

**HB0837/453125/1**

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 837  
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 22, after “Section” insert “5–101(p) and (s) through (u),”; and in the same line, strike “and 5–607” and substitute “5–607, 5–619(c), and 5–620”.

On page 3, in line 3, strike “5–101(r)” and substitute “5–101(e–1), (e–2), and (u), 5–601.2, and 5–602(c)”; and after line 31, insert:

“BY repealing and reenacting, with amendments,  
Article - Criminal Law  
Section 5-101(e-2) and (u)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2021 Supplement)  
(As enacted by Section 4 of this Act)

BY repealing  
Article - Criminal Law  
Section 5-601.2  
Annotated Code of Maryland  
(2021 Replacement Volume and 2021 Supplement)  
(As enacted by Section 4 of this Act)”.

AMENDMENT NO. 2

On page 4, in line 11, strike “**21**” and substitute “**18**”; after line 11, insert:

**“(II) INDIVIDUALS AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 21 YEARS;”**;

(Over)

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in lines 12, 14, 15, and 16, strike “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; and in line 25, strike “JANUARY” and substitute “MARCH”.

On page 5, in line 1, strike “JANUARY” and substitute “MARCH”.

On page 6, in line 29, strike “HIGH” and substitute “A”; and in line 30, after “WORTH” insert “EXCEEDING \$1,700,000”.

On page 9 in line 13, and on page 11 in line 14, in each instance, strike “shall” and substitute “MAY”.

On page 22, in line 11, strike “5-602(B)” and substitute “5-602(B)(1)”.

On page 24, in line 5, strike “4” and substitute “3”.

On page 28, in line 2, strike “AND” and substitute:

**“(8) BEST PRACTICES REGARDING REQUIREMENTS TO REDUCE THE APPEAL OF CANNABIS TO MINORS, INCLUDING ADVERTISING, POTENCY, PACKAGING, AND LABELING STANDARDS; AND”**;

and in line 3, strike “(8)” and substitute “(9)”.

On page 29, strike beginning with “MEANS” in line 23 down through “BASIS” in line 27 and substitute “HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE”.

On page 34, in line 11, after “agency” insert “and the Department of Legislative Services”.

On page 35, in line 20, after “on” insert “:

(1)”;

in line 21, strike “, including best practices implemented in other states” and substitute “.

(2) the establishment of on-site cannabis consumption facilities; and

(3) methods to reduce the use of cannabis by minors, including best practices regarding requirements related to advertising, potency, packaging, labeling, and other methods to reduce the appeal of cannabis to minors.

(b) The study required under subsection (a) of this section shall identify methods adopted by the Natalie M. LaPrade Medical Cannabis Commission through regulations as well as best practices implemented in other states”;

and in line 22, strike “(b)” and substitute “(c)”.

AMENDMENT NO. 3

On page 8, after line 3, insert:

“5-101.

(a) In this title the following words have the meanings indicated.

(E-2) “CIVIL USE AMOUNT” MEANS:

(1) AN AMOUNT OF USABLE CANNABIS THAT EXCEEDS 1.5 OUNCES BUT DOES NOT EXCEED 2.5 OUNCES;

(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT EXCEEDS 12 GRAMS BUT DOES NOT EXCEED 20 GRAMS; OR

**(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT EXCEEDS 750 MILLIGRAMS BUT DOES NOT EXCEED 1, 250 MILLIGRAMS.**

**(U) “PERSONAL USE AMOUNT” MEANS:**

**(1) AN AMOUNT OF USABLE CANNABIS THAT DOES NOT EXCEED 1.5 OUNCES;**

**(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT EXCEED 12 GRAMS; OR**

**(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 750 MILLIGRAMS.”.**

On page 9, after line 34, insert:

**“5-101.**

**(a) In this title the following words have the meanings indicated.**

**(E-2) “CIVIL USE AMOUNT” MEANS:**

**(1) AN AMOUNT OF USABLE CANNABIS THAT EXCEEDS 1.5 OUNCES BUT DOES NOT EXCEED 2.5 OUNCES;**

**(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT EXCEEDS 12 GRAMS BUT DOES NOT EXCEED 20 GRAMS;**

(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT EXCEEDS 750 MILLIGRAMS BUT DOES NOT EXCEED 1, 250 MILLIGRAMS; OR

(4) TWO OR FEWER CANNABIS PLANTS.

(U) "PERSONAL USE AMOUNT" MEANS:

(1) AN AMOUNT OF USABLE CANNABIS THAT DOES NOT EXCEED 1.5 OUNCES;

(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT EXCEED 12 GRAMS;

(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 750 MILLIGRAMS; OR

(4) TWO OR FEWER CANNABIS PLANTS."

On page 12, after line 25, insert:

"(E-1) (1) "CANNABIS" MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A DRY WEIGHT BASIS.

(2) "CANNABIS" DOES NOT INCLUDE HEMP AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

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(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) “Drug paraphernalia” includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance **OTHER THAN CANNABIS** or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance **OTHER THAN CANNABIS**;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance **OTHER THAN CANNABIS**;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance **OTHER THAN CANNABIS**;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance **OTHER THAN CANNABIS**;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance **OTHER THAN CANNABIS**;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, [marijuana] **A CONTROLLED DANGEROUS SUBSTANCE OTHER THAN CANNABIS**;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance OTHER THAN CANNABIS;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance OTHER THAN CANNABIS;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance OTHER THAN CANNABIS;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing [marijuana,] cocaine[, hashish, or hashish oil] into the human body [such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9.    an electric pipe;
10.   an air-driven pipe;
11.   a chillum;
12.   a bong; and
13.   an ice pipe or chiller].”.

On page 13, strike in their entirety lines 16 through 22, inclusive, and substitute:

- “~~(s)~~ **(R)**    (1)    “Narcotic drug” means a substance:
- (i)    that has been found to present an extreme danger to the health and welfare of the community because of addiction-forming and addiction-sustaining qualities;
  - (ii)   that is:
    1.    an opiate;
    2.    a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or
    3.    a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and
  - (iii)  that is produced:
    1.    directly or indirectly by extraction from substances of vegetable origin;
    2.    independently by chemical synthesis; or
    3.    by a combination of extraction and chemical synthesis.



(2) “Narcotic drug” includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

~~[(t)] (S)~~ “Noncontrolled substance” means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

~~[(u)] (T)~~ (1) “Opiate” means a substance that has an addiction-forming or addiction-sustaining quality similar to morphine or that can be converted into a drug that has this addiction-forming or addiction-sustaining quality.

(2) “Opiate” includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) “Opiate” does not include, unless specifically designated as controlled under § 5-202 of this title, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan).”.

#### AMENDMENT NO. 4

On page 9, strike beginning with “1.5” in line 4 down through “CANNABIS” in line 5 and substitute “THE PERSONAL USE AMOUNT OF CANNABIS”; strike beginning with “MORE” in line 7 down through “CANNABIS” in line 8 and substitute “THE CIVIL USE AMOUNT OF CANNABIS”; and after line 26, insert:

“(4) [A violation of this section involving the] **THE** smoking of [marijuana] CANNABIS in a public place is a civil offense punishable by [a fine not exceeding \$500]:

**(I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING \$50; AND**

**(II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE NOT EXCEEDING \$150.**

On page 10, strike beginning with the second “IS” in line 8 down through “LESS” in line 9 and substitute “**IS THE PERSONAL USE AMOUNT**”.

On page 11, strike beginning with “1.5” in line 4 down through “CANNABIS” in line 5 and substitute “**THE PERSONAL USE AMOUNT OF CANNABIS**”; and strike beginning with “MORE” in line 8 down through “CANNABIS” in line 9 and substitute “**THE CIVIL USE AMOUNT OF CANNABIS**”.

On page 13, in lines 26, 28, and 30, in each instance, strike “2.5 OUNCES OR LESS OF CANNABIS” and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”.

On page 14, in line 5, strike “2.5 OUNCES OR LESS OF CANNABIS” and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”; and strike beginning with “2.5” in line 18 down through “CANNABIS” in line 19 and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”.

On page 15, strike beginning with “2.5” in line 19 down through “CANNABIS” in line 20 and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”.

On page 16, strike beginning with “2.5” in line 8 down through “CANNABIS” in line 9 and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”; in lines 12, 15, and 26, in each instance, strike “2.5 OUNCES OR LESS OF CANNABIS” and substitute “**THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS**”; and strike beginning with “2.5” in line

22 down through “CANNABIS” in line 23 and substitute “THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS”.

On page 17, in line 15, strike “2.5 OUNCES OR LESS OF CANNABIS” and substitute “THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS”.

AMENDMENT NO. 5

On page 11, after line 34, insert:

“5-601.2.

(A) A PERSON MAY NOT CULTIVATE CANNABIS PLANTS IN A MANNER THAT IS CONTRARY TO THIS SECTION.

(B) CANNABIS PLANTS MAY NOT BE CULTIVATED IN A LOCATION WHERE THE PLANTS ARE SUBJECT TO PUBLIC VIEW, INCLUDING A VIEW FROM ANOTHER PRIVATE PROPERTY, WITHOUT THE USE OF BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS.

(C) (1) IN THIS SUBSECTION, “REASONABLE PRECAUTIONS” INCLUDES CULTIVATING CANNABIS IN AN ENCLOSED LOCKED SPACE TO WHICH PERSONS UNDER THE AGE OF 21 YEARS DO NOT POSSESS A KEY.

(2) A PERSON WHO CULTIVATES CANNABIS SHALL TAKE REASONABLE PRECAUTIONS TO ENSURE THE PLANTS ARE SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON UNDER THE AGE OF 21 YEARS.

(D) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN LAWFUL POSSESSION OF THE PROPERTY.

(E) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT CULTIVATE CANNABIS PLANTS.

(F) (1) A PERSON MAY NOT CULTIVATE MORE THAN TWO CANNABIS PLANTS.

(2) IF TWO OR MORE PERSONS AT LEAST 21 YEARS OLD RESIDE AT THE SAME RESIDENCE, NO MORE THAN TWO CANNABIS PLANTS MAY BE CULTIVATED AT THAT RESIDENCE.

(G) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

5-602.

(C) (1) (I) IN THIS SUBSECTION, "ADULT SHARING" MEANS TRANSFERRING CANNABIS BETWEEN PERSONS WHO ARE 21 YEARS OF AGE OR OLDER WITHOUT REMUNERATION.

(II) "ADULT SHARING" DOES NOT INCLUDE INSTANCES IN WHICH:

1. CANNABIS IS GIVEN AWAY CONTEMPORANEOUSLY WITH ANOTHER RECIPROCAL TRANSACTION BETWEEN THE SAME PARTIES;

2. A GIFT OF CANNABIS IS OFFERED OR ADVERTISED IN CONJUNCTION WITH AN OFFER FOR THE SALE OF GOODS OR SERVICES; OR

3. A GIFT OF CANNABIS IS CONTINGENT ON A SEPARATE RECIPROCAL TRANSACTION FOR GOODS OR SERVICES.

**(2) THIS SECTION DOES NOT PROHIBIT, AND NO CIVIL OR CRIMINAL PENALTY MAY BE IMPOSED FOR, ADULT SHARING OF THE PERSONAL USE AMOUNT OF CANNABIS.**

AMENDMENT NO. 6

On page 11, in line 29, after “by” insert an opening bracket; in the same line, after “\$500” insert “**1**”:

**(I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING \$50; AND**

**(II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE NOT EXCEEDING \$150**”.

On page 18, after line 12, insert:

“5-619.

(c) (1) [This subsection does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana.

(2)1 Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

**[(3)] (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:**

**(i) for a first violation, a fine not exceeding \$500; and**

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(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

[(4)] (3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph [(3)(ii)] (2)(II) of this subsection.

5-620.

(a) Unless authorized under this title, a person may not:

(1) obtain or attempt to obtain controlled paraphernalia by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) counterfeiting a prescription or a written order;

(iii) concealing a material fact or the use of a false name or address;

(iv) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(v) making or issuing a false or counterfeit prescription or written order; or

(2) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.

(b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense controlled dangerous substances, including:

(1) a scale;

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- (2) a sieve;
- (3) a strainer;
- (4) a measuring spoon;
- (5) staples;
- (6) a stapler;
- (7) a glassine envelope;
- (8) a gelatin capsule;
- (9) procaine hydrochloride;
- (10) mannitol;
- (11) lactose;
- (12) quinine; and
- (13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(d) [(1) Except as provided in paragraph (2) of this subsection, a] **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) 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.]”.

AMENDMENT NO. 7

On page 33, after line 14, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

5–101.

(a) In this title the following words have the meanings indicated.

(e–2) “Civil use amount” means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; OR

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams]; or

(4) two or fewer cannabis plants].

(u) “Personal use amount” means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams;

**OR**

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that does not exceed 750 milligrams]; or

(4) two or fewer cannabis plants].



[5-601.2.

(a) A person may not cultivate cannabis plants in a manner that is contrary to this section.

(b) Cannabis plants may not be cultivated in a location where the plants are subject to public view, including a view from another private property, without the use of binoculars, aircraft, or other optical aids.

(c) (1) In this subsection, “reasonable precautions” includes cultivating cannabis in an enclosed locked space to which persons under the age of 21 years do not possess a key.

(2) A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from unauthorized access and access by a person under the age of 21 years.

(d) Cannabis cultivation may occur only on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(e) A person under the age of 21 years may not cultivate cannabis plants.

(f) (1) A person may not cultivate more than two cannabis plants.

(2) If two or more persons at least 21 years old reside at the same residence, no more than two cannabis plants may be cultivated at that residence.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.];

in lines 15 and 20, strike “6.” and “7.”, respectively, and substitute “7.” and “8.”, respectively.

On page 35, in lines 18, 27, and 34, strike “8.”, “9.”, and “10.”, respectively, and substitute “9.”, “10.”, and “11.”, respectively; and in line 34, strike “and 6” and substitute “6, and 7”.

On page 36, in line 1, strike “11.” and substitute “12.”; in line 2, strike “10” and substitute “11”; in line 6, strike “12.” and substitute “13.”; in line 7, strike “10” and substitute “11”; after line 7, insert:

“SECTION 14. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 11 of this Act, Section 6 of this Act shall take effect July 1, 2028.”;

in line 8, strike “13.” and substitute “15.”; in line 9, strike “10” and substitute “11”; in the same line, strike “6” and substitute “7”; in line 10, strike “14.” and substitute “16.”; and in line 11, strike “11, 12, and 13” and substitute “12, 13, 14, and 15”.