “requiring that, for purposes of medical care, a qualifying patient’s use of medical cannabis in accordance with certain provisions of law be considered the equivalent of the authorized use of certain medication; prohibiting a qualifying patient’s use of medical cannabis in accordance with certain provisions of law from constituting the use of an illicit substance or otherwise disqualifying the qualifying patient from receiving certain medical care; prohibiting a qualifying patient from being denied custody of, or visitation rights or parenting time with, a minor child solely based on the qualifying patient’s status as a qualifying patient or for engaging in certain conduct; prohibiting a qualifying patient from being presumed to have committed child neglect for engaging in conduct authorized under certain provisions of law except under certain circumstances;”; in the same line, strike “firearms” and substitute “the effect on rights of the use of medical cannabis”; and strike in their entirety lines 6 through 10, inclusive, and substitute:

“BY renumbering

Article – Health – General

Section 13–3313.1

to be Section 13–3313.2

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Health – General

(Over)

Section 13-3313.1
Annotated Code of Maryland
(2019 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 10, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13-3313.1 of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 13-3313.2.";

in line 11, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; in the same line, strike "BY THE GENERAL ASSEMBLY OF MARYLAND"; strike in their entirety lines 13 through 15, inclusive, and substitute:

"Article – Health – General

13-3313.1.";

in line 16, before "A" insert "(A)"; in lines 16 and 17, in each instance, strike "PERSON" and substitute "QUALIFYING PATIENT"; in line 17, strike "THIS TITLE" and substitute "TITLE 5 OF THE PUBLIC SAFETY ARTICLE"; strike beginning with "TITLE" in line 18 down through "ARTICLE" in line 19 and substitute "THIS SUBTITLE"; after line 19, insert:

"(B) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN AND TISSUE TRANSPLANTS, A QUALIFYING PATIENT'S USE OF MEDICAL CANNABIS IN ACCORDANCE WITH THIS SUBTITLE SHALL BE CONSIDERED THE EQUIVALENT OF THE AUTHORIZED USE OF ANY OTHER MEDICATION PRESCRIBED AT THE DISCRETION OF A HEALTH CARE PRACTITIONER AND MAY NOT BE CONSIDERED

TO CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY THE QUALIFYING PATIENT FROM RECEIVING NEEDED MEDICAL CARE.

(c) (1) A QUALIFYING PATIENT MAY NOT BE DENIED CUSTODY OF, OR VISITATION RIGHTS OR PARENTING TIME WITH, A MINOR CHILD SOLELY BASED ON THE QUALIFYING PATIENT'S STATUS AS A QUALIFYING PATIENT OR FOR ENGAGING IN CONDUCT AUTHORIZED UNDER THIS SUBTITLE.

(2) A QUALIFYING PATIENT MAY NOT BE PRESUMED TO HAVE COMMITTED CHILD NEGLECT FOR ENGAGING IN CONDUCT AUTHORIZED UNDER THIS SUBTITLE UNLESS THE QUALIFYING PATIENT'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR CHILD AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.”;

and in line 20, strike “2.” and substitute “3.”.