

# SENATE BILL 531

E1, E4, Q6

5lr1796  
CF 5lr1676

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By: **Senators Raskin, Feldman, Kelley, King, Madaleno, Manno, McFadden, Pinsky, Pugh, and Young**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings and Budget and Taxation

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## A BILL ENTITLED

AN ACT concerning

### **Marijuana Control and Revenue Act of 2015**

FOR the purpose of repealing certain civil and criminal prohibitions against the use and possession of marijuana; establishing certain exemptions from prosecution for certain persons for using, obtaining, purchasing, transporting, or possessing marijuana under certain circumstances; providing that certain conduct is lawful; establishing certain exemptions from prosecution for certain retailers, marijuana product manufacturers, marijuana cultivation facilities, and safety compliance facilities in certain circumstances; establishing a certain affirmative defense; prohibiting a certain adult from cultivating marijuana under certain circumstances; requiring the Comptroller or the Comptroller's designee to establish certain procedures; providing that this Act does not exempt certain conduct from certain penalties; prohibiting a person from smoking marijuana in a public place; providing that employers are not required to accommodate certain conduct; authorizing landlords and innkeepers to prohibit certain behavior in certain locations; prohibiting a person from falsely representing the person's age for certain purposes; providing that this Act, by operation of law, expunges certain convictions; providing that this Act does not repeal or modify certain other statutes; establishing a procedure for a certain retailer, marijuana cultivation facility, or safety compliance facility to register under this Act; requiring the Comptroller to issue certain regulations for marijuana product manufacturer registration; authorizing local governments to enact certain ordinances or regulations not in conflict with this Act; prohibiting a retailer, a marijuana cultivation facility, or any other person from advertising in a certain manner; requiring a retailer to include a certain safety insert with the sale of marijuana; requiring a marijuana cultivation facility to create certain packaging; providing for the cultivation of marijuana in certain circumstances; requiring a certain marijuana cultivation facility to have certain documentation at certain times; prohibiting a retailer from selling, giving, or otherwise furnishing marijuana to a person under a certain age; prohibiting a retailer from allowing a person under a certain age to be present in a certain location

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



under certain circumstances; prohibiting a retailer from selling, giving, or otherwise furnishing more than a certain amount of marijuana to a person in a single transaction, knowingly and willfully selling, giving, or otherwise furnishing an amount of marijuana to a person under certain circumstances, purchasing marijuana from a person other than a marijuana cultivation facility, or violating certain regulations; providing a certain defense; prohibiting a marijuana cultivation facility from allowing a person under a certain age to be present on certain premises under certain circumstances, selling, giving, or otherwise furnishing marijuana to certain persons, purchasing marijuana from certain persons, or purchasing or selling, giving, or otherwise furnishing marijuana in a certain manner; authorizing the Comptroller to suspend or terminate a certain registration under certain circumstances; authorizing a certain court action under certain circumstances; providing that it is not a violation of State or local law for a person to purchase and possess a material or product made, in whole or in part, with industrial hemp; requiring the Department of Agriculture to adopt certain rules and regulations; providing that a certain person is authorized to manufacture, produce, use, obtain, purchase, transport, or possess marijuana paraphernalia in a certain manner or to distribute or sell marijuana paraphernalia to certain persons; prohibiting a person under a certain age from possessing marijuana; requiring the Governor to appoint a certain oversight committee; requiring the oversight committee to undertake certain duties; imposing a certain excise tax on marijuana cultivation facilities; requiring the Comptroller to allocate certain tax funds in a certain manner; requiring the Comptroller to administer and carry out this Act and to adopt certain regulations; allowing a certain deduction from State taxes; providing certain penalties for a violation of this Act; defining certain terms; and generally relating to marijuana.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 5–601(c) and 5–620(d)(2)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing  
Article – Criminal Law  
Section 5–601(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Criminal Law  
Section 5–1201 through 5–1232 to be under the new subtitle “Subtitle 12. Marijuana”  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Tax – General

Section 12.5–101 through 12.5–105 to be under the new title “Title 12.5. Marijuana Tax”

Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Courts and Judicial Proceedings  
Section 3–8A–19(d)(7)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

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

### **Article – Criminal Law**

5–601.

(c) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPH (2)** of this 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) [(i) Except as provided in subparagraph (ii) of this paragraph, a] **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] **THE PROVISIONS OF SUBTITLE 12 OF THIS TITLE.**

[(ii) 1. A first violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$100.

2. A second violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$250.

3. A third or subsequent violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this

subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

- A. is a resident of the State;
- B. is at least 21 years old;
- C. is an immediate family member, a spouse, or a domestic partner of the patient;
- D. has not been convicted of a crime of violence as defined in § 14–101 of this article;
- E. has not been convicted of a violation of a State or federal controlled dangerous substances law;
- F. has not been convicted of a crime of moral turpitude;
- G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;
- H. is the only individual designated by the patient to serve as caregiver; and
- I. is not serving as caregiver for any other patient.

4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

- A. cachexia or wasting syndrome;
- B. severe or chronic pain;

- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. 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.

2. 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.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subparagraph unless the defendant notifies the State’s Attorney of the defendant’s intention to assert the affirmative defense and provides the State’s Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.]

[(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.]

5-620.

(d) (2) A person who violates this section involving the use or possession of marijuana is subject to [imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both] **THE PROVISIONS OF SUBTITLE 12 OF THIS TITLE.**

#### **SUBTITLE 12. MARIJUANA.**

5-1201.

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) "COMPTROLLER" MEANS THE COMPTROLLER OF MARYLAND OR THE COMPTROLLER'S DESIGNEE.**

**(C) "ENCLOSED LOCKED FACILITY" INCLUDES A BUILDING, ROOM, GREENHOUSE, FULLY ENCLOSED FENCED-IN AREA, OR OTHER LOCATION ENCLOSED ON ALL SIDES AND EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT PERMIT ACCESS ONLY BY:**

**(1) AN EMPLOYEE, AGENT, OR OWNER OF A MARIJUANA CULTIVATION FACILITY PROVIDED THAT THE EMPLOYEE, AGENT, OR OWNER IS AT LEAST 21 YEARS OLD;**

**(2) A GOVERNMENT EMPLOYEE PERFORMING AN OFFICIAL DUTY OF THE EMPLOYEE;**

**(3) A CONTRACTOR PERFORMING LABOR THAT DOES NOT INCLUDE MARIJUANA CULTIVATION, PACKAGING, OR PROCESSING IF THE CONTRACTOR IS**

ACCOMPANIED BY AN EMPLOYEE, AGENT, OR OWNER OF THE MARIJUANA CULTIVATION FACILITY WHEN THE CONTRACTOR IS IN AREAS IN WHICH MARIJUANA IS BEING GROWN OR STORED; OR

(4) A MEMBER OF THE MEDIA, AN ELECTED OFFICIAL, OR ANOTHER INDIVIDUAL WHO IS TOURING THE MARIJUANA CULTIVATION FACILITY IF THE INDIVIDUAL IS ACCOMPANIED BY AN EMPLOYEE, AGENT, OR OWNER OF THE FACILITY AND IS AT LEAST 21 YEARS OLD.

(D) "INDUSTRIAL HEMP" MEANS ANY LOW-TETRAHYDROCANNABINOL OIL-SEED AND FIBER VARIETY OF CANNABIS SATIVA L. WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY-WEIGHT BASIS.

(E) (1) "MARIJUANA" MEANS:

(I) ALL PARTS OF THE GENUS CANNABIS, WHETHER GROWING OR NOT;

(II) THE SEEDS OF THE PLANT;

(III) THE RESIN EXTRACTED FROM A PART OF THE PLANT; OR

(IV) EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN.

(2) "MARIJUANA" DOES NOT INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT; ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS, EXCEPT THE EXTRACTED RESIN, FIBER, OIL OR CAKE; OR THE STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION.

(F) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY THAT IS:

(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE EXEMPT FROM STATE PENALTIES FOR CULTIVATING, PREPARING, PACKAGING, TRANSPORTING, OR SELLING MARIJUANA TO A MARIJUANA PRODUCT MANUFACTURER, RETAILER, OR ANOTHER MARIJUANA CULTIVATION FACILITY; OR

(2) EXEMPT FROM STATE PENALTIES UNDER § 5-1212 OF THIS SUBTITLE DUE TO FAILURE OF THE COMPTROLLER TO ISSUE REGISTRATIONS.

(G) “MARIJUANA ESTABLISHMENT” MEANS A RETAILER, MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURER, OR SAFETY COMPLIANCE FACILITY.

(H) “MARIJUANA PARAPHERNALIA” MEANS EQUIPMENT, PRODUCTS, OR MATERIALS THAT ARE USED OR INTENDED FOR USE IN:

(1) PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, OR CONCEALING MARIJUANA; OR

(2) INGESTING OR INHALING MARIJUANA OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

(I) (1) “MARIJUANA PRODUCT” MEANS A GOOD COMPOSED OF MARIJUANA AND OTHER INGREDIENTS THAT IS INTENDED FOR USE OR CONSUMPTION.

(2) “MARIJUANA PRODUCT” INCLUDES A MARIJUANA–INFUSED EDIBLE PRODUCT.

(J) “MARIJUANA PRODUCT MANUFACTURER” MEANS AN ENTITY THAT IS:

(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE EXEMPT FROM STATE PENALTIES FOR:

(I) PURCHASING MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES;

(II) MANUFACTURING, PREPARING, AND PACKAGING MARIJUANA PRODUCTS; OR

(III) SELLING MARIJUANA PRODUCTS TO RETAILERS OR ANOTHER MARIJUANA PRODUCT MANUFACTURER; OR

(2) EXEMPT FROM STATE PENALTIES UNDER § 5–1214 OF THIS SUBTITLE DUE TO FAILURE OF THE COMPTROLLER TO ISSUE REGISTRATIONS.

(K) “PERSONAL USE AMOUNT OF USABLE MARIJUANA” MEANS:

(1) 1 OUNCE OR LESS OF MARIJUANA;



(2) 5 GRAMS OR LESS OF HASHISH;

(3) 16 OUNCES OF MARIJUANA PRODUCTS OTHER THAN HASHISH IN SOLID FORM; OR

(4) 72 OUNCES OF MARIJUANA IN LIQUID FORM.

(L) (1) "PUBLIC PLACE" MEANS A STREET, AN ALLEY, A PARK, A SIDEWALK, A PLACE OR BUILDING OF BUSINESS OR ASSEMBLY OPEN TO OR FREQUENTED BY THE PUBLIC, OR ANY OTHER PLACE TO WHICH THE PUBLIC HAS ACCESS.

(2) "PUBLIC PLACE" DOES NOT INCLUDE AN INDIVIDUAL DWELLING.

(M) "RETAILER" MEANS AN ENTITY THAT IS:

(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE EXEMPT FROM STATE PENALTIES FOR PURCHASING MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY OR MARIJUANA PRODUCT MANUFACTURER AND SELLING MARIJUANA AND MARIJUANA PARAPHERNALIA TO CUSTOMERS WHO ARE AT LEAST 21 YEARS OLD; OR

(2) EXEMPT FROM STATE PENALTIES UNDER § 5-1211 OF THIS SUBTITLE DUE TO THE COMPTROLLER NOT ISSUING REGISTRATIONS.

(N) "SAFETY COMPLIANCE FACILITY" MEANS AN ENTITY THAT IS:

(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE EXEMPT FROM STATE PENALTIES FOR TESTING MARIJUANA, INCLUDING MARIJUANA PRODUCTS, FOR POTENCY AND CONTAMINANTS; OR

(2) EXEMPT FROM STATE PENALTIES UNDER § 5-1215 OF THIS SUBTITLE DUE TO THE COMPTROLLER NOT ISSUING REGISTRATIONS.

(O) (1) "SMOKING" MEANS HEATING TO AT LEAST THE POINT OF COMBUSTION, CAUSING PLANT MATERIAL TO BURN.

(2) "SMOKING" DOES NOT INCLUDE VAPORIZING.

(P) "STATE PROSECUTION" MEANS CRIMINAL PROSECUTION INITIATED OR MAINTAINED BY THE STATE OR AN AGENCY OR A POLITICAL SUBDIVISION OF THE STATE.

**5-1202.**

**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE LAWFUL AND A PERSON WHO IS AT LEAST 21 YEARS OLD IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS BY OR TO THE STATE OR AN AGENT OF THE STATE, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR THE FOLLOWING ACTS:**

**(1) ACTUALLY OR CONSTRUCTIVELY USING, OBTAINING, PURCHASING, TRANSPORTING, OR POSSESSING A PERSONAL USE AMOUNT OF USABLE MARIJUANA;**

**(2) CONTROLLING THE PREMISES OR A VEHICLE WHERE AMOUNTS OF MARIJUANA THAT ARE LAWFUL UNDER THIS SUBTITLE ARE POSSESSED, PROCESSED, OR STORED BY PERSONS WHO ARE AT LEAST 21 YEARS OLD PROVIDED THAT THE TOTAL NUMBER OF PLANTS MAY NOT EXCEED 18 IN AN INDIVIDUAL RESIDENCE;**

**(3) USING, OBTAINING, MANUFACTURING, PRODUCING, PURCHASING, TRANSPORTING, OR POSSESSING, ACTUALLY OR CONSTRUCTIVELY, MARIJUANA PARAPHERNALIA;**

**(4) SELLING MARIJUANA SEEDS OR MARIJUANA PARAPHERNALIA TO A MARIJUANA ESTABLISHMENT OR TO PERSONS WHO ARE AT LEAST 21 YEARS OLD;**

**(5) TRANSFERRING A PERSONAL USE AMOUNT OF USABLE MARIJUANA AND THREE OR FEWER MARIJUANA SEEDLINGS OR CUTTINGS WITHOUT REMUNERATION TO A PERSON WHO IS AT LEAST 21 YEARS OLD;**

**(6) TRANSFERRING AN AMOUNT OF MARIJUANA OR MARIJUANA PRODUCTS THAT A PERSON IS ALLOWED TO POSSESS UNDER THIS SECTION TO A SAFETY COMPLIANCE FACILITY;**

**(7) AIDING AND ABETTING ANOTHER PERSON WHO IS AT LEAST 21 YEARS OLD IN ACTIONS THAT ARE ALLOWED UNDER THIS SUBTITLE;**

**(8) CULTIVATING SIX OR FEWER MARIJUANA PLANTS, NO MORE THAN THREE OF WHICH MAY BE MATURE, FLOWERING PLANTS, AND POSSESSING THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE PLANTS WERE GROWN; OR**

**(9) ASSISTING WITH THE CULTIVATION OF MARIJUANA PLANTS THAT ARE CULTIVATED AT THE SAME LOCATION BY ADULTS AT LEAST 21 YEARS OLD, WITH**

THE TOTAL NUMBER OF MATURE, FLOWERING PLANTS NOT EXCEEDING 18 IN A DWELLING UNIT.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A RETAILER OR ANY OTHER PERSON THAT IS AT LEAST 21 YEARS OLD AND ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD MEMBER, AN EMPLOYEE, OR AN AGENT OF A RETAILER IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR THE FOLLOWING ACTS:

(1) TRANSPORTING OR POSSESSING, ACTUALLY OR CONSTRUCTIVELY, MARIJUANA, INCLUDING SEEDLINGS OR CUTTINGS, THAT WAS PURCHASED FROM A MARIJUANA CULTIVATION FACILITY OR ANOTHER RETAILER;

(2) TRANSPORTING OR POSSESSING, ACTUALLY OR CONSTRUCTIVELY, MARIJUANA PRODUCTS THAT WERE PURCHASED FROM A MARIJUANA PRODUCT MANUFACTURER OR A RETAILER;

(3) OBTAINING OR PURCHASING MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY OR A RETAILER;

(4) OBTAINING OR PURCHASING MARIJUANA FROM A MARIJUANA PRODUCT MANUFACTURER OR A RETAILER;

(5) MANUFACTURING, POSSESSING, PRODUCING, OBTAINING, OR PURCHASING MARIJUANA PARAPHERNALIA;

(6) SELLING, TRANSFERRING, OR DELIVERING MARIJUANA, SEEDLINGS AND CUTTINGS OF MARIJUANA PLANTS, MARIJUANA PRODUCTS, OR MARIJUANA PARAPHERNALIA TO A PERSON WHO IS AT LEAST 21 YEARS OLD OR TO ANOTHER MARIJUANA RETAILER;

(7) TRANSFERRING OR DELIVERING MARIJUANA TO A SAFETY COMPLIANCE FACILITY; OR

(8) CONTROLLING THE PREMISES OR A VEHICLE WHERE MARIJUANA, MARIJUANA PRODUCTS, OR MARIJUANA PARAPHERNALIA IS POSSESSED, SOLD, OR DEPOSITED.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A MARIJUANA CULTIVATION FACILITY OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD MEMBER, AN EMPLOYEE, OR AN AGENT OF A MARIJUANA CULTIVATION FACILITY IS

**EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR THE FOLLOWING ACTS:**

**(1) CULTIVATING, PACKING, POSSESSING, PROCESSING, TRANSPORTING, OR MANUFACTURING MARIJUANA;**

**(2) POSSESSING, TRANSPORTING, SELLING, OR PRODUCING MARIJUANA PARAPHERNALIA;**

**(3) SELLING, TRANSFERRING, OR DELIVERING MARIJUANA TO A RETAILER, MARIJUANA PRODUCT MANUFACTURER, OR A MARIJUANA CULTIVATION FACILITY;**

**(4) TRANSFERRING OR DELIVERING MARIJUANA TO A SAFETY COMPLIANCE FACILITY;**

**(5) PURCHASING OR OBTAINING MARIJUANA, INCLUDING PLANTS, FROM A MARIJUANA CULTIVATION FACILITY;**

**(6) PURCHASING MARIJUANA SEEDS FROM A PERSON WHO IS AT LEAST 21 YEARS OLD; OR**

**(7) CONTROLLING THE PREMISES OR A VEHICLE WHERE MARIJUANA OR MARIJUANA PARAPHERNALIA IS POSSESSED, MANUFACTURED, SOLD, OR DEPOSITED.**

**(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A MARIJUANA PRODUCT MANUFACTURER OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD MEMBER, AN EMPLOYEE, OR AN AGENT OF A MARIJUANA PRODUCT MANUFACTURER IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR THE FOLLOWING ACTS:**

**(1) PACKING, POSSESSING, PROCESSING, OR TRANSPORTING MARIJUANA AND MARIJUANA PRODUCTS;**

**(2) MANUFACTURING MARIJUANA PRODUCTS;**

**(3) POSSESSING, TRANSPORTING, SELLING, OR PRODUCING MARIJUANA PARAPHERNALIA;**

(4) SELLING, TRANSFERRING, OR DELIVERING MARIJUANA PRODUCTS TO A RETAILER OR A MARIJUANA PRODUCT MANUFACTURER;

(5) TRANSFERRING OR DELIVERING MARIJUANA OR MARIJUANA PRODUCTS TO A SAFETY COMPLIANCE FACILITY;

(6) PURCHASING OR OBTAINING MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY OR A MARIJUANA PRODUCT MANUFACTURER; OR

(7) CONTROLLING THE PREMISES OR A VEHICLE WHERE MARIJUANA OR MARIJUANA PARAPHERNALIA IS POSSESSED, MANUFACTURED, SOLD, OR DEPOSITED.

(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A SAFETY COMPLIANCE FACILITY OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND ACTING IN A CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A SAFETY COMPLIANCE FACILITY MAY NOT BE SUBJECT TO STATE PROSECUTION, SEARCH EXCEPT BY THE COMPTROLLER IN ACCORDANCE WITH § 12.5-103 OF THE TAX – GENERAL ARTICLE, SEIZURE, OR PENALTY, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR BUSINESS LICENSING BOARD OR ENTITY, OR BE DENIED A RIGHT OR PRIVILEGE FOR PROVIDING THE FOLLOWING SERVICES:

(1) ACQUIRING, TRANSPORTING, OR POSSESSING MARIJUANA OR MARIJUANA PRODUCTS;

(2) RETURNING MARIJUANA TO MARIJUANA ESTABLISHMENTS AND TO PERSONS AT LEAST 21 YEARS OLD, PROVIDED THAT THE AMOUNT RETURNED TO AN INDIVIDUAL AT LEAST 21 YEARS OLD DOES NOT EXCEED THE AMOUNT OF MARIJUANA THE INDIVIDUAL IS ALLOWED TO POSSESS UNDER STATE LAW; OR

(3) RECEIVING COMPENSATION FOR TESTING MARIJUANA AND MARIJUANA PRODUCTS.

(F) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, IN A PROSECUTION FOR SELLING, TRANSFERRING, DELIVERING, GIVING, OR OTHERWISE FURNISHING MARIJUANA OR MARIJUANA PARAPHERNALIA TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, IT IS A COMPLETE DEFENSE IF:

(1) THE PERSON WHO SOLD, GAVE, OR OTHERWISE FURNISHED MARIJUANA OR MARIJUANA PARAPHERNALIA TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS WAS A RETAILER OR WAS ACTING IN A CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A RETAILER AT THE TIME THE MARIJUANA OR MARIJUANA

PARAPHERNALIA WAS SOLD, GIVEN, OR OTHERWISE FURNISHED TO THE PERSON;  
AND

(2) BEFORE SELLING, GIVING, OR OTHERWISE FURNISHING MARIJUANA OR MARIJUANA PARAPHERNALIA TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE PERSON WHO SOLD, GAVE, OR OTHERWISE FURNISHED THE MARIJUANA OR MARIJUANA PARAPHERNALIA OR AN EMPLOYEE OR AGENT OF THE SELLER WAS SHOWN A DOCUMENT THAT APPEARED TO BE ISSUED BY AN AGENCY OF A FEDERAL, STATE, TRIBAL, OR FOREIGN SOVEREIGN GOVERNMENT THAT INDICATED THE PERSON TO WHOM THE MARIJUANA OR MARIJUANA PARAPHERNALIA WAS SOLD, GIVEN, OR OTHERWISE FURNISHED WAS AT LEAST 21 YEARS OLD AT THE TIME THE MARIJUANA OR MARIJUANA PARAPHERNALIA WAS SOLD, GIVEN, OR OTHERWISE FURNISHED TO THE PERSON.

(G) THE COMPLETE DEFENSE SET FORTH IN SUBSECTION (F) OF THIS SECTION DOES NOT APPLY IF:

(1) THE DOCUMENT THAT WAS SHOWN TO THE PERSON WHO SOLD, GAVE, OR OTHERWISE FURNISHED THE MARIJUANA OR MARIJUANA PARAPHERNALIA WAS COUNTERFEIT, FORGED, ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON TO WHOM THE MARIJUANA OR MARIJUANA PARAPHERNALIA WAS SOLD, GIVEN, OR OTHERWISE FURNISHED; AND

(2) UNDER THE CIRCUMSTANCES, A REASONABLE PERSON WOULD HAVE KNOWN OR SUSPECTED THAT THE DOCUMENT WAS COUNTERFEIT, FORGED, ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON TO WHOM THE MARIJUANA OR MARIJUANA PARAPHERNALIA WAS SOLD, GIVEN, OR OTHERWISE FURNISHED.

(H) A COMMON CARRIER OR ANY OTHER PERSON ACTING IN A CAPACITY AS AN EMPLOYEE OR AGENT OF A COMMON CARRIER MAY NOT BE SUBJECT TO STATE PROSECUTION, SEARCH EXCEPT BY THE COMPTROLLER IN ACCORDANCE WITH § 12.5-103 OF THE TAX – GENERAL ARTICLE, SEIZURE, OR PENALTY, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT, BUSINESS LICENSING BOARD, OR ENTITY, OR BE DENIED A RIGHT OR PRIVILEGE, FOR TRANSPORTING OR POSSESSING MARIJUANA.

5-1203.

(A) (1) IN THIS SUBSECTION, “REASONABLE PRECAUTIONS” INCLUDES CULTIVATING MARIJUANA IN A LOCKED CLOSET, ROOM, OR FULLY ENCLOSED AREA TO WHICH PERSONS UNDER THE AGE OF 21 YEARS DO NOT POSSESS A KEY.

**(2) AN ADULT WHO IS AT LEAST 21 YEARS OLD MAY NOT:**

**(I) MANUFACTURE OR CULTIVATE MARIJUANA PLANTS IN A LOCATION WHERE THE MARIJUANA PLANTS ARE SUBJECT TO PUBLIC VIEW WITHOUT THE USE OF BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS;**

**(II) CULTIVATE MARIJUANA OUTDOORS OTHER THAN IN AN ENCLOSED LOCATION, SUCH AS A FENCED-IN AREA;**

**(III) CULTIVATE MARIJUANA ON PROPERTY NOT LAWFULLY IN POSSESSION OF THE CULTIVATOR OR WITHOUT THE CONSENT OF THE PERSON IN LAWFUL POSSESSION OF THE PROPERTY; OR**

**(IV) ALLOW A PERSON UNDER THE AGE OF 21 YEARS TO LIVE IN OR BE A GUEST AT PROPERTY WHERE MARIJUANA IS CULTIVATED WITHOUT TAKING REASONABLE PRECAUTIONS TO PREVENT THE ACCESS BY THE PERSON TO MARIJUANA PLANTS.**

**(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

**5-1204.**

**THIS SUBTITLE DOES NOT EXEMPT A PERSON FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR THE FOLLOWING ACTS:**

**(1) DRIVING, OPERATING, OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE OR A VESSEL UNDER POWER OR SAIL WHILE IMPAIRED BY MARIJUANA OR MARIJUANA PRODUCTS; OR**

**(2) POSSESSING MARIJUANA, INCLUDING MARIJUANA PRODUCTS, IN A LOCAL DETENTION FACILITY, COUNTY JAIL, STATE PRISON, REFORMATORY, OR OTHER CORRECTIONAL FACILITY, INCLUDING A FACILITY FOR THE DETENTION OF JUVENILE OFFENDERS.**

**5-1205.**

**(A) A PERSON MAY NOT SMOKE MARIJUANA IN A PUBLIC PLACE.**

**(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL FINE OF UP TO \$100.**

**5-1206.**

**THIS SUBTITLE DOES NOT REQUIRE EMPLOYERS TO ACCOMMODATE THE USE OR POSSESSION OF MARIJUANA OR BEING UNDER THE INFLUENCE OF MARIJUANA IN A PLACE OF EMPLOYMENT.**

**5-1207.**

**(A) THIS SUBTITLE DOES NOT PREVENT A LANDLORD FROM PROHIBITING THE CULTIVATION OF MARIJUANA ON RENTAL PREMISES.**

**(B) IF A LANDLORD OR AN INNKEEPER POSTS A NOTICE, THE LANDLORD OR INNKEEPER MAY PROHIBIT THE SMOKING OF MARIJUANA ON RENTED PROPERTY OR IN A RENTED ROOM.**

**5-1208.**

**(A) A PERSON MAY NOT FALSELY REPRESENT THAT THE PERSON IS AT LEAST 21 YEARS OLD TO OBTAIN MARIJUANA, MARIJUANA PRODUCTS, OR MARIJUANA PARAPHERNALIA IN ACCORDANCE WITH THIS SUBTITLE.**

**(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$250 OR BOTH.**

**5-1209.**

**(A) THIS SUBTITLE SHALL, BY OPERATION OF LAW, EXPUNGE THE CONVICTION OF A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE EQUIVALENT TO THOSE DESCRIBED IN § 5-1202(A) OF THIS SUBTITLE OR THE POSSESSION OF MARIJUANA PARAPHERNALIA.**

**(B) ALL STATE AGENCIES WITH RECORDS PERTAINING TO ARRESTS AND CONVICTIONS FOR POSSESSION OF 1 OUNCE OR LESS OF MARIJUANA OR POSSESSION OF MARIJUANA PARAPHERNALIA BY PERSONS AT LEAST 21 YEARS OLD SHALL DESTROY THOSE RECORDS.**

**5-1210.**

**THIS SUBTITLE DOES NOT REPEAL OR MODIFY ANY LAW CONCERNING THE MEDICAL USE OF MARIJUANA OR TETRAHYDROCANNABINOL IN OTHER FORMS, SUCH AS MARINOL.**



5-1211.

(A) A PERSON OR AN ENTITY MAY APPLY FOR THE ISSUANCE OF A REGISTRATION EXEMPTING THE ENTITY FROM STATE PROSECUTION AND PENALTIES FOR OPERATING AS A RETAILER IN ACCORDANCE WITH THIS SUBTITLE.

(B) AN APPLICANT FOR A RETAILER REGISTRATION SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO EXCEED \$5,000.

(C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OR (III) OF THIS PARAGRAPH, ON OR BEFORE OCTOBER 1, 2016, THE COMPTROLLER SHALL ISSUE ONE RETAILER REGISTRATION FOR EVERY 20,000 RESIDENTS OF A COUNTY OR TWO RETAILER REGISTRATIONS FOR EACH COUNTY, WHICHEVER IS GREATER.

(II) IF FEWER QUALIFIED APPLICANTS APPLY FOR A REGISTRATION IN A COUNTY THAN THE COMPTROLLER IS REQUIRED TO REGISTER IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL ISSUE A REGISTRATION TO EACH QUALIFIED APPLICANT IN THE COUNTY.

(III) THE COMPTROLLER MAY ISSUE A SMALLER NUMBER OF REGISTRATIONS IN A COUNTY IF THE NUMBER OF REGISTRATIONS WOULD OTHERWISE EXCEED THE NUMBER OF RETAILERS ALLOWED UNDER LOCAL ORDINANCES OR REGULATIONS ENACTED IN ACCORDANCE WITH § 5-1218 OF THIS SUBTITLE.

(2) EXCEPT AS PROVIDED IN § 5-1218 OF THIS SUBTITLE:

(I) RETAILER REGISTRATIONS SHALL BE DISTRIBUTED WITHIN A COUNTY BASED ON THE POPULATION OF CITIES AND UNINCORPORATED AREAS WITHIN THAT COUNTY; AND

(II) EACH CITY MAY HAVE APPROXIMATELY ONE REGISTRATION FOR EVERY 20,000 RESIDENTS.

(D) IF AT ANY TIME AFTER OCTOBER 1, 2017, THERE ARE FEWER VALID RETAILER REGISTRATIONS THAN THE COMPTROLLER IS AUTHORIZED TO ISSUE, THE COMPTROLLER SHALL ACCEPT AND PROCESS APPLICATIONS FOR RETAILER REGISTRATIONS.

**(E) IF AT ANY TIME AFTER OCTOBER 1, 2017, THE COMPTROLLER FINDS THAT THE NUMBER OF RETAILERS IS INADEQUATE, THE COMPTROLLER MAY ISSUE ADDITIONAL RETAILER REGISTRATIONS.**

**(F) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A RETAILER IS \$10,000.**

**(G) (1) A REGISTRATION AS A RETAILER MAY BE RENEWED ANNUALLY FOR A \$5,000 FEE.**

**(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS BEFORE THE EXPIRATION OF THE RETAILER REGISTRATION.**

**(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL APPLICATION, THE APPLICATION SHALL BE DEEMED GRANTED 60 DAYS AFTER SUBMISSION.**

**(H) IF AT ANY TIME AFTER APRIL 1, 2017, THE COMPTROLLER HAS FAILED TO BEGIN ISSUING RETAILER REGISTRATIONS OR HAS CEASED ISSUING RETAILER REGISTRATIONS OR RENEWALS AS REQUIRED BY THIS SUBTITLE, A PERSON OR AN ENTITY MAY OPERATE AS A RETAILER WITHOUT A RETAIL REGISTRATION PROVIDED THAT:**

**(1) THE PERSON OR ENTITY CONDUCTS OPERATIONS AS A RETAILER IN A LOCATION ZONED FOR RETAIL USE; AND**

**(2) THE PERSON OR ENTITY SATISFIES THE REQUIREMENTS FOR A RETAILER SET FORTH IN THIS SUBTITLE AND REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.**

**5-1212.**

**(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR OPERATING AS A MARIJUANA CULTIVATION FACILITY IN ACCORDANCE WITH THIS SUBTITLE.**

**(B) AN APPLICANT FOR A MARIJUANA CULTIVATION FACILITY REGISTRATION SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO EXCEED \$5,000.**

(C) NO LATER THAN 300 DAYS AFTER OCTOBER 1, 2015, THE COMPTROLLER SHALL ISSUE 100 MARIJUANA CULTIVATION FACILITY REGISTRATIONS, PROVIDED THAT QUALIFIED APPLICANTS EXIST.

(D) (1) IF AT ANY TIME AFTER OCTOBER 1, 2016, THERE ARE FEWER VALID MARIJUANA CULTIVATION FACILITY REGISTRATIONS THAN SPECIFIED IN SUBSECTION (C) OF THIS SECTION, THE COMPTROLLER SHALL ACCEPT AND PROCESS APPLICATIONS FOR MARIJUANA CULTIVATION FACILITY REGISTRATIONS.

(2) THE COMPTROLLER SHALL GRANT ADDITIONAL MARIJUANA CULTIVATION FACILITY REGISTRATIONS AT ANY TIME AFTER APRIL 1, 2017, IF THE EXISTING NUMBER OF MARIJUANA CULTIVATION FACILITY REGISTRATIONS IS UNABLE TO MEET DEMAND.

(E) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A MARIJUANA CULTIVATION FACILITY IS \$10,000.

(F) (1) A REGISTRATION AS A MARIJUANA CULTIVATION FACILITY MAY BE RENEWED ANNUALLY FOR A \$5,000 FEE.

(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS BEFORE THE EXPIRATION OF THE MARIJUANA CULTIVATION FACILITY REGISTRATION.

(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL APPLICATION, THE APPLICATION SHALL BE DEEMED GRANTED 60 DAYS AFTER SUBMISSION.

(G) IF AT ANY TIME AFTER APRIL 1, 2016, THE COMPTROLLER HAS FAILED TO BEGIN ISSUING MARIJUANA CULTIVATION FACILITY REGISTRATIONS OR HAS CEASED ISSUING MARIJUANA CULTIVATION FACILITY REGISTRATIONS IN ACCORDANCE WITH THIS SUBTITLE, A PERSON OR AN ENTITY MAY OPERATE AS A MARIJUANA CULTIVATION FACILITY WITHOUT A MARIJUANA CULTIVATION FACILITY REGISTRATION PROVIDED THAT THE PERSON OR ENTITY:

(1) CONDUCTS OPERATIONS AS A MARIJUANA CULTIVATION FACILITY IN A LOCATION ZONED FOR AGRICULTURAL OR INDUSTRIAL USE; AND

(2) SATISFIES THE REQUIREMENTS SET FORTH IN THIS SUBTITLE AND REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.

**THE COMPTROLLER SHALL ISSUE REGULATIONS FOR APPLICATIONS FOR MARIJUANA PRODUCT MANUFACTURER REGISTRATION THAT INCLUDE:**

**(1) ESTABLISHING THE MAXIMUM AMOUNT OF DELTA-9 TETRAHYDROCANNABINOL THAT MAY BE ALLOWED IN A SINGLE SERVING OF A MARIJUANA-INFUSED EDIBLE PRODUCT;**

**(2) LIMITING AN INDIVIDUAL PACKAGE OF A MARIJUANA-INFUSED EDIBLE PRODUCT TO A SINGLE SERVING;**

**(3) MANDATING OPAQUE AND CHILD-RESISTANT PACKAGING FOR A MARIJUANA-INFUSED EDIBLE PRODUCT;**

**(4) REQUIRING THE DISSEMINATION OF EDUCATIONAL MATERIALS TO CONSUMERS WHO PURCHASE MARIJUANA-INFUSED EDIBLE PRODUCTS, INCLUDING INFORMATION REGARDING THE LENGTH OF TIME IT TAKES THE PRODUCT TO TAKE EFFECT; AND**

**(5) REQUIRING THAT A RETAIL MARIJUANA-INFUSED EDIBLE PRODUCT BE CLEARLY IDENTIFIABLE, WITH A STANDARD SYMBOL INDICATING THAT THE PRODUCT CONTAINS MARIJUANA.**

**5-1214.**

**(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR OPERATING AS A MARIJUANA PRODUCT MANUFACTURER IN ACCORDANCE WITH THIS SUBTITLE.**

**(B) AN APPLICANT FOR A MARIJUANA PRODUCT MANUFACTURER REGISTRATION SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO EXCEED \$5,000.**

**(C) ON OR BEFORE OCTOBER 1, 2016, THE COMPTROLLER SHALL BEGIN ISSUING MARIJUANA PRODUCT MANUFACTURER REGISTRATIONS TO QUALIFIED APPLICANTS.**

**(D) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A MARIJUANA PRODUCT MANUFACTURER IS \$5,000.**

**(E) (1) A REGISTRATION AS A MARIJUANA PRODUCT MANUFACTURER MAY BE RENEWED ANNUALLY FOR A \$5,000 FEE.**

**(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS BEFORE THE EXPIRATION OF THE MARIJUANA PRODUCT MANUFACTURER REGISTRATION.**

**(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL APPLICATION, THE APPLICATION SHALL BE DEEMED GRANTED 60 DAYS AFTER SUBMISSION.**

**(F) IF AT ANY TIME AFTER APRIL 1, 2016, THE COMPTROLLER HAS FAILED TO BEGIN ISSUING MARIJUANA PRODUCT MANUFACTURER REGISTRATIONS OR HAS CEASED ISSUING MARIJUANA PRODUCT MANUFACTURER REGISTRATIONS IN ACCORDANCE WITH THIS SUBTITLE, A PERSON OR AN ENTITY MAY OPERATE AS A MARIJUANA PRODUCT MANUFACTURER PROVIDED THAT THE PERSON OR ENTITY:**

**(1) CONDUCTS OPERATIONS AS A MARIJUANA PRODUCT MANUFACTURER IN A LOCATION ZONED FOR AGRICULTURAL OR INDUSTRIAL USE; AND**

**(2) SATISFIES THE REQUIREMENTS SET FORTH IN THIS SUBTITLE AND REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.**

**5-1215.**

**(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR OPERATING AS A SAFETY COMPLIANCE FACILITY IN ACCORDANCE WITH THIS SUBTITLE.**

**(B) AN APPLICANT FOR A SAFETY COMPLIANCE FACILITY REGISTRATION SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO EXCEED \$5,000.**

**(C) IF QUALIFIED APPLICANTS EXIST, THE COMPTROLLER SHALL GRANT A 2-YEAR REGISTRATION TO AT LEAST 10 SAFETY COMPLIANCE FACILITIES ON OR BEFORE OCTOBER 1, 2016, PROVIDED THAT EACH FACILITY PAYS A \$5,000 FEE.**

**(D) (1) IF AT ANY TIME AFTER OCTOBER 1, 2017, THERE ARE FEWER THAN 10 VALID SAFETY COMPLIANCE FACILITY REGISTRATIONS, THE COMPTROLLER SHALL ACCEPT AND PROCESS APPLICATIONS FOR SAFETY COMPLIANCE FACILITY REGISTRATIONS.**

**(2) THE COMPTROLLER MAY, AT THE COMPTROLLER'S DISCRETION, GRANT ADDITIONAL SAFETY COMPLIANCE FACILITY REGISTRATIONS.**

**(E) (1) A SAFETY COMPLIANCE FACILITY REGISTRATION MAY BE RENEWED EVERY 2 YEARS FOR A \$5,000 FEE.**

**(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS BEFORE THE EXPIRATION OF THE REGISTRATION.**

**(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL APPLICATION, IT SHALL BE DEEMED GRANTED 60 DAYS AFTER ITS SUBMISSION.**

**5-1216.**

**(A) WITHIN 3 BUSINESS DAYS OF RECEIVING AN APPLICATION TO OPERATE A MARIJUANA ESTABLISHMENT, THE COMPTROLLER SHALL FORWARD A COPY OF THE APPLICATION TO THE LOCAL GOVERNMENT WHERE THE PROSPECTIVE MARIJUANA ESTABLISHMENT WOULD OPERATE, SEEKING ITS INPUT REGARDING WHETHER THE APPLICATION SHOULD BE GRANTED.**

**(B) LICENSING UNDER THIS SUBTITLE IS SUBJECT TO THE MINORITY BUSINESS ENTERPRISE PROGRAM.**

**(C) IF MORE QUALIFYING APPLICANTS FOR A TYPE OF MARIJUANA ESTABLISHMENT LICENSE APPLY THAN THE COMPTROLLER MAY REGISTER IN THE STATE OR IN A COUNTY OR CITY, THE COMPTROLLER SHALL IMPLEMENT A COMPETITIVE SCORING PROCESS TO DETERMINE TO WHICH APPLICANTS A REGISTRATION MAY BE GRANTED.**

**(D) THE SCORING PROCESS DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL TAKE INTO ACCOUNT:**

**(1) INPUT PROVIDED BY THE LOCAL GOVERNMENT WHERE THE PROSPECTIVE RETAILER WOULD OPERATE, WHICH SHALL BE GIVEN SUBSTANTIAL WEIGHT;**

**(2) THE APPLICABLE EXPERIENCE, TRAINING, AND EXPERTISE OF THE APPLICANT AND MANAGING OFFICERS OF THE APPLICANT;**

**(3) THE PLAN FOR SECURITY AND DIVERSION PREVENTION OF THE APPLICANT;**

(4) CRIMINAL, CIVIL, OR REGULATORY ISSUES ENCOUNTERED BY OTHER ENTITIES THAT THE APPLICANT AND MANAGING OFFICERS OF THE APPLICANT HAVE CONTROLLED OR MANAGED; AND

(5) THE SUITABILITY OF THE PROPOSED LOCATION.

(E) NO APPLICANT MAY RECEIVE MORE THAN ONE REGISTRATION TO OPERATE A MARIJUANA ESTABLISHMENT IF RECEIVING A SUBSEQUENT REGISTRATION WOULD PREVENT APPROVAL OF A QUALIFIED APPLICANT WHO HAS NOT BEEN GRANTED A REGISTRATION.

(F) THIS SUBTITLE DOES NOT PRECLUDE A PERSON CONVICTED BEFORE OCTOBER 1, 2015, OF A NONVIOLENT MARIJUANA OFFENSE FROM OBTAINING A MARIJUANA ESTABLISHMENT LICENSE.

5-1217.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MARIJUANA ESTABLISHMENT MAY NOT OPERATE AND A PROSPECTIVE MARIJUANA ESTABLISHMENT MAY NOT APPLY FOR A REGISTRATION IF:

(1) THE ENTITY WOULD BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF A PREEXISTING PUBLIC OR PRIVATE SCHOOL; OR

(2) THE ENTITY SELLS ALCOHOL FOR CONSUMPTION ON THE PREMISES.

5-1218.

(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT A LOCAL GOVERNMENT FROM ENACTING AN ORDINANCE OR A REGULATION NOT IN CONFLICT WITH THIS SECTION OR WITH RULES ADOPTED BY THE COMPTROLLER REGULATING THE TIME, PLACE, OR MANNER OF OPERATION OR NUMBER OF RETAILERS, MARIJUANA PRODUCT MANUFACTURERS, MARIJUANA CULTIVATION FACILITIES, OR SAFETY COMPLIANCE FACILITIES.

(B) A LOCAL GOVERNMENT MAY NOT PROHIBIT OPERATIONS BY A RETAILER, MARIJUANA PRODUCT MANUFACTURER, MARIJUANA CULTIVATION FACILITY, OR SAFETY COMPLIANCE FACILITY EITHER EXPRESSLY OR THROUGH THE ENACTMENT OF ORDINANCES OR REGULATIONS THAT MAKE THE OPERATIONS IMPRACTICABLE.

**(C) A LOCAL GOVERNMENT MAY IMPOSE CIVIL AND CRIMINAL PENALTIES ON THE VIOLATION OF ORDINANCES ENACTED IN ACCORDANCE WITH THIS SECTION.**

**5-1219.**

**A RETAILER SHALL:**

**(1) INCLUDE A SAFETY INSERT WITH ALL MARIJUANA SOLD THAT MAY, AT THE COMPTROLLER'S DISCRETION, BE DEVELOPED AND APPROVED BY THE COMPTROLLER AND INCLUDE INFORMATION ON:**

**(I) METHODS FOR ADMINISTERING MARIJUANA;**

**(II) POTENTIAL DANGERS STEMMING FROM THE USE OF MARIJUANA; AND**

**(III) HOW TO RECOGNIZE PROBLEMATIC USAGE OF MARIJUANA AND HOW TO OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC USAGE; AND**

**(2) SELL MARIJUANA OR MARIJUANA PRODUCTS IN THE ORIGINAL MARIJUANA CULTIVATION FACILITY OR MARIJUANA PRODUCT MANUFACTURER PACKAGING WITHOUT MAKING CHANGES OR REPACKAGING.**

**5-1220.**

**(A) A MARIJUANA CULTIVATION FACILITY AND MARIJUANA PRODUCT MANUFACTURER SHALL:**

**(1) CREATE A UNIQUE PACKAGE AND LABEL FOR THE MARIJUANA CULTIVATION FACILITY OR MARIJUANA PRODUCT MANUFACTURER; AND**

**(2) IDENTIFY THE MARIJUANA CULTIVATION FACILITY OR THE MARIJUANA PRODUCT MANUFACTURER AS THE PRODUCER.**

**(B) THE PACKAGING DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

**(1) THE NAME OR REGISTRATION NUMBER OF THE MARIJUANA ESTABLISHMENT;**

**(2) IF A SAFETY COMPLIANCE FACILITY IS OPERATIONAL, THE POTENCY OF THE MARIJUANA, AS DETERMINED BY TESTING BY A SAFETY**



COMPLIANCE FACILITY, REPRESENTED BY THE PERCENTAGE OF TETRAHYDROCANNABINOL BY MASS;

(3) A “PRODUCED ON” DATE; AND

(4) WARNINGS THAT STATE: “CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY”, “KEEP AWAY FROM CHILDREN”, AND “TRANSPORTING THIS PRODUCT OUTSIDE THE STATE OF MARYLAND MAY SUBJECT YOU TO CRIMINAL AND/OR CIVIL PENALTIES UNDER THE LAWS OF OTHER STATES. POSSESSION OF MARIJUANA IS ILLEGAL UNDER FEDERAL LAW.”.

5-1221.

ALL MARIJUANA CULTIVATED BY A MARIJUANA CULTIVATION FACILITY SHALL BE CULTIVATED ONLY IN ONE OR MORE ENCLOSED LOCKED FACILITIES, EACH OF WHICH SHALL HAVE BEEN REGISTERED WITH THE COMPTROLLER UNLESS THE COMPTROLLER HAS CEASED ISSUING OR FAILED TO BEGIN ISSUING REGISTRATIONS.

5-1222.

(A) A MARIJUANA ESTABLISHMENT OR ANY OTHER PERSON WHO IS ACTING IN A CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A MARIJUANA ESTABLISHMENT SHALL HAVE DOCUMENTATION WHEN TRANSPORTING MARIJUANA ON BEHALF OF THE MARIJUANA ESTABLISHMENT THAT SPECIFIES:

(1) THE AMOUNT OF MARIJUANA BEING TRANSPORTED;

(2) THE REGISTRY IDENTIFICATION NUMBER OF THE MARIJUANA ESTABLISHMENT; AND

(3) THE DATE THE MARIJUANA IS BEING TRANSPORTED.

(B) IF THE RETAILER OR MARIJUANA CULTIVATION FACILITY DOES NOT HAVE A REGISTRATION NUMBER BECAUSE THE COMPTROLLER HAS CEASED ISSUING REGISTRY IDENTIFICATION CERTIFICATES OR HAS FAILED TO BEGIN ISSUING REGISTRY IDENTIFICATION CERTIFICATES, THE RETAILER OR MARIJUANA CULTIVATION FACILITY MAY INSTEAD USE A NUMBER OF ITS CHOOSING THAT IT CONSISTENTLY USES ON DOCUMENTATION IN PLACE OF A REGISTRY IDENTIFICATION NUMBER.

5-1223.

(A) A MARIJUANA ESTABLISHMENT MAY NOT ALLOW A PERSON WHO IS UNDER THE AGE OF 21 YEARS TO BE PRESENT INSIDE A ROOM OR ANY OTHER LOCATION WHERE MARIJUANA IS STORED, CULTIVATED, POSSESSED, OR SOLD BY THE MARIJUANA ESTABLISHMENT UNLESS THE PERSON WHO IS UNDER THE AGE OF 21 YEARS IS A GOVERNMENT EMPLOYEE PERFORMING OFFICIAL DUTIES, AN ELECTED OFFICIAL, A MEMBER OF THE MEDIA, OR A CONTRACTOR PERFORMING LABOR THAT DOES NOT INCLUDE HANDLING MARIJUANA.

(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN A PROSECUTION FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION, IT IS A COMPLETE DEFENSE THAT BEFORE ALLOWING A PERSON WHO IS UNDER THE AGE OF 21 YEARS INTO THE LOCATION WHERE MARIJUANA IS STORED, CULTIVATED, POSSESSED, OR SOLD, AN EMPLOYEE OR AGENT OF THE MARIJUANA ESTABLISHMENT WAS SHOWN A DOCUMENT THAT APPEARED TO BE ISSUED BY AN AGENCY OF A FEDERAL, STATE, TRIBAL, OR FOREIGN SOVEREIGN GOVERNMENT THAT INDICATED THAT THE PERSON WAS AT LEAST 21 YEARS OLD AT THE TIME THE PERSON WAS ALLOWED ON THE PREMISES OF THE MARIJUANA ESTABLISHMENT.

(2) THE DEFENSE SET FORTH IN THIS SUBSECTION DOES NOT APPLY IF:

(I) THE DOCUMENT THAT WAS SHOWN TO THE PERSON WHO ALLOWED THE PERSON WHO IS UNDER THE AGE OF 21 YEARS ON THE PREMISES OF THE MARIJUANA ESTABLISHMENT WAS COUNTERFEIT, FORGED, ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON WHO WAS ALLOWED ON THE PREMISES OF THE MARIJUANA ESTABLISHMENT; AND

(II) UNDER THE CIRCUMSTANCES, A REASONABLE PERSON WOULD HAVE KNOWN OR SUSPECTED THAT THE DOCUMENT WAS COUNTERFEIT, FORGED, ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON WHO WAS ALLOWED ON THE PREMISES OF THE MARIJUANA ESTABLISHMENT.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

5-1224.

**A RETAILER MAY NOT:**

(1) SELL, GIVE, OR OTHERWISE FURNISH MARIJUANA OR MARIJUANA PARAPHERNALIA TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS;

(2) SELL, GIVE, OR OTHERWISE FURNISH MORE THAN A PERSONAL USE AMOUNT OF USABLE MARIJUANA OR MORE THAN THREE PLANTS, SEEDLINGS, OR CUTTINGS OF MARIJUANA TO A PERSON IN A SINGLE TRANSACTION;

(3) KNOWINGLY AND WILLFULLY SELL, GIVE, OR OTHERWISE FURNISH AN AMOUNT OF MARIJUANA TO A PERSON THAT WOULD CAUSE THAT PERSON TO POSSESS MORE MARIJUANA THAN THE INDIVIDUAL IS ALLOWED TO POSSESS UNDER STATE LAW;

(4) PURCHASE MARIJUANA, OTHER THAN MARIJUANA SEEDS, FROM A PERSON OTHER THAN A RETAILER, MARIJUANA CULTIVATION FACILITY, OR MARIJUANA PRODUCT MANUFACTURER; OR

(5) VIOLATE REGULATIONS ADOPTED BY THE COMPTROLLER IN ACCORDANCE WITH THIS SUBTITLE.

5-1225.

A MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURER, OR SAFETY COMPLIANCE FACILITY MAY NOT:

(1) PURCHASE, PRODUCE, OBTAIN, SELL, GIVE, OR OTHERWISE FURNISH MARIJUANA OR MARIJUANA PRODUCTS TO A PERSON OR AN ENTITY OTHER THAN THOSE EXEMPTED FROM STATE PENALTIES IN ACCORDANCE WITH THIS SUBTITLE; OR

(2) VIOLATE REGULATIONS ADOPTED BY THE COMPTROLLER IN ACCORDANCE WITH THIS SUBTITLE.

5-1226.

(A) THE COMPTROLLER MAY SUSPEND OR TERMINATE THE REGISTRATION OF A MARIJUANA ESTABLISHMENT THAT COMMITS MULTIPLE OR SERIOUS VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED IN ACCORDANCE WITH THIS SUBTITLE.

(B) IF THE COMPTROLLER HAS CEASED ISSUING REGISTRATIONS OR HAS NOT BEGUN ISSUING REGISTRATIONS, AND A MARIJUANA ESTABLISHMENT LACKS A REGISTRATION AS A RESULT, A CITY OR COUNTY WHERE THE RETAILER, MARIJUANA CULTIVATION FACILITY, OR SAFETY COMPLIANCE FACILITY IS OPERATING MAY FILE FOR AN INJUNCTION IN CIRCUIT COURT IF THE RETAILER HAS COMMITTED MULTIPLE OR SERIOUS VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED IN ACCORDANCE WITH THIS SUBTITLE.

**5-1227.**

**IT IS NOT A VIOLATION OF STATE OR LOCAL LAW FOR A PERSON TO PLANT, GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP IF THAT PERSON DOES SO IN COMPLIANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT OF AGRICULTURE AS REQUIRED IN § 5-1229 OF THIS SUBTITLE.**

**5-1228.**

**IT IS NOT A VIOLATION OF STATE OR LOCAL LAW FOR A PERSON TO PURCHASE OR POSSESS A MATERIAL OR PRODUCT MADE, IN WHOLE OR IN PART, WITH INDUSTRIAL HEMP.**

**5-1229.**

**THE DEPARTMENT OF AGRICULTURE SHALL:**

- (1) ADOPT REGULATIONS NECESSARY TO REGISTER A PERSON TO PLANT, GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP; AND**
- (2) SET REASONABLE FEES.**

**5-1230.**

**UNLESS OTHERWISE PROHIBITED UNDER THIS SUBTITLE:**

- (1) A PERSON WHO IS AT LEAST 21 YEARS OLD MAY MANUFACTURE, PRODUCE, USE, OBTAIN, PURCHASE, TRANSPORT, OR POSSESS, ACTUALLY OR CONSTRUCTIVELY, MARIJUANA PARAPHERNALIA;**
- (2) A PERSON WHO IS AT LEAST 21 YEARS OLD MAY DELIVER, TRANSFER, DISTRIBUTE, OR SELL MARIJUANA PARAPHERNALIA TO A MARIJUANA ESTABLISHMENT OR TO PERSONS WHO ARE AT LEAST 21 YEARS OLD;**
- (3) A MARIJUANA ESTABLISHMENT MAY MANUFACTURE, PRODUCE, USE, OBTAIN, PURCHASE, TRANSPORT, OR POSSESS, ACTUALLY OR CONSTRUCTIVELY, MARIJUANA PARAPHERNALIA; AND**
- (4) A MARIJUANA ESTABLISHMENT MAY DELIVER, TRANSFER, DISTRIBUTE, OR SELL MARIJUANA PARAPHERNALIA TO A MARIJUANA ESTABLISHMENT OR TO PERSONS WHO ARE AT LEAST 21 YEARS OLD.**

**5-1231.**

**(A) (1) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT POSSESS MARIJUANA.**

**(2) A VIOLATION OF THIS SUBSECTION BY A PERSON AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 21 YEARS WHO POSSESSES 1 OUNCE OR LESS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

**(3) A PERSON UNDER THE AGE OF 18 YEARS WHO VIOLATES THIS SUBSECTION IS SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.**

**(B) A POLICE OR COURT RECORD RESULTING FROM A CITATION UNDER THIS SECTION SHALL BE RENDERED INACCESSIBLE TO THE PUBLIC.**

**(C) NO RECORDS THAT INCLUDE PERSONALLY IDENTIFIABLE INFORMATION RESULTING FROM A CITATION UNDER THIS SECTION MAY BE MADE ACCESSIBLE TO:**

- (1) THE PUBLIC;**
- (2) FEDERAL AUTHORITIES; OR**
- (3) AUTHORITIES FROM OTHER STATES OR COUNTRIES.**

**5-1232.**

**(A) THE GOVERNOR SHALL APPOINT A 12-MEMBER OVERSIGHT COMMITTEE COMPOSED OF:**

- (1) ONE MEMBER OF THE HOUSE OF DELEGATES;**
- (2) THE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE;**
- (3) ONE MEMBER OF THE SENATE OF MARYLAND;**
- (4) ONE PHYSICIAN WITH EXPERIENCE IN MEDICAL MARIJUANA ISSUES;**
- (5) ONE ECONOMIST;**

**(6) ONE BOARD MEMBER OR PRINCIPAL OFFICER OF A REGISTERED SAFETY COMPLIANCE FACILITY;**

**(7) ONE INDIVIDUAL WITH EXPERIENCE IN POLICY DEVELOPMENT OR IMPLEMENTATION IN THE FIELD OF MARIJUANA POLICY;**

**(8) ONE PUBLIC HEALTH PROFESSIONAL;**

**(9) ONE SOCIOLOGIST;**

**(10) ONE ATTORNEY FAMILIAR WITH FIRST AMENDMENT LAW;**

**(11) ONE EXPERT IN CRIMINAL JUSTICE; AND**

**(12) ONE EXPERT IN ALCOHOLISM AND DRUG DEPENDENCE.**

**(B) THE OVERSIGHT COMMITTEE SHALL MEET AT LEAST FOUR TIMES EACH YEAR FOR THE PURPOSE OF:**

**(1) COLLECTING INFORMATION ABOUT AND EVALUATING THE EFFECTS OF THIS SUBTITLE;**

**(2) PERFORMING OTHER RESPONSIBILITIES ENTRUSTED TO IT BY THE GOVERNOR OR THE GENERAL ASSEMBLY; AND**

**(3) REPORTING AND MAKING RECOMMENDATIONS TO THE COMPTROLLER ON ISSUES INCLUDING:**

**(I) RESTRICTIONS ON ADVERTISING, INCLUDING RESTRICTIONS DESIGNED TO PREVENT ADVERTISING FROM TARGETING MINORS;**

**(II) REGULATIONS DESIGNED TO ENSURE THAT MARIJUANA ESTABLISHMENTS ENHANCE THE SECURITY OF THE NEIGHBORHOODS IN WHICH THE ESTABLISHMENTS OPERATE;**

**(III) REGULATIONS TO ENSURE THAT MARIJUANA ESTABLISHMENTS PROVIDE LOCAL BUSINESS AND EMPLOYMENT OPPORTUNITIES;**

**(IV) THE CONTENT OF SAFETY INSERTS;**

**(V) WHETHER ADDITIONAL WARNING LABELS SHOULD BE ADDED;**

(VI) THE EFFECT, IF ANY, ON ORGANIZED CRIME IN THE STATE;

(VII) QUALITY CONTROL AND LABELING STANDARDS;

(VIII) RECOMMENDATIONS REGARDING POSSIBLE ADJUSTMENTS TO THE EXCISE TAX RATES THAT WOULD FURTHER THE GOALS OF REDUCING MINORS' USE OF MARIJUANA, GENERATING REVENUE, AND UNDERCUTTING ILLEGAL MARKET PRICES;

(IX) REPORTING AND DATA MONITORING RELATED TO BENEFICIAL AND ADVERSE EFFECTS OF MARIJUANA; AND

(X) THE LATEST RESEARCH RELATED TO DRIVING UNDER THE INFLUENCE OF MARIJUANA, POLICIES FOR ROADSIDE SOBRIETY TESTS, AND CHANGES TO STATUTES RELATING TO DRIVING UNDER THE INFLUENCE.

(C) THE COMPTROLLER SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT BY THE FIRST THURSDAY OF EVERY YEAR, ADDRESSING:

(1) THE DIRECT REVENUE AND COSTS RELATED TO IMPLEMENTING THIS SUBTITLE, INCLUDING REVENUE FROM TAXES, FINES, AND FEES;

(2) THE NUMBER OF REGISTRATIONS SUSPENDED AND REVOKED AND THE NATURE OF THE REVOCATIONS; AND

(3) THE FINDINGS AND RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE.

## Article – Tax – General

### TITLE 12.5. MARIJUANA TAX.

#### 12.5-101.

AN EXCISE TAX IS IMPOSED ON MARIJUANA CULTIVATION FACILITIES, AS DEFINED IN § 5-1201 OF THE CRIMINAL LAW ARTICLE, AND SHALL BE COLLECTED ON ALL MARIJUANA SOLD TO MARIJUANA PRODUCT MANUFACTURERS OR RETAILERS AT THE RATE OF:

(1) \$50 PER OUNCE OR PROPORTIONATE PART OF AN OUNCE FOR MARIJUANA FLOWERS;

**(2) \$10 PER OUNCE OR PROPORTIONATE PART OF AN OUNCE FOR MARIJUANA LEAVES; OR**

**(3) AN AMOUNT THAT THE COMPTROLLER MAY SET THAT ADJUSTS THE INITIAL RATE FOR INFLATION OR DEFLATION BASED ON THE CONSUMER PRICE INDEX.**

**12.5-102.**

**(A) THE COMPTROLLER SHALL APPORTION THE MONEY REMITTED TO THE COMPTROLLER FROM REGISTRATION FEES AND TAXES COLLECTED IN ACCORDANCE WITH THIS TITLE IN THE FOLLOWING MANNER:**

**(1) THE COMPTROLLER SHALL RETAIN SUFFICIENT MONEY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS TITLE; AND**

**(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER SHALL REMIT THE REMAINING MONEY TO THE GENERAL FUND OF THE STATE.**

**(B) EACH YEAR \$5,000,000 OF THE REMAINING FUNDS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION SHALL BE DISTRIBUTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR USE IN VOLUNTARY, EVIDENCE-BASED PROGRAMS FOR THE PREVENTION OR TREATMENT OF THE ABUSE OF ALCOHOL, TOBACCO, MARIJUANA, OR CONTROLLED DANGEROUS SUBSTANCES.**

**12.5-103.**

**(A) THE COMPTROLLER IS RESPONSIBLE FOR ADMINISTERING AND CARRYING OUT THIS TITLE.**

**(B) THE COMPTROLLER MAY ADOPT REGULATIONS THAT ARE NECESSARY AND CONVENIENT TO ADMINISTER AND CARRY OUT THIS TITLE.**

**(C) THE COMPTROLLER SHALL ADOPT REGULATIONS THAT:**

**(1) SET FORTH PROCEDURES FOR THE APPLICATION FOR AND ISSUANCE OF REGISTRATIONS TO MARIJUANA ESTABLISHMENTS, INCLUDING THE CONTENT AND FORM FOR AN APPLICATION TO BE REGISTERED AS A MARIJUANA ESTABLISHMENT;**



(2) SPECIFY THE PROCEDURES FOR THE COLLECTION OF TAXES LEVIED IN ACCORDANCE WITH THIS TITLE;

(3) SPECIFY THE CONTENT, FORM, AND TIMING OF REPORTS THAT SHALL BE COMPLETED BY EACH MARIJUANA ESTABLISHMENT;

(4) REQUIRE THAT REPORTS COMPLETED BY MARIJUANA ESTABLISHMENTS SHALL BE MADE AVAILABLE FOR INSPECTION BY THE COMPTROLLER, INCLUDING INFORMATION ON SALES, EXPENSES, INVENTORY, AND TAXES AND BE RETAINED FOR AT LEAST 1 YEAR;

(5) ESTABLISH QUALIFICATIONS FOR REGISTRATION THAT ARE DIRECTLY AND DEMONSTRABLY RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT;

(6) SPECIFY THE REQUIREMENTS FOR THE PACKAGING AND LABELING OF MARIJUANA, INCLUDING THOSE IN § 5-1220 OF THE CRIMINAL LAW ARTICLE;

(7) SPECIFY THE REQUIREMENTS FOR THE SAFETY INSERT TO BE INCLUDED WITH MARIJUANA BY RETAILERS, WHICH MAY INCLUDE THOSE DESCRIBED IN § 5-1219 OF THE CRIMINAL LAW ARTICLE AT THE DISCRETION OF THE COMPTROLLER;

(8) ESTABLISH REASONABLE SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS;

(9) REQUIRE THE POSTING OR DISPLAY OF THE REGISTRATION OF A MARIJUANA ESTABLISHMENT;

(10) ESTABLISH RESTRICTIONS ON ADVERTISING FOR THE SALE OF MARIJUANA THAT SHALL BE IN COMPLIANCE WITH THE MARYLAND CONSTITUTION AND THE U.S. CONSTITUTION AND THAT DO NOT PREVENT APPROPRIATE SIGNS ON THE PROPERTY OF THE RETAILER OR MARIJUANA CULTIVATION FACILITY, LISTINGS IN BUSINESS DIRECTORIES AND TELEPHONE BOOKS, LISTINGS IN PUBLICATIONS FOCUSED ON MARIJUANA, OR THE SPONSORSHIP OF HEALTH OR NOT-FOR-PROFIT CHARITY OR ADVOCACY EVENTS;

(11) ESTABLISH PROCEDURES FOR INSPECTING AND AUDITING THE RECORDS OR PREMISES OF MARIJUANA ESTABLISHMENTS;

(12) SET A SCHEDULE OF CIVIL FINES FOR VIOLATIONS OF THIS TITLE AND REGULATIONS ISSUED IN ACCORDANCE WITH THIS TITLE;

**(13) SET FORTH THE PROCEDURES FOR HEARINGS ON CIVIL FINES AND SUSPENSIONS AND REVOCATIONS OF A REGISTRATION AS A MARIJUANA ESTABLISHMENT FOR A VIOLATION OF THIS TITLE OR THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS TITLE;**

**(14) ESTABLISH REASONABLE ENVIRONMENTAL CONTROLS, INCLUDING RESTRICTIONS ON THE USE OF PESTICIDES, TO ENSURE THAT MARIJUANA ESTABLISHMENTS MINIMIZE HARM TO THE ENVIRONMENT, ADJOINING AND NEARBY LANDOWNERS, AND PERSONS PASSING BY;**

**(15) ESTABLISH RULES REQUIRING MARIJUANA ESTABLISHMENTS TO CREATE IDENTIFICATION CARDS FOR THEIR EMPLOYEES AND PROVIDING FOR THE CONTENTS OF THE IDENTIFICATION CARDS; AND**

**(16) ESTABLISH RULES FOR THE SAFE TRANSPORTATION OF MARIJUANA.**

**(D) THE COMPTROLLER SHALL MAKE AVAILABLE FREE OF CHARGE ALL FORMS FOR APPLICATIONS AND REPORTS.**

**(E) THE COMPTROLLER SHALL ISSUE ALL REGISTRATIONS AS REQUIRED BY THIS TITLE AND TITLE 5, SUBTITLE 12 OF THE CRIMINAL LAW ARTICLE.**

**(F) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COMPTROLLER SHALL KEEP THE NAME AND ADDRESS OF EACH MARIJUANA ESTABLISHMENT AND EACH OWNER, EMPLOYEE, OR AGENT OF A MARIJUANA ESTABLISHMENT CONFIDENTIAL AND REFUSE TO DISCLOSE THIS INFORMATION TO AN INDIVIDUAL OR A PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED EMPLOYEES OF THE COMPTROLLER TO PERFORM OFFICIAL DUTIES OF THE COMPTROLLER IN ACCORDANCE WITH THIS TITLE.**

**(2) THE COMPTROLLER MAY CONFIRM TO A STATE OR LOCAL LAW ENFORCEMENT OFFICER THAT A MARIJUANA ESTABLISHMENT HOLDS A VALID REGISTRATION IF THE LAW ENFORCEMENT OFFICER INQUIRES ABOUT THE SPECIFIC LOCATION OR ENTITY.**

**12.5-104.**

**(A) THE COMPTROLLER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS TITLE AND SHALL BEGIN ACCEPTING APPLICATIONS FOR MARIJUANA ESTABLISHMENT FACILITIES WITHIN 180 DAYS AFTER OCTOBER 1, 2015.**

**(B) IF THE COMPTROLLER FAILS TO ADOPT REGULATIONS TO IMPLEMENT THIS TITLE AND BEGIN PROCESSING APPLICATIONS FOR MARIJUANA ESTABLISHMENTS WITHIN 180 DAYS AFTER OCTOBER 1, 2015, A CITIZEN MAY COMMENCE AN ACTION IN A COURT OF COMPETENT JURISDICTION TO COMPEL THE COMPTROLLER TO PERFORM THE ACTIONS MANDATED IN ACCORDANCE WITH THIS TITLE.**

**12.5-105.**

**NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN COMPUTING NET INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES UNDER STATE LAW, THERE SHALL BE ALLOWED AS A DEDUCTION FROM STATE TAXES ALL THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A MARIJUANA ESTABLISHMENT AS DEFINED BY § 5-1201 OF THE CRIMINAL LAW ARTICLE, INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.**

#### **Article – Courts and Judicial Proceedings**

**3-8A-19.**

**(d) (7) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS COMMITTED A VIOLATION OF AN OFFENSE DESCRIBED IN § 5-1231 OF THE CRIMINAL LAW ARTICLE, THE COURT MAY:**

**(I) COUNSEL THE CHILD OR THE PARENT, OR BOTH;**

**(II) ORDER THE CHILD, FOR NO OR MINIMAL COST, TO PARTICIPATE IN A DRUG AND ALCOHOL EDUCATION PROGRAM OR OTHER SUITABLE PRESENTATION OF THE HAZARDS OF DRUG AND ALCOHOL USE THAT IS IN THE BEST INTEREST OF THE CHILD; OR**

**(III) IMPOSE A CIVIL FINE OF NOT MORE THAN \$100.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.**