

# HOUSE BILL 749

E4  
HB 534/18 – JUD & HGO

9lr1045

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By: **Delegates Grammer, Arikan, and Szeliga**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Right to Purchase, Own, Possess, and Carry – Medical Cannabis**  
3 **(Patients’ Rights Act)**

4 FOR the purpose of providing that a person may not be denied the right to purchase, own,  
5 possess, or carry a firearm solely on the basis that the person is a certain qualifying  
6 patient; prohibiting a State agency from accessing a certain database to obtain  
7 certain information; prohibiting a State agency from using certain information for a  
8 certain purpose; prohibiting a State agency from inquiring about a person’s status  
9 as a certain qualifying patient for a certain purpose; requiring a certain form to  
10 specifically authorize a certain qualifying patient to refrain from reporting the use  
11 of medical cannabis; establishing the intent of the General Assembly; defining a  
12 certain term; and generally relating to firearms.

13 BY adding to

14 Article – Public Safety

15 Section 5–701 to be under the new subtitle “Subtitle 7. Miscellaneous”

16 Annotated Code of Maryland

17 (2018 Replacement Volume)

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

20 **Article – Public Safety**

21 **SUBTITLE 7. MISCELLANEOUS.**

22 **5–701.**

23 **(A) IN THIS SECTION, “QUALIFYING PATIENT” MEANS A PERSON WHO IS**  
24 **AUTHORIZED TO USE MEDICAL CANNABIS UNDER TITLE 13, SUBTITLE 33 OF THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **HEALTH – GENERAL ARTICLE.**

2       **(B) IN ACCORDANCE WITH § 13–3313(A) OF THE HEALTH – GENERAL**  
3 **ARTICLE, A PERSON MAY NOT BE DENIED THE RIGHT TO PURCHASE, OWN, POSSESS,**  
4 **OR CARRY A FIREARM UNDER THIS TITLE SOLELY ON THE BASIS THAT THE PERSON**  
5 **IS A QUALIFYING PATIENT.**

6       **(C) A STATE AGENCY MAY NOT ACCESS A DATABASE CONTAINING THE**  
7 **IDENTITIES OF QUALIFYING PATIENTS TO OBTAIN INFORMATION FOR THE PURPOSE**  
8 **OF APPROVING OR DISAPPROVING A PERSON FROM PURCHASING, OWNING,**  
9 **POSSESSING, OR CARRYING A FIREARM.**

10       **(D) A STATE AGENCY MAY NOT USE INFORMATION GATHERED FROM A**  
11 **DATABASE CONTAINING THE IDENTITIES OF QUALIFYING PATIENTS TO OBTAIN**  
12 **INFORMATION FOR THE PURPOSE OF APPROVING OR DISAPPROVING A PERSON**  
13 **FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A FIREARM.**

14       **(E) A STATE AGENCY MAY NOT INQUIRE ABOUT A PERSON’S STATUS AS A**  
15 **QUALIFYING PATIENT FOR THE PURPOSE OF APPROVING OR DISAPPROVING THE**  
16 **PERSON FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A FIREARM.**

17       **(F) ANY FORM USED FOR THE PURPOSE OF APPROVING OR DISAPPROVING**  
18 **A PERSON FROM PURCHASING, OWNING, POSSESSING, OR CARRYING A FIREARM**  
19 **THAT INQUIRES ABOUT THE APPLICANT’S USE OF CONTROLLED DANGEROUS**  
20 **SUBSTANCES SHALL SPECIFICALLY AUTHORIZE A QUALIFYING PATIENT TO REFRAIN**  
21 **FROM REPORTING THE USE OF MEDICAL CANNABIS.**

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

26       **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
27 **October 1, 2019.**