

HOUSE BILL 167

E4
HB 482/22 – JUD

3lr1425

By: **Delegate Grammer**

Introduced and read first time: January 16, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Right to Purchase, Own, Possess, and Carry – Medical Cannabis**
3 **(Maryland Constitutional Carry Act)**

4 FOR the purpose of providing that an individual may not be denied the right to purchase,
5 own, possess, or carry a firearm solely on the basis that the individual is a certain
6 qualifying patient; and generally relating to firearms.

7 BY adding to

8 Article – Public Safety

9 Section 5–901 to be under the new subtitle “Subtitle 9. Miscellaneous”

10 Annotated Code of Maryland

11 (2022 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Public Safety**

15 **SUBTITLE 9. MISCELLANEOUS.**

16 **5–901.**

17 **(A) IN THIS SECTION, “QUALIFYING PATIENT” MEANS AN INDIVIDUAL WHO**
18 **IS AUTHORIZED TO USE MEDICAL CANNABIS UNDER TITLE 13, SUBTITLE 33 OF THE**
19 **HEALTH – GENERAL ARTICLE.**

20 **(B) IN ACCORDANCE WITH § 13–3313(A) OF THE HEALTH – GENERAL**
21 **ARTICLE, AN INDIVIDUAL MAY NOT BE DENIED THE RIGHT TO PURCHASE, OWN,**
22 **POSSESS, OR CARRY A FIREARM UNDER THIS TITLE SOLELY ON THE BASIS THAT THE**
23 **INDIVIDUAL IS A QUALIFYING PATIENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) A STATE AGENCY MAY NOT ACCESS A DATABASE CONTAINING THE**
2 **IDENTITIES OF QUALIFYING PATIENTS TO OBTAIN INFORMATION FOR THE PURPOSE**
3 **OF APPROVING OR DISAPPROVING AN INDIVIDUAL FROM PURCHASING, OWNING,**
4 **POSSESSING, OR CARRYING A FIREARM.**

5 **(D) A STATE AGENCY MAY NOT USE INFORMATION GATHERED FROM A**
6 **DATABASE CONTAINING THE IDENTITIES OF QUALIFYING PATIENTS TO OBTAIN**
7 **INFORMATION FOR THE PURPOSE OF APPROVING OR DISAPPROVING AN INDIVIDUAL**
8 **FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A FIREARM.**

9 **(E) A STATE AGENCY MAY NOT INQUIRE ABOUT AN INDIVIDUAL'S STATUS AS**
10 **A QUALIFYING PATIENT FOR THE PURPOSE OF APPROVING OR DISAPPROVING THE**
11 **INDIVIDUAL FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A FIREARM.**

12 **(F) ANY FORM USED FOR THE PURPOSE OF APPROVING OR DISAPPROVING**
13 **AN INDIVIDUAL FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A**
14 **FIREARM THAT INQUIRIES ABOUT THE APPLICANT'S USE OF CONTROLLED**
15 **DANGEROUS SUBSTANCES SHALL SPECIFICALLY AUTHORIZE A QUALIFYING**
16 **PATIENT TO REFRAIN FROM REPORTING THE USE OF MEDICAL CANNABIS.**

17 **(G) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT MEDICAL**
18 **CANNABIS SHOULD BE TREATED AS LEGAL FOR PURPOSES OF STATE LAW AND THAT**
19 **THE STATE SHOULD NOT PENALIZE A QUALIFYING PATIENT FOR USING THE DRUG**
20 **LEGALLY.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2023.