

SENATE BILL 833

E1, E2, J1

CONSTITUTIONAL AMENDMENT

2lr3156

By: **Senator Feldman**

Introduced and read first time: February 7, 2022

Assigned to: Finance and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2022

CHAPTER _____

1 AN ACT concerning

2 **Cannabis ~~Legalization and Regulation~~ Reform**

3 FOR the purpose of ~~establishing that, on or after a certain date, an individual in the State~~
4 ~~who is at least a certain age may use and possess cannabis; altering certain~~
5 ~~provisions relating to penalties, charging procedures, expungement, and sentencing~~
6 ~~for certain offenses involving cannabis; establishing a system for the regulation and~~
7 ~~taxation of the market for the production and sale of cannabis in the State; providing~~
8 ~~for the retroactive application of certain provisions of this Act~~ requiring the Natalie
9 M. LaPrade Medical Cannabis Commission, in consultation with certain
10 stakeholders, to conduct a certain baseline study of cannabis use in the State;
11 establishing the Cannabis Business Assistance Fund in the Department of
12 Commerce as a special, nonlapsing fund to provide assistance to small, minority, and
13 women-owned businesses entering the adult-use cannabis industry; altering certain
14 provisions relating to penalties, charging procedures, expungement, shielding, and
15 sentencing for certain offenses involving marijuana; legalizing the use and
16 possession of a certain quantity of marijuana by a person who is at least a certain
17 age; establishing the Cannabis Public Health Advisory Council; establishing the
18 Cannabis Public Health Fund; establishing the Community Reinvestment and
19 Repair Fund; adding the smoking of cannabis and hemp to certain provisions of law
20 prohibiting smoking in certain areas; allowing a subtraction modification under the
21 Maryland income tax for certain expenses paid or incurred during the taxable year
22 in carrying on a trade or business as a certain medical cannabis grower, processor,
23 dispensary, or independent testing laboratory; and generally relating to cannabis.

24 ~~BY proposing an addition to the Maryland Constitution~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~New Article XX—Cannabis~~
2 ~~Section 1~~

3 BY adding to
4 Article – Health – General
5 Section 13–4401 to be under the new subtitle “Subtitle 44. Cannabis Use Baseline
6 Study”; 13–4501 through 13–4506 to be under the new subtitle “Subtitle 45.
7 Cannabis Public Health Advisory Council”; and 13–4601 to be under the new
8 subtitle “Subtitle 46. Community Reinvestment and Repair Fund”
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Tax – General
13 Section 10–208(a) and 10–308(a)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Tax – General
18 Section 10–208(bb)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Tax – General
23 Section 10–308(b)
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2021 Supplement)

26 BY adding to
27 Article – Economic Development
28 Section 5–1901 to be under the new subtitle “Subtitle 19. Cannabis Business
29 Assistance Fund”
30 Annotated Code of Maryland
31 (2018 Replacement Volume and 2021 Supplement)

32 BY repealing and reenacting, without amendments,
33 Article – State Finance and Procurement
34 Section 6–226(a)(2)(i)
35 Annotated Code of Maryland
36 (2021 Replacement Volume)

37 BY repealing and reenacting, with amendments,
38 Article – State Finance and Procurement
39 Section 6–226(a)(2)(ii)144. and 145.
40 Annotated Code of Maryland

1 (2021 Replacement Volume)

2 BY adding to
3 Article – State Finance and Procurement
4 Section 6–226(a)(2)(ii)146. through 148.
5 Annotated Code of Maryland
6 (2021 Replacement Volume)

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 5–101(a) and 5–601(a) and (c)(1)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2021 Supplement)

12 BY adding to
13 Article – Criminal Law
14 Section 5–101(e–1) and (t), 5–601.2, 5–601.3, and 5–620, (e–2), and (u), 5–601.2, and
15 5–602(c)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Law
20 Section 5–101(p), ~~(s), and (t), 5–601(a), (e), and (d), 5–601.1, 5–612, 5–614, 5–619(e),~~
21 ~~5–620, 10–113, 10–116, and 10–117~~ and (s) through (u), 5–601(a), (c)(2) and
22 (4), and (d), 5–601.1, 5–602, 5–603, 5–607, 5–619(c), 5–620, 10–123, and
23 10–125
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2021 Supplement)

26 BY repealing
27 Article – Criminal Law
28 Section 5–101(r)
29 Annotated Code of Maryland
30 (2021 Replacement Volume and 2021 Supplement)

31 BY repealing and reenacting, without amendments,
32 Article – Courts and Judicial Proceedings
33 Section 3–8A–01(a)
34 Annotated Code of Maryland
35 (2020 Replacement Volume and 2021 Supplement)

36 BY repealing and reenacting, with amendments,
37 Article – Courts and Judicial Proceedings
38 Section 3–8A–01(dd) and 3–8A–33(a)
39 Annotated Code of Maryland
40 (2020 Replacement Volume and 2021 Supplement)

- 1 BY adding to
 2 Article – Criminal Procedure
 3 Section 10–105.3 and ~~10–105.4~~ 10–112
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2021 Supplement)
- 6 ~~BY adding to~~
 7 ~~Article – Health – General~~
 8 ~~Section 23–101 through 23–702 to be under the new title “Title 23. Cannabis”~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2019 Replacement Volume and 2021 Supplement)~~
- 11 ~~BY repealing and reenacting, without amendments,~~
 12 ~~Article – State Finance and Procurement~~
 13 ~~Section 6–226(a)(2)(i)~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2021 Replacement Volume)~~
- 16 ~~BY repealing and reenacting, with amendments,~~
 17 ~~Article – State Finance and Procurement~~
 18 ~~Section 6–226(a)(2)(ii) 144. and 145.~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(2021 Replacement Volume)~~
- 21 ~~BY adding to~~
 22 ~~Article – State Finance and Procurement~~
 23 ~~Section 6–226(a)(2)(ii) 146. through 149.~~
 24 ~~Annotated Code of Maryland~~
 25 ~~(2021 Replacement Volume)~~
- 26 BY repealing and reenacting, with amendments,
 27 Article – Criminal Procedure
 28 Section 4–101(c), 10–101(e), 10–105(a)(12) and (c)(8), 10–107, 10–110(a) and (c),
 29 and 10–111
 30 Annotated Code of Maryland
 31 (2018 Replacement Volume and 2021 Supplement)
- 32 BY repealing and reenacting, without amendments,
 33 Article – Criminal Procedure
 34 Section 10–101(a) and (d)
 35 Annotated Code of Maryland
 36 (2018 Replacement Volume and 2021 Supplement)
- 37 BY repealing and reenacting, with amendments,
 38 Article – Health – General
 39 Section 24–501 through 24–503, 24–507, and 24–510

1 Annotated Code of Maryland
 2 (2019 Replacement Volume and 2021 Supplement)

3 BY repealing and reenacting, without amendments,
 4 Article – Health – General
 5 Section 24–504, 24–505, and 24–508
 6 Annotated Code of Maryland
 7 (2019 Replacement Volume and 2021 Supplement)

8 ~~BY adding to~~
 9 ~~Article – Tax – General~~
 10 ~~Section 12.5–101 through 12.5–104 to be under the new title “Title 12.5. Cannabis~~
 11 ~~Tax”~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2016 Replacement Volume and 2021 Supplement)~~

14 BY repealing and reenacting, with amendments,
 15 Article – Transportation
 16 Section ~~21–902(a)~~ 21–903
 17 Annotated Code of Maryland
 18 (2020 Replacement Volume and 2021 Supplement)

19 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~
 20 ~~(Three fifths of all the members elected to each of the two Houses concurring), That it be~~
 21 ~~proposed that the Maryland Constitution read as follows:~~

~~ARTICLE XX – CANNABIS~~

23 ~~1.~~

24 ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR AFTER JULY 1,~~
 25 ~~2023, AN INDIVIDUAL IN THE STATE WHO IS AT LEAST 21 YEARS OLD MAY USE AND~~
 26 ~~POSSESS CANNABIS.~~

27 ~~(B) THE GENERAL ASSEMBLY SHALL, BY LAW, PROVIDE FOR THE USE,~~
 28 ~~DISTRIBUTION, POSSESSION, REGULATION, AND TAXATION OF CANNABIS WITHIN~~
 29 ~~THE STATE.~~

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 31 ~~as follows:~~

~~Article – Criminal Law~~

33 ~~5–101.~~

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

~~(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:~~

~~(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;~~

~~11. a chillum;~~

~~12. a bong; and~~

~~13. an ice pipe or chiller].~~

~~(3) "DRUG PARAPHERNALIA" DOES NOT INCLUDE CANNABIS ACCESSORIES AS DEFINED IN § 23-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(1) "Marijuana" means:~~

~~(i) all parts of any plant of the genus Cannabis, whether or not the plant is growing;~~

~~(ii) the seeds of the plant;~~

~~(iii) the resin extracted from the plant; and~~

~~(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.~~

~~(2) "Marijuana" does not include:~~

~~(i) the mature stalks of the plant;~~

~~(ii) fiber produced from the mature stalks;~~

~~(iii) oil or cake made from the seeds of the plant;~~

~~(iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;~~

~~(v) the sterilized seed of the plant that is incapable of germination;~~

~~(vi) hemp as defined in § 14-101 of the Agriculture Article.]~~

~~(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 ~~1. an opiate;~~

2 ~~2. a compound, manufactured substance, salt, derivative, or~~
 3 ~~preparation of opium, coca leaf, or an opiate; or~~

4 ~~3. a substance and any compound, manufactured substance,~~
 5 ~~salt, derivative, or preparation that is chemically identical with a substance listed in items~~
 6 ~~1 and 2 of this item; and~~

7 (iii) ~~that is produced:~~

8 ~~1. directly or indirectly by extraction from substances of~~
 9 ~~vegetable origin;~~

10 ~~2. independently by chemical synthesis; or~~

11 ~~3. by a combination of extraction and chemical synthesis.~~

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

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

16 (T) ~~“PERSONAL USE AMOUNT” MEANS:~~

17 (1) ~~(I) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 2~~
 18 ~~OUNCES;~~

19 (II) ~~AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT~~
 20 ~~EXCEED 15 GRAMS;~~

21 (III) ~~AN AMOUNT OF CANNABIS PRODUCTS CONTAINING~~
 22 ~~DELTA 9 TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 1,500 MILLIGRAMS;~~
 23 ~~OR~~

24 (IV) ~~FOUR OR FEWER CANNABIS PLANTS; OR~~

25 (2) ~~ANY ADDITIONAL CANNABIS PRODUCED BY A PERSON’S CANNABIS~~
 26 ~~PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE AMOUNT LISTED~~
 27 ~~IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS PROCESSED IN A LOCATION:~~

28 (I) ~~WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND~~

29 (II) ~~THAT IS SECURE FROM UNAUTHORIZED ACCESS AND~~
 30 ~~ACCESS BY A PERSON WHO IS UNDER THE AGE OF 21 YEARS.~~

1 ~~5-601.~~

2 ~~(a) Except as otherwise provided in this title, a person may not:~~

3 ~~(1) possess or administer to another a controlled dangerous substance,~~
4 ~~unless:~~

5 ~~(I) obtained directly or by prescription or order from an authorized~~
6 ~~provider acting in the course of professional practice; [or]~~

7 ~~(II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS,~~
8 ~~THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED DOES~~
9 ~~NOT EXCEED A PERSONAL USE AMOUNT; OR~~

10 ~~(III) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS~~
11 ~~AND POSSESSION IS LEGAL UNDER TITLE 13, SUBTITLE 33 OR TITLE 23 OF THE~~
12 ~~HEALTH GENERAL ARTICLE; OR~~

13 ~~(2) obtain or attempt to obtain a controlled dangerous substance, or~~
14 ~~procure or attempt to procure the administration of a controlled dangerous substance by:~~

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

16 ~~(ii) the counterfeiting or alteration of a prescription or a written~~
17 ~~order;~~

18 ~~(iii) the concealment of a material fact;~~

19 ~~(iv) the use of a false name or address;~~

20 ~~(v) falsely assuming the title of or representing to be a~~
21 ~~manufacturer, distributor, or authorized provider; or~~

22 ~~(vi) making, issuing, or presenting a false or counterfeit prescription~~
23 ~~or written order.~~

24 ~~(e) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a~~
25 ~~person who violates this section is guilty of a misdemeanor and on conviction is subject to:~~

26 ~~(i) for a first conviction, imprisonment not exceeding 1 year or a fine~~
27 ~~not exceeding \$5,000 or both;~~

28 ~~(ii) for a second or third conviction, imprisonment not exceeding 18~~
29 ~~months or a fine not exceeding \$5,000 or both; or~~

1 ~~(iii) for a fourth or subsequent conviction, imprisonment not~~
2 ~~exceeding 2 years or a fine not exceeding \$5,000 or both.~~

3 ~~(2) (i) Except as provided in [subparagraph (i)] SUBPARAGRAPHS (II)~~
4 ~~AND (III) of this paragraph AND TITLE 23 OF THE HEALTH GENERAL ARTICLE, a~~
5 ~~person whose violation of this section involves the use or possession of [marijuana]~~
6 ~~CANNABIS is guilty of [a] THE misdemeanor of possession of [marijuana] CANNABIS and~~
7 ~~is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.~~

8 ~~(ii) 1. A. A first finding of guilt under this section involving~~
9 ~~the use or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
10 ~~EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER THE AGE OF 21~~
11 ~~YEARS is a civil offense punishable by a fine not exceeding \$100.~~

12 ~~B. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL~~
13 ~~OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,~~
14 ~~A PENALTY OF UP TO 6 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

15 ~~2. A. A second finding of guilt under this section~~
16 ~~involving the use or possession of [less than 10 grams of marijuana] AN AMOUNT OF~~
17 ~~CANNABIS NOT EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER~~
18 ~~THE AGE OF 21 YEARS is a civil offense punishable by a fine not exceeding \$250.~~

19 ~~B. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL~~
20 ~~OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,~~
21 ~~A PENALTY OF UP TO 16 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

22 ~~3. A. A third or subsequent finding of guilt under this~~
23 ~~section involving the use or possession of [less than 10 grams of marijuana] AN AMOUNT~~
24 ~~OF CANNABIS NOT EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL~~
25 ~~UNDER THE AGE OF 21 YEARS is a civil offense punishable by a fine not exceeding \$500.~~

26 ~~B. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL~~
27 ~~OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,~~
28 ~~A PENALTY OF UP TO 32 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

29 ~~4. A. In addition to a fine, a court shall order a person~~
30 ~~under the age of 21 years who commits a violation punishable under subparagraph 1,~~
31 ~~2, or 3 of this subparagraph to attend a drug education program approved by the Maryland~~
32 ~~Department of Health, refer the person to an assessment for substance abuse disorder, and~~
33 ~~refer the person to substance abuse treatment, if necessary.~~

34 ~~B. [In addition to a fine, a court shall order a person at least~~
35 ~~21 years old who commits a violation punishable under subparagraph 3 of this~~
36 ~~subparagraph to attend a drug education program approved by the Maryland Department~~

1 ~~of Health, refer the person to an assessment for substance abuse disorder, and refer the~~
 2 ~~person to substance abuse treatment, if necessary.~~

3 ~~C.] A court that orders a person to a drug education program~~
 4 ~~or substance abuse assessment or treatment under this subsubparagraph may hold the~~
 5 ~~case sub curia pending receipt of proof of completion of the program, assessment, or~~
 6 ~~treatment.~~

7 ~~(HH) 1. A VIOLATION OF THIS SECTION INVOLVING A PERSON~~
 8 ~~AT LEAST 21 YEARS OLD POSSESSING CANNABIS IN AN AMOUNT GREATER THAN THE~~
 9 ~~PERSONAL USE AMOUNT BUT NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT~~
 10 ~~IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.~~

11 ~~2. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL~~
 12 ~~OFFENSE UNDER THIS SUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED, A~~
 13 ~~PENALTY OF UP TO 16 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

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

16 ~~2. "Bona fide physician-patient relationship" means a~~
 17 ~~relationship in which the physician has ongoing responsibility for the assessment, care, and~~
 18 ~~treatment of a patient's medical condition.~~

19 ~~3. "Caregiver" means an individual designated by a patient~~
 20 ~~with a debilitating medical condition to provide physical or medical assistance to the~~
 21 ~~patient, including assisting with the medical use of [marijuana] CANNABIS, who:~~

22 ~~A. is a resident of the State;~~

23 ~~B. is at least 21 years old;~~

24 ~~C. is an immediate family member, a spouse, or a domestic~~
 25 ~~partner of the patient;~~

26 ~~D. has not been convicted of a crime of violence as defined in~~
 27 ~~§ 14-101 of this article;~~

28 ~~E. has not been convicted of a violation of a State or federal~~
 29 ~~controlled dangerous substances law;~~

30 ~~F. has not been convicted of a crime of moral turpitude;~~

31 ~~G. has been designated as caregiver by the patient in writing~~
 32 ~~that has been placed in the patient's medical record prior to arrest;~~

1 ~~H. is the only individual designated by the patient to serve as~~
2 ~~caregiver; and~~

3 ~~I. is not serving as caregiver for any other patient.~~

4 ~~4. "Debilitating medical condition" means a chronic or~~
5 ~~debilitating disease or medical condition or the treatment of a chronic or debilitating~~
6 ~~disease or medical condition that produces one or more of the following, as documented by~~
7 ~~a physician with whom the patient has a bona fide physician-patient relationship:~~

8 ~~A. cachexia or wasting syndrome;~~

9 ~~B. severe or chronic pain;~~

10 ~~C. severe nausea;~~

11 ~~D. seizures;~~

12 ~~E. severe and persistent muscle spasms; or~~

13 ~~F. any other condition that is severe and resistant to~~
14 ~~conventional medicine.~~

15 (ii) ~~1. In a prosecution for the use or possession of [marijuana]~~
16 ~~CANNABIS, the defendant may introduce and the court shall consider as a mitigating factor~~
17 ~~any evidence of medical necessity.~~

18 ~~2. Notwithstanding paragraph (2) of this subsection, if the~~
19 ~~court finds that the person used or possessed [marijuana] CANNABIS because of medical~~
20 ~~necessity, the court shall dismiss the charge.~~

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

24 ~~A. the defendant has a debilitating medical condition that~~
25 ~~has been diagnosed by a physician with whom the defendant has a bona fide~~
26 ~~physician-patient relationship;~~

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

29 ~~C. [marijuana] CANNABIS is likely to provide the defendant~~
30 ~~with therapeutic or palliative relief from the debilitating medical condition.~~

~~2. A. In a prosecution for the possession of [marijuana] CANNABIS under this section, it is an affirmative defense that the defendant possessed [marijuana] CANNABIS because the [marijuana] CANNABIS 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 subsubparagraph 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] CANNABIS in a public place or assisting the individual for whom the defendant is a caregiver in using the [marijuana] CANNABIS in a public place; or~~

~~B. in possession of more than 1 ounce of [marijuana] CANNABIS.~~

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

~~(d) The provisions of subsection (c)(2)(ii) of this section making the possession of [marijuana] CANNABIS a civil offense **FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS AND THE PROVISIONS OF TITLE 23 OF THE HEALTH GENERAL ARTICLE MAKING THE POSSESSION OF CANNABIS LEGAL FOR INDIVIDUALS AT LEAST 21 YEARS OLD** 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.~~

~~5-601.1.~~

~~(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT.**~~

1 ~~(b) (1) A violation of § 5-601 of this part involving the use or possession of [less~~
 2 ~~than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE~~
 3 ~~PERSONAL USE AMOUNT is a civil offense.~~

4 ~~(2) Adjudication of a violation under § 5-601 of this part involving the use~~
 5 ~~or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
 6 ~~EXCEEDING DOUBLE THE PERSONAL USE AMOUNT:~~

7 ~~(i) is not a criminal conviction for any purpose; and~~

8 ~~(ii) does not impose any of the civil disabilities that may result from~~
 9 ~~a criminal conviction.~~

10 ~~(c) (1) A citation issued for a violation of § 5-601 of this part involving the use~~
 11 ~~or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
 12 ~~EXCEEDING DOUBLE THE PERSONAL USE AMOUNT shall be signed by the police officer~~
 13 ~~who issues the citation and shall contain:~~

14 ~~(i) the name, address, and date of birth of the person charged;~~

15 ~~(ii) the date and time that the violation occurred;~~

16 ~~(iii) the location at which the violation occurred;~~

17 ~~(iv) the fine OR AMOUNT OF COMMUNITY SERVICE that may be~~
 18 ~~imposed;~~

19 ~~(v) a notice stating that prepayment of the fine is allowed, except as~~
 20 ~~provided in paragraph (2) of this subsection; and~~

21 ~~(vi) a notice in boldface type that states that the person shall:~~

22 ~~1. pay the full amount of the preset fine; [or]~~

23 ~~2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;~~

24 ~~OR~~

25 ~~3. request a trial date at the date, time, and place established~~
 26 ~~by the District Court by writ or trial notice.~~

27 ~~(2) [(i)] If a citation for a violation of § 5-601 of this part involving the~~
 28 ~~use or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
 29 ~~EXCEEDING DOUBLE THE PERSONAL USE AMOUNT is issued to a person under the age~~
 30 ~~of 21 years, the court shall summon the person for trial.~~

1 ~~[(ii) If the court finds that a person at least 21 years old who has been~~
2 ~~issued a citation under this section has at least twice previously been found guilty under §~~
3 ~~5-601 of this part involving the use or possession of less than 10 grams of marijuana, the~~
4 ~~court shall summon the person for trial.]~~

5 ~~(d) The form of the citation shall be uniform throughout the State and shall be~~
6 ~~prescribed by the District Court.~~

7 ~~(e) (1) The Chief Judge of the District Court shall establish a schedule for the~~
8 ~~prepayment of the fine AND PROCEDURES FOR INDIVIDUALS TO REQUEST AND BE~~
9 ~~GRANTED COMMUNITY SERVICE IN LIEU OF A FINE.~~

10 ~~(2) Prepayment of a fine OR ACCEPTANCE OF COMMUNITY SERVICE IN~~
11 ~~LIEU OF A FINE shall be considered a plea of guilty to a Code violation.~~

12 ~~(3) A person described in subsection (e)(2) of this section may not prepay~~
13 ~~the fine.~~

14 ~~(f) (1) A person may request a trial by sending a request for trial to the District~~
15 ~~Court in the jurisdiction where the citation was issued within 30 days of the issuance of the~~
16 ~~citation.~~

17 ~~(2) If a person other than a person described in subsection (e)(2) of this~~
18 ~~section does not request a trial [or], prepay the fine, OR REQUEST COMMUNITY SERVICE~~
19 ~~IN LIEU OF A FINE within 30 days of the issuance of the citation, the court may impose the~~
20 ~~maximum fine and costs against the person and find the person is guilty of a Code violation~~
21 ~~[for purposes of subsection (e)(2)(ii) of this section].~~

22 ~~(g) The issuing jurisdiction shall forward a copy of the citation and a request for~~
23 ~~trial to the District Court in the district having venue.~~

24 ~~(h) (1) The failure of a defendant to respond to a summons described in~~
25 ~~subsection (e)(2) of this section shall be governed by § 5-212 of the Criminal Procedure~~
26 ~~Article.~~

27 ~~(2) If a person at least 21 years old fails to appear after having requested~~
28 ~~a trial, the court may impose the maximum fine OR COMMUNITY SERVICE and costs~~
29 ~~against the person and find the person is guilty of a Code violation [for purposes of~~
30 ~~subsection (e)(2)(ii) of this section].~~

31 ~~(i) In any proceeding for a Code violation under § 5-601 of this part involving the~~
32 ~~use or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
33 ~~EXCEEDING DOUBLE THE PERSONAL USE AMOUNT:~~

34 ~~(1) the State has the burden to prove the guilt of the defendant by a~~
35 ~~preponderance of the evidence;~~

1 ~~(2) the court shall apply the evidentiary standards as prescribed by law or~~
2 ~~rule for the trial of a criminal case;~~

3 ~~(3) the court shall ensure that the defendant has received a copy of the~~
4 ~~charges against the defendant and that the defendant understands those charges;~~

5 ~~(4) the defendant is entitled to cross-examine all witnesses who appear~~
6 ~~against the defendant, to produce evidence or witnesses on behalf of the defendant, and to~~
7 ~~testify on the defendant's own behalf, if the defendant chooses to do so;~~

8 ~~(5) the defendant is entitled to be represented by counsel of the defendant's~~
9 ~~choice and at the expense of the defendant; and~~

10 ~~(6) the defendant may enter a plea of guilty or not guilty, and the verdict~~
11 ~~of the court in the case shall be:~~

12 ~~(i) guilty of a Code violation;~~

13 ~~(ii) not guilty of a Code violation; or~~

14 ~~(iii) probation before judgment, imposed by the court in the same~~
15 ~~manner and to the same extent as is allowed by law in the trial of a criminal case.~~

16 ~~(j) (1) The defendant is liable for the costs of the proceedings in the District~~
17 ~~Court.~~

18 ~~(2) The court costs in a Code violation case under § 5-601 of this part~~
19 ~~involving the use or possession of [less than 10 grams of marijuana] AN AMOUNT OF~~
20 ~~CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT in which costs are~~
21 ~~imposed are \$5.~~

22 ~~(k) (1) The State's Attorney for any county may prosecute a Code violation~~
23 ~~under § 5-601 of this part involving the use or possession of [less than 10 grams of~~
24 ~~marijuana] AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE~~
25 ~~AMOUNT in the same manner as prosecution of a violation of the criminal laws of the State.~~

26 ~~(2) In a Code violation case under § 5-601 of this part involving the use or~~
27 ~~possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT~~
28 ~~EXCEEDING DOUBLE THE PERSONAL USE AMOUNT, the State's Attorney may:~~

29 ~~(i) enter a nolle prosequi or move to place the case on the stet docket;~~
30 ~~and~~

31 ~~(ii) exercise authority in the same manner as prescribed by law for~~
32 ~~violation of the criminal laws of the State.~~

~~(l) A person issued a citation for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.~~

~~(m) A citation for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public website maintained by the Maryland Judiciary if:~~

~~(1) the defendant has prepaid the fine OR PERFORMED THE COMMUNITY SERVICE;~~

~~(2) the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine OR PERFORMED THE COMMUNITY SERVICE and PAID THE costs imposed for the violation;~~

~~(3) the defendant has received a probation before judgment and has fully paid the fine OR PERFORMED THE COMMUNITY SERVICE and completed any terms imposed by the court;~~

~~(4) the case has been removed from the stet docket after the defendant fully paid the fine OR PERFORMED THE COMMUNITY SERVICE and completed any terms imposed by the court;~~

~~(5) the State has entered a nolle prosequi;~~

~~(6) the defendant has been found not guilty of the charge; or~~

~~(7) the charge has been dismissed.~~

~~5-601.2.~~

~~(A) A PERSON MAY NOT SMOKE CANNABIS IN A PUBLIC PLACE, AS DEFINED IN § 23-101 OF THE HEALTH GENERAL ARTICLE.~~

~~(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$50.~~

~~(2) A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO 5 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

~~(C) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF THIS SECTION.~~

~~(D) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.~~

~~(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:~~

~~(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND~~

~~(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.~~

~~(E) (1) A CITATION ISSUED FOR A VIOLATION OF THIS SECTION SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:~~

~~(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON CHARGED;~~

~~(II) THE DATE AND TIME THAT THE VIOLATION OCCURRED;~~

~~(III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;~~

~~(IV) THE FINE OR AMOUNT OF COMMUNITY SERVICE THAT MAY BE IMPOSED;~~

~~(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS ALLOWED, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND~~

~~(VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE PERSON SHALL:~~

~~1. PAY THE FULL AMOUNT OF THE PRESET FINE;~~

~~2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;~~

~~OR~~

~~3. REQUEST A TRIAL AT THE DATE, TIME, AND PLACE ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.~~

~~(2) IF A CITATION FOR A VIOLATION OF THIS SECTION IS ISSUED TO A PERSON UNDER THE AGE OF 21 YEARS, THE COURT SHALL SUMMON THE PERSON FOR TRIAL.~~

1 ~~(F) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE~~
2 ~~STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.~~

3 ~~(G) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A~~
4 ~~SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR~~
5 ~~INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A~~
6 ~~FINE.~~

7 ~~(2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY~~
8 ~~SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE~~
9 ~~VIOLATION.~~

10 ~~(3) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT PREPAY THE~~
11 ~~FINE.~~

12 ~~(H) (1) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR~~
13 ~~TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS~~
14 ~~ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.~~

15 ~~(2) IF A PERSON DOES NOT REQUEST A TRIAL, PREPAY THE FINE, OR~~
16 ~~REQUEST COMMUNITY SERVICE IN LIEU OF A FINE WITHIN 30 DAYS AFTER THE~~
17 ~~ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE OR~~
18 ~~COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON~~
19 ~~GUILTY OF A CODE VIOLATION.~~

20 ~~(I) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION~~
21 ~~AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING~~
22 ~~VENUE.~~

23 ~~(J) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS~~
24 ~~DESCRIBED IN SUBSECTION (E)(2) OF THIS SECTION SHALL BE GOVERNED BY §~~
25 ~~5-212 OF THE CRIMINAL PROCEDURE ARTICLE.~~

26 ~~(2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER~~
27 ~~HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE OR~~
28 ~~COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON~~
29 ~~GUILTY OF A CODE VIOLATION.~~

30 ~~(K) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:~~

31 ~~(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE~~
32 ~~DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;~~

1 ~~(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS~~
2 ~~PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;~~

3 ~~(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED~~
4 ~~A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT~~
5 ~~UNDERSTANDS THOSE CHARGES;~~

6 ~~(4) THE DEFENDANT IS ENTITLED TO CROSS EXAMINE ALL~~
7 ~~WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR~~
8 ~~WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S~~
9 ~~OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;~~

10 ~~(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL~~
11 ~~OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND~~

12 ~~(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY,~~
13 ~~AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:~~

14 ~~(I) GUILTY OF A CODE VIOLATION;~~

15 ~~(II) NOT GUILTY OF A CODE VIOLATION; OR~~

16 ~~(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT~~
17 ~~IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE~~
18 ~~TRIAL OF A CRIMINAL CASE.~~

19 ~~(L) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE~~
20 ~~PROCEEDINGS IN THE DISTRICT COURT.~~

21 ~~(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS~~
22 ~~SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.~~

23 ~~(M) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A~~
24 ~~CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION~~
25 ~~FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.~~

26 ~~(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S~~
27 ~~ATTORNEY MAY:~~

28 ~~(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON~~
29 ~~THE STET DOCKET; AND~~

30 ~~(II) EXERCISE AUTHORITY IN THE SAME MANNER AS~~
31 ~~PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.~~

1 ~~(N) A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS SECTION WHO~~
2 ~~IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND~~
3 ~~DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.~~

4 ~~(O) A CITATION FOR A VIOLATION OF THIS SECTION AND THE OFFICIAL~~
5 ~~RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC~~
6 ~~INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY~~
7 ~~THE MARYLAND JUDICIARY IF:~~

8 ~~(1) THE DEFENDANT HAS PREPAID THE FINE OR PERFORMED THE~~
9 ~~COMMUNITY SERVICE;~~

10 ~~(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY~~
11 ~~OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE OR PERFORMED THE~~
12 ~~COMMUNITY SERVICE AND PAID THE COSTS IMPOSED FOR THE VIOLATION;~~

13 ~~(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE~~
14 ~~JUDGMENT AND HAS FULLY PAID THE FINE OR PERFORMED THE COMMUNITY~~
15 ~~SERVICE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;~~

16 ~~(4) THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER~~
17 ~~THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY~~
18 ~~THE COURT;~~

19 ~~(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;~~

20 ~~(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;~~
21 ~~OR~~

22 ~~(7) THE CHARGE HAS BEEN DISMISSED.~~

23 ~~5-601.3.~~

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

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

~~(2) IF TWO OR MORE PERSONS AT LEAST 21 YEARS OLD RESIDE AT THE SAME RESIDENCE, NOT MORE THAN EIGHT CANNABIS PLANTS MAY BE CULTIVATED AT THAT RESIDENCE.~~

~~(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$750.~~

~~(2) A PERSON WHO VIOLATES THIS SECTION BY CULTIVATING MORE THAN FOUR PLANTS BUT LESS THAN EIGHT PLANTS IS GUILTY OF A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.~~

~~(3) A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO 50 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.~~

~~(H) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF THIS SECTION.~~

~~(I) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.~~

~~(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:~~

~~(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND~~

1 ~~(H) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT~~
2 ~~MAY RESULT FROM A CRIMINAL CONVICTION.~~

3 ~~(J) (1) A CITATION ISSUED FOR A VIOLATION OF THIS SECTION SHALL BE~~
4 ~~SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:~~

5 ~~(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON~~
6 ~~CHARGED;~~

7 ~~(II) THE DATE AND TIME THAT THE VIOLATION OCCURRED;~~

8 ~~(III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;~~

9 ~~(IV) THE FINE OR AMOUNT OF COMMUNITY SERVICE THAT MAY~~
10 ~~BE IMPOSED;~~

11 ~~(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS~~
12 ~~ALLOWED, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND~~

13 ~~(VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE~~
14 ~~PERSON SHALL:~~

15 ~~1. PAY THE FULL AMOUNT OF THE PRESET FINE;~~

16 ~~2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;~~

17 ~~OR~~

18 ~~3. REQUEST A TRIAL AT THE DATE, TIME, AND PLACE~~
19 ~~ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.~~

20 ~~(2) IF A CITATION FOR A VIOLATION OF THIS SECTION IS ISSUED TO A~~
21 ~~PERSON UNDER THE AGE OF 21 YEARS, THE COURT SHALL SUMMON THE PERSON~~
22 ~~FOR TRIAL.~~

23 ~~(K) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE~~
24 ~~STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.~~

25 ~~(L) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A~~
26 ~~SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR~~
27 ~~INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A~~
28 ~~FINE.~~

1 ~~(2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY~~
2 ~~SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE~~
3 ~~VIOLATION.~~

4 ~~(3) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT PREPAY THE~~
5 ~~FINE.~~

6 ~~(M) (1) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR~~
7 ~~TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS~~
8 ~~ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.~~

9 ~~(2) IF A PERSON DOES NOT REQUEST A TRIAL, PREPAY THE FINE, OR~~
10 ~~REQUEST COMMUNITY SERVICE IN LIEU OF A FINE WITHIN 30 DAYS AFTER THE~~
11 ~~ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE OR~~
12 ~~COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON~~
13 ~~GUILTY OF A CODE VIOLATION.~~

14 ~~(N) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION~~
15 ~~AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING~~
16 ~~VENUE.~~

17 ~~(O) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS~~
18 ~~DESCRIBED IN SUBSECTION (J)(2) OF THIS SECTION SHALL BE GOVERNED BY §~~
19 ~~5-212 OF THE CRIMINAL PROCEDURE ARTICLE.~~

20 ~~(2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER~~
21 ~~HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE OR~~
22 ~~COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON~~
23 ~~GUILTY OF A CODE VIOLATION.~~

24 ~~(P) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:~~

25 ~~(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE~~
26 ~~DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;~~

27 ~~(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS~~
28 ~~PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;~~

29 ~~(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED~~
30 ~~A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT~~
31 ~~UNDERSTANDS THOSE CHARGES;~~

32 ~~(4) THE DEFENDANT IS ENTITLED TO CROSS EXAMINE ALL~~
33 ~~WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR~~

~~1 WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S~~
~~2 OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;~~

~~3 (5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL~~
~~4 OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND~~

~~5 (6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY,~~
~~6 AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:~~

~~7 (I) GUILTY OF A CODE VIOLATION;~~

~~8 (II) NOT GUILTY OF A CODE VIOLATION; OR~~

~~9 (III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT~~
~~10 IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE~~
~~11 TRIAL OF A CRIMINAL CASE.~~

~~12 (Q) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE~~
~~13 PROCEEDINGS IN THE DISTRICT COURT.~~

~~14 (2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS~~
~~15 SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.~~

~~16 (R) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A~~
~~17 CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION~~
~~18 FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.~~

~~19 (2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S~~
~~20 ATTORNEY MAY:~~

~~21 (I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON~~
~~22 THE STET DOCKET; AND~~

~~23 (II) EXERCISE AUTHORITY IN THE SAME MANNER AS~~
~~24 PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.~~

~~25 (S) A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS SECTION WHO~~
~~26 IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND~~
~~27 DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.~~

~~28 (T) A CITATION FOR A VIOLATION OF THIS SECTION AND THE OFFICIAL~~
~~29 RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC~~
~~30 INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY~~
~~31 THE MARYLAND JUDICIARY IF:~~

1 ~~(1) THE DEFENDANT HAS PREPAID THE FINE OR PERFORMED THE~~
2 ~~COMMUNITY SERVICE;~~

3 ~~(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY~~
4 ~~OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE OR PERFORMED THE~~
5 ~~COMMUNITY SERVICE AND PAID THE COSTS IMPOSED FOR THE VIOLATION;~~

6 ~~(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE~~
7 ~~JUDGMENT AND HAS FULLY PAID THE FINE OR PERFORMED THE COMMUNITY~~
8 ~~SERVICE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;~~

9 ~~(4) THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER~~
10 ~~THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY~~
11 ~~THE COURT;~~

12 ~~(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;~~

13 ~~(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;~~

14 ~~OR~~

15 ~~(7) THE CHARGE HAS BEEN DISMISSED.~~

16 ~~5-612.~~

17 ~~(a) [A] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A person may not~~
18 ~~manufacture, distribute, dispense, or possess:~~

19 ~~(1) 50 pounds or more of [marijuana] CANNABIS;~~

20 ~~(2) 448 grams or more of cocaine;~~

21 ~~(3) 448 grams or more of any mixture containing a detectable amount, as~~
22 ~~scientifically measured using representative sampling methodology, of cocaine;~~

23 ~~(4) 448 grams or more of cocaine base, commonly known as “crack”;~~

24 ~~(5) 28 grams or more of morphine or opium or any derivative, salt, isomer,~~
25 ~~or salt of an isomer of morphine or opium;~~

26 ~~(6) 28 grams or more of any mixture containing a detectable amount, as~~
27 ~~scientifically measured using representative sampling methodology, of morphine or opium~~
28 ~~or any derivative, salt, isomer, or salt of an isomer of morphine or opium;~~

29 ~~(7) 5 grams or more of fentanyl or any structural variation of fentanyl that~~
30 ~~is scheduled by the United States Drug Enforcement Administration;~~

~~(8) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;~~

~~(9) 1,000 dosage units or more of lysergic acid diethylamide;~~

~~(10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;~~

~~(11) 16 ounces or more of phenacyclidine in liquid form;~~

~~(12) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of phenacyclidine;~~

~~(13) 448 grams or more of methamphetamine; or~~

~~(14) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of methamphetamine.~~

~~(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.~~

~~(c) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.~~

~~(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.~~

~~(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.~~

~~5-614.~~

~~(a) (1) Unless authorized by law to possess the substance, a person may not bring into the State:~~

~~(i) 45 kilograms or more of [marijuana] CANNABIS;~~

~~(ii) 28 grams or more of cocaine;~~

~~(iii) any mixture containing 28 grams or more of cocaine;~~

1 ~~(iv) 4 grams or more of morphine or opium or any derivative, salt,~~
2 ~~isomer, or salt of an isomer of morphine or opium;~~

3 ~~(v) 1,000 dosage units of lysergic acid diethylamide;~~

4 ~~(vi) any mixture containing the equivalent of 1,000 dosage units of~~
5 ~~lysergic acid diethylamide;~~

6 ~~(vii) 28 grams or more of phenethylidine in liquid or powder form;~~

7 ~~(viii) 112 grams or more of any mixture containing phenethylidine;~~

8 ~~(ix) 1,000 dosage units or more of methaqualone;~~

9 ~~(x) 28 grams or more of methamphetamine;~~

10 ~~(xi) any mixture containing 28 grams or more of methamphetamine;~~

11 ~~or~~

12 ~~(xii) 4 grams or more of fentanyl or a fentanyl analogue.~~

13 ~~(2) A person who violates this subsection is guilty of a felony and on~~
14 ~~conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$50,000~~
15 ~~or both.~~

16 ~~(b) (1) Unless authorized by law to possess the [marijuana] CANNABIS, a~~
17 ~~person may not bring into the State more than 5 kilograms but less than 45 kilograms of~~
18 ~~[marijuana] CANNABIS.~~

19 ~~(2) A person who violates this subsection is guilty of a felony and on~~
20 ~~conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000~~
21 ~~or both.~~

22 ~~5-619.~~

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

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

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

30 ~~(ii) inject, ingest, inhale, or otherwise introduce into the human body~~
31 ~~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~~

~~(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;~~

~~(2) a sieve;~~

~~(3) a strainer;~~

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

11 ~~(e) Information that is communicated to a physician to obtain controlled~~
 12 ~~paraphernalia from the physician in violation of this subtitle is not a privileged~~
 13 ~~communication.~~

14 ~~(d) [(1) Except as provided in paragraph (2) of this subsection, a] A person who~~
 15 ~~violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment~~
 16 ~~not exceeding 4 years or a fine not exceeding \$25,000 or both.~~

17 ~~[(2) A person who violates this section involving the use or possession of~~
 18 ~~marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000~~
 19 ~~or both.]~~

20 ~~**5-629.**~~

21 ~~**THE OFFENSES AND PENALTIES IN THIS SUBTITLE DO NOT APPLY TO**~~
 22 ~~**ACTIVITIES RELATED TO CANNABIS OR CANNABIS ACCESSORIES THAT ARE LEGAL**~~
 23 ~~**UNDER:**~~

24 ~~**(1) TITLE 13, SUBTITLE 33 OF THE HEALTH GENERAL ARTICLE; OR**~~

25 ~~**(2) TITLE 23 OF THE HEALTH GENERAL ARTICLE.**~~

26 ~~10-113.~~

27 ~~An individual may not knowingly and willfully make a misrepresentation or false~~
 28 ~~statement as to the age of that individual or another to any person licensed to sell alcoholic~~

~~1 beverages OR CANNABIS or engaged in the sale of alcoholic beverages OR CANNABIS, for
2 the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic
3 beverage OR CANNABIS to an individual.~~

~~4 10-116.~~

~~5 An individual may not obtain, or attempt to obtain by purchase or otherwise, an
6 alcoholic beverage OR CANNABIS from any person licensed to sell alcoholic beverages OR
7 CANNABIS for consumption by another who the individual obtaining or attempting to
8 obtain the beverage OR CANNABIS knows is under the age of 21 years.~~

~~9 10-117.~~

~~10 (a) Except as provided in [subsection (c)] SUBSECTIONS (C) AND (D) of this
11 section, a person may not furnish an alcoholic beverage, CANNABIS, OR CANNABIS
12 ACCESSORIES AS DEFINED IN § 23-101 OF THE HEALTH GENERAL ARTICLE to an
13 individual if:~~

~~14 (1) the person furnishing the alcoholic beverage, CANNABIS, OR
15 CANNABIS ACCESSORIES knows that the individual is under the age of 21 years; and~~

~~16 (2) the alcoholic beverage [is], CANNABIS, OR CANNABIS ACCESSORIES
17 ARE furnished for the purpose of consumption by the individual under the age of 21 years.~~

~~18 (b) Except as provided in subsection (c) of this section, an adult may not
19 knowingly and willfully allow an individual under the age of 21 years actually to possess
20 or consume an alcoholic beverage OR CANNABIS at a residence, or within the curtilage of
21 a residence that the adult owns or leases and in which the adult resides.~~

~~22 (c) (1) The prohibition set forth in subsection (a) of this section does not apply
23 if [the] A person furnishing [the] AN alcoholic beverage and the individual to whom the
24 alcoholic beverage is furnished:~~

~~25 (i) are members of the same immediate family, and the alcoholic
26 beverage is furnished and consumed in a private residence or within the curtilage of the
27 residence; or~~

~~28 (ii) are participants in a religious ceremony.~~

~~29 (2) The prohibition set forth in subsection (b) of this section does not apply
30 if [the] AN adult allowing the possession or consumption of [the] AN alcoholic beverage and
31 the individual under the age of 21 years who possesses or consumes the alcoholic beverage:~~

~~32 (i) are members of the same immediate family, and the alcoholic
33 beverage is possessed and consumed in a private residence, or within the curtilage of the
34 residence, of the adult; or~~

1 (ii) ~~are participants in a religious ceremony.~~

2 (d) ~~THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS~~
3 ~~SECTION DO NOT APPLY IN THE CASE OF AN INDIVIDUAL UNDER THE AGE OF 21~~
4 ~~YEARS WHO IS ALLOWED TO POSSESS CANNABIS AND CANNABIS ACCESSORIES~~
5 ~~UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH GENERAL ARTICLE.~~

6 (E) ~~A person may not violate subsection (a) or (b) of this section if the violation~~
7 ~~involves an individual under the age of 21 years who:~~

8 (1) ~~the person knew or reasonably should have known would operate a~~
9 ~~motor vehicle after consuming the alcoholic beverage OR CANNABIS; and~~

10 (2) ~~as a result of operating a motor vehicle while under the influence of~~
11 ~~alcohol or while impaired by alcohol OR CANNABIS, causes serious physical injury or death~~
12 ~~to the individual or another.~~

13 ~~Article Criminal Procedure~~

14 ~~10-105.3.~~

15 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
16 ~~INDICATED.~~

17 (2) ~~“AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT WITHOUT~~
18 ~~THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS THE~~
19 ~~SUBJECT OF THE RECORDS TO BE EXPUNGED.~~

20 (3) ~~“PERSONAL USE AMOUNT” HAS THE MEANING STATED IN § 5-601~~
21 ~~OF THE CRIMINAL LAW ARTICLE.~~

22 (B) ~~ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY~~
23 ~~DISPOSITION OF A CHARGE OF POSSESSION OF CANNABIS UNDER § 5-601 OF THE~~
24 ~~CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF CANNABIS THAT DID NOT~~
25 ~~EXCEED THE PERSONAL USE AMOUNT ENTERED BEFORE OCTOBER 1, 2023, WHERE~~
26 ~~POSSESSION OF CANNABIS IS THE ONLY CHARGE IN THE CASE, SHALL BE~~
27 ~~AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2023.~~

28 (C) ~~NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS~~
29 ~~AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION~~
30 ~~OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A~~
31 ~~QUANTITY OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT~~
32 ~~ENTERED BEFORE OCTOBER 1, 2023, WHERE THE DEFENDANT WAS ALSO CHARGED~~
33 ~~WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE~~

~~DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY
EXPUNGED ON OR BEFORE OCTOBER 1, 2024.~~

~~(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF
CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY
OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED ON OR
AFTER OCTOBER 1, 2022, OR A CIVIL CHARGE UNDER § 5-601.1 OR § 5-601.2 OF THE
CRIMINAL LAW ARTICLE, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:~~

~~(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE
EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE
RECORDS RELATING TO THE CHARGE 1 YEAR AFTER DISPOSITION OF THE CHARGE;
AND~~

~~(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS
RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 1 YEAR AND 90
DAYS AFTER DISPOSITION.~~

~~10-105.4.~~

~~(A) IN THIS SECTION, "PERSONAL USE AMOUNT" HAS THE MEANING STATED
IN § 5-601 OF THE CRIMINAL LAW ARTICLE.~~

~~(B) (1) THE LEGALIZATION OF POSSESSION AND CULTIVATION OF A
PERSONAL USE AMOUNT OF CANNABIS BY PERSONS AT LEAST 21 YEARS OLD UNDER
TITLE 23 OF THE HEALTH GENERAL ARTICLE IS RETROACTIVE.~~

~~(2) ALL CHARGES PENDING ON OCTOBER 1, 2022, FOR POSSESSION
OR CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS BY A PERSON WHO IS
AT LEAST 21 YEARS OLD SHALL BE DISMISSED.~~

~~(3) (i) A PERSON INCARCERATED OR UNDER SUPERVISION ON OR
AFTER OCTOBER 1, 2022, FOR AN OFFENSE INVOLVING THE POSSESSION OR
CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS MAY PRESENT AN
APPLICATION FOR RELEASE TO THE COURT THAT SENTENCED THE PERSON.~~

~~(H) 1. THE COURT SHALL GRANT THE PETITION AND
VACATE THE CONVICTION.~~

~~2. IF THE PERSON IS NOT SERVING A CONCURRENT OR
CONSECUTIVE SENTENCE FOR ANOTHER OFFENSE, THE PERSON SHALL BE
RELEASED FROM INCARCERATION OR SUPERVISION.~~

1 ~~(C) (1) A PERSON INCARCERATED OR UNDER SUPERVISION ON OCTOBER~~
2 ~~1, 2022, FOR AN OFFENSE INVOLVING THE POSSESSION, CULTIVATION, PROCESSING,~~
3 ~~OR SALE OF CANNABIS MAY PRESENT AN APPLICATION FOR RESENTENCING TO THE~~
4 ~~COURT THAT SENTENCED THE PERSON REGARDLESS OF WHETHER THE PERSON HAS~~
5 ~~PREVIOUSLY FILED A PETITION FOR RESENTENCING.~~

6 ~~(2) THE COURT SHALL CONSIDER THE INDIVIDUAL CIRCUMSTANCES~~
7 ~~OF EACH CASE AND SHALL REDUCE THE APPLICANT'S SENTENCE IF THE COURT~~
8 ~~FINDS THAT DOING SO WOULD BE IN THE INTERESTS OF JUSTICE, IN LIGHT OF THE~~
9 ~~ELIMINATION AND REDUCTION IN PENALTIES ASSOCIATED WITH~~
10 ~~CANNABIS RELATED CONDUCT AND PAST RACIAL DISPARITIES IN THE~~
11 ~~ENFORCEMENT OF CANNABIS LAWS.~~

12 ~~(3) THE SENTENCE OF THE APPLICANT MAY NOT BE INCREASED AT A~~
13 ~~PROCEEDING DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

14 ~~(D) (1) A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE INVOLVING~~
15 ~~THE POSSESSION, CULTIVATION, PROCESSING, OR SALE OF CANNABIS NOT LISTED~~
16 ~~IN § 10-105.3 OF THIS SUBTITLE WHO IS NOT INCARCERATED OR UNDER~~
17 ~~SUPERVISION AT THE TIME OF THE PETITION MAY PRESENT AN APPLICATION FOR~~
18 ~~EXPUNGEMENT TO THE COURT.~~

19 ~~(2) THE COURT SHALL CONSIDER THE INDIVIDUAL CIRCUMSTANCES~~
20 ~~OF A CASE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AND SHALL~~
21 ~~EXPUNGE THE APPLICANT'S RECORD IF THE COURT FINDS THAT DOING SO WOULD~~
22 ~~BE IN THE INTERESTS OF JUSTICE, IN LIGHT OF THE ELIMINATION AND REDUCTION~~
23 ~~IN PENALTIES ASSOCIATED WITH CANNABIS RELATED CONDUCT AND PAST RACIAL~~
24 ~~DISPARITIES IN THE ENFORCEMENT OF CANNABIS LAWS.~~

25 ~~(E) (1) ANY INDIVIDUAL PETITIONING FOR RELEASE OR RESENTENCING~~
26 ~~IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION IS ELIGIBLE FOR~~
27 ~~REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.~~

28 ~~(2) ON AND AFTER JANUARY 1, 2024, ANY INDIVIDUAL PETITIONING~~
29 ~~FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION IS ELIGIBLE FOR~~
30 ~~REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.~~

31 ~~(F) (1) IN A PROCEEDING BROUGHT UNDER THIS SECTION, THE STATE'S~~
32 ~~ATTORNEY SHALL RECEIVE NOTICE AND MAY BE HEARD.~~

33 ~~(2) IN A FACTUAL DISPUTE WITHIN A PROCEEDING UNDER THIS~~
34 ~~SECTION, THE PROSECUTION SHALL BEAR THE BURDEN OF PROOF BY A~~
35 ~~PREPONDERANCE OF THE EVIDENCE.~~

~~(3) IF THE STATE'S ATTORNEY DOES NOT REQUEST TO BE HEARD IN A PROCEEDING UNDER THIS SECTION, THE COURT SHALL MAKE ALL FACTUAL DETERMINATIONS BASED ON A PREPONDERANCE OF THE EVIDENCE.~~

~~(C) FUNDS SHALL BE ALLOCATED BY THE OFFICE OF SOCIAL EQUITY FROM THE COMMUNITY REINVESTMENT AND REPAIR FUND TO COVER THE COST TO THE OFFICE OF THE PUBLIC DEFENDER, STATE'S ATTORNEY'S OFFICES, AND COURTS, AS PART OF THE COST OF ADMINISTERING TITLE 23 OF THE HEALTH GENERAL ARTICLE.~~

~~(H) IF A NONCITIZEN REQUESTS IN WRITING TO THE OFFICE OF THE CLERK OF THE COURT RECORDS RELATED TO AN OFFENSE LISTED IN SUBSECTION (B), (C), OR (D) OF THIS SECTION FOR IMMIGRATION PURPOSES, THOSE RECORDS SHALL BE PROVIDED IF AVAILABLE, OR A STATEMENT SHALL BE PROVIDED THAT NO RECORDS CAN BE FOUND, WITHIN 30 DAYS AFTER THE REQUEST.~~

~~Article Health General~~

~~TITLE 23. CANNABIS.~~

~~SUBTITLE 1. DEFINITIONS.~~

~~23-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) (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.~~

~~(C) "CANNABIS ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING CANNABIS, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY.~~

1 ~~(D) “CANNABIS EDUCATION AND TRAINING FUND” MEANS THE CANNABIS~~
2 ~~EDUCATION AND TRAINING FUND ESTABLISHED UNDER § 23-203 OF THIS TITLE.~~

3 ~~(E) “CANNABIS ESTABLISHMENT” MEANS A CULTIVATOR, A DELIVERY~~
4 ~~SERVICE, A PROCESSOR, A RETAILER, AN INDEPENDENT TESTING LABORATORY, A~~
5 ~~TRANSPORTER, A DUAL LICENSE HOLDER, AN ON SITE CONSUMPTION~~
6 ~~ESTABLISHMENT, OR ANY OTHER TYPE OF CANNABIS BUSINESS LICENSED UNDER~~
7 ~~THIS TITLE AND AUTHORIZED BY THE COMMISSION.~~

8 ~~(F) “CANNABIS ESTABLISHMENT AGENT” OR “AGENT” MEANS AN~~
9 ~~EMPLOYEE OR OTHER AUTHORIZED PERSON WHO ACTS FOR OR AT THE DIRECTION~~
10 ~~OF A CANNABIS ESTABLISHMENT.~~

11 ~~(G) “CANNABIS PRODUCTS” MEANS PRODUCTS THAT ARE COMPOSED OF~~
12 ~~CANNABIS, CANNABIS CONCENTRATE, OR CANNABIS EXTRACT AND OTHER~~
13 ~~INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE~~
14 ~~PRODUCTS, OINTMENTS, AND TINCTURES.~~

15 ~~(H) “CLASS A PROCESSOR” MEANS A PROCESSOR THAT MAY PERFORM~~
16 ~~SOLVENT-BASED EXTRACTIONS ON CANNABIS IN COMPLIANCE WITH REGULATIONS~~
17 ~~ADOPTED BY THE COMMISSION.~~

18 ~~(I) “CLASS B PROCESSOR” MEANS A PROCESSOR THAT MAY NOT PERFORM~~
19 ~~SOLVENT-BASED EXTRACTIONS ON CANNABIS USING SOLVENTS OTHER THAN~~
20 ~~WATER, GLYCERIN, PROPYLENE GLYCOL, VEGETABLE OIL, OR FOOD-GRADE~~
21 ~~ETHANOL.~~

22 ~~(J) “COMMISSION” MEANS THE ALCOHOL AND TOBACCO COMMISSION OR~~
23 ~~ITS SUCCESSOR AGENCY.~~

24 ~~(K) “COMMUNITY REINVESTMENT AND REPAIR FUND” MEANS THE~~
25 ~~COMMUNITY REINVESTMENT AND REPAIR FUND ESTABLISHED UNDER § 23-204 OF~~
26 ~~THIS TITLE.~~

27 ~~(L) “CONSUMER” MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO~~
28 ~~PURCHASES CANNABIS OR CANNABIS PRODUCTS FOR PERSONAL USE BY~~
29 ~~INDIVIDUALS AT LEAST 21 YEARS OLD.~~

30 ~~(M) “CULTIVATOR” MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT:~~

31 ~~(1) CULTIVATES OR PACKAGES CANNABIS; AND~~

32 ~~(2) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO~~
33 ~~OTHER CANNABIS ESTABLISHMENTS.~~

1 ~~(N) "DELIVERY SERVICE" MEANS AN ENTITY LICENSED UNDER THIS TITLE~~
2 ~~THAT IS AUTHORIZED BY THE COMMISSION TO DELIVER CANNABIS TO CONSUMERS.~~

3 ~~(O) "DISPROPORTIONATELY IMPACTED AREA" MEANS A GEOGRAPHIC~~
4 ~~AREA, AS IDENTIFIED BY THE OFFICE OF SOCIAL EQUITY, THAT:~~

5 ~~(1) MEETS THREE OR MORE OF THE FOLLOWING CRITERIA:~~

6 ~~(i) HAS A MEDIAN INCOME THAT IS 80% OR LESS OF THE~~
7 ~~AVERAGE MEDIAN HOUSEHOLD INCOME IN THE STATE;~~

8 ~~(ii) HAS AN UNEMPLOYMENT RATE THAT IS AT LEAST 150% OF~~
9 ~~THE UNEMPLOYMENT RATE IN THE STATE;~~

10 ~~(iii) HAS A HEALTH UNINSURED RATE THAT IS AT LEAST 150%~~
11 ~~OF THE HEALTH UNINSURED RATE IN THE STATE;~~

12 ~~(iv) HAS A FOOD STAMP OR SUPPLEMENTAL NUTRITION~~
13 ~~ASSISTANCE PLAN RATE THAT IS AT LEAST 150% OF THE FOOD STAMP OR~~
14 ~~SUPPLEMENTAL NUTRITION ASSISTANCE PLAN RATE IN THE STATE; OR~~

15 ~~(v) HAS A POVERTY RATE THAT IS AT LEAST 150% OF THE~~
16 ~~POVERTY RATE IN THE STATE; AND~~

17 ~~(2) HAS BEEN IMPACTED BY HIGH RATES OF ARREST, CONVICTION,~~
18 ~~AND INCARCERATION FOR CANNABIS POSSESSION.~~

19 ~~(P) "DUAL LICENSE" MEANS A LICENSE ISSUED BY THE COMMISSION TO AN~~
20 ~~ENTITY THAT IS ALSO LICENSED AS A MEDICAL CANNABIS DISPENSARY, MEDICAL~~
21 ~~CANNABIS PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY,~~
22 ~~OR MEDICAL CANNABIS GROWER.~~

23 ~~(Q) "INDEPENDENT TESTING LABORATORY" MEANS A FACILITY, AN ENTITY,~~
24 ~~OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND~~
25 ~~TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.~~

26 ~~(R) "LOCALITY" MEANS A COUNTY, A MUNICIPAL CORPORATION, OR~~
27 ~~ANOTHER POLITICAL SUBDIVISION OF THE STATE.~~

28 ~~(S) "MEDICAL CANNABIS DISPENSARY" MEANS A DISPENSARY LICENSED~~
29 ~~UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.~~

1 ~~(T) "MEDICAL CANNABIS GROWER" MEANS A GROWER LICENSED UNDER~~
2 ~~TITLE 13, SUBTITLE 33 OF THIS ARTICLE.~~

3 ~~(U) "MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY" MEANS AN~~
4 ~~INDEPENDENT TESTING LABORATORY LICENSED UNDER TITLE 13, SUBTITLE 33 OF~~
5 ~~THIS ARTICLE.~~

6 ~~(V) "MEDICAL CANNABIS PROCESSOR" MEANS A PROCESSOR LICENSED~~
7 ~~UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.~~

8 ~~(W) "ON-SITE CONSUMPTION ESTABLISHMENT" MEANS AN ENTITY~~
9 ~~LICENSED UNDER THIS TITLE AND AUTHORIZED BY THE COMMISSION AND THE~~
10 ~~LOCALITY IN WHICH IT IS LOCATED TO SELL CANNABIS OR CANNABIS PRODUCTS FOR~~
11 ~~ON-SITE CONSUMPTION.~~

12 ~~(X) "PERSONAL USE AMOUNT" HAS THE MEANING STATED IN § 5-601 OF~~
13 ~~THE CRIMINAL LAW ARTICLE.~~

14 ~~(Y) (1) "PROCESSOR" MEANS AN ENTITY LICENSED UNDER THIS TITLE~~
15 ~~AND AUTHORIZED BY THE COMMISSION TO:~~

16 ~~(I) TRANSFORM CANNABIS INTO ANOTHER PRODUCT OR~~
17 ~~EXTRACT; AND~~

18 ~~(II) PACKAGE AND LABEL CANNABIS.~~

19 ~~(2) "PROCESSOR" INCLUDES CLASS A AND CLASS B PROCESSORS.~~

20 ~~(Z) (1) "PUBLIC PLACE" MEANS ANY PLACE TO WHICH THE GENERAL~~
21 ~~PUBLIC HAS ACCESS.~~

22 ~~(2) "PUBLIC PLACE" DOES NOT INCLUDE:~~

23 ~~(I) AN ON-SITE CONSUMPTION ESTABLISHMENT; OR~~

24 ~~(II) ANY VENUE OR AREA WHERE INDIVIDUALS CONGREGATE TO~~
25 ~~CONSUME CANNABIS IN A MANNER CONSISTENT WITH LOCAL LAW.~~

26 ~~(AA) "REMUNERATION" MEANS A THING OF VALUE, INCLUDING MONETARY~~
27 ~~PAYMENT, A DONATION, THE PROVISION OF A SERVICE, THE PURCHASE OF AN ITEM~~
28 ~~AT ABOVE FAIR MARKET VALUE, OR THE TRADE OF A PHYSICAL ITEM OF VALUE.~~

29 ~~(BB) "RETAILER" MEANS AN ENTITY LICENSED TO:~~

1 ~~(1) PURCHASE CANNABIS FROM CANNABIS ESTABLISHMENTS; AND~~

2 ~~(2) SELL CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS.~~

3 ~~(CC) "SOCIAL EQUITY APPLICANT" MEANS AN APPLICANT FOR A CANNABIS~~
4 ~~ESTABLISHMENT LICENSE THAT:~~

5 ~~(1) HAS AT LEAST 51% OWNERSHIP AND CONTROL BY ONE OR MORE~~
6 ~~STATE RESIDENTS WHO HAVE RESIDED FOR AT LEAST 5 OF THE IMMEDIATELY~~
7 ~~PRECEDING 10 YEARS IN A DISPROPORTIONATELY IMPACTED AREA;~~

8 ~~(2) HAS AT LEAST 51% OWNERSHIP AND CONTROL BY ONE OR MORE~~
9 ~~STATE RESIDENTS WHO HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND~~
10 ~~RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR~~
11 ~~EXPUNGEMENT UNDER § 10-105.3 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE~~
12 ~~MEMBERS OF IMPACTED FAMILIES;~~

13 ~~(3) HAS A MINIMUM OF 10 FULL-TIME EMPLOYEES, WITH AT LEAST~~
14 ~~60% OF EMPLOYEES WHO:~~

15 ~~(i) AT THE TIME OF APPLICATION, RESIDE IN A~~
16 ~~DISPROPORTIONATELY IMPACTED AREA; OR~~

17 ~~(ii) HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND~~
18 ~~RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR~~
19 ~~EXPUNGEMENT UNDER § 10-105.3 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE~~
20 ~~MEMBERS OF IMPACTED FAMILIES; OR~~

21 ~~(4) MEETS ANY OTHER CRITERIA ESTABLISHED BY THE COMMISSION~~
22 ~~BASED ON THE RESULTS OF A DISPARITY STUDY.~~

23 ~~(DD) "SOCIAL EQUITY START UP FUND" MEANS THE SOCIAL EQUITY~~
24 ~~START UP FUND ESTABLISHED UNDER § 23-202 OF THIS TITLE.~~

25 ~~(EE) "TRANSPORTER" MEANS AN ENTITY LICENSED UNDER THIS TITLE AND~~
26 ~~AUTHORIZED BY THE COMMISSION TO TRANSPORT CANNABIS BETWEEN CANNABIS~~
27 ~~ESTABLISHMENTS.~~

28 ~~SUBTITLE 2. OFFICE OF SOCIAL EQUITY.~~

29 ~~23-201.~~

30 ~~(A) THERE IS AN OFFICE OF SOCIAL EQUITY WITHIN THE COMMISSION.~~

1 ~~(B) (1) THE GOVERNOR SHALL APPOINT AN EXECUTIVE DIRECTOR OF~~
2 ~~THE OFFICE OF SOCIAL EQUITY.~~

3 ~~(2) THE EXECUTIVE DIRECTOR SHALL HAVE AT LEAST 5 YEARS OF~~
4 ~~EXPERIENCE IN CIVIL RIGHTS ADVOCACY, CIVIL RIGHTS LITIGATION, OR SOCIAL~~
5 ~~JUSTICE.~~

6 ~~(C) THE OFFICE OF SOCIAL EQUITY MAY EMPLOY STAFF AND RETAIN~~
7 ~~CONTRACTORS AS MAY BE REQUIRED TO CARRY OUT THE FUNCTIONS OF THE~~
8 ~~OFFICE.~~

9 ~~(D) THE OFFICE OF SOCIAL EQUITY SHALL:~~

10 ~~(1) PROMOTE AND ENCOURAGE FULL PARTICIPATION IN THE~~
11 ~~REGULATED CANNABIS INDUSTRY BY PEOPLE FROM COMMUNITIES THAT HAVE~~
12 ~~PREVIOUSLY BEEN DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION~~
13 ~~AND ENFORCEMENT IN ORDER TO POSITIVELY IMPACT THOSE COMMUNITIES;~~

14 ~~(2) CONSULT WITH AND ASSIST THE COMMISSION IN THE~~
15 ~~ADMINISTRATION OF THE COMMUNITY REINVESTMENT AND REPAIR FUND;~~

16 ~~(3) CONSULT WITH AND ASSIST THE COMMISSION IN THE~~
17 ~~ADMINISTRATION OF THE SOCIAL EQUITY START-UP FUND;~~

18 ~~(4) CONSULT WITH AND ASSIST THE COMMISSION IN THE~~
19 ~~ADMINISTRATION OF THE CANNABIS EDUCATION AND TRAINING FUND;~~

20 ~~(5) ADVISE THE COMMISSION REGARDING REGULATIONS,~~
21 ~~INCLUDING:~~

22 ~~(i) ADVISING AGAINST IMPLEMENTING REGULATIONS AND~~
23 ~~FINANCIAL REQUIREMENTS THAT UNNECESSARILY IMPOSE FINANCIAL BURDENS~~
24 ~~THAT UNDERMINE THE PURPOSES OF THIS SECTION; AND~~

25 ~~(ii) PROVIDING RECOMMENDATIONS ON REGULATIONS~~
26 ~~RELATED TO:~~

27 ~~1. DIVERSITY; AND~~

28 ~~2. SOCIAL EQUITY APPLICATIONS;~~

29 ~~(6) WORK WITH THE COMMISSION TO IMPLEMENT FREE TECHNICAL~~
30 ~~ASSISTANCE FOR SOCIAL EQUITY AND MINORITY BUSINESS APPLICANTS;~~

1 ~~(7) PRODUCE REPORTS AND RECOMMENDATIONS ON DIVERSITY AND~~
2 ~~EQUITY IN OWNERSHIP, MANAGEMENT, AND EMPLOYMENT IN THE LEGAL CANNABIS~~
3 ~~ECONOMY; AND~~

4 ~~(8) DETERMINE WHICH INDIVIDUALS AND ENTITIES SHALL BE~~
5 ~~GRANTED LOANS OR GRANTS FROM THE SOCIAL EQUITY START UP FUND, THE~~
6 ~~CANNABIS EDUCATION AND TRAINING FUND, AND THE COMMUNITY~~
7 ~~REINVESTMENT AND REPAIR FUND.~~

8 ~~(E) ON OR BEFORE MARCH 1 EACH YEAR, THE OFFICE OF SOCIAL EQUITY~~
9 ~~SHALL PRODUCE AND MAKE PUBLICLY AVAILABLE A REPORT ON HOW THE~~
10 ~~COMMUNITY REINVESTMENT AND REPAIR FUND, THE SOCIAL EQUITY START UP~~
11 ~~FUND, AND THE CANNABIS EDUCATION AND TRAINING FUND WERE ALLOCATED~~
12 ~~DURING THE IMMEDIATELY PRECEDING YEAR.~~

13 ~~(F) (1) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE OFFICE OF SOCIAL~~
14 ~~EQUITY SHALL SOLICIT PUBLIC INPUT ON THE USES OF THE COMMUNITY~~
15 ~~REINVESTMENT AND REPAIR FUND, THE SOCIAL EQUITY START UP FUND, AND~~
16 ~~THE CANNABIS EDUCATION AND TRAINING FUND.~~

17 ~~(2) ON OR BEFORE DECEMBER 15 EACH YEAR, THE OFFICE OF~~
18 ~~SOCIAL EQUITY SHALL PUBLISH A REVIEW OF INPUT RECEIVED UNDER PARAGRAPH~~
19 ~~(1) OF THIS SUBSECTION.~~

20 ~~23-202.~~

21 ~~(A) (1) THERE IS A SOCIAL EQUITY START UP FUND.~~

22 ~~(2) THE PURPOSE OF THE SOCIAL EQUITY START UP FUND IS TO~~
23 ~~PROVIDE NO INTEREST LOANS AND GRANTS TO SUPPORT BUSINESSES IN THE~~
24 ~~LEGAL CANNABIS INDUSTRY THAT ARE SOCIAL EQUITY APPLICANTS.~~

25 ~~(3) (i) THE COMMISSION SHALL ADMINISTER THE FUND, IN~~
26 ~~CONSULTATION WITH AND WITH THE ASSISTANCE OF THE OFFICE OF SOCIAL~~
27 ~~EQUITY AND THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING~~
28 ~~AUTHORITY.~~

29 ~~(ii) THE OFFICE OF SOCIAL EQUITY HAS SOLE RESPONSIBILITY~~
30 ~~FOR APPROVING APPLICATIONS AND DETERMINING WHICH ENTITIES SHALL~~
31 ~~RECEIVE LOANS AND GRANTS FROM THE FUND.~~

32 ~~(4) (i) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
33 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

1 ~~(H) THE STATE TREASURER SHALL HOLD THE FUND~~
2 ~~SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

3 ~~(5) THE FUND CONSISTS OF:~~

4 ~~(I) ALL LICENSING FEES PAID BY DUAL LICENSES UNDER §~~
5 ~~23-403 OF THIS TITLE;~~

6 ~~(II) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103~~
7 ~~OF THE TAX GENERAL ARTICLE;~~

8 ~~(III) INTEREST EARNINGS; AND~~

9 ~~(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
10 ~~FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED~~
11 ~~BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.~~

12 ~~(6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PROGRAM~~
13 ~~ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING FOR ANY~~
14 ~~ADMINISTRATIVE EXPENSES RELATED TO THE PROGRAM.~~

15 ~~(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
16 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

17 ~~(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE~~
18 ~~CREDITED TO THE FUND.~~

19 ~~(8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:~~

20 ~~(I) THE GENERAL FUND OF THE STATE; OR~~

21 ~~(II) ANY OTHER SPECIAL FUND OF THE STATE.~~

22 ~~(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS~~
23 ~~DIRECTED BY THE OFFICE OF SOCIAL EQUITY.~~

24 ~~(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE~~
25 ~~AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

26 ~~(B) (1) THE OFFICE OF SOCIAL EQUITY SHALL ESTABLISH A PROGRAM~~
27 ~~TO ALLOW APPLICANTS FOR LICENSES UNDER SUBTITLE 4 OF THIS TITLE THAT~~
28 ~~QUALIFY AS A SOCIAL EQUITY APPLICANT TO APPLY FOR LOANS OR GRANTS FROM~~
29 ~~THE SOCIAL EQUITY START-UP FUND.~~

~~(2) THE OFFICE OF SOCIAL EQUITY SHALL DEVELOP A PROCESS FOR SELECTING APPLICANTS TO RECEIVE LOANS OR GRANTS FROM THE PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) THE OFFICE OF SOCIAL EQUITY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.~~

~~(C) AT THE END OF EACH FISCAL YEAR, BEGINNING JUNE 30, 2026, IF THE OFFICE OF SOCIAL EQUITY REPORTS THAT THE SOCIAL EQUITY START UP FUND HAS A SURPLUS OF FUNDS AND THERE IS NO REASONABLE EXPECTATION THAT THE SURPLUS WILL BE NEEDED FOR LOANS OR GRANTS TO SOCIAL EQUITY APPLICANTS, THE OFFICE OF SOCIAL EQUITY MAY TRANSFER THE EXCESS FUNDS IN THE FOLLOWING MANNER:~~

~~(1) HALF TO THE CANNABIS EDUCATION AND TRAINING FUND; AND~~

~~(2) HALF TO THE COMMUNITY REINVESTMENT AND REPAIR FUND.~~

~~23-203.~~

~~(A) (1) THERE IS A CANNABIS EDUCATION AND TRAINING FUND.~~

~~(2) THE PURPOSE OF THE CANNABIS EDUCATION AND TRAINING FUND IS TO PROVIDE FREE OR LOW COST TRAINING AND EDUCATION FOR ALL SECTORS OF THE CANNABIS ECONOMY IN THE STATE.~~

~~(3) (I) THE COMMISSION SHALL ADMINISTER THE FUND, IN CONSULTATION WITH AND WITH THE ASSISTANCE OF THE OFFICE OF SOCIAL EQUITY AND THE MARYLAND DEPARTMENT OF LABOR.~~

~~(II) THE OFFICE OF SOCIAL EQUITY HAS SOLE RESPONSIBILITY FOR APPROVING APPLICATIONS AND DETERMINING WHICH ENTITIES RECEIVE GRANTS FROM THE FUND.~~

~~(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(5) THE FUND CONSISTS OF:~~

~~(I) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103 OF THE TAX GENERAL ARTICLE;~~

1 ~~(II) INTEREST EARNINGS; AND~~

2 ~~(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
3 ~~FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED~~
4 ~~BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.~~

5 ~~(6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE~~
6 ~~OF THE FUND, INCLUDING FOR ANY RELATED ADMINISTRATIVE EXPENSES.~~

7 ~~(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
8 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

9 ~~(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE~~
10 ~~CREDITED TO THE FUND.~~

11 ~~(8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:~~

12 ~~(I) THE GENERAL FUND OF THE STATE; OR~~

13 ~~(II) ANY OTHER SPECIAL FUND OF THE STATE.~~

14 ~~(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS~~
15 ~~DIRECTED BY THE OFFICE OF SOCIAL EQUITY.~~

16 ~~(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE~~
17 ~~AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

18 ~~(B) THE FUND SHALL PROVIDE FUNDING FOR:~~

19 ~~(1) HIGH SCHOOL CAREER AND TECHNICAL EDUCATION PROGRAMS;~~

20 ~~(2) COMMUNITY COLLEGE PROGRAMS;~~

21 ~~(3) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND~~

22 ~~(4) ADULT EDUCATION PROGRAMS.~~

23 ~~(C) IN MAKING ALLOCATIONS FROM THE CANNABIS EDUCATION AND~~
24 ~~TRAINING FUND, THE OFFICE OF SOCIAL EQUITY SHALL:~~

25 ~~(1) DURING THE FIRST YEAR, ALLOCATE AT LEAST 5% OF THE FUNDS~~
26 ~~TO CONDUCTING AND FUNDING OUTREACH TO THE ELIGIBLE COMMUNITIES,~~
27 ~~EDUCATIONAL INSTITUTIONS, GOVERNMENT PROGRAMS, AND INDIVIDUALS TO~~
28 ~~NOTIFY THEM OF THE CANNABIS EDUCATION AND TRAINING FUND GRANT~~

~~1 OPPORTUNITIES AND GIVE PRIORITY TO ORGANIZATIONS WITH A TRADITION OF
2 OUTREACH TO STAKEHOLDERS IN DISPROPORTIONATELY IMPACTED AREAS;~~

~~3 (2) PRIORITIZE WORK-BASED LEARNING PROGRAMS;~~

~~4 (3) ALLOCATE NOT LESS THAN 25% OF THE FUNDS EACH YEAR TO
5 CAREER TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS;~~

~~6 (4) ALLOCATE NOT LESS THAN 25% OF THE FUNDS EACH YEAR TO
7 CAREER TRAINING FOR INDIVIDUALS WHO RESIDE IN DISPROPORTIONATELY
8 IMPACTED AREAS;~~

~~9 (5) PROVIDE FUNDING TO THE CAREER AND TECHNOLOGY
10 EDUCATION INNOVATION GRANT PROGRAM ESTABLISHED UNDER § 21-205 OF THE
11 EDUCATION ARTICLE TO DEVELOP A CTE CURRICULUM THAT INCLUDES
12 HANDS-ON CANNABIS CAREER TRAINING;~~

~~13 (6) PROVIDE FUNDING TO LOCAL WORKFORCE DEVELOPMENT
14 BOARDS TO ADD CANNABIS CAREER TRAINING TO THEIR CAREER DEVELOPMENT
15 PROGRAMS; AND~~

~~16 (7) PROVIDE FUNDING FOR TRAINING IN A BROAD RANGE OF
17 CAREERS IN THE LEGAL CANNABIS INDUSTRY, INCLUDING POTENTIAL BUSINESS
18 OWNERS AND EMPLOYEES AND FOR WORK IN THE GROWING, PROCESSING, AND
19 RETAIL SECTORS.~~

~~20 (D) EDUCATIONAL PROGRAMS FUNDED BY THE FUND MAY USE HEMP
21 INSTEAD OF CANNABIS FOR HANDS-ON TRAINING.~~

~~22 (E) (1) THE FUND MAY BE USED TO PROVIDE GRANTS TO ANY
23 ORGANIZATION CAPABLE OF PROVIDING TRAINING RELEVANT TO THE LEGAL
24 CANNABIS INDUSTRY, WHICH MAY INCLUDE EDUCATIONAL INSTITUTIONS,
25 NONPROFIT ORGANIZATIONS, PRIVATE BUSINESSES, COMMUNITY GROUPS, UNITS
26 OF LOCAL GOVERNMENT, PROGRAMS OPERATED BY STATE AGENCIES, OR
27 PARTNERSHIPS BETWEEN DIFFERENT TYPES OF ORGANIZATIONS.~~

~~28 (2) THE OFFICE OF SOCIAL EQUITY SHALL CONSIDER THE DIVERSITY
29 OF APPLICANTS' BOARDS OF DIRECTORS AND OWNERSHIP WHEN ISSUING GRANTS.~~

~~30 (3) THE OFFICE OF SOCIAL EQUITY SHALL PRIORITIZE TRAINING
31 PROGRAMS THAT PROVIDE A PIPELINE TO CAREERS, INCLUDING ASSISTING
32 STUDENTS WITH APPLICATIONS, RESUMES, AND INTERVIEW SCHEDULING AND
33 TRACKING THE EMPLOYMENT OF STUDENTS IN THE LEGAL CANNABIS INDUSTRY.~~

~~(F) (1) THE COMMISSION MAY CREATE A PROGRAM TO ISSUE GRANTS TO ELIGIBLE INDIVIDUALS TO PURSUE A TRAINING PROGRAM RELEVANT TO A CAREER IN THE LEGAL CANNABIS INDUSTRY.~~

~~(2) GRANT FUNDS AWARDED TO ELIGIBLE INDIVIDUALS:~~

~~(I) SHALL BE USED TO PAY THE COSTS OF ENROLLING IN A TRAINING PROGRAM RELEVANT TO THE LEGAL CANNABIS INDUSTRY, INCLUDING TUITION, FEES, AND THE COST OF MATERIALS; AND~~

~~(II) MAY BE USED TO REMOVE EXTERNAL BARRIERS TO ATTENDING A TRAINING PROGRAM, INCLUDING THE COST OF CHILD CARE, TRANSPORTATION, OR OTHER EXPENSES APPROVED BY THE COMMISSION.~~

~~23-204.~~

~~(A) (1) THERE IS A COMMUNITY REINVESTMENT AND REPAIR FUND.~~

~~(2) THE PURPOSE OF THE FUND IS TO IMPROVE THE WELL-BEING OF INDIVIDUALS AND COMMUNITIES THAT HAVE EXPERIENCED A DISPROPORTIONATE NEGATIVE IMPACT FROM POVERTY, UNEMPLOYMENT, CANNABIS PROHIBITION AND ENFORCEMENT, MASS INCARCERATION, SYSTEMIC RACISM, OR A COMBINATION OF THOSE FACTORS.~~

~~(3) (I) THE COMMISSION SHALL ADMINISTER THE FUND IN CONSULTATION WITH AND WITH THE ASSISTANCE OF THE OFFICE OF SOCIAL EQUITY AND THE DEPARTMENT OF COMMERCE.~~

~~(II) THE OFFICE OF SOCIAL EQUITY HAS SOLE RESPONSIBILITY FOR APPROVING APPLICATIONS AND DETERMINING WHICH ENTITIES RECEIVE GRANTS FROM THE FUND.~~

~~(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(5) THE FUND CONSISTS OF:~~

~~(I) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103 OF THE TAX GENERAL ARTICLE;~~

~~(II) INTEREST EARNINGS; AND~~

1 ~~(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
2 ~~FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED~~
3 ~~BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.~~

4 ~~(6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE~~
5 ~~OF THE FUND, INCLUDING FOR ANY RELATED ADMINISTRATIVE EXPENSES.~~

6 ~~(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
7 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

8 ~~(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE~~
9 ~~CREDITED TO THE FUND.~~

10 ~~(8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:~~

11 ~~(I) THE GENERAL FUND OF THE STATE; OR~~

12 ~~(II) ANY OTHER SPECIAL FUND OF THE STATE.~~

13 ~~(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS~~
14 ~~DIRECTED BY THE OFFICE OF SOCIAL EQUITY.~~

15 ~~(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE~~
16 ~~AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

17 ~~(B) BEFORE DETERMINING HOW FUNDS FROM THE COMMUNITY~~
18 ~~REINVESTMENT AND REPAIR FUND WILL BE ALLOCATED, THE OFFICE OF SOCIAL~~
19 ~~EQUITY SHALL SOLICIT INPUT FROM THE IMPACTED COMMUNITIES ON THE~~
20 ~~COMMUNITIES' NEEDS AND PRIORITIES FOR THE FUNDS, INCLUDING BY PROMOTING~~
21 ~~AND HOLDING PUBLIC MEETINGS IN AT LEAST 20 OF THE CENSUS TRACT AREAS~~
22 ~~THAT HAVE BEEN SIGNIFICANTLY IMPACTED BY POVERTY, UNEMPLOYMENT,~~
23 ~~CANNABIS PROHIBITION, MASS INCARCERATION, OR SYSTEMIC RACISM.~~

24 ~~(C) (1) THE OFFICE OF SOCIAL EQUITY SHALL DISTRIBUTE FUNDS FROM~~
25 ~~THE COMMUNITY REINVESTMENT AND REPAIR FUND IN A MANNER THAT IMPROVES~~
26 ~~THE WELL BEING OF COMMUNITIES AND INDIVIDUALS THAT HAVE BEEN~~
27 ~~SIGNIFICANTLY IMPACTED BY POVERTY, UNEMPLOYMENT, CANNABIS PROHIBITION,~~
28 ~~MASS INCARCERATION, OR SYSTEMIC RACISM.~~

29 ~~(2) THE OFFICE OF SOCIAL EQUITY MAY USE THE FUND TO AWARD~~
30 ~~GRANTS TO NONPROFIT ORGANIZATIONS OR ALLOCATIONS TO GOVERNMENT~~
31 ~~AGENCIES FOR:~~

1 ~~(I) HOUSING ASSISTANCE, INCLUDING TO PROMOTE HOME~~
2 ~~OWNERSHIP AMONG MEMBERS OF MINORITY GROUPS THAT ARE~~
3 ~~UNDERREPRESENTED IN HOME OWNERSHIP DUE TO REDLINING OR~~
4 ~~DISCRIMINATION;~~

5 ~~(II) RE-ENTRY SERVICES, INCLUDING JOB TRAINING AND~~
6 ~~PLACEMENT;~~

7 ~~(III) SCHOLARSHIP ASSISTANCE FOR LOW INCOME STUDENTS;~~

8 ~~(IV) GRANTS TO COMMUNITY-BASED ORGANIZATIONS TO~~
9 ~~PROVIDE SERVICES TO PREVENT VIOLENCE, SUPPORT YOUTH DEVELOPMENT,~~
10 ~~PROVIDE EARLY INTERVENTION FOR YOUTH AND FAMILIES, AND PROMOTE~~
11 ~~COMMUNITY STABILITY AND SAFETY;~~

12 ~~(V) SMALL BUSINESS LOANS FOR RESIDENTS OF THE~~
13 ~~COMMUNITIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND~~

14 ~~(VI) LEGAL OR CIVIC AID, INCLUDING TO PROVIDE ASSISTANCE~~
15 ~~IN OBTAINING AN EXPUNGEMENT.~~

16 ~~SUBTITLE 3. CANNABIS REGULATION.~~

17 ~~23-301.~~

18 ~~(A) (1) ON OR BEFORE MARCH 1, 2023, THE COMMISSION SHALL ADOPT~~
19 ~~REGULATIONS NECESSARY TO ISSUE AND REGULATE DUAL LICENSES ON AN~~
20 ~~EXPEDITED BASIS.~~

21 ~~(2) THE COMMISSION SHALL ATTEMPT TO HARMONIZE THE~~
22 ~~REGULATIONS WITH THE REGULATIONS ISSUED BY THE NATALIE M. LAPRADE~~
23 ~~MEDICAL CANNABIS COMMISSION TO MINIMIZE HARDSHIP TO DUAL LICENSEES.~~

24 ~~(3) THE REGULATIONS SHALL:~~

25 ~~(I) INCLUDE PROCEDURES TO ALLOW MEDICAL CANNABIS~~
26 ~~DISPENSARIES, MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS~~
27 ~~INDEPENDENT TESTING LABORATORIES, OR MEDICAL CANNABIS GROWERS TO~~
28 ~~APPLY FOR A DUAL LICENSE BY:~~

29 ~~1. PAYING AN APPLICATION AND LICENSING FEE IN AN~~
30 ~~AMOUNT ESTABLISHED BY THE DEPARTMENT, IN ADDITION TO THE FEE PAYABLE~~
31 ~~TO THE SOCIAL EQUITY START UP FUND UNDER § 23-403 OF THIS TITLE;~~

~~2. A. SUBMITTING A DOCUMENT FROM THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION'S RULES AND REGULATIONS AND IS IN COMPLIANCE WITH THOSE RULES AND REGULATIONS; OR~~

~~B. IF THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION FAILS TO RESPOND TO A REQUEST FOR THE DOCUMENTATION DESCRIBED IN ITEM A OF THIS ITEM WITHIN 30 DAYS AFTER RECEIVING THE WRITTEN REQUEST, SUBMITTING AN AFFIDAVIT FROM THE CHIEF EXECUTIVE OFFICER OR BOARD PRESIDENT OF THE APPLICANT STATING THAT THE APPLICANT HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION'S RULES AND REGULATIONS AND IS IN COMPLIANCE WITH THOSE RULES AND REGULATIONS; AND~~

~~3. SUBMITTING A PLAN EXPLAINING HOW THE APPLICANT INTENDS TO CONTINUE SERVING PATIENTS REGISTERED WITH THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, WITHOUT INCREASING PRICES OR REDUCING PRODUCT AVAILABILITY;~~

~~(II) REQUIRE THAT, WHEN THE COMMISSION NEEDS TO EMPLOY AN INDIVIDUAL TO FILL A POSITION RELATED TO CANNABIS REGULATION, THE COMMISSION GIVE EMPLOYEES OF THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION WHO PERFORM SIMILAR DUTIES AS THE POSITION TO BE FILLED A ONE-TIME RIGHT OF FIRST REFUSAL OFFER OF EMPLOYMENT WITH THE COMMISSION;~~

~~(III) INCLUDE PROCEDURES FOR SUSPENDING A DUAL LICENSE FOR A MEDICAL CANNABIS BUSINESS THAT HAS FAILED TO MAINTAIN REASONABLE PRICES AND PRODUCT AVAILABILITY FOR QUALIFYING PATIENTS DURING THE PERIOD OF EXPEDITED LICENSING; AND~~

~~(IV) ADDRESS CANNABIS SOLD FOR ADULT USE, INCLUDING WARNING LABELS.~~

~~(4) THE COMMISSION MAY ISSUE DUAL LICENSES UNDER THIS SUBSECTION ONLY FOR THE TYPE OR TYPES OF LICENSES ISSUED AND LOCATIONS WHERE THE APPLICANT IS AUTHORIZED TO OPERATE UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.~~

~~(B) (1) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION, IN CONSULTATION WITH THE OFFICE OF SOCIAL EQUITY, SHALL ADOPT REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE REMAINDER OF THIS TITLE.~~

1 ~~(2) THE REGULATIONS MAY NOT:~~

2 ~~(I) PROHIBIT THE OPERATION OF CANNABIS~~
3 ~~ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH THE APPLICATION OF THE~~
4 ~~REGULATIONS; OR~~

5 ~~(II) REQUIRE A HIGH INVESTMENT OF RISK, MONEY, TIME, OR~~
6 ~~ANY OTHER RESOURCE OR ASSET THAT WOULD RESULT IN THE OPERATION OF A~~
7 ~~CANNABIS ESTABLISHMENT BEING CONSIDERED NOT WORTHY OF BEING CARRIED~~
8 ~~OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.~~

9 ~~(3) THE REGULATIONS SHALL INCLUDE:~~

10 ~~(I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION,~~
11 ~~AND REVOCATION OF A LICENSE TO OPERATE A CANNABIS ESTABLISHMENT;~~

12 ~~(II) RULES, PROCEDURES, AND POLICIES TO PROMOTE AND~~
13 ~~ENCOURAGE FULL PARTICIPATION IN THE REGULATED CANNABIS INDUSTRY BY~~
14 ~~PEOPLE FROM COMMUNITIES THAT HAVE PREVIOUSLY BEEN~~
15 ~~DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION AND ENFORCEMENT~~
16 ~~AND TO POSITIVELY IMPACT THOSE COMMUNITIES AND THAT REFLECT INPUT FROM~~
17 ~~THE OFFICE OF SOCIAL EQUITY, INCLUDING:~~

18 ~~1. CONDUCTING NECESSARY AND APPROPRIATE~~
19 ~~OUTREACH TO DIVERSE GROUPS THAT MAY QUALIFY FOR PARTICIPATION IN~~
20 ~~ACTIVITIES UNDER THIS TITLE;~~

21 ~~2. REQUIRING EACH CANNABIS ESTABLISHMENT TO~~
22 ~~ESTABLISH AND ADHERE TO POLICIES THAT ENCOURAGE DIVERSITY IN~~
23 ~~EMPLOYMENT, CONTRACTING, AND OTHER PROFESSIONAL OPPORTUNITIES;~~

24 ~~3. REQUIRING ANY CANNABIS ESTABLISHMENT WITH 25~~
25 ~~OR MORE EMPLOYEES TO RETAIN A DIVERSITY OFFICER;~~

26 ~~4. REQUIRING EACH CANNABIS ESTABLISHMENT TO~~
27 ~~REPORT ON THE DIVERSITY OF ITS WORKFORCE, MANAGEMENT, CONTRACTS, AND~~
28 ~~OWNERSHIP ON OR BEFORE JANUARY 1 EACH YEAR;~~

29 ~~5. ISSUING REGULATIONS ALLOWING SOCIAL EQUITY~~
30 ~~APPLICANTS TO APPLY FOR, AND BE LICENSED FOR, CULTIVATOR AND PROCESSOR~~
31 ~~LICENSES NOT LESS THAN 180 DAYS BEFORE APPLICANTS THAT ARE NOT SOCIAL~~
32 ~~EQUITY APPLICANTS OR THAT DO NOT HOLD DUAL LICENSES; AND~~

1 ~~6. PROVIDING THAT DELIVERY AND TRANSPORTATION~~
2 ~~LICENSES ARE AVAILABLE EXCLUSIVELY TO SOCIAL EQUITY APPLICANTS;~~

3 ~~(III) AN APPLICATION REVIEW PROCESS FOR GRANTING~~
4 ~~LICENSES;~~

5 ~~(IV) A PROCESS TO ALLOW CULTIVATORS TO MOVE TO ANOTHER~~
6 ~~TIER OF LICENSE, INCLUDING PROVISIONS ALLOWING DUAL LICENSEES THAT ARE~~
7 ~~INITIALLY LICENSED IN A TIER ABOVE TIER 5 TO INCREASE PRODUCTION ON~~
8 ~~DEMONSTRATING THAT ADDITIONAL CULTIVATION SUPPLY IS NEEDED;~~

9 ~~(V) A SCHEDULE OF REASONABLE APPLICATION, LICENSE, AND~~
10 ~~RENEWAL FEES THAT:~~

11 ~~1. ESTABLISHES APPLICATION FEES IN AN AMOUNT NOT~~
12 ~~EXCEEDING \$5,000, AS ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE~~
13 ~~COMMISSION DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS~~
14 ~~RESPONSIBILITIES UNDER THIS TITLE OR ANOTHER FEE AMOUNT IS REQUIRED~~
15 ~~UNDER THIS TITLE;~~

16 ~~2. REDUCES APPLICATION, LICENSING, AND RENEWAL~~
17 ~~FEES BY 50% FOR SOCIAL EQUITY APPLICANTS OR LICENSEES THAT QUALIFY AS A~~
18 ~~SOCIAL EQUITY APPLICANT;~~

19 ~~3. BASES APPLICATION AND LICENSING FEES FOR~~
20 ~~CULTIVATION ON TIER, WITH SUBSTANTIALLY LOWER FEES FOR TIER 1~~
21 ~~CULTIVATORS THAN TIER 5 CULTIVATORS; AND~~

22 ~~4. SETS APPLICATION AND LICENSING FEES FOR CLASS~~
23 ~~B PROCESSORS SUBSTANTIALLY LOWER THAN APPLICATION AND LICENSING FEES~~
24 ~~FOR CLASS A PROCESSORS;~~

25 ~~(VI) QUALIFICATIONS FOR A LICENSE THAT ARE DIRECTLY AND~~
26 ~~DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS ESTABLISHMENT~~
27 ~~AND THAT DO NOT DISQUALIFY APPLICANTS FOR CANNABIS OFFENSES OCCURRING~~
28 ~~BEFORE OCTOBER 1, 2022;~~

29 ~~(VII) SECURITY REQUIREMENTS;~~

30 ~~(VIII) REQUIREMENTS FOR THE SECURE TRANSPORTATION AND~~
31 ~~STORAGE OF CANNABIS AND CANNABIS PRODUCTS BY CANNABIS ESTABLISHMENTS;~~

32 ~~(IX) REQUIREMENTS FOR DELIVERY SERVICES, INCLUDING:~~

1 ~~1. SECURITY REQUIREMENTS;~~

2 ~~2. A PROHIBITION ON BUSINESS NAMES, LOGOS, AND~~
3 ~~OTHER IDENTIFYING LANGUAGE OR IMAGES ON DELIVERY VEHICLES; AND~~

4 ~~3. A PROHIBITION ON DELIVERING TO ANY ADDRESS~~
5 ~~LOCATED ON LAND OWNED BY THE FEDERAL GOVERNMENT OR ANY ADDRESS ON~~
6 ~~LAND OR IN A BUILDING LEASED BY THE FEDERAL GOVERNMENT;~~

7 ~~(X) EMPLOYMENT AND TRAINING REQUIREMENTS THAT DO~~
8 ~~NOT DISQUALIFY APPLICANTS BASED ON CANNABIS OFFENSES OCCURRING BEFORE~~
9 ~~OCTOBER 1, 2022, INCLUDING A REQUIREMENT THAT EACH CANNABIS~~
10 ~~ESTABLISHMENT CREATE AN IDENTIFICATION BADGE FOR EACH AGENT;~~

11 ~~(XI) REQUIREMENTS DESIGNED TO PREVENT THE SALE OR~~
12 ~~DIVERSION OF CANNABIS AND CANNABIS PRODUCTS TO INDIVIDUALS UNDER THE~~
13 ~~AGE OF 21;~~

14 ~~(XII) REQUIREMENTS FOR CANNABIS AND CANNABIS PRODUCTS~~
15 ~~SOLD OR DISTRIBUTED BY A CANNABIS ESTABLISHMENT, INCLUDING:~~

16 ~~1. A REQUIREMENT THAT LABELS BE ACCURATE AND~~
17 ~~NOT MISLEADING;~~

18 ~~2. A REQUIREMENT THAT CANNABIS PRODUCT LABELS~~
19 ~~INCLUDE:~~

20 ~~A. THE LENGTH OF TIME IT TYPICALLY TAKES FOR THE~~
21 ~~PRODUCT TO TAKE EFFECT;~~

22 ~~B. A DISCLOSURE OF INGREDIENTS AND POSSIBLE~~
23 ~~ALLERGENS; AND~~

24 ~~C. A NUTRITIONAL FACT PANEL;~~

25 ~~3. A REQUIREMENT THAT CANNABIS PRODUCTS HAVE~~
26 ~~OPAQUE, CHILD RESISTANT PACKAGING THAT IS DESIGNED OR CONSTRUCTED TO~~
27 ~~BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER 5 YEARS OF AGE TO OPEN AND~~
28 ~~NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY AS DEFINED BY 16 C.F.R.~~
29 ~~1700.20 (1995); AND~~

30 ~~4. A REQUIREMENT THAT EDIBLE CANNABIS PRODUCTS~~
31 ~~BE CLEARLY IDENTIFIABLE, WHEN PRACTICABLE, WITH A STANDARD SYMBOL~~
32 ~~INDICATING THAT IT CONTAINS CANNABIS;~~

1 ~~(XIII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR~~
2 ~~THE MANUFACTURE OF CANNABIS PRODUCTS AND BOTH THE INDOOR AND OUTDOOR~~
3 ~~CULTIVATION OF CANNABIS BY CANNABIS ESTABLISHMENTS;~~

4 ~~(XIV) REGULATIONS CONCERNING ADVERTISING AND SIGNAGE,~~
5 ~~INCLUDING RULES FOR AUDIENCE COMPOSITION TO REDUCE THE LIKELIHOOD OF~~
6 ~~ADVERTISING EXPOSURE FOR MINORS;~~

7 ~~(XV) CREATION OF A LICENSURE TIER SYSTEM FOR~~
8 ~~CULTIVATORS THAT:~~

9 ~~1. IS BASED ON TOTAL CANOPY;~~

10 ~~2. ALLOWS CULTIVATORS TO APPLY TO MOVE TO~~
11 ~~ANOTHER TIER;~~

12 ~~3. BASES FEES ON TIER; AND~~

13 ~~4. INCLUDES, AT MINIMUM, THE FOLLOWING TIERS OF~~
14 ~~CULTIVATION LICENSES:~~

15 ~~A. TIER 1 CULTIVATOR OR MICROBUSINESS THAT~~
16 ~~AUTHORIZES THE CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 5,000~~
17 ~~SQUARE FEET FOR INDOOR CULTIVATION OR 15,000 SQUARE FEET FOR OUTDOOR~~
18 ~~CULTIVATION;~~

19 ~~B. TIER 2 CULTIVATOR THAT AUTHORIZES THE~~
20 ~~CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 10,000 SQUARE FEET~~
21 ~~FOR INDOOR CULTIVATION OR 30,000 SQUARE FEET FOR OUTDOOR CULTIVATION;~~

22 ~~C. TIER 3 CULTIVATOR THAT AUTHORIZES THE~~
23 ~~CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 20,000 SQUARE FEET~~
24 ~~FOR INDOOR CULTIVATION OR 60,000 SQUARE FEET FOR OUTDOOR CULTIVATION;~~

25 ~~D. TIER 4 CULTIVATOR THAT AUTHORIZES A~~
26 ~~CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 35,000 SQUARE FEET~~
27 ~~FOR INDOOR CULTIVATION OR 105,000 SQUARE FEET FOR OUTDOOR CULTIVATION;~~

28 ~~E. TIER 5 CULTIVATOR THAT AUTHORIZES A~~
29 ~~CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 50,000 SQUARE FEET~~
30 ~~FOR INDOOR CULTIVATION OR 150,000 SQUARE FEET FOR OUTDOOR CULTIVATION;~~

~~F. ADDITIONAL TIERS NECESSARY TO ACCOMMODATE THE TOTAL GROWTH CANOPY OF ANY DUAL LICENSEE AS OF THE DATE OF LICENSURE; AND~~

~~G. ADDITIONAL TIERS NECESSARY TO ACCOMMODATE THE EXPANSION OF CULTIVATORS IN TIER 5 OR ABOVE THAT CAN DEMONSTRATE THAT THEY HAVE BEEN OPERATING AT OR NEAR THE CANOPY LIMIT OF THEIR TIER AND THAT THERE IS DEMAND FOR INCREASED CULTIVATION;~~

~~(XVI) RESTRICTIONS OR PROHIBITIONS ON ADDITIVES TO CANNABIS AND CANNABIS INFUSED PRODUCTS, INCLUDING ADDITIVES THAT ARE TOXIC OR DESIGNED TO MAKE THE PRODUCT MORE ADDICTIVE;~~

~~(XVII) PROHIBITIONS ON PRODUCTS THAT ARE DESIGNED TO MAKE THE PRODUCT MORE APPEALING TO CHILDREN, INCLUDING A PROHIBITION ON THE USE OF ANY IMAGES DESIGNED OR LIKELY TO APPEAL TO MINORS, INCLUDING CARTOONS, TOYS, ANIMALS, OR CHILDREN, AND ANY OTHER LIKENESS TO IMAGES, CHARACTERS, OR PHRASES THAT ARE POPULARLY USED TO ADVERTISE TO CHILDREN;~~

~~(XVIII) TESTING REQUIREMENTS AND STANDARDS FOR THE OPERATIONS OF TESTING LABS, THAT ARE IDENTICAL TO THOSE ISSUED UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE, EXCEPT THAT THE REQUIREMENTS AND STANDARDS MAY BE LESS RIGOROUS IF THE COMMISSION FINDS LESS RIGOROUS STANDARDS ARE WARRANTED DUE TO THE DIFFERENCES BETWEEN ADULT USE CONSUMERS AND MEDICAL PATIENTS;~~

~~(XIX) SPECIFICATIONS GOVERNING VISITS TO CULTIVATORS AND PROCESSORS, INCLUDING A REQUIREMENT THAT THE CANNABIS ESTABLISHMENT LOG VISITORS;~~

~~(XX) A DEFINITION OF THE AMOUNT OF DELTA 9 TETRAHYDROCANNABINOL THAT CONSTITUTES A SINGLE SERVING IN A CANNABIS PRODUCT;~~

~~(XXI) STANDARDS FOR THE SAFE MANUFACTURE OF CANNABIS EXTRACTS AND CONCENTRATES;~~

~~(XXII) REQUIREMENTS THAT EDUCATIONAL MATERIALS BE DISSEMINATED TO CONSUMERS WHO PURCHASE CANNABIS INFUSED PRODUCTS;~~

~~(XXIII) REQUIREMENTS FOR RANDOM SAMPLE TESTING TO ENSURE QUALITY CONTROL, INCLUDING;~~

1 ~~1. BY ENSURING THAT CANNABIS AND~~
2 ~~CANNABIS INFUSED PRODUCTS ARE ACCURATELY LABELED FOR POTENCY; AND~~

3 ~~2. UNLESS THE COMMISSION DETERMINES THAT~~
4 ~~REMEDICATION OR TREATMENT IS SUFFICIENT TO ENSURE PRODUCT SAFETY, A~~
5 ~~REQUIREMENT THAT TESTING INCLUDE TESTING FOR:~~

6 ~~A. RESIDUAL SOLVENTS, POISONS, OR TOXINS;~~

7 ~~B. HARMFUL CHEMICALS;~~

8 ~~C. DANGEROUS MOLDS OR MILDEW;~~

9 ~~D. FILTH; AND~~

10 ~~E. HARMFUL MICROBIALS SUCH AS E. COLI OR~~
11 ~~SALMONELLA AND PESTICIDES;~~

12 ~~(XXIV) CIVIL PENALTIES OF UP TO \$20,000 FOR FAILURE TO~~
13 ~~COMPLY WITH REGULATIONS ADOPTED IN ACCORDANCE WITH THIS TITLE;~~

14 ~~(XXV) PROCEDURES FOR COLLECTING TAXES LEVIED ON~~
15 ~~CANNABIS ESTABLISHMENTS;~~

16 ~~(XXVI) REQUIREMENTS FOR ON-SITE CONSUMPTION~~
17 ~~ESTABLISHMENTS, INCLUDING FOR SECURITY, VENTILATION, ODOR CONTROL, AND~~
18 ~~CONSUMPTION BY PATRONS, THAT MAY NOT PROHIBIT AN ON-SITE CONSUMPTION~~
19 ~~LICENSEE ALSO HOLDING AN APPROPRIATE LICENSE TO SELL BEER AND WINE FOR~~
20 ~~ON-PREMISES CONSUMPTION FROM SELLING BEER AND WINE IF APPROVED BY THE~~
21 ~~LOCALITY IN WHICH THE ON-SITE CONSUMPTION ESTABLISHMENT PLANS TO~~
22 ~~OPERATE;~~

23 ~~(XXVII) PROCEDURES FOR INVENTORY MANAGEMENT AND~~
24 ~~TRACKING THAT MAY NOT REQUIRE THE DIFFERENTIATION BETWEEN ADULT USE~~
25 ~~OR MEDICAL CANNABIS OR CANNABIS PRODUCTS BEFORE THE POINT OF SALE,~~
26 ~~EXCEPT FOR HIGH-POTENCY CANNABIS PRODUCTS ALLOWED FOR PATIENTS THAT~~
27 ~~EXCEED POTENCY LIMITS SET FOR ADULT USE CANNABIS PRODUCTS; AND~~

28 ~~(XXVIII) PROCEDURES ALLOWING CANNABIS~~
29 ~~ESTABLISHMENTS TO OBTAIN AND SELL HEMP AND HEMP PRODUCTS AND~~
30 ~~MANUFACTURE PRODUCTS USING HEMP-DERIVED ISOLATE.~~

31 ~~(c) (1) AFTER CONSULTING WITH RESEARCHERS KNOWLEDGEABLE~~
32 ~~ABOUT THE RISKS AND BENEFITS OF CANNABIS AND PROVIDING AN OPPORTUNITY~~

1 ~~FOR PUBLIC COMMENT, THE COMMISSION SHALL DEVELOP A SCIENTIFICALLY~~
2 ~~ACCURATE SAFETY INFORMATION LABEL, HANDOUT, OR BOTH.~~

3 ~~(2) THE SAFETY INFORMATION MATERIALS DEVELOPED UNDER~~
4 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE TO EACH CONSUMER.~~

5 ~~(3) THE SAFETY INFORMATION MATERIALS DEVELOPED UNDER~~
6 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

7 ~~(i) ADVICE ABOUT THE POTENTIAL RISKS OF CANNABIS,~~
8 ~~INCLUDING:~~

9 ~~1. THE RISKS OF DRIVING UNDER THE INFLUENCE OF~~
10 ~~CANNABIS AND THE FACT THAT DOING SO IS ILLEGAL;~~

11 ~~2. ANY ADVERSE EFFECTS UNIQUE TO YOUNGER~~
12 ~~ADULTS, INCLUDING EFFECTS RELATED TO THE DEVELOPING MIND;~~

13 ~~3. POTENTIAL ADVERSE EVENTS AND OTHER RISKS; AND~~

14 ~~4. RISKS OF USING CANNABIS DURING PREGNANCY OR~~
15 ~~BREASTFEEDING; AND~~

16 ~~(ii) A WARNING ABOUT THE NEED TO SAFEGUARD ALL~~
17 ~~CANNABIS AND CANNABIS PRODUCTS FROM CHILDREN AND PETS.~~

18 ~~(d) (1) THE COMMISSION SHALL REVIEW AND UPDATE THE SAFETY~~
19 ~~INFORMATION MATERIALS DEVELOPED UNDER SUBSECTION (C)(1) OF THIS~~
20 ~~SECTION AT LEAST ONCE EVERY 2 YEARS TO ENSURE THE MATERIALS REMAIN~~
21 ~~ACCURATE.~~

22 ~~(2) THE REVIEW PERIOD SHALL INCLUDE THE SOLICITATION OF~~
23 ~~INPUT FROM RESEARCHERS KNOWLEDGEABLE ABOUT THE RISKS AND BENEFITS OF~~
24 ~~CANNABIS AND AN OPPORTUNITY FOR PUBLIC COMMENT.~~

25 ~~(e) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED:~~

26 ~~(1) THE COMMISSION MAY NOT REQUIRE A CONSUMER TO PROVIDE A~~
27 ~~RETAILER WITH PERSONAL INFORMATION OTHER THAN GOVERNMENT ISSUED~~
28 ~~IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE; AND~~

29 ~~(2) A RETAILER MAY NOT BE REQUIRED TO ACQUIRE AND RECORD~~
30 ~~PERSONAL INFORMATION ABOUT CONSUMERS.~~

1 ~~(F) (1) THE COMMISSION SHALL DEVELOP POLICIES AND PROCEDURES~~
 2 ~~GOVERNING THE COMMISSION'S APPROVAL OF TRANSFER OF LICENSES.~~

3 ~~(2) THE POLICIES AND PROCEDURES MAY NOT PROHIBIT THE~~
 4 ~~TRANSFER OF A LICENSE FROM A SOCIAL EQUITY APPLICANT TO A NONSOCIAL~~
 5 ~~EQUITY APPLICANT.~~

6 ~~(3) THE POLICIES AND PROCEDURES MAY REQUIRE THAT, BEFORE~~
 7 ~~THE TRANSFER IS APPROVED:~~

8 ~~(I) ADDITIONAL CONDITIONS BE MET;~~

9 ~~(II) A REASONABLE PERIOD OF TIME ELAPSE BEFORE THE~~
 10 ~~TRANSFER; OR~~

11 ~~(III) A REASONABLE REIMBURSEMENT TO THE SOCIAL EQUITY~~
 12 ~~START-UP FUND BE MADE.~~

13 ~~SUBTITLE 4. CANNABIS LICENSING.~~

14 ~~23-401.~~

15 ~~(A) EACH APPLICATION OR RENEWAL APPLICATION FOR A LICENSE TO~~
 16 ~~OPERATE A CANNABIS ESTABLISHMENT SHALL BE SUBMITTED TO THE COMMISSION.~~

17 ~~(B) CANNABIS ESTABLISHMENTS, AND THE BOOKS AND RECORDS~~
 18 ~~MAINTAINED AND CREATED BY CANNABIS ESTABLISHMENTS, ARE SUBJECT TO~~
 19 ~~INSPECTION BY THE COMMISSION.~~

20 ~~(C) ON DENIAL OF AN APPLICATION, THE COMMISSION SHALL NOTIFY THE~~
 21 ~~APPLICANT IN WRITING OF THE SPECIFIC REASON FOR ITS DENIAL.~~

22 ~~(D) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE~~
 23 ~~OF A CANNABIS ESTABLISHMENT THAT DOES NOT MEET THE STANDARDS FOR~~
 24 ~~LICENSURE SET BY THE COMMISSION.~~

25 ~~(E) EXCEPT AS PROVIDED IN § 23-403(E) OF THIS SUBTITLE, A CANNABIS~~
 26 ~~ESTABLISHMENT LICENSE IS VALID FOR:~~

27 ~~(1) 1 YEAR ON INITIAL LICENSURE; AND~~

28 ~~(2) 2 YEARS ON RENEWAL.~~

29 ~~23-402.~~

1 ~~(A) A PERSON MAY NOT HOLD A LEGAL, EQUITABLE, OR BENEFICIAL~~
2 ~~INTEREST OF 5% OR MORE, DIRECTLY OR INDIRECTLY, IN MORE THAN:~~

3 ~~(1) ONE CULTIVATOR; OR~~

4 ~~(2) FIVE RETAILERS.~~

5 ~~(B) A CULTIVATOR MAY NOT PRODUCE CANNABIS CONCENTRATES,~~
6 ~~TINCTURES, EXTRACTS, OR OTHER CANNABIS PRODUCTS UNLESS THE CULTIVATOR~~
7 ~~IS ALSO LICENSED AS A PROCESSOR.~~

8 ~~(C) A CULTIVATOR MAY NOT CULTIVATE MEDICAL CANNABIS UNLESS THE~~
9 ~~CULTIVATOR IS A DUAL LICENSEE.~~

10 ~~(D) A PROCESSOR MAY NOT PROCESS OR PRODUCE MEDICAL CANNABIS OR~~
11 ~~MEDICAL CANNABIS PRODUCTS UNLESS THE PROCESSOR IS A DUAL LICENSEE.~~

12 ~~(E) A RETAILER MAY NOT SELL MEDICAL CANNABIS OR MEDICAL CANNABIS~~
13 ~~PRODUCTS TO PATIENTS UNLESS THE RETAILER IS A DUAL LICENSEE.~~

14 ~~23-403.~~

15 ~~(A) THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING~~
16 ~~APPLICATIONS FOR DUAL LICENSES FROM MEDICAL CANNABIS DISPENSARIES,~~
17 ~~MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS INDEPENDENT TESTING~~
18 ~~LABORATORIES, AND MEDICAL CANNABIS GROWERS NOT LATER THAN APRIL 1,~~
19 ~~2023.~~

20 ~~(B) WITHIN 45 DAYS AFTER RECEIVING AN APPLICATION AND ALL FEES FOR~~
21 ~~A DUAL LICENSE FROM A MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS~~
22 ~~PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY, OR~~
23 ~~MEDICAL CANNABIS GROWER, THE COMMISSION SHALL ISSUE A DUAL LICENSE TO~~
24 ~~THE APPLICANT, UNLESS THE COMMISSION:~~

25 ~~(1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH~~
26 ~~REGULATIONS ADOPTED UNDER § 23-301(A) OF THIS TITLE; OR~~

27 ~~(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT~~
28 ~~IS NOT IN COMPLIANCE WITH LOCAL LAW.~~

29 ~~(C) (1) BEFORE BEING ISSUED A DUAL LICENSE UNDER THIS SECTION,~~
30 ~~EACH APPLICANT SHALL PAY A LICENSING FEE OF:~~

31 ~~(i) FOR A MEDICAL CANNABIS GROWER:~~

1 ~~1. THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL~~
2 ~~SALES BETWEEN JANUARY 1, 2021, AND JANUARY 1, 2022, OR \$500,000; OR~~

3 ~~2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS~~
4 ~~ITEM IS LESS THAN \$100,000, \$100,000;~~

5 ~~(II) FOR A MEDICAL CANNABIS DISPENSARY:~~

6 ~~1. THE LOWER OF 2.0% OF THE BUSINESS'S TOTAL~~
7 ~~SALES BETWEEN JANUARY 1, 2021, AND JANUARY 1, 2022, OR \$100,000; OR~~

8 ~~2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS~~
9 ~~ITEM IS LESS THAN \$50,000, \$50,000; OR~~

10 ~~(III) FOR A MEDICAL CANNABIS PROCESSOR:~~

11 ~~1. THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL~~
12 ~~SALES BETWEEN JANUARY 1, 2021, AND JANUARY 1, 2022, OR \$250,000; OR~~

13 ~~2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS~~
14 ~~ITEM IS LESS THAN \$25,000, \$25,000.~~

15 ~~(2) ALL FEES PAID IN ACCORDANCE WITH THIS SUBSECTION SHALL~~
16 ~~BE CREDITED TO THE SOCIAL EQUITY START-UP FUND.~~

17 ~~(3) THE COMMISSION SHALL REDUCE DUAL LICENSE FEES FOR ANY~~
18 ~~ENTITY THAT QUALIFIES AS A SOCIAL EQUITY APPLICANT.~~

19 ~~(4) THE COMMISSION MAY REDUCE DUAL LICENSE FEES BY AT LEAST~~
20 ~~50% FOR ANY APPLICANT THAT IS A CERTIFIED MINORITY OWNED BUSINESS.~~

21 ~~(5) A MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY IS~~
22 ~~NOT REQUIRED TO PAY A LICENSING FEE.~~

23 ~~(D) (1) FOR AN INITIAL RENEWAL, EACH APPLICANT SHALL PAY A~~
24 ~~LICENSING FEE OF:~~

25 ~~(I) FOR A MEDICAL CANNABIS GROWER:~~

26 ~~1. THE LOWER OF 5.0% OF THE BUSINESS'S TOTAL~~
27 ~~SALES FOR THE 6 MONTHS IMMEDIATELY PRECEDING THE PAYMENT, OR \$250,000;~~
28 ~~OR~~

1 ~~2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS~~
2 ~~ITEM IS LESS THAN \$100,000, \$100,000;~~

3 ~~(H) FOR A MEDICAL CANNABIS DISPENSARY:~~

4 ~~1. THE LOWER OF 2.0% OF THE BUSINESS'S TOTAL~~
5 ~~SALES FOR THE 6 MONTHS IMMEDIATELY PRECEDING THE PAYMENT, OR \$150,000;~~
6 ~~OR~~

7 ~~2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS~~
8 ~~ITEM IS LESS THAN \$50,000, \$50,000; OR~~

9 ~~(HH) FOR A MEDICAL CANNABIS PROCESSOR, THE LOWER OF~~
10 ~~2.5% OF THE BUSINESS'S TOTAL SALES FOR THE 6 MONTHS IMMEDIATELY~~
11 ~~PRECEDING THE PAYMENT, OR \$250,000.~~

12 ~~(2) A MEDICAL CANNABIS GROWER, DISPENSARY, OR PROCESSOR~~
13 ~~MAY ELECT TO DIRECT, WITH COMMISSION APPROVAL, UP TO 50% OF THE FEE PAID~~
14 ~~UNDER THIS SUBSECTION TOWARD THE COSTS ASSOCIATED WITH HOSTING A~~
15 ~~CANNABIS BUSINESS INCUBATOR PROGRAM.~~

16 ~~(3) THE COMMISSION SHALL REDUCE DUAL LICENSE RENEWAL FEES~~
17 ~~UNDER THIS SUBSECTION FOR ANY APPLICANT WITH 51% OR MORE OWNERSHIP~~
18 ~~THAT QUALIFIES AS A SOCIAL EQUITY APPLICANT BY AT LEAST 50%.~~

19 ~~(4) ALL FEES PAID IN ACCORDANCE WITH THIS SUBSECTION SHALL~~
20 ~~BE CREDITED TO THE SOCIAL EQUITY START-UP FUND.~~

21 ~~(5) THE COMMISSION SHALL DETERMINE SUBSEQUENT RENEWAL~~
22 ~~FEES, WHICH SHALL BE CREDITED TO THE CANNABIS REGULATION FUND.~~

23 ~~(E) A DUAL LICENSE ISSUED UNDER THIS SECTION IS VALID FOR:~~

24 ~~(1) 240 DAYS ON INITIAL LICENSURE; AND~~

25 ~~(2) 2 YEARS ON RENEWAL.~~

26 ~~(F) EACH MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS~~
27 ~~PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY, AND~~
28 ~~MEDICAL CANNABIS GROWER SHALL BE ELIGIBLE FOR A SINGLE DUAL LICENSE, AT~~
29 ~~THE SAME PREMISES AS THE MEDICAL CANNABIS ESTABLISHMENT LICENSE.~~

30 ~~(G) (1) (i) A MEDICAL CANNABIS PROCESSOR IS ELIGIBLE ONLY FOR A~~
31 ~~DUAL LICENSE AS A PROCESSOR.~~

1 ~~(H) A MEDICAL CANNABIS DISPENSARY IS ELIGIBLE ONLY FOR~~
2 ~~A DUAL LICENSE AS A RETAILER.~~

3 ~~(H) A MEDICAL CANNABIS GROWER IS ELIGIBLE ONLY FOR A~~
4 ~~DUAL LICENSE AS A CULTIVATOR.~~

5 ~~(IV) A MEDICAL CANNABIS INDEPENDENT TESTING~~
6 ~~LABORATORY IS ELIGIBLE ONLY FOR A DUAL LICENSE AS AN INDEPENDENT TESTING~~
7 ~~LABORATORY.~~

8 ~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
9 ~~PARAGRAPH, THIS SUBSECTION DOES NOT PREVENT AN ENTITY LICENSED AS TWO~~
10 ~~OR MORE TYPES OF MEDICAL CANNABIS ESTABLISHMENTS FROM APPLYING FOR~~
11 ~~AND BEING ISSUED AN EQUAL NUMBER AND TYPE OF DUAL LICENSES.~~

12 ~~(H) A MEDICAL CANNABIS INDEPENDENT TESTING~~
13 ~~LABORATORY MAY NOT HOLD ANY OTHER TYPE OF CANNABIS ESTABLISHMENT~~
14 ~~LICENSE.~~

15 ~~23-404.~~

16 ~~(A) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL:~~

17 ~~(1) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR~~
18 ~~LICENSES TO OPERATE AS A CULTIVATOR, DELIVERY SERVICE, PROCESSOR, OR~~
19 ~~TRANSPORTER FROM SOCIAL EQUITY APPLICANTS; AND~~

20 ~~(2) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR~~
21 ~~LICENSES TO OPERATE AN INDEPENDENT TESTING LABORATORY FROM ALL~~
22 ~~APPLICANTS.~~

23 ~~(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A~~
24 ~~CANNABIS ESTABLISHMENT, THE COMMISSION SHALL IMMEDIATELY FORWARD A~~
25 ~~COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE~~
26 ~~LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT~~
27 ~~DESIRES TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS~~
28 ~~NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.~~

29 ~~(C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL~~
30 ~~APPLICATION TO OPERATE A DELIVERY SERVICE, CLASS A PROCESSOR, CLASS B~~
31 ~~PROCESSOR, OR TRANSPORTER FROM A SOCIAL EQUITY APPLICANT, THE~~
32 ~~COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL LICENSE TO THE~~
33 ~~APPLICANT, UNLESS THE COMMISSION:~~

1 ~~(1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH~~
2 ~~REGULATIONS ADOPTED UNDER § 23-301 OF THIS TITLE; OR~~

3 ~~(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT~~
4 ~~IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING REGULATIONS.~~

5 ~~(D) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL~~
6 ~~APPLICATION TO OPERATE AN INDEPENDENT TESTING LABORATORY, THE~~
7 ~~COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL LICENSE TO THE~~
8 ~~APPLICANT, UNLESS THE COMMISSION:~~

9 ~~(1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH~~
10 ~~REGULATIONS ADOPTED UNDER § 23-301 OF THIS TITLE; OR~~

11 ~~(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT~~
12 ~~IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING REGULATIONS.~~

13 ~~(E) (1) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
14 ~~PARAGRAPH, ON OR BEFORE FEBRUARY 1, 2024, THE COMMISSION SHALL ISSUE TO~~
15 ~~SOCIAL EQUITY APPLICANTS:~~

16 ~~1. 14 TIER 5 CULTIVATOR LICENSES;~~

17 ~~2. 18 TIER 3 CULTIVATOR LICENSES; AND~~

18 ~~3. 18 TIER 1 CULTIVATOR LICENSES.~~

19 ~~(H) IF THERE ARE FEWER THAN 10 QUALIFIED APPLICANTS FOR~~
20 ~~TIER 5 CULTIVATOR LICENSES, THEN ADDITIONAL TIER 3 LICENSES SHALL BE~~
21 ~~ISSUED TO ENSURE THAT A TOTAL OF 25 LICENSES ARE ISSUED TO TIER 5 AND TIER~~
22 ~~3 CULTIVATORS COLLECTIVELY.~~

23 ~~(2) (i) THE COMMISSION SHALL IMPLEMENT A SCORED PROCESS~~
24 ~~TO DETERMINE QUALIFYING APPLICANTS FOR CULTIVATION LICENSES THAT MAY~~
25 ~~CONSIDER:~~

26 ~~1. SECURITY AND RECORD KEEPING PLANS;~~

27 ~~2. BUSINESS PLANS;~~

28 ~~3. KNOWLEDGE AND EXPERIENCE;~~

29 ~~4. SUITABILITY OF EMPLOYEE TRAINING;~~

1 ~~5. DIVERSITY PLANS;~~

2 ~~6. LABOR AND EMPLOYMENT PRACTICES;~~

3 ~~7. ENVIRONMENTAL PLANS;~~

4 ~~8. VETERAN STATUS; AND~~

5 ~~9. MARYLAND RESIDENCY.~~

6 ~~(H) AN APPLICANT THAT SCORES ABOVE A NUMBER OF POINTS~~
7 ~~ESTABLISHED BY THE COMMISSION SHALL BE ENTERED INTO A LOTTERY TO~~
8 ~~DETERMINE WHICH APPLICANTS ARE ISSUED LICENSES.~~

9 ~~(F) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE~~
10 ~~APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE CANNABIS~~
11 ~~ESTABLISHMENT WOULD BE LOCATED.~~

12 ~~(2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,~~
13 ~~THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.~~

14 ~~(3) (I) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, THE~~
15 ~~COMMISSION MAY REQUIRE A CULTIVATOR TO SECURE A SITE WITHIN A~~
16 ~~REASONABLE AMOUNT OF TIME.~~

17 ~~(H) THE COMMISSION SHALL ALLOW AN APPLICANT TO SHOW~~
18 ~~CAUSE TO ALLOW ONE OR MORE EXTENSIONS TO THE DEADLINE FOR EVENTS~~
19 ~~BEYOND THE APPLICANT'S CONTROL.~~

20 ~~(4) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A~~
21 ~~COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY~~
22 ~~WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION~~
23 ~~SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND~~
24 ~~APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.~~

25 ~~(G) THE COMMISSION SHALL ACCEPT AND PROCESS APPLICATIONS FOR~~
26 ~~TRANSPORTERS, DELIVERY SERVICES, AND PROCESSORS OPERATED BY SOCIAL~~
27 ~~EQUITY APPLICANTS ON AN ONGOING BASIS.~~

28 ~~(H) THE COMMISSION SHALL ACCEPT AND PROCESS APPLICATIONS FOR~~
29 ~~INDEPENDENT TESTING LABORATORIES ON AN ONGOING BASIS.~~

1 ~~(A) (1) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL~~
2 ~~BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE A~~
3 ~~RETAILER FROM ANY QUALIFIED APPLICANT.~~

4 ~~(2) (I) ON OR BEFORE APRIL 1, 2024, THE COMMISSION SHALL~~
5 ~~INITIALLY ISSUE 47 RETAILER LICENSES IN A MANNER THAT EQUITABLY~~
6 ~~DISTRIBUTES THE LICENSES THROUGHOUT THE STATE AT THE RATE OF ONE~~
7 ~~LICENSE PER SENATORIAL DISTRICT.~~

8 ~~(H) IN DETERMINING WHETHER THE AMOUNT OF RETAILER~~
9 ~~LICENSES REQUIRED TO BE ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~
10 ~~HAS BEEN MET, THE COMMISSION MAY NOT INCLUDE DUAL LICENSES.~~

11 ~~(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A~~
12 ~~RETAILER, THE COMMISSION SHALL PROMPTLY FORWARD A COPY OF EACH~~
13 ~~APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCAL~~
14 ~~REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES~~
15 ~~TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT~~
16 ~~DESIGNATED A LOCAL REGULATORY AUTHORITY.~~

17 ~~(C) THE COMMISSION SHALL AWARD UP TO 255 POINTS TO COMPLETE~~
18 ~~APPLICATIONS BASED ON THE FOLLOWING FACTORS:~~

19 ~~(1) 65 POINTS AWARDED FOR SECURITY AND RECORD KEEPING~~
20 ~~BASED ON THE EXTENT TO WHICH THE SECURITY PLAN ACCOUNTS FOR THE~~
21 ~~PREVENTION OF THEFT OR DIVERSION OF CANNABIS, INCLUDING SAFE STORAGE OF~~
22 ~~CANNABIS AND CURRENCY, TRACKING PROCEDURES, AND A PLAN FOR THE~~
23 ~~DESTRUCTION AND DISPOSAL OF CANNABIS;~~

24 ~~(2) 30 POINTS AWARDED FOR KNOWLEDGE AND EXPERIENCE BASED~~
25 ~~ON THE APPLICANT'S PRINCIPAL OFFICERS' DEMONSTRATED EXPERIENCE AND~~
26 ~~QUALIFICATIONS IN BUSINESS MANAGEMENT OR EXPERIENCE WITH THE CANNABIS~~
27 ~~INDUSTRY, WHICH MAY BE DEMONSTRATED THROUGH EXPERIENCE IN OTHER~~
28 ~~INDUSTRIES OR TRAINING THAT REFLECTS ON AN APPLICANT'S ABILITY TO~~
29 ~~OPERATE A CANNABIS BUSINESS ESTABLISHMENT;~~

30 ~~(3) 65 POINTS AWARDED FOR BUSINESS PLAN, FINANCIALS,~~
31 ~~OPERATING, AND FLOOR PLANS;~~

32 ~~(4) 50 POINTS AWARDED FOR STATUS AS A SOCIAL EQUITY APPLICANT~~
33 ~~BASED ON WHETHER THE APPLICANT MEETS THE QUALIFICATIONS FOR A SOCIAL~~
34 ~~EQUITY APPLICANT AS SET FORTH IN THIS TITLE;~~

~~(5) 15 POINTS AWARDED FOR THE SUITABILITY OF THE EMPLOYEE TRAINING PLAN BASED ON THE EXTENT TO WHICH THE APPLICANT'S TRAINING PLAN WILL ENSURE EMPLOYEES UNDERSTAND THE RULES AND LAWS, ARE KNOWLEDGEABLE ABOUT SECURITY MEASURES AND OPERATING PROCEDURES, AND ARE ABLE TO ADVISE CONSUMERS ON HOW TO SAFELY CONSUME PRODUCTS AND USE INDIVIDUAL PRODUCTS THAT ARE OFFERED;~~

~~(6) 10 POINTS AWARDED FOR A DIVERSITY PLAN BASED ON A NARRATIVE OF NOT MORE THAN 2,500 WORDS THAT ESTABLISHES A GOAL OF DIVERSITY IN OWNERSHIP, MANAGEMENT, EMPLOYMENT, AND CONTRACTING TO ENSURE THAT DIVERSE PARTICIPANTS AND GROUPS ARE AFFORDED EQUALITY OF OPPORTUNITY;~~

~~(7) 5 POINTS AWARDED FOR LABOR AND EMPLOYMENT PRACTICES BASED ON PLANS TO PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL WORKING ENVIRONMENT FOR THE CANNABIS ESTABLISHMENT'S AGENTS, INCLUDING CODES OF CONDUCT, HEALTH CARE BENEFITS, EDUCATIONAL BENEFITS, RETIREMENT BENEFITS, AND LIVING WAGE STANDARDS;~~

~~(8) 5 POINTS AWARDED BASED ON AN ENVIRONMENTAL PLAN OF ACTION TO MINIMIZE THE CARBON FOOTPRINT, ENVIRONMENTAL IMPACT, AND RESOURCE NEEDS FOR THE DISPENSARY;~~

~~(9) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 26% OR MORE CONTROLLED AND OWNED BY AN INDIVIDUAL OR INDIVIDUALS WHO MEET THE QUALIFICATIONS OF A VETERAN AS DEFINED BY § 9-901 OF THE STATE GOVERNMENT ARTICLE; AND~~

~~(10) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 51% OR MORE OWNED AND CONTROLLED BY STATE RESIDENTS, WHO CAN PROVE RESIDENCY IN EACH OF THE IMMEDIATELY PRECEDING 5 YEARS WITH TAX RECORDS.~~

~~(D) THE COMMISSION MAY AWARD UP TO 2 BONUS POINTS FOR A PLAN TO ENGAGE WITH THE COMMUNITY IN WHICH THE APPLICANT WILL BE LOCATED.~~

~~(E) (1) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE CANNABIS ESTABLISHMENT WOULD BE LOCATED.~~

~~(ii) THE COMMISSION MAY REQUIRE AN APPLICANT TO SPECIFY THE LOCALITY IN WHICH THE CANNABIS ESTABLISHMENT IS INTENDED TO OPERATE.~~

1 ~~(2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,~~
2 ~~THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.~~

3 ~~(3) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE~~
4 ~~COMMISSION MAY REQUIRE AN APPLICANT TO SECURE A SITE WITHIN A~~
5 ~~REASONABLE AMOUNT OF TIME.~~

6 ~~(ii) THE COMMISSION SHALL ALLOW AN APPLICANT TO SHOW~~
7 ~~CAUSE TO ALLOW ONE OR MORE EXTENSIONS TO THE DEADLINE FOR EVENTS~~
8 ~~BEYOND THE APPLICANT'S CONTROL.~~

9 ~~(4) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A~~
10 ~~COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY~~
11 ~~WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION~~
12 ~~SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND~~
13 ~~APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.~~

14 ~~(f) THE COMMISSION MAY PROVIDE THAT ANY APPLICANT THAT SCORES~~
15 ~~ABOVE A SPECIFIED NUMBER OF POINTS MUST BE ENTERED INTO A LOTTERY THAT~~
16 ~~IS CONDUCTED IN A MANNER THAT ENSURES EQUITABLE DISTRIBUTION OF~~
17 ~~RETAILERS THROUGHOUT THE STATE.~~

18 ~~23-406.~~

19 ~~(A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2025, THE~~
20 ~~COMMISSION, IN CONJUNCTION WITH THE OFFICE OF SOCIAL EQUITY, SHALL~~
21 ~~EVALUATE THE CANNABIS MARKET IN THE STATE AND SOLICIT INPUT FROM THE~~
22 ~~PUBLIC AND STAKEHOLDERS REGARDING:~~

23 ~~(1) THE EXTENT TO WHICH THE PROGRAM IS RESULTING IN SOCIAL~~
24 ~~EQUITY APPLICANTS THAT ARE ABLE TO RUN SUCCESSFUL CANNABIS BUSINESSES~~
25 ~~AND TO COMPETE WITH DUAL LICENSES AND OTHER CANNABIS BUSINESSES;~~

26 ~~(2) DIVERSITY IN OWNERSHIP, MANAGEMENT, AND STAFFING OF THE~~
27 ~~CANNABIS INDUSTRY IN THE STATE, INCLUDING A REVIEW OF THE DISPARITY~~
28 ~~STUDY;~~

29 ~~(3) WHETHER THE TAX RATE AND REVENUE ARE MEETING GOALS OF~~
30 ~~DISPLACING THE ILLICIT MARKET AND GENERATING REVENUE FOR REINVESTMENT~~
31 ~~IN COMMUNITIES, CANNABIS TRAINING, AND OTHER NEEDS, INCLUDING A REVIEW~~
32 ~~OF HOW TAX RATES COMPARE TO OTHER STATES; AND~~

1 ~~(4) ANY ANTICIPATED OR ACTUAL CHANGES TO FEDERAL LAW OR~~
2 ~~OTHER FACTORS THAT MAY WARRANT REVISIONS TO THIS TITLE.~~

3 ~~(B) ON OR BEFORE JANUARY 1, 2027, AND BEFORE ANY ADDITIONAL~~
4 ~~CULTIVATION LICENSES ARE ISSUED UNDER § 23-407 OF THIS SUBTITLE, THE~~
5 ~~COMMISSION SHALL COMMISSION A STUDY OF THE CANNABIS MARKET IN THE~~
6 ~~STATE, WHICH SHALL ADDRESS:~~

7 ~~(1) THE EXTENT TO WHICH CONSUMERS HAVE SAFE, CONVENIENT~~
8 ~~ACCESS TO LEGAL CANNABIS AT PRICES THAT ARE LOWER THAN IN THE ILLICIT~~
9 ~~MARKET;~~

10 ~~(2) WHETHER CANNABIS CULTIVATORS, PROCESSORS, AND~~
11 ~~RETAILERS ARE MEETING DEMAND WITHOUT CREATING A SURPLUS; AND~~

12 ~~(3) WHETHER ADDITIONAL SUPPLY IS NEEDED.~~

13 ~~(C) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2025, THE~~
14 ~~COMMISSION SHALL REPORT ITS RECOMMENDATIONS, BASED ON THE FINDINGS OF~~
15 ~~THE SOLICITATIONS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION, TO THE~~
16 ~~GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT~~
17 ~~ARTICLE, FOR ANY CHANGES TO CANNABIS REGULATION AND TAXATION,~~
18 ~~INCLUDING:~~

19 ~~(1) ANY CHANGES TO THE TAX RATE AND METHOD; AND~~

20 ~~(2) WHETHER AND UNDER WHAT CONDITIONS TO ALLOW THE IMPORT~~
21 ~~AND EXPORT OF CANNABIS TO OTHER STATES.~~

22 ~~23-407.~~

23 ~~(A) THE COMMISSION MAY ACCEPT ADDITIONAL APPLICATIONS FOR~~
24 ~~CULTIVATORS AND RETAILERS BEGINNING FEBRUARY 1, 2027.~~

25 ~~(B) ADDITIONAL CULTIVATION LICENSES MAY BE ISSUED ONLY IF THE~~
26 ~~STUDY DONE IN ACCORDANCE WITH § 23-406(B) OF THIS SUBTITLE DETERMINES~~
27 ~~THAT ADDITIONAL SUPPLY IS NEEDED.~~

28 ~~(C) THE NUMBER OF LICENSES ISSUED AND THE LICENSED CULTIVATION~~
29 ~~SPACE SHALL BE DESIGNED TO MEET PROJECTED DEMAND, INCLUDING FACTORING~~
30 ~~IN THE PERCENT OF LICENSED SPACE THAT MAY NOT BE USED.~~

31 ~~(D) IN DETERMINING THE NUMBER OF ADDITIONAL RETAIL OR~~
32 ~~CULTIVATION LICENSES TO ISSUE, THE COMMISSION SHALL CONSIDER:~~

1 ~~(1) THE EXTENT TO WHICH CONSUMERS WILL HAVE SAFE,~~
2 ~~CONVENIENT ACCESS TO LEGAL CANNABIS AT PRICES THAT ARE LOWER THAN THE~~
3 ~~ILLICIT MARKET;~~

4 ~~(2) EXPECTED CULTIVATION EXPANSION BY EXISTING CULTIVATORS;~~
5 ~~AND~~

6 ~~(3) THE ANTICIPATED OR ACTUAL OPENING OF AN INTERSTATE OR~~
7 ~~INTERNATIONAL MARKET FOR CANNABIS PRODUCTS.~~

8 ~~(E) THE COMMISSION MAY LIMIT SOME OR ALL OF THE LICENSES ISSUED~~
9 ~~UNDER THIS SECTION TO SOCIAL EQUITY APPLICANTS OR MINORITY BUSINESS~~
10 ~~APPLICANTS IF DOING SO IS NEEDED TO ENSURE DIVERSITY AND INCLUSION IN THE~~
11 ~~INDUSTRY, AS WARRANTED BY THE DISPARITY STUDY.~~

12 ~~(F) LICENSES UNDER THIS SECTION SHALL BE ISSUED BY SCORING ALL~~
13 ~~APPLICATIONS AND ENTERING ALL APPLICANTS THAT ARE DETERMINED TO HAVE A~~
14 ~~SUFFICIENT SCORE INTO A LOTTERY.~~

15 ~~23-408.~~

16 ~~(A) NOT EARLIER THAN 6 MONTHS AFTER BEGINNING TO ISSUE LICENSES~~
17 ~~TO SOCIAL EQUITY APPLICANTS UNDER § 23-404 OF THIS SUBTITLE, THE~~
18 ~~COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR~~
19 ~~LICENSES TO OPERATE AS A CLASS A OR CLASS B PROCESSOR FROM ANY QUALIFIED~~
20 ~~APPLICANT.~~

21 ~~(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A~~
22 ~~CLASS A OR CLASS B PROCESSOR, THE COMMISSION SHALL IMMEDIATELY~~
23 ~~FORWARD A COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION~~
24 ~~FEE TO THE LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE~~
25 ~~APPLICANT DESIRES TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE~~
26 ~~LOCALITY HAS NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.~~

27 ~~(C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL~~
28 ~~APPLICATION, THE COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL~~
29 ~~LICENSE TO THE APPLICANT, UNLESS THE COMMISSION:~~

30 ~~(1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH~~
31 ~~REGULATIONS ADOPTED UNDER § 23-301 OF THIS TITLE; OR~~

32 ~~(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT~~
33 ~~IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING LAWS.~~

1 ~~(D) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE~~
2 ~~APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE~~
3 ~~PROCESSOR WOULD BE LOCATED.~~

4 ~~(2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,~~
5 ~~THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.~~

6 ~~(3) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A~~
7 ~~COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY~~
8 ~~WHERE THE PROCESSOR IS TO BE LOCATED, THE COMMISSION SHALL FORWARD THE~~
9 ~~INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND APPROVE OR REJECT~~
10 ~~THE FINAL APPLICATION WITHIN 45 DAYS.~~

11 ~~SUBTITLE 5. LOCAL REGULATIONS.~~

12 ~~23-501.~~

13 ~~(A) AN ON-SITE CONSUMPTION ESTABLISHMENT MAY OPERATE ONLY IF~~
14 ~~THE LOCAL REGULATORY AUTHORITY IN THE LOCALITY WHERE IT IS LOCATED~~
15 ~~ISSUED A PERMIT OR LICENSE THAT EXPRESSLY ALLOWS THE OPERATION OF THE~~
16 ~~ON-SITE CONSUMPTION ESTABLISHMENT.~~

17 ~~(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A LOCALITY MAY~~
18 ~~PROHIBIT THE OPERATION OF ANY OR ALL TYPES OF CANNABIS ESTABLISHMENTS~~
19 ~~WITHIN ITS JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR~~
20 ~~THROUGH AN INITIATED OR REFERRED MEASURE.~~

21 ~~(2) AN INITIATED OR REFERRED MEASURE TO PROHIBIT THE~~
22 ~~OPERATION OF CANNABIS ESTABLISHMENTS MUST APPEAR ON A GENERAL~~
23 ~~ELECTION BALLOT.~~

24 ~~(3) A LOCALITY MAY NOT:~~

25 ~~(I) PROHIBIT TRANSPORTATION THROUGH THE LOCALITY OR~~
26 ~~DELIVERIES WITHIN THE LOCALITY BY CANNABIS ESTABLISHMENTS LOCATED IN~~
27 ~~OTHER JURISDICTIONS;~~

28 ~~(H) PROHIBIT OR IMPACT A BUSINESS LICENSED UNDER TITLE~~
29 ~~13, SUBTITLE 33 OF THIS ARTICLE, REGARDLESS OF WHETHER THE BUSINESS IS~~
30 ~~GRANTED A LICENSE UNDER THIS TITLE; OR~~

1 ~~(H) PREVENT AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE~~
2 ~~33 OF THIS ARTICLE THAT IS IN COMPLIANCE WITH ALL RELEVANT MEDICAL~~
3 ~~CANNABIS REGULATIONS FROM BEING GRANTED A DUAL LICENSE.~~

4 ~~(C) A PERSON SEEKING LICENSURE AS A CANNABIS ESTABLISHMENT SHALL~~
5 ~~MEET LOCAL ZONING AND PLANNING REQUIREMENTS.~~

6 ~~(D) A LOCALITY MAY NOT NEGOTIATE OR ENTER INTO AN AGREEMENT WITH~~
7 ~~A CANNABIS ESTABLISHMENT OR A CANNABIS ESTABLISHMENT APPLICANT~~
8 ~~REQUIRING THAT THE CANNABIS ESTABLISHMENT OR APPLICANT PROVIDE MONEY,~~
9 ~~DONATIONS, IN KIND CONTRIBUTIONS, SERVICES, OR ANYTHING OF VALUE TO THE~~
10 ~~LOCALITY.~~

11 ~~SUBTITLE 6. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.~~

12 ~~23-601.~~

13 ~~(A) IN THIS SECTION, "PROCESSING" AND "MANUFACTURING" DO NOT~~
14 ~~INCLUDE:~~

15 ~~(1) PERFORMING EXTRACTIONS USING SOLVENTS OTHER THAN~~
16 ~~WATER, GLYCERIN, PROPYLENE GLYCOL, VEGETABLE OIL, OR FOOD GRADE~~
17 ~~ETHANOL; OR~~

18 ~~(2) EXTRACTING COMPOUNDS FROM CANNABIS USING ETHANOL IN~~
19 ~~THE PRESENCE OR VICINITY OF OPEN FLAME.~~

20 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS~~
21 ~~OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE NOT~~
22 ~~UNLAWFUL UNDER STATE LAW OR THE LAW OF ANY POLITICAL SUBDIVISION OF THE~~
23 ~~STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR~~
24 ~~INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD:~~

25 ~~(1) POSSESSING, CONSUMING, GROWING, USING, PROCESSING,~~
26 ~~MANUFACTURING, PURCHASING, OR TRANSPORTING AN AMOUNT OF CANNABIS~~
27 ~~THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT;~~

28 ~~(2) TRANSFERRING AN AMOUNT OF CANNABIS THAT DOES NOT~~
29 ~~EXCEED THE PERSONAL USE AMOUNT TO AN INDIVIDUAL WHO IS AT LEAST 21 YEARS~~
30 ~~OLD WITHOUT REMUNERATION;~~

31 ~~(3) CONTROLLING PROPERTY WHERE ACTIONS DESCRIBED IN ITEM~~
32 ~~(1) OR (2) OF THIS SUBSECTION OCCUR; OR~~

~~(4) ASSISTING ANOTHER INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD IN AN ACT DESCRIBED IN ITEM (1) OR (2) OF THIS SUBSECTION.~~

~~(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS THE COURT OR THE MARYLAND PAROLE COMMISSION MAKES A SPECIFIC FINDING THAT AN INDIVIDUAL DEFENDANT'S, PAROLEE'S, OR PROBATIONER'S USE OF CANNABIS COULD CREATE A DANGER TO THE INDIVIDUAL OR OTHER PERSONS, IT IS NOT A VIOLATION OF CONDITIONS OF PRETRIAL RELEASE, PAROLE, OR PROBATION TO:~~

~~(1) ENGAGE IN CONDUCT ALLOWED BY THIS SECTION; OR~~

~~(2) TEST POSITIVE FOR CANNABIS, DELTA-9 TETRAHYDROCANNABINOL, OR ANY OTHER CANNABINOID.~~

~~23-602.~~

~~(a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT UNLAWFUL UNDER STATE LAW AND MAY NOT BE A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR A CANNABIS ESTABLISHMENT WITH A VALID LICENSE, OR A PERSON WHO IS ACTING IN THE PERSON'S CAPACITY AS CANNABIS ESTABLISHMENT AGENT, TO ENGAGE IN ANY ACTIVITIES INVOLVING CANNABIS, CANNABIS ACCESSORIES, OR CANNABIS PRODUCTS IF THE PERSON CONDUCTING THE ACTIVITIES POSSESSES A CURRENT, VALID LICENSE TO OPERATE A CANNABIS ESTABLISHMENT, OR IS ACTING IN THE PERSON'S CAPACITY AS A CANNABIS ESTABLISHMENT AGENT, AND THE ACTIVITIES ARE WITHIN THE SCOPE OF ACTIVITIES ALLOWED BY THE COMMISSION FOR THAT TYPE OF CANNABIS ESTABLISHMENT.~~

~~(b) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR VIOLATING THIS TITLE OR REGULATIONS ADOPTED BY THE COMMISSION OR LOCALITIES IN ACCORDANCE WITH THIS TITLE.~~

~~23-603.~~

~~(a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION OF THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS FOR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD TO MANUFACTURE, POSSESS, OR PURCHASE CANNABIS ACCESSORIES, OR TO DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO:~~

~~(1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; OR~~

~~(2) AN INDIVIDUAL WHO IS A QUALIFYING PATIENT UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.~~

1 ~~(B) EXCEPT AS PROVIDED IN THIS SECTION, AN INDIVIDUAL WHO IS AT~~
2 ~~LEAST 21 YEARS OLD MAY MANUFACTURE, POSSESS, AND PURCHASE CANNABIS~~
3 ~~ACCESSORIES AND DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO A PERSON WHO~~
4 ~~IS AT LEAST 21 YEARS OLD.~~

5 ~~(C) THIS SECTION IS INCLUDED TO SATISFY THE REQUIREMENTS OF 21~~
6 ~~U.S.C. § 863(F) BY AUTHORIZING, UNDER STATE LAW, A PERSON IN COMPLIANCE~~
7 ~~WITH THIS SUBTITLE TO MANUFACTURE, POSSESS, OR DISTRIBUTE CANNABIS~~
8 ~~ACCESSORIES.~~

9 ~~(D) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR~~
10 ~~VIOLATING CONSUMER SAFETY OR BUSINESS LICENSING LAWS OR REGULATIONS.~~

11 ~~23-604.~~

12 ~~(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE~~
13 ~~PROVISIONS OF THIS TITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR~~
14 ~~ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR~~
15 ~~DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY~~
16 ~~RIGHT OR PRIVILEGE, FOR THE USE, POSSESSION, MANUFACTURE,~~
17 ~~TRANSPORTATION, OR DISTRIBUTION OF CANNABIS:~~

18 ~~(1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD IN POSSESSION~~
19 ~~OF AN AMOUNT OF CANNABIS OR CANNABIS PRODUCT FOR ADULT USE THAT DOES~~
20 ~~NOT EXCEED THE PERSONAL USE AMOUNT;~~

21 ~~(2) A CANNABIS ESTABLISHMENT LICENSED UNDER THIS TITLE OR~~
22 ~~THE CANNABIS ESTABLISHMENT AGENT;~~

23 ~~(3) A HOSPITAL, MEDICAL FACILITY, OR HOSPICE PROGRAM WHERE~~
24 ~~A QUALIFYING PATIENT IS RECEIVING TREATMENT; OR~~

25 ~~(4) A THIRD PARTY VENDOR AUTHORIZED BY THE COMMISSION TO~~
26 ~~TEST, TRANSPORT, OR DISPOSE OF CANNABIS, CANNABIS PRODUCTS, OR CANNABIS~~
27 ~~WASTE UNDER THE PROVISIONS OF THIS TITLE.~~

28 ~~(B) (1) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR~~
29 ~~ANY OF ITS POLITICAL SUBDIVISIONS MAY IMPOSE ANY PENALTY OR DENY ANY~~
30 ~~BENEFIT OR ENTITLEMENT FOR CONDUCT PERMITTED UNDER THIS TITLE OR FOR~~
31 ~~THE PRESENCE OF CANNABINOIDS OR CANNABINOID METABOLITES IN THE URINE,~~
32 ~~BLOOD, SALIVA, BREATH, HAIR, OR OTHER TISSUE OR FLUID OF AN INDIVIDUAL WHO~~
33 ~~IS AT LEAST 21 YEARS OLD.~~

~~(2) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR ANY OF ITS POLITICAL SUBDIVISIONS MAY DENY A DRIVER'S LICENSE, A PROFESSIONAL LICENSE, HOUSING ASSISTANCE, SOCIAL SERVICES, OR OTHER BENEFITS BASED ON CANNABIS USE OR FOR THE PRESENCE OF CANNABINOIDS OR CANNABINOID METABOLITES IN THE URINE, BLOOD, SALIVA, BREATH, HAIR, OR OTHER TISSUE OR FLUID OF AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD.~~

~~(C) AN INDIVIDUAL MAY NOT BE DENIED CUSTODY OF OR VISITATION WITH A MINOR FOR ACTING IN ACCORDANCE WITH THIS TITLE, UNLESS THE INDIVIDUAL'S BEHAVIOR IS SUCH THAT IT CREATES AN UNREASONABLE DANGER TO THE MINOR THAT CAN BE CLEARLY ARTICULATED AND SUBSTANTIATED.~~

~~(D) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR ANY OF ITS POLITICAL SUBDIVISIONS MAY DENY EMPLOYMENT OR A CONTRACT TO AN INDIVIDUAL FOR ENGAGING IN CONDUCT AUTHORIZED UNDER THIS TITLE, FOR:~~

~~(1) A PRIOR CONVICTION FOR A NONVIOLENT CANNABIS OFFENSE THAT DOES NOT INVOLVE DISTRIBUTION TO MINORS; OR~~

~~(2) TESTING POSITIVE FOR THE PRESENCE OF CANNABINOIDS OR CANNABINOID METABOLITES IN THE URINE, BLOOD, SALIVA, BREATH, HAIR, OR OTHER TISSUE OR FLUID OF THE INDIVIDUAL'S BODY.~~

~~(E) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN AND TISSUE TRANSPLANTS:~~

~~(1) THE USE OF CANNABIS DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY AN INDIVIDUAL FROM NEEDED MEDICAL CARE; AND~~

~~(2) MAY BE CONSIDERED ONLY WITH RESPECT TO EVIDENCE-BASED CLINICAL CRITERIA.~~

~~(F) (1) THIS SECTION DOES NOT PREVENT A GOVERNMENT EMPLOYER FROM DISCIPLINING AN EMPLOYEE OR CONTRACTOR FOR:~~

~~(I) INGESTING CANNABIS IN THE WORKPLACE; OR~~

~~(H) WORKING WHILE IMPAIRED BY CANNABIS.~~

~~(2) THE PROTECTIONS PROVIDED BY THIS SECTION DO NOT APPLY TO THE EXTENT THAT THEY CONFLICT WITH A GOVERNMENT EMPLOYER'S OBLIGATIONS UNDER FEDERAL LAW OR TO THE EXTENT THAT THEY WOULD~~

1 ~~DISQUALIFY THE ENTITY FROM A MONETARY OR LICENSING RELATED BENEFIT~~
2 ~~UNDER FEDERAL LAW.~~

3 ~~(3) THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN,~~
4 ~~AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, DISCIPLINE, OR~~
5 ~~OTHER PENALTIES, INCLUDING DISCIPLINE OR TERMINATION BY A GOVERNMENT~~
6 ~~EMPLOYER FOR ENGAGING IN, ANY TASK WHILE UNDER THE INFLUENCE OF~~
7 ~~CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL~~
8 ~~MALPRACTICE.~~

9 ~~(4) THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN,~~
10 ~~AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, DISCIPLINE, OR~~
11 ~~OTHER PENALTIES, INCLUDING DISCIPLINE OR TERMINATION BY A GOVERNMENT~~
12 ~~EMPLOYER OR REVOCATION OF A DRIVER'S LICENSE, FOR DRIVING WHILE IMPAIRED~~
13 ~~BY CANNABIS.~~

14 ~~(G) TO THE EXTENT ALLOWABLE, A PERSON IS NOT CONSIDERED~~
15 ~~INELIGIBLE TO POSSESS A FIREARM UNDER FEDERAL LAW OR TO BE AN UNLAWFUL~~
16 ~~USER OF OR ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE SOLELY~~
17 ~~BECAUSE OF CONDUCT AUTHORIZED UNDER THIS TITLE.~~

18 ~~(H) A PERSON MAY NOT BE DENIED A STATE FIREARM LICENSE OR PERMIT,~~
19 ~~INCLUDING A CONCEALED CARRY PERMIT, SOLELY BECAUSE OF CONDUCT~~
20 ~~AUTHORIZED UNDER THIS TITLE.~~

21 ~~23-605.~~

22 ~~(A) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY NOT~~
23 ~~BE SUBJECT TO PROFESSIONAL DISCIPLINE FOR PROVIDING ADVICE OR SERVICES~~
24 ~~RELATED TO CANNABIS ESTABLISHMENTS OR APPLICATIONS TO OPERATE~~
25 ~~CANNABIS ESTABLISHMENTS ON THE BASIS THAT CANNABIS IS ILLEGAL UNDER~~
26 ~~FEDERAL LAW.~~

27 ~~(B) AN APPLICANT FOR A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY~~
28 ~~NOT BE DENIED A LICENSE BASED ON PREVIOUS EMPLOYMENT RELATED TO~~
29 ~~CANNABIS ESTABLISHMENTS OPERATING IN ACCORDANCE WITH STATE LAW.~~

30 ~~23-606.~~

31 ~~(A) FOR THE PURPOSES OF STATE LAW, ACTIONS RELATED TO CANNABIS~~
32 ~~ARE CONSIDERED LAWFUL AS LONG AS THEY ARE IN ACCORDANCE WITH THIS TITLE.~~

~~(B) AN AGENCY OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT RELY ON A VIOLATION OF FEDERAL LAW RELATED TO CANNABIS AS THE SOLE BASIS FOR TAKING AN ADVERSE ACTION AGAINST A PERSON.~~

~~23-607.~~

~~(A) IT IS THE PUBLIC POLICY OF THE STATE THAT CONTRACTS RELATED TO THE OPERATION OF A CANNABIS ESTABLISHMENT LICENSED IN ACCORDANCE WITH THIS SUBTITLE ARE ENFORCEABLE.~~

~~(B) IT IS THE PUBLIC POLICY OF THE STATE THAT NO CONTRACT ENTERED INTO BY A LICENSED CANNABIS ESTABLISHMENT OR ITS AGENTS AS AUTHORIZED IN ACCORDANCE WITH A VALID LICENSE, OR BY THOSE WHO ALLOW PROPERTY TO BE USED BY A CANNABIS ESTABLISHMENT, ITS EMPLOYEES, OR ITS AGENTS AS AUTHORIZED IN ACCORDANCE WITH A VALID LICENSE, SHALL BE UNENFORCEABLE ON THE BASIS THAT CULTIVATING, OBTAINING, MANUFACTURING, DISTRIBUTING, DISPENSING, TRANSPORTING, SELLING, POSSESSING, OR USING CANNABIS IS PROHIBITED BY FEDERAL LAW.~~

~~23-608.~~

~~(A) A LAW ENFORCEMENT OFFICER EMPLOYED BY AN AGENCY THAT RECEIVES STATE OR LOCAL GOVERNMENT FUNDS MAY NOT EXPEND STATE OR LOCAL RESOURCES, INCLUDING THE OFFICER'S TIME, TO EFFECT ANY ARREST OR SEIZURE OF CANNABIS, OR CONDUCT ANY INVESTIGATION, ON THE SOLE BASIS OF ACTIVITY THE OFFICER BELIEVES TO CONSTITUTE A VIOLATION OF FEDERAL LAW IF THE OFFICER HAS REASON TO BELIEVE THAT THE ACTIVITY IS IN COMPLIANCE WITH THIS TITLE.~~

~~(B) A LAW ENFORCEMENT OFFICER MAY NOT EXPEND STATE OR LOCAL RESOURCES, INCLUDING THE OFFICER'S TIME, TO PROVIDE ANY INFORMATION OR LOGISTICAL SUPPORT RELATED TO ACTIVITY DESCRIBED IN SUBSECTION (A) OF THIS SECTION TO ANY FEDERAL LAW ENFORCEMENT AUTHORITY OR PROSECUTING ENTITY.~~

~~SUBTITLE 7. CONSTRUCTION OF TITLE.~~

~~23-701.~~

~~THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE AN INDIVIDUAL TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR:~~

1 ~~(1) UNDERTAKING A TASK WHILE UNDER THE INFLUENCE OF~~
2 ~~CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL~~
3 ~~MALPRACTICE;~~

4 ~~(2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL~~
5 ~~CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE~~
6 ~~OF CANNABIS;~~

7 ~~(3) SMOKING CANNABIS IN A PUBLIC PLACE; OR~~

8 ~~(4) POSSESSING CANNABIS, INCLUDING CANNABIS PRODUCTS, IN A~~
9 ~~LOCAL DETENTION FACILITY, COUNTY JAIL, STATE PRISON, REFORMATORY, OR~~
10 ~~OTHER CORRECTIONAL FACILITY, INCLUDING A FACILITY FOR THE DETENTION OF~~
11 ~~JUVENILE OFFENDERS.~~

12 ~~23-702.~~

13 ~~(A) EXCEPT AS PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS TITLE~~
14 ~~DO NOT REQUIRE A PERSON, CORPORATION, OR ANY OTHER ENTITY THAT OCCUPIES,~~
15 ~~OWNS, OR CONTROLS A PROPERTY TO ALLOW THE CONSUMPTION, CULTIVATION,~~
16 ~~DISPLAY, SALE, OR TRANSFER OF CANNABIS ON OR IN THAT PROPERTY.~~

17 ~~(B) EXCEPT AS PROVIDED IN THIS SECTION, A LANDLORD OR PROPERTY~~
18 ~~MANAGER MAY NOT REFUSE TO RENT TO A TENANT, OR OTHERWISE DISCRIMINATE~~
19 ~~AGAINST THE TENANT, BASED ON A PAST CONVICTION FOR A CANNABIS OFFENSE.~~

20 ~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
21 ~~IN THE CASE OF THE RENTAL OF A RESIDENTIAL DWELLING, A LANDLORD OR~~
22 ~~PROPERTY MANAGER MAY NOT PROHIBIT THE POSSESSION OF CANNABIS OR THE~~
23 ~~CONSUMPTION OF CANNABIS BY NONSMOKED MEANS.~~

24 ~~(2) THIS SUBSECTION DOES NOT APPLY IF:~~

25 ~~(I) THE TENANT IS A BOARDER OR LODGER WHO IS NOT~~
26 ~~LEASING THE ENTIRE RESIDENTIAL DWELLING;~~

27 ~~(II) THE RESIDENCE IS INCIDENTAL TO DETENTION OR THE~~
28 ~~PROVISION OF MEDICAL, GERIATRIC, EDUCATIONAL, COUNSELING, RELIGIOUS, OR~~
29 ~~SIMILAR SERVICE;~~

30 ~~(III) THE RESIDENCE IS A TRANSITIONAL HOUSING OR SOBER~~
31 ~~LIVING FACILITY; OR~~

~~(IV) FAILING TO PROHIBIT CANNABIS POSSESSION OR CONSUMPTION WOULD VIOLATE FEDERAL LAW OR REGULATIONS OR CAUSE THE LANDLORD TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.~~

~~(3) AFTER A WARNING, A LANDLORD OR PROPERTY MANAGER MAY TAKE ACTION AGAINST A TENANT IF THE TENANT'S USE OF CANNABIS CREATES AN ODOR THAT INTERFERES WITH OTHERS' PEACEFUL ENJOYMENT OF THEIR HOME OR PROPERTY.~~

~~Article – State Finance and Procurement~~

~~6-226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

~~(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:~~

~~144. the Health Equity Resource Community Reserve Fund;~~
~~and~~

~~145. the Access to Counsel in Evictions Special Fund;~~

~~146. THE SOCIAL EQUITY START-UP FUND;~~

~~147. THE CANNABIS EDUCATION AND TRAINING FUND;~~

~~148. THE COMMUNITY REINVESTMENT AND REPAIR FUND; AND~~

~~149. THE CANNABIS REGULATION FUND.~~

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

Article – Health – General

SUBTITLE 44. CANNABIS USE BASELINE STUDY.

1 13-4401.

2 (A) THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, IN
3 CONSULTATION WITH THE DEPARTMENT, THE BEHAVIORAL HEALTH
4 ADMINISTRATION, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND
5 VICTIM SERVICES, THE MARYLAND POISON CENTER, THE STATE'S DESIGNATED
6 HEALTH INFORMATION EXCHANGE, AND THE MARYLAND HOSPITAL ASSOCIATION,
7 SHALL CONDUCT, OR CONTRACT WITH AN INSTITUTION OF HIGHER EDUCATION OR
8 A PRIVATE RESEARCH ENTITY TO CONDUCT, A COMPREHENSIVE BASELINE STUDY
9 OF CANNABIS USE IN THE STATE THAT INCLUDES A SURVEY OF:

10 (1) PATTERNS OF USE, INCLUDING FREQUENCY OF USE AND DOSING,
11 METHODS OF CONSUMPTION, AND GENERAL PERCEPTIONS OF CANNABIS AMONG:

12 (I) INDIVIDUALS UNDER THE AGE OF 18 YEARS;

13 (II) INDIVIDUALS AT LEAST 18 YEARS OLD AND UNDER THE AGE
14 OF 21 YEARS;

15 (III) INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE
16 OF 55 YEARS;

17 (IV) INDIVIDUALS AT LEAST 55 YEARS OLD;

18 (V) PREGNANT WOMEN; AND

19 (VI) BREASTFEEDING WOMEN;

20 (2) INCIDENTS OF IMPAIRED DRIVING, INCLUDING ARRESTS,
21 ACCIDENTS, AND FATALITIES, RELATED TO CANNABIS USE;

22 (3) HOSPITALIZATIONS RELATED TO CANNABIS USE;

23 (4) CALLS TO POISON CONTROL CENTERS RELATED TO CANNABIS
24 USE, INCLUDING DATA ON CALLS RELATED TO INDIVIDUALS UNDER THE AGE OF 21
25 YEARS; AND

26 (5) DIAGNOSES OF CANNABIS USE DISORDER AND PROBLEM
27 CANNABIS USE.

28 (B) ON OR BEFORE MARCH 1, 2023, THE NATALIE M. LAPRADE MEDICAL
29 CANNABIS COMMISSION SHALL SUBMIT A REPORT OF THE FINDINGS OF THE
30 BASELINE STUDY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION TO THE

1 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
2 ARTICLE, THE SENATE FINANCE COMMITTEE, THE SENATE JUDICIAL
3 PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE
4 HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

5 (C) ON OR BEFORE MARCH 1, 2025, AND EVERY OTHER YEAR THEREAFTER,
6 THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION SHALL:

7 (1) SURVEY THE SAME FACTORS THAT ARE SET FORTH IN
8 SUBSECTION (A) OF THIS SECTION;

9 (2) USE THE SAME METHODOLOGY OR MODEL THAT IS USED TO
10 CONDUCT THE SURVEY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

11 (3) SUBMIT A REPORT OF THE FINDINGS OF THE SURVEY REQUIRED
12 UNDER THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257
13 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE
14 SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY
15 COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS
16 COMMITTEE.

17 Article – Tax – General

18 10-208.

19 (a) In addition to the modification under § 10-207 of this subtitle, the amounts
20 under this section are subtracted from the federal adjusted gross income of a resident to
21 determine Maryland adjusted gross income.

22 (BB) (1) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION
23 INCLUDES THE AMOUNT OF ORDINARY AND NECESSARY EXPENSES PAID OR
24 INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR A BUSINESS AS
25 A MEDICAL CANNABIS GROWER, PROCESSOR, DISPENSARY, OR ANY OTHER
26 CANNABIS ESTABLISHMENT LICENSED BY THE STATE, IF THE DEDUCTION FOR
27 ORDINARY AND NECESSARY EXPENSES IS DISALLOWED UNDER § 280E OF THE
28 INTERNAL REVENUE CODE.

29 (2) THE SUBTRACTION ALLOWED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION INCLUDES A REASONABLE ALLOWANCE FOR SALARIES OR OTHER
31 COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED DURING THE
32 TAXABLE YEAR.

33 (3) THE SUBTRACTION ALLOWED UNDER THIS SUBSECTION IS
34 APPLICABLE TO ALL TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 2021.

1 10-308.

2 (a) In addition to the modification under § 10-307 of this subtitle, the amounts
 3 under this section are subtracted from the federal taxable income of a corporation to
 4 determine Maryland modified income.

5 (b) The subtraction under subsection (a) of this section includes the amounts
 6 allowed to be subtracted for an individual under:

7 (1) § 10-208(d) of this title (Enhanced agricultural management equipment
 8 expenses);

9 (2) § 10-208(i) of this title (Reforestation or timber stand expenses);

10 (3) § 10-208(k) of this title (Wage expenses for targeted jobs);

11 (4) § 10-208(p) of this title (Elevator handrails in health care facilities);

12 [and]

13 (5) § 10-208(z) of this title (Donations to diaper banks and other charitable
 14 entities); AND

15 (6) **§ 10-208(BB) OF THIS TITLE (TRADE OR BUSINESS EXPENSES OF**
 16 **MEDICAL CANNABIS GROWER, PROCESSOR, DISPENSARY, OR ANY OTHER CANNABIS**
 17 **ESTABLISHMENT).**

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 19 as follows:

20 **Article – Economic Development**

21 **SUBTITLE 19. CANNABIS BUSINESS ASSISTANCE FUND.**

22 **5-1901.**

23 (A) **IN THIS SECTION, “FUND” MEANS THE CANNABIS BUSINESS**
 24 **ASSISTANCE FUND.**

25 (B) **THERE IS A CANNABIS BUSINESS ASSISTANCE FUND.**

26 (C) **THE PURPOSE OF THE FUND IS TO ASSIST SMALL, MINORITY-OWNED,**
 27 **AND WOMEN-OWNED BUSINESSES ENTERING THE ADULT-USE CANNABIS INDUSTRY.**

28 (D) **THE DEPARTMENT SHALL ADMINISTER THE FUND.**

1 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
2 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
4 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5 **(F) THE FUND CONSISTS OF:**

6 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

7 **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
8 **THE BENEFIT OF THE FUND.**

9 **(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FUND**
10 **MAY BE USED ONLY FOR:**

11 **(I) GRANTS OR LOANS TO SMALL, MINORITY-OWNED, OR**
12 **WOMEN-OWNED BUSINESSES FOR:**

13 **1. LICENSE APPLICATION ASSISTANCE FOR**
14 **PARTICIPATION IN THE ADULT-USE CANNABIS INDUSTRY;**

15 **2. ASSISTANCE WITH THE OPERATING OR CAPITAL**
16 **EXPENSES OF A BUSINESS PARTICIPATING IN THE ADULT-USE CANNABIS INDUSTRY;**
17 **OR**

18 **3. TARGETED TRAINING TO SUPPORT PARTICIPATION IN**
19 **THE ADULT-USE CANNABIS INDUSTRY; AND**

20 **(II) GRANTS TO HISTORICALLY BLACK COLLEGES AND**
21 **UNIVERSITIES FOR CANNABIS-RELATED PROGRAMS AND BUSINESS DEVELOPMENT**
22 **ORGANIZATIONS, INCLUDING INCUBATORS, TO TRAIN AND ASSIST SMALL,**
23 **MINORITY, AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS SEEKING TO**
24 **BECOME LICENSED TO PARTICIPATE IN THE ADULT-USE CANNABIS INDUSTRY.**

25 **(2) THE DEPARTMENT:**

26 **(1) SHALL PRIORITIZE AWARDING GRANTS AND LOANS IN**
27 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO:**

1 1. POPULATIONS THAT HAVE BEEN HISTORICALLY
2 DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF LAWS CRIMINALIZING
3 THE USE OF CANNABIS; AND

4 ~~(H) MAY AWARD GRANTS OR LOANS TO~~

5 2. INDIVIDUALS WHO HAVE BEEN CONVICTED OF A
6 VIOLATION OF A LAW CRIMINALIZING THE USE OF CANNABIS; AND

7 ~~(H)~~ (II) MAY NOT AWARD GRANTS OR LOANS TO SMALL,
8 MINORITY, AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS WITH A
9 PERSONAL NET WORTH EXCEEDING \$1,700,000.

10 (3) IN ORDER TO AWARD GRANTS AND LOANS IN ACCORDANCE WITH
11 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP
12 PARTNERSHIPS WITH:

13 (I) TRADITIONAL MINORITY-SERVING INSTITUTIONS IN THE
14 STATE AND SURROUNDING JURISDICTIONS, INCLUDING HISTORICALLY BLACK
15 COLLEGES AND UNIVERSITIES;

16 (II) TRADE ASSOCIATIONS REPRESENTING MINORITY AND
17 WOMEN-OWNED BUSINESSES; AND

18 (III) THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND
19 WOMEN BUSINESS AFFAIRS.

20 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
21 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

22 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
23 THE FUND.

24 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
25 WITH THE STATE BUDGET.

26 Article – State Finance and Procurement

27 6-226.

28 (a) (2) (i) Notwithstanding any other provision of law, and unless
29 inconsistent with a federal law, grant agreement, or other federal requirement or with the
30 terms of a gift or settlement agreement, net interest on all State money allocated by the
31 State Treasurer under this section to special funds or accounts, and otherwise entitled to

1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 2 Fund of the State.

3 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 4 to the following funds:

5 144. the Health Equity Resource Community Reserve Fund;
 6 [and]

7 145. the Access to Counsel in Evictions Special Fund;

8 146. THE CANNABIS BUSINESS ASSISTANCE FUND;

9 147. THE CANNABIS PUBLIC HEALTH FUND; AND

10 148. THE COMMUNITY REINVESTMENT AND REPAIR
 11 FUND.

12 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 13 as follows:

14 Article – Criminal Law

15 5–101.

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

17 **(E-2) “CIVIL USE AMOUNT” MEANS:**

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

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

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

25 **(U) “PERSONAL USE AMOUNT” MEANS:**

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

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

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

5 5-601.

6 (a) Except as otherwise provided in this title, a person may not:

7 (1) possess or administer to another a controlled dangerous substance,
8 unless obtained directly or by prescription or order from an authorized provider acting in
9 the course of professional practice; or

10 (2) obtain or attempt to obtain a controlled dangerous substance, or
11 procure or attempt to procure the administration of a controlled dangerous substance by:

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

13 (ii) the counterfeiting or alteration of a prescription or a written
14 order;

15 (iii) the concealment of a material fact;

16 (iv) the use of a false name or address;

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

19 (vi) making, issuing, or presenting a false or counterfeit prescription
20 or written order.

21 (c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a
22 person who violates this section is guilty of a misdemeanor and on conviction is subject to:

23 (i) for a first conviction, imprisonment not exceeding 1 year or a fine
24 not exceeding \$5,000 or both;

25 (ii) for a second or third conviction, imprisonment not exceeding 18
26 months or a fine not exceeding \$5,000 or both; or

27 (iii) for a fourth or subsequent conviction, imprisonment not
28 exceeding 2 years or a fine not exceeding \$5,000 or both.

29 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
30 person whose violation of this section involves the use or possession of [marijuana]

1 CANNABIS is guilty of a misdemeanor of possession of [marijuana] CANNABIS and is
2 subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

3 (ii) 1. A [first] finding of guilt under this section involving the
4 use or possession of [less than 10 grams of marijuana] THE PERSONAL USE AMOUNT OF
5 CANNABIS is a civil offense punishable by a fine not exceeding \$100.

6 2. A [second] finding of guilt under this section involving the
7 use or possession of [less than 10 grams of marijuana] THE CIVIL USE AMOUNT OF
8 CANNABIS is a civil offense punishable by a fine not exceeding \$250.

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

12 4.] A. In addition to a fine, a court [shall] MAY order a
13 person under the age of 21 years who commits a violation punishable under
14 subsubparagraph 1[, 2, or 3] OR 2 of this subparagraph to attend a drug education program
15 approved by the Maryland Department of Health, refer the person to an assessment for
16 substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

17 B. [In addition to a fine, a court shall order a person at least
18 21 years old who commits a violation punishable under subsubparagraph 3 of this
19 subparagraph to attend a drug education program approved by the Maryland Department
20 of Health, refer the person to an assessment for substance abuse disorder, and refer the
21 person to substance abuse treatment, if necessary.

22 C.] A court that orders a person to a drug education program
23 or substance abuse assessment or treatment under this subsubparagraph may hold the
24 case sub curia pending receipt of proof of completion of the program, assessment, or
25 treatment.

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

28 (I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING
29 \$250; AND

30 (II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE
31 NOT EXCEEDING \$500.

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

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

3 (2) seizure and forfeiture.

4 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
5 as follows:

6 Article – Criminal Law

7 5–101.

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

9 (E–2) “CIVIL USE AMOUNT” MEANS:

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

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

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

17 (U) “PERSONAL USE AMOUNT” MEANS:

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

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

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

24 (4) TWO OR FEWER CANNABIS PLANTS.

25 5–601.

26 (a) Except as otherwise provided in this title, a person may not:

27 (1) possess or administer to another a controlled dangerous substance,
28 unless:

1 (I) obtained directly or by prescription or order from an authorized
2 provider acting in the course of professional practice; or

3 (II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS,
4 THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED IS THE
5 PERSONAL USE AMOUNT; OR

6 (2) obtain or attempt to obtain a controlled dangerous substance, or
7 procure or attempt to procure the administration of a controlled dangerous substance by:

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

9 (ii) the counterfeiting or alteration of a prescription or a written
10 order;

11 (iii) the concealment of a material fact;

12 (iv) the use of a false name or address;

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

15 (vi) making, issuing, or presenting a false or counterfeit prescription
16 or written order.

17 (c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a
18 person who violates this section is guilty of a misdemeanor and on conviction is subject to:

19 (i) for a first conviction, imprisonment not exceeding 1 year or a fine
20 not exceeding \$5,000 or both;

21 (ii) for a second or third conviction, imprisonment not exceeding 18
22 months or a fine not exceeding \$5,000 or both; or

23 (iii) for a fourth or subsequent conviction, imprisonment not
24 exceeding 2 years or a fine not exceeding \$5,000 or both.

25 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
26 person whose violation of this section involves the use or possession of [marijuana]
27 CANNABIS is guilty of a misdemeanor of possession of [marijuana] CANNABIS and is
28 subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

29 (ii) 1. A [first] finding of guilt under this section involving the
30 use or possession of [less than 10 grams of marijuana] THE PERSONAL USE AMOUNT OF

1 CANNABIS BY A PERSON UNDER THE AGE OF 21 YEARS is a civil offense punishable by
2 a fine not exceeding \$100.

3 2. A [second] finding of guilt under this section involving the
4 use or possession of [less than 10 grams of marijuana] THE CIVIL USE AMOUNT OF
5 CANNABIS is a civil offense punishable by a fine not exceeding \$250.

6 3. [A third or subsequent finding of guilt under this section
7 involving the use or possession of less than 10 grams of marijuana is a civil offense
8 punishable by a fine not exceeding \$500.

9 4.] A. In addition to a fine, a court [shall] MAY order a
10 person under the age of 21 years who commits a violation punishable under
11 subsubparagraph 1[, 2, or 3] OR 2 of this subparagraph to attend a drug education program
12 approved by the Maryland Department of Health, refer the person to an assessment for
13 substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

14 B. [In addition to a fine, a court shall order a person at least
15 21 years old who commits a violation punishable under subsubparagraph 3 of this
16 subparagraph to attend a drug education program approved by the Maryland Department
17 of Health, refer the person to an assessment for substance abuse disorder, and refer the
18 person to substance abuse treatment, if necessary.

19 C.] A court that orders a person to a drug education program
20 or substance abuse assessment or treatment under this subsubparagraph may hold the
21 case sub curia pending receipt of proof of completion of the program, assessment, or
22 treatment.

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

25 (I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING
26 \$250; AND

27 (II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE
28 NOT EXCEEDING \$500.

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

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

33 (2) seizure and forfeiture.

1 5-601.2.

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

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

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

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

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

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

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

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

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

27 5-602.

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

31 (II) “ADULT SHARING” DOES NOT INCLUDE INSTANCES IN
32 WHICH:

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

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

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

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

10 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 11 as follows:

12 **Article – Courts and Judicial Proceedings**

13 3–8A–01.

14 (a) In this subtitle the following words have the meanings indicated, unless the
 15 context of their use indicates otherwise.

16 (dd) “Violation” means a violation for which a citation is issued under:

17 (1) § 5–601 of the Criminal Law Article involving the use or possession of
 18 [less than 10 grams of marijuana] CANNABIS;

19 (2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

20 (3) § 10–132 of the Criminal Law Article;

21 (4) § 10–136 of the Criminal Law Article; or

22 (5) § 26–103 of the Education Article.

23 3–8A–33.

24 (a) A law enforcement officer authorized to make arrests shall issue a citation to
 25 a child if the officer has probable cause to believe that the child is violating:

26 (1) § 5–601 of the Criminal Law Article involving the use or possession of
 27 [less than 10 grams of marijuana] CANNABIS;

28 (2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

1 (3) § 10–132 of the Criminal Law Article;

2 (4) § 10–136 of the Criminal Law Article; or

3 (5) § 26–103 of the Education Article.

4 Article – Criminal Law

5 5–101.

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

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

12 **(2) “CANNABIS” DOES NOT INCLUDE HEMP AS DEFINED IN § 14–101**
13 **OF THE AGRICULTURE ARTICLE.**

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

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

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

22 (2) “Drug paraphernalia” includes:

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

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

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

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

5 7. a chamber pipe;

6 8. a carburetor pipe;

7 9. an electric pipe;

8 10. an air-driven pipe;

9 11. a chillum;

10 12. a bong; and

11 13. an ice pipe or chiller].

12 [(r) (1) "Marijuana" means:

13 (i) all parts of any plant of the genus Cannabis, whether or not the
 14 plant is growing;

15 (ii) the seeds of the plant;

16 (iii) the resin extracted from the plant; and

17 (iv) each compound, manufactured product, salt, derivative, mixture,
 18 or preparation of the plant, its seeds, or its resin.

19 (2) "Marijuana" does not include:

20 (i) the mature stalks of the plant;

21 (ii) fiber produced from the mature stalks;

22 (iii) oil or cake made from the seeds of the plant;

23 (iv) except for resin, any other compound, manufactured product,
 24 salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

25 (v) the sterilized seed of the plant that is incapable of germination;
 26 or

1 (vi) hemp as defined in § 14–101 of the Agriculture Article.]

2 **[(s)] (R)** (1) “Narcotic drug” means a substance:

3 (i) that has been found to present an extreme danger to the health
4 and welfare of the community because of addiction–forming and addiction–sustaining
5 qualities;

6 (ii) that is:

7 1. an opiate;

8 2. a compound, manufactured substance, salt, derivative, or
9 preparation of opium, coca leaf, or an opiate; or

10 3. a substance and any compound, manufactured substance,
11 salt, derivative, or preparation that is chemically identical with a substance listed in items
12 1 and 2 of this item; and

13 (iii) that is produced:

14 1. directly or indirectly by extraction from substances of
15 vegetable origin;

16 2. independently by chemical synthesis; or

17 3. by a combination of extraction and chemical synthesis.

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

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

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

25 (2) “Opiate” includes:

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

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

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

1 (iv) coca leaf.

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

5 5–601.1.

6 (a) A police officer shall issue a citation to a person who the police officer has
7 probable cause to believe has committed a violation of § 5–601 of this part involving the use
8 or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS**
9 **OR THE PERSONAL USE AMOUNT OF CANNABIS.**

10 (b) (1) A violation of § 5–601 of this part involving the use or possession of [less
11 than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL**
12 **USE AMOUNT OF CANNABIS** is a civil offense.

13 (2) Adjudication of a violation under § 5–601 of this part involving the use
14 or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS**
15 **OR THE PERSONAL USE AMOUNT OF CANNABIS:**

16 (i) is not a criminal conviction for any purpose; and

17 (ii) does not impose any of the civil disabilities that may result from
18 a criminal conviction.

19 (c) (1) A citation issued for a violation of § 5–601 of this part involving the use
20 or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS**
21 **OR THE PERSONAL USE AMOUNT OF CANNABIS** shall be signed by the police officer who
22 issues the citation and shall contain:

23 (i) the name, address, and date of birth of the person charged;

24 (ii) the date and time that the violation occurred;

25 (iii) the location at which the violation occurred;

26 (iv) the fine that may be imposed;

27 (v) a notice stating that prepayment of the fine is allowed, except as
28 provided in paragraph (2) of this subsection; and

29 (vi) a notice in boldface type that states that the person shall:

30 1. pay the full amount of the preset fine; or

1 2. request a trial date at the date, time, and place established
2 by the District Court by writ or trial notice.

3 (2) [(i)] If a citation for a violation of § 5–601 of this part involving the
4 use or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF**
5 **CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS** is issued to a person under
6 the age of 21 years, the court shall summon the person for trial.

7 [(ii) If the court finds that a person at least 21 years old who has been
8 issued a citation under this section has at least twice previously been found guilty under §
9 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the
10 court shall summon the person for trial.]

11 (d) The form of the citation shall be uniform throughout the State and shall be
12 prescribed by the District Court.

13 (e) (1) The Chief Judge of the District Court shall establish a schedule for the
14 prepayment of the fine.

15 (2) Prepayment of a fine shall be considered a plea of guilty to a Code
16 violation.

17 (3) A person described in subsection (c)(2) of this section may not prepay
18 the fine.

19 (f) (1) A person may request a trial by sending a request for trial to the District
20 Court in the jurisdiction where the citation was issued within 30 days of the issuance of the
21 citation.

22 (2) If a person other than a person described in subsection (c)(2) of this
23 section does not request a trial or prepay the fine within 30 days of the issuance of the
24 citation, the court may impose the maximum fine and costs against the person and find the
25 person is guilty of a Code violation [for purposes of subsection (c)(2)(ii) of this section].

26 (g) The issuing jurisdiction shall forward a copy of the citation and a request for
27 trial to the District Court in the district having venue.

28 (h) (1) The failure of a defendant to respond to a summons described in
29 subsection (c)(2) of this section shall be governed by § 5–212 of the Criminal Procedure
30 Article.

31 (2) If a person at least 21 years old fails to appear after having requested
32 a trial, the court may impose the maximum fine and costs against the person and find the
33 person is guilty of a Code violation [for purposes of subsection (c)(2)(ii) of this section].

1 (i) In any proceeding for a Code violation under § 5–601 of this part involving the
2 use or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF**
3 **CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS:**

4 (1) the State has the burden to prove the guilt of the defendant by a
5 preponderance of the evidence;

6 (2) the court shall apply the evidentiary standards as prescribed by law or
7 rule for the trial of a criminal case;

8 (3) the court shall ensure that the defendant has received a copy of the
9 charges against the defendant and that the defendant understands those charges;

10 (4) the defendant is entitled to cross-examine all witnesses who appear
11 against the defendant, to produce evidence or witnesses on behalf of the defendant, and to
12 testify on the defendant’s own behalf, if the defendant chooses to do so;

13 (5) the defendant is entitled to be represented by counsel of the defendant’s
14 choice and at the expense of the defendant; and

15 (6) the defendant may enter a plea of guilty or not guilty, and the verdict
16 of the court in the case shall be:

17 (i) guilty of a Code violation;

18 (ii) not guilty of a Code violation; or

19 (iii) probation before judgment, imposed by the court in the same
20 manner and to the same extent as is allowed by law in the trial of a criminal case.

21 (j) (1) The defendant is liable for the costs of the proceedings in the District
22 Court.

23 (2) The court costs in a Code violation case under § 5–601 of this part
24 involving the use or possession of [less than 10 grams of marijuana] **THE CIVIL USE**
25 **AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS** in which costs
26 are imposed are \$5.

27 (k) (1) The State’s Attorney for any county may prosecute a Code violation
28 under § 5–601 of this part involving the use or possession of [less than 10 grams of
29 marijuana] **THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT**
30 **OF CANNABIS** in the same manner as prosecution of a violation of the criminal laws of the
31 State.

1 (2) In a Code violation case under § 5–601 of this part involving the use or
2 possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS**
3 **OR THE PERSONAL USE AMOUNT OF CANNABIS**, the State’s Attorney may:

4 (i) enter a nolle prosequi or move to place the case on the stet docket;
5 and

6 (ii) exercise authority in the same manner as prescribed by law for
7 violation of the criminal laws of the State.

8 (1) A person issued a citation for a violation of § 5–601 of this part involving the
9 use or possession of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF**
10 **CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS** who is under the age of 18
11 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of
12 the Courts Article.

13 (m) A citation for a violation of § 5–601 of this part involving the use or possession
14 of [less than 10 grams of marijuana] **THE CIVIL USE AMOUNT OF CANNABIS OR THE**
15 **PERSONAL USE AMOUNT OF CANNABIS** and the official record of a court regarding the
16 citation are not subject to public inspection and may not be included on the public website
17 maintained by the Maryland Judiciary if:

18 (1) the defendant has prepaid the fine;

19 (2) the defendant has pled guilty to or been found guilty of the Code
20 violation and has fully paid the fine and costs imposed for the violation;

21 (3) the defendant has received a probation before judgment and has fully
22 paid the fine and completed any terms imposed by the court;

23 (4) the case has been removed from the stet docket after the defendant fully
24 paid the fine and completed any terms imposed by the court;

25 (5) the State has entered a nolle prosequi;

26 (6) the defendant has been found not guilty of the charge; or

27 (7) the charge has been dismissed.

28 5–602.

29 (A) Except as otherwise provided in this title, a person may not:

30 (1) distribute or dispense a controlled dangerous substance; or

1 (2) possess a controlled dangerous substance **OTHER THAN CANNABIS** in
2 sufficient quantity reasonably to indicate under all circumstances an intent to distribute or
3 dispense a controlled dangerous substance.

4 **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY**
5 **NOT POSSESS CANNABIS IN SUFFICIENT QUANTITY REASONABLY TO INDICATE**
6 **UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE CANNABIS.**

7 **(2) POSSESSION OF THE CIVIL USE AMOUNT OF CANNABIS OR THE**
8 **PERSONAL USE AMOUNT OF CANNABIS WITHOUT OTHER EVIDENCE OF AN INTENT TO**
9 **DISTRIBUTE OR DISPENSE DOES NOT CONSTITUTE A VIOLATION OF PARAGRAPH (1)**
10 **OF THIS SUBSECTION.**

11 5-603.

12 **(A) Except as otherwise provided in this title, a person may not manufacture a**
13 **controlled dangerous substance **OTHER THAN CANNABIS**, or manufacture, distribute, or**
14 **possess a machine, equipment, instrument, implement, device, or a combination of them**
15 **that is adapted to produce a controlled dangerous substance **OTHER THAN CANNABIS****
16 **under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense**
17 **a controlled dangerous substance **OTHER THAN CANNABIS** in violation of this title.**

18 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT**
19 **CULTIVATE OR GROW CANNABIS OR MANUFACTURE A CANNABIS PRODUCT, OR**
20 **MANUFACTURE, DISTRIBUTE, OR POSSESS A MACHINE, EQUIPMENT, AN**
21 **INSTRUMENT, AN IMPLEMENT, A DEVICE, OR A COMBINATION OF THEM THAT IS**
22 **ADAPTED TO PRODUCE CANNABIS OR A CANNABIS PRODUCT UNDER**
23 **CIRCUMSTANCES THAT REASONABLY INDICATE AN INTENT TO USE IT TO PRODUCE,**
24 **SELL, OR DISPENSE CANNABIS OR A CANNABIS PRODUCT IN VIOLATION OF THIS**
25 **TITLE.**

26 5-607.

27 **(a) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION AND §§**
28 **5-608 and 5-609 of this subtitle, a person who violates a provision of §§ 5-602 through**
29 **5-606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not**
30 **exceeding 5 years or a fine not exceeding \$15,000 or both.**

31 **(2) A PERSON WHO VIOLATES § 5-602(B)(1) OR § 5-603(B) OF THIS**
32 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
33 **IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**
34 **BOTH.**

1 **(b)** A person convicted under this section is not prohibited from participating in a
2 drug treatment program under § 8-507 of the Health – General Article because of the
3 length of the sentence.

4 5-619.

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

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

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

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

14 **[(3)] (2)** A person who violates this subsection is guilty of a misdemeanor
15 and on conviction is subject to:

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

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

19 **[(4)] (3)** A person who is convicted of violating this subsection for the first
20 time and who previously has been convicted of violating subsection (d)(4) of this section is
21 subject to the penalty specified under paragraph [(3)(ii)] (2)(II) of this subsection.

22 5-620.

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

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

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

26 **(ii)** counterfeiting a prescription or a written order;

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

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

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

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

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

11 (1) a scale;

12 (2) a sieve;

13 (3) a strainer;

14 (4) a measuring spoon;

15 (5) staples;

16 (6) a stapler;

17 (7) a glassine envelope;

18 (8) a gelatin capsule;

19 (9) procaine hydrochloride;

20 (10) mannitol;

21 (11) lactose;

22 (12) quinine; and

23 (13) a controlled dangerous substance.

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

27 (d) [(1) Except as provided in paragraph (2) of this subsection, a] A person who
28 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
29 not exceeding 4 years or a fine not exceeding \$25,000 or both.

1 [(2) A person who violates this section involving the use or possession of
2 marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
3 or both.]

4 Article – Criminal Procedure

5 4–101.

6 (c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any
7 other law allowing a crime to be charged by citation, a police officer shall charge by citation
8 for:

9 1. any misdemeanor or local ordinance violation that does
10 not carry a penalty of imprisonment;

11 2. any other misdemeanor or local ordinance violation not
12 involving serious injury or an immediate health risk for which the maximum penalty of
13 imprisonment is 90 days or less, except:

14 A. failure to comply with a peace order under § 3–1508 of the
15 Courts Article;

16 B. failure to comply with a protective order under § 4–509 of
17 the Family Law Article;

18 C. violation of a condition of pretrial or posttrial release
19 under § 5–213.1 of this article;

20 D. possession of an electronic control device after conviction
21 of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

22 E. violation of an out-of-state domestic violence order under
23 § 4–508.1 of the Family Law Article; or

24 F. abuse or neglect of an animal under § 10–604 of the
25 Criminal Law Article; or

26 3. possession of [marijuana] CANNABIS under § 5–601 of the
27 Criminal Law Article.

28 (ii) Subject to paragraph (2) of this subsection, in addition to any
29 other law allowing a crime to be charged by citation, a police officer may charge by citation
30 for:

31 1. sale of an alcoholic beverage to an underage drinker or
32 intoxicated person under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages
33 Article;

1 2. malicious destruction of property under § 6–301 of the
2 Criminal Law Article, if the amount of damage to the property is less than \$500;

3 3. misdemeanor theft under § 7–104(g)(2) of the Criminal
4 Law Article; [or]

5 4. possession of a controlled dangerous substance other than
6 [marijuana] CANNABIS under § 5–601 of the Criminal Law Article;

7 **5. POSSESSION WITH INTENT TO DISTRIBUTE CANNABIS**
8 **UNDER § 5–602(B)(1) OF THE CRIMINAL LAW ARTICLE; OR**

9 **6. GROWING OR MANUFACTURING CANNABIS OR A**
10 **CANNABIS PRODUCT UNDER § 5–603(B) OF THE CRIMINAL LAW ARTICLE.**

11 (2) A police officer may charge a defendant by citation only if:

12 (i) the officer is satisfied with the defendant’s evidence of identity;

13 (ii) the officer reasonably believes that the defendant will comply
14 with the citation;

15 (iii) the officer reasonably believes that the failure to charge on a
16 statement of charges will not pose a threat to public safety;

17 (iv) the defendant is not subject to arrest:

18 1. for an alleged misdemeanor involving serious injury or
19 immediate health risk or an alleged felony arising out of the same incident; or

20 2. based on an outstanding arrest warrant; and

21 (v) the defendant complies with all lawful orders by the officer.

22 (3) A police officer who has grounds to make a warrantless arrest for an
23 offense that may be charged by citation under this subsection may:

24 (i) issue a citation in lieu of making the arrest; or

25 (ii) make the arrest and subsequently issue a citation in lieu of
26 continued custody.

27 10–101.

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

1 (d) “Expunge” means to remove information from public inspection in accordance
2 with this subtitle.

3 (e) ["Expungement"] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE,
4 “EXPUNGEMENT” with respect to a court record or a police record means removal from
5 public inspection:

6 (1) by obliteration;

7 (2) by removal to a separate secure area to which persons who do not have
8 a legitimate reason for access are denied access; or

9 (3) if access to a court record or police record can be obtained only by
10 reference to another court record or police record, by the expungement of it or the part of it
11 that provides access.

12 10–105.

13 (a) A person who has been charged with the commission of a crime, including a
14 violation of the Transportation Article for which a term of imprisonment may be imposed,
15 or who has been charged with a civil offense or infraction, except a juvenile offense, may
16 file a petition listing relevant facts for expungement of a police record, court record, or other
17 record maintained by the State or a political subdivision of the State if:

18 (12) the person was convicted of possession of [marijuana] CANNABIS under
19 § 5–601 of the Criminal Law Article; or

20 (c) (8) A petition for expungement based on the conviction of a crime under
21 subsection (a)(12) of this section may not be filed [within 4 years after the conviction or]
22 BEFORE satisfactory completion of the sentence, including probation, that was imposed for
23 the conviction[, whichever is later].

24 10–105.3.

25 (A) A PERSON INCARCERATED AFTER HAVING BEEN CONVICTED OF
26 POSSESSION OF CANNABIS UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE MAY
27 PRESENT AN APPLICATION FOR RESENTENCING TO THE COURT THAT SENTENCED
28 THE PERSON.

29 (B) THE COURT SHALL GRANT THE APPLICATION AND RESENTENCE THE
30 PERSON TO TIME SERVED.

1 (vii) § 3-203 or § 3-808 of the Criminal Law Article;

2 (viii) § 5-601 not involving the use or possession of [marijuana]
3 CANNABIS, § 5-602(B)(1), § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or §
4 5-902 of the Criminal Law Article;

5 (ix) § 6-105, § 6-108, § 6-205 (fourth degree burglary), § 6-206, §
6 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;

7 (x) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the
8 Criminal Law Article;

9 (xi) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §
10 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;

11 (xii) § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;

12 (xiii) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the
13 Criminal Law Article;

14 (xiv) § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;

15 (xv) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §
16 12-204, § 12-205, or § 12-302 of the Criminal Law Article;

17 (xvi) § 13-401, § 13-602, or § 16-201 of the Election Law Article;

18 (xvii) § 4-509 of the Family Law Article;

19 (xviii) § 18-215 of the Health – General Article;

20 (xix) § 4-411 or § 4-2005 of the Housing and Community Development
21 Article;

22 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
23 27-407.1, or § 27-407.2 of the Insurance Article;

24 (xxi) § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, §
25 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed
26 limits for personal watercraft;

27 (xxii) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
28 Safety Article;

29 (xxiii) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

30 (xxiv) § 9-124 of the State Government Article;

1 (xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax –
 2 General Article;

3 (xxvi) § 16–303 of the Transportation Article; or

4 (xxvii) the common law offenses of affray, rioting, criminal contempt,
 5 battery, or hindering;

6 (2) a felony that is a violation of:

7 (i) § 7–104 of the Criminal Law Article;

8 (ii) the prohibition against possession with intent to distribute a
 9 controlled dangerous substance under [§ 5–602(2)] § 5–602 of the Criminal Law Article; or

10 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

11 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item
 12 (1) or (2) of this subsection.

13 (c) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
 14 subsection, a petition for expungement under this section may not be filed earlier than 10
 15 years after the person satisfies the sentence or sentences imposed for all convictions for
 16 which expungement is requested, including parole, probation, or mandatory supervision.

17 (2) A petition for expungement for a violation of § 3–203 of the Criminal
 18 Law Article, common law battery, or for an offense classified as a domestically related crime
 19 under § 6–233 of this article may not be filed earlier than 15 years after the person satisfies
 20 the sentence or sentences imposed for all convictions for which expungement is requested,
 21 including parole, probation, or mandatory supervision.

22 (3) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
 23 **SUBSECTION, A petition for expungement of a felony may not be filed earlier than 15 years**
 24 **after the person satisfies the sentence or sentences imposed for all convictions for which**
 25 **expungement is requested, including parole, probation, or mandatory supervision.**

26 (4) **A PETITION FOR EXPUNGEMENT OF A CONVICTION OF**
 27 **POSSESSION WITH INTENT TO DISTRIBUTE CANNABIS UNDER § 5–602 OF THE**
 28 **CRIMINAL LAW ARTICLE MAY NOT BE FILED EARLIER THAN 3 YEARS AFTER THE**
 29 **PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS**
 30 **FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR**
 31 **MANDATORY SUPERVISION.**

32 10–111.

1 The Maryland Judiciary Case Search may not in any way refer to the existence of a
2 [District Court] criminal case in which:

3 (1) possession of [marijuana] CANNABIS under § 5–601 of the Criminal
4 Law Article is the only charge in the case; and

5 (2) the charge was disposed of before [October 1, 2014] **JULY 1, 2023.**

6 **10–112.**

7 (A) IN THIS SECTION, “EXPUNGE” MEANS TO REMOVE ALL REFERENCES TO
8 A SPECIFIED CRIMINAL CASE FROM THE CENTRAL REPOSITORY.

9 (B) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT OF PUBLIC SAFETY
10 AND CORRECTIONAL SERVICES SHALL EXPUNGE ALL CASES IN WHICH:

11 (1) POSSESSION OF CANNABIS UNDER § 5–601 OF THE CRIMINAL LAW
12 ARTICLE IS THE ONLY CHARGE IN THE CASE; AND

13 (2) THE CHARGE WAS ISSUED BEFORE JULY 1, 2023.

14 Article – Health – General

15 SUBTITLE 45. CANNABIS PUBLIC HEALTH ADVISORY COUNCIL.

16 **13–4501.**

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

19 (B) “ADVISORY COUNCIL” MEANS THE CANNABIS PUBLIC HEALTH
20 ADVISORY COUNCIL.

21 (C) “FUND” MEANS THE CANNABIS PUBLIC HEALTH FUND.

22 **13–4502.**

23 (A) THERE IS A CANNABIS PUBLIC HEALTH ADVISORY COUNCIL.

24 (B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

25 (1) ONE MEMBER FROM THE SENATE OF MARYLAND, APPOINTED BY
26 THE PRESIDENT OF THE SENATE;

1 **(2) ONE MEMBER FROM THE HOUSE OF DELEGATES, APPOINTED BY**
2 **THE SPEAKER OF THE HOUSE;**

3 **(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

4 **(4) THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH, OR THE**
5 **DEPUTY SECRETARY'S DESIGNEE;**

6 **(5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S**
7 **DESIGNEE;**

8 **(6) THE EXECUTIVE DIRECTOR OF THE NATALIE M. LAPRADE**
9 **MEDICAL CANNABIS COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

10 **(7) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE**
11 **SUPERINTENDENT'S DESIGNEE; AND**

12 **(8) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:**

13 **(I) ONE REPRESENTATIVE FROM THE GOVERNOR'S OFFICE OF**
14 **CRIME PREVENTION, YOUTH, AND VICTIM SERVICES;**

15 **(II) ONE REPRESENTATIVE FROM A HISTORICALLY BLACK**
16 **COLLEGE OR UNIVERSITY;**

17 **(III) ONE HEALTH CARE PROVIDER WITH EXPERIENCE IN**
18 **CANNABIS;**

19 **(IV) ONE PHARMACIST LICENSED IN THE STATE;**

20 **(V) ONE HEALTH CARE PROVIDER WITH EXPERTISE IN**
21 **SUBSTANCE USE DISORDER TREATMENT AND RECOVERY;**

22 **(VI) ONE INDIVIDUAL WITH EXPERTISE IN CANNABIS USE**
23 **DISORDER;**

24 **(VII) ONE ACADEMIC RESEARCHER WITH EXPERTISE IN**
25 **CANNABIS LAW AND POLICY;**

26 **(VIII) ONE INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE**
27 **IN HEALTH OR SOCIAL EQUITY;**

1 (IX) ONE PUBLIC HEALTH PROFESSIONAL WITH CANNABIS
2 EXPERIENCE; AND

3 (X) ONE REPRESENTATIVE OF A LABORATORY THAT TESTS
4 CANNABIS.

5 (C) (1) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL
6 AND STATE LAW, THE MEMBERSHIP OF THE ADVISORY COUNCIL SHALL REFLECT
7 THE GENDER, ETHNIC, AND RACIAL DIVERSITY OF THE STATE.

8 (2) THE MEMBERSHIP OF THE ADVISORY COUNCIL SHALL INCLUDE
9 RESIDENTS OF RURAL AND URBAN REGIONS OF THE STATE.

10 (D) A MEMBER OF THE ADVISORY COUNCIL SHALL FILE A FINANCIAL
11 DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE
12 WITH TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE.

13 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

14 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
15 REQUIRED BY THE TERMS PROVIDED FOR THE APPOINTED MEMBERS OF THE
16 ADVISORY COUNCIL ON JANUARY 1, 2023.

17 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
18 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

19 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
20 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
21 QUALIFIES.

22 (5) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO
23 CONSECUTIVE FULL TERMS.

24 13-4503.

25 (A) THE CHAIR OF THE ADVISORY COUNCIL SHALL BE ELECTED BY THE
26 MEMBERS OF THE ADVISORY COUNCIL.

27 (B) A MAJORITY OF THE MEMBERS THEN SERVING ON THE ADVISORY
28 COUNCIL IS A QUORUM.

29 (C) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH
30 YEAR, AT THE TIMES AND PLACES THAT THE ADVISORY COUNCIL DETERMINES.

1 **(D) THE ADVISORY COUNCIL MAY FORM WORKGROUPS TO ASSIST IN THE**
2 **WORK OF THE ADVISORY COUNCIL.**

3 **(E) A MEMBER OF THE ADVISORY COUNCIL:**

4 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
5 **ADVISORY COUNCIL; BUT**

6 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
7 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

8 **(F) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT AND TECHNICAL**
9 **ASSISTANCE FOR THE ADVISORY COUNCIL.**

10 **13-4504.**

11 **(A) THE ADVISORY COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS**
12 **REGARDING:**

13 **(1) THE PROMOTION OF PUBLIC HEALTH AND MITIGATION OF YOUTH**
14 **USE OF, MISUSE OF, AND ADDICTION TO CANNABIS;**

15 **(2) DATA COLLECTION AND REPORTING OF DATA THAT MEASURES**
16 **THE IMPACT OF CANNABIS CONSUMPTION AND LEGALIZATION;**

17 **(3) THE IMPACT OF CANNABIS LEGALIZATION ON THE EDUCATION,**
18 **BEHAVIORAL HEALTH, AND SOMATIC HEALTH OF INDIVIDUALS UNDER THE AGE OF**
19 **21 YEARS;**

20 **(4) INITIATIVES TO PREVENT CANNABIS USE BY INDIVIDUALS UNDER**
21 **THE AGE OF 21 YEARS, INCLUDING EDUCATIONAL PROGRAMS FOR USE IN SCHOOLS;**

22 **(5) PUBLIC HEALTH CAMPAIGNS ON CANNABIS;**

23 **(6) ADVERTISING, LABELING, PRODUCT TESTING, AND QUALITY**
24 **CONTROL REQUIREMENTS;**

25 **(7) TRAINING FOR HEALTH CARE PROVIDERS RELATED TO CANNABIS**
26 **USE;**

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

4 **(9) ANY OTHER ISSUES THAT ADVANCE PUBLIC HEALTH RELATED TO**
5 **CANNABIS USE AND LEGALIZATION.**

6 **(B) TO THE EXTENT PRACTICABLE, THE ADVISORY COUNCIL SHALL**
7 **CONSIDER ANY DATA COLLECTED BY THE STATE RELATED TO CANNABIS USE WHEN**
8 **MAKING RECOMMENDATIONS, INCLUDING DATA COLLECTED UNDER § 13-4401 OF**
9 **THIS TITLE.**

10 **13-4505.**

11 **(A) THERE IS A CANNABIS PUBLIC HEALTH FUND.**

12 **(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO ADDRESS THE**
13 **HEALTH EFFECTS ASSOCIATED WITH THE LEGALIZATION OF ADULT-USE CANNABIS.**

14 **(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

15 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
16 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

17 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
18 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

19 **(E) THE FUND CONSISTS OF:**

20 **(1) REVENUE DISTRIBUTED TO THE FUND BASED ON REVENUES**
21 **FROM ADULT-USE CANNABIS;**

22 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
23 **AND**

24 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
25 **THE BENEFIT OF THE FUND.**

26 **(F) THE FUND MAY BE USED ONLY FOR:**

27 **(1) SUPPORTING THE ADVISORY COUNCIL IN PERFORMING ITS**
28 **DUTIES;**

1 **(2) SUPPORTING DATA COLLECTION AND RESEARCH ON THE**
2 **EFFECTS OF CANNABIS LEGALIZATION IN THE STATE;**

3 **(3) PROVIDING FUNDING FOR EDUCATION AND PUBLIC AWARENESS**
4 **CAMPAIGNS RELATED TO CANNABIS USE, INCLUDING FUNDING FOR EDUCATIONAL**
5 **PROGRAMS TO BE USED IN SCHOOLS;**

6 **(4) SUPPORTING SUBSTANCE USE DISORDER COUNSELING AND**
7 **TREATMENT FOR INDIVIDUALS; ~~AND~~**

8 **(5) TRAINING AND EQUIPMENT FOR LAW ENFORCEMENT TO**
9 **RECOGNIZE IMPAIRMENTS DUE TO CANNABIS; AND**

10 **(6) PURCHASING TECHNOLOGY PROVEN TO BE EFFECTIVE AT**
11 **MEASURING CANNABIS LEVELS IN DRIVERS.**

12 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
13 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

14 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
15 **THE FUND.**

16 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
17 **WITH THE STATE BUDGET.**

18 **13-4506.**

19 **ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADVISORY COUNCIL SHALL**
20 **REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN**
21 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
22 **ASSEMBLY.**

23 **24-501.**

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

25 **(B) "CANNABIS" HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL**
26 **LAW ARTICLE.**

27 **[(b)] (C) "Employee" has the meaning stated in § 5-101 of the Labor and**
28 **Employment Article.**

29 **[(c)] (D) "Employer" has the meaning stated in § 5-101 of the Labor and**
30 **Employment Article.**

1 ~~[(d)] (E)~~ “Environmental [tobacco] smoke” means the complex mixture formed
2 from the escaping smoke of a burning tobacco, CANNABIS, OR HEMP product or smoke
3 exhaled by the smoker.

4 ~~[(e)] (F)~~ “Indoor area open to the public” means:

5 (1) An indoor area or a portion of an indoor area accessible to the public by
6 either invitation or permission; or

7 (2) An indoor area of any establishment licensed or permitted under the
8 Alcoholic Beverages Article for the sale or possession of alcoholic beverages.

9 ~~[(f)] (G)~~ “Place of employment” has the meaning stated in § 5–101 of the Labor
10 and Employment Article.

11 ~~[(g)] (H)~~ “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any
12 other matter or substance [that contains tobacco] CONTAINING, WHOLLY OR IN PART,
13 TOBACCO, CANNABIS, OR HEMP.

14 24–502.

15 It is the intent of the General Assembly that the State protect the public and
16 employees from involuntary exposure to environmental [tobacco] smoke in indoor areas
17 open to the public, indoor places of employment, and certain designated private areas.

18 24–503.

19 The purpose of this subtitle is to preserve and improve the health, comfort, and
20 environment of the people of the State by limiting exposure to environmental [tobacco]
21 smoke.

22 24–504.

23 Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a
24 person may not smoke in:

25 (1) An indoor area open to the public;

26 (2) An indoor place in which meetings are open to the public in accordance
27 with Title 3 of the General Provisions Article;

28 (3) A government–owned or government–operated means of mass
29 transportation including buses, vans, trains, taxicabs, and limousines; or

30 (4) An indoor place of employment.

1 24-505.

2 This subtitle does not apply to:

3 (1) Private homes, residences, including residences used as a business or
4 place of employment, unless being used by a person who is licensed or registered under
5 Title 5, Subtitle 5 of the Family Law Article to provide child care, and private vehicles,
6 unless being used for the public transportation of children, or as part of health care or child
7 care transportation;

8 (2) A hotel or motel room rented to one or more guests as long as the total
9 percent of hotel or motel rooms being so used does not exceed 25%;

10 (3) A retail tobacco business that is a sole proprietorship, limited liability
11 company, corporation, partnership, or other enterprise, in which:

12 (i) The primary activity is the retail sale of tobacco products and
13 accessories; and

14 (ii) The sale of other products is incidental;

15 (4) Any facility of a manufacturer, importer, wholesaler, or distributor of
16 tobacco products or of any tobacco leaf dealer or processor in which employees of the
17 manufacturer, importer, wholesaler, distributor, or processor work or congregate; or

18 (5) A research or educational laboratory for the purpose of conducting
19 scientific research into the health effects of tobacco smoke.

20 24-507.

21 (a) The Department shall adopt regulations that prohibit environmental
22 [tobacco] smoke in indoor areas open to the public.

23 (b) On or before September 30 of each year, the Department shall report, in
24 accordance with § 2-1257 of the State Government Article, to the General Assembly on:

25 (1) The enforcement efforts of the Department to eliminate environmental
26 [tobacco] smoke in indoor areas open to the public during the prior year; and

27 (2) The results of these enforcement efforts.

28 24-508.

29 (a) Subject to subsection (c) of this section and except as provided in subsection
30 (d) of this section, a person who violates a provision of this subtitle or a regulation adopted
31 under § 24-507(a) of this subtitle;

1 (1) For a first violation, shall be issued a written reprimand by the
2 Secretary or the Secretary's designee;

3 (2) For a second violation, is subject to a civil penalty of \$100; and

4 (3) For each subsequent violation, is subject to a civil penalty not less than
5 \$250.

6 (b) The Secretary may waive a penalty established under subsection (a) of this
7 section, giving consideration to factors that include:

8 (1) The seriousness of the violation; and

9 (2) Any demonstrated good faith measures to comply with the provisions of
10 this subtitle.

11 (c) (1) This subsection does not apply to an alleged violation of subsection (d)
12 of this section.

13 (2) It is an affirmative defense to a complaint brought against a person for
14 a violation of a provision of this subtitle or a regulation adopted under this subtitle that the
15 person or an employee of the person:

16 (i) Posted a "No Smoking" sign as required under § 24-506 of this
17 subtitle;

18 (ii) Removed all ashtrays and other smoking paraphernalia from all
19 areas where smoking is prohibited; and

20 (iii) If the violation occurred in a bar, tavern, or restaurant:

21 1. Refused to seat or serve any individual who was smoking
22 in a prohibited area; and

23 2. If the individual continued to smoke after an initial
24 warning, asked the individual to leave the establishment.

25 (d) An employer who discharges or discriminates against an employee because
26 that employee has made a complaint, has given information to the Department in
27 accordance with this subtitle, has caused to be instituted or is about to cause to be instituted
28 a proceeding under this subtitle, or has testified or is about to testify in a proceeding under
29 this subtitle, shall be deemed in violation of this subtitle and shall be subject to a civil
30 penalty of at least \$2,000 but not more than \$10,000 for each violation.

31 (e) (1) An employee may not:

1 (i) Make a groundless or malicious complaint under this subtitle to
 2 the Secretary or an authorized representative of the Secretary;

3 (ii) In bad faith, bring an action under this subtitle; or

4 (iii) In bad faith, testify in an action under this subtitle or a
 5 proceeding that relates to the subject of this subtitle.

6 (2) The Secretary may bring an action for injunctive relief and damages
 7 against a person who violates the provisions of paragraph (1) of this subsection.

8 (f) A penalty collected by the Secretary under this section shall be paid to the
 9 Cigarette Restitution Fund established under § 7-317 of the State Finance and
 10 Procurement Article.

11 24-510.

12 Nothing in this subtitle shall be construed to preempt a county or municipal
 13 government from enacting and enforcing more stringent measures to reduce involuntary
 14 exposure to environmental [tobacco] smoke.

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

17 **Article – Criminal Law**

18 10-123.

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

20 (b) “Alcoholic beverage” has the meaning stated in § 21-903 of the Transportation
 21 Article.

22 (c) “Bus” has the meaning stated in § 11-105 of the Transportation Article.

23 **(D) “CANNABIS” HAS THE MEANING STATED IN § 5-101 OF THIS ARTICLE.**

24 **[(d)] (E) “Highway” has the meaning stated in § 11-127 of the Transportation**
 25 **Article.**

26 **[(e)] (F) “Limousine” has the meaning stated in § 11-129.1 of the**
 27 **Transportation Article.**

28 **[(f)] (G) “Motor home” has the meaning stated in § 11-134.3 of the**
 29 **Transportation Article.**

- 1 **[(g)] (H)** (1) “Motor vehicle” means a vehicle that:
- 2 (i) is self-propelled or propelled by electric power obtained from
3 overhead electrical wires; and
- 4 (ii) is not operated on rails.
- 5 (2) “Motor vehicle” includes:
- 6 (i) a low speed vehicle, as defined in § 11-130.1 of the
7 Transportation Article;
- 8 (ii) a moped, as defined in § 11-134.1 of the Transportation Article;
9 and
- 10 (iii) a motor scooter, as defined in § 11-134.5 of the Transportation
11 Article.
- 12 **[(h)] (I)** “Moving violation” has the meaning stated in § 11-136.1 of the
13 Transportation Article.
- 14 **[(i)] (J)** “Open container” means a bottle, can, or other receptacle:
- 15 (1) that is open;
- 16 (2) that has a broken seal; or
- 17 (3) from which the contents are partially removed.
- 18 **[(j)] (K)** “Passenger area” has the meaning stated in § 21-903 of the
19 Transportation Article.
- 20 **[(k)] (L)** “Taxicab” has the meaning stated in § 11-165 of the Transportation
21 Article.
- 22 10-125.
- 23 (a) (1) Except as otherwise provided in subsection (c) of this section, an
24 occupant of a motor vehicle may not possess an open container that contains any amount
25 of an alcoholic beverage in a passenger area of a motor vehicle on a highway.
- 26 (2) A driver of a motor vehicle may not be subject to prosecution for a
27 violation of this subsection based solely on possession of an open container that contains
28 any amount of an alcoholic beverage by another occupant of the motor vehicle.
- 29 (b) (1) This subsection does not apply to the driver of a motor vehicle.

1 (2) Except as otherwise provided in subsection (c) of this section, an
2 occupant of a motor vehicle may not consume an alcoholic beverage in a passenger area of
3 a motor vehicle on a highway.

4 **(3) AN OCCUPANT OF A MOTOR VEHICLE MAY NOT SMOKE CANNABIS**
5 **IN A PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.**

6 (c) Subsections (a)(1) and (b)(2) of this section do not apply to an occupant, who
7 is not the driver, in:

8 (1) a motor vehicle designed, maintained, and used primarily for the
9 transportation of a person for compensation, including:

10 (i) a bus;

11 (ii) a taxicab; or

12 (iii) a limousine; or

13 (2) the living quarters of a motor home, motor coach, or recreational
14 vehicle.

15 (d) Notwithstanding § 6-320, § 6-321, or § 6-322 of the Alcoholic Beverages
16 Article, or any other provision of law, the prohibitions contained in this section apply
17 throughout the State.

18 (e) A violation of this section is not:

19 (1) a moving violation for the purposes of § 16-402 of the Transportation
20 Article; or

21 (2) a traffic violation for the purposes of the Maryland Vehicle Law.

22 Article – Health – General

23 **SUBTITLE 46. COMMUNITY REINVESTMENT AND REPAIR FUND.**

24 **13-4601.**

25 **(A) (1) THERE IS A COMMUNITY REINVESTMENT AND REPAIR FUND.**

26 **(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO**
27 **COMMUNITY-BASED ORGANIZATIONS THAT SERVE COMMUNITIES DETERMINED BY**
28 **THE OFFICE OF THE ATTORNEY GENERAL TO HAVE BEEN THE MOST IMPACTED BY**
29 **DISPROPORTIONATE ENFORCEMENT OF THE CANNABIS PROHIBITION BEFORE JULY**
30 **1, 2022.**

1 **(3) THE COMPTROLLER SHALL ADMINISTER THE FUND.**

2 **(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
3 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 **(II) THE STATE TREASURER SHALL HOLD THE FUND**
5 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

6 **(5) THE FUND CONSISTS OF:**

7 **(I) REVENUE DISTRIBUTED TO THE FUND THAT IS AT LEAST**
8 **30% OF THE REVENUES FROM ADULT-USE CANNABIS;**

9 **(II) LICENSING FEES PAID BY DUAL-LICENSED CANNABIS**
10 **ESTABLISHMENTS; AND**

11 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
12 **FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED**
13 **BY THE COMPTROLLER FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE**
14 **FUND.**

15 **(6) (I) THE FUND MAY BE USED ONLY FOR:**

16 **1. FUNDING COMMUNITY-BASED INITIATIVES**
17 **INTENDED TO BENEFIT LOW-INCOME COMMUNITIES;**

18 **2. FUNDING COMMUNITY-BASED INITIATIVES THAT**
19 **SERVE COMMUNITIES DISPROPORTIONATELY HARMED BY THE CANNABIS**
20 **PROHIBITION AND ENFORCEMENT; AND**

21 **3. ANY RELATED ADMINISTRATIVE EXPENSES.**

22 **(II) MONEY MAY NOT BE EXPENDED FROM THE FUND FOR LAW**
23 **ENFORCEMENT AGENCIES OR ACTIVITIES.**

24 **(III) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO**
25 **AND MAY NOT SUPPLANT FUNDING THAT OTHERWISE WOULD BE APPROPRIATED**
26 **FOR PREEXISTING LOCAL GOVERNMENT PROGRAMS.**

27 **(7) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
28 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

1 (8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

2 (I) THE GENERAL FUND OF THE STATE; OR

3 (II) ANY OTHER SPECIAL FUND OF THE STATE.

4 (9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND.

5 (10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE
6 AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

7 (B) (1) THE COMPTROLLER SHALL DISTRIBUTE FUNDS FROM THE FUND
8 TO EACH COUNTY IN AN AMOUNT THAT, FOR THE PERIOD FROM JULY 1, 2002, TO
9 JUNE 30, 2022, BOTH INCLUSIVE, IS PROPORTIONATE TO THE TOTAL NUMBER OF
10 MARIJUANA ARRESTS IN THE COUNTY COMPARED TO THE TOTAL NUMBER OF
11 MARIJUANA ARRESTS IN THE STATE.

12 (2) (I) SUBJECT TO THE LIMITATIONS UNDER SUBSECTION (A)(6)
13 OF THIS SECTION, EACH COUNTY SHALL ADOPT A LAW ESTABLISHING THE PURPOSE
14 FOR WHICH MONEY RECEIVED FROM THE FUND MAY BE USED.

15 (II) ON OR BEFORE DECEMBER 1 EVERY 2 YEARS, BEGINNING
16 IN 2024, EACH LOCAL JURISDICTION SHALL SUBMIT A REPORT TO THE GOVERNOR
17 AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE
18 SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE,
19 THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT
20 OPERATIONS COMMITTEE ON HOW FUNDS RECEIVED FROM THE FUND WERE SPENT
21 DURING THE IMMEDIATELY PRECEDING 2 FISCAL YEARS.

22 ~~Article Tax General~~

23 ~~TITLE 12.5. CANNABIS TAX.~~

24 ~~12.5-101.~~

25 ~~(A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS SOLD UNDER~~
26 ~~TITLE 23 OF THE HEALTH GENERAL ARTICLE.~~

27 ~~(B) (1) UNTIL APRIL 1, 2026, A 10% EXCISE TAX IS IMPOSED ON THE SALE~~
28 ~~OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED UNDER~~
29 ~~TITLE 23 OF THE HEALTH GENERAL ARTICLE TO A CONSUMER.~~

30 ~~(2) FROM APRIL 1, 2026, TO MARCH 30, 2028, BOTH INCLUSIVE, A~~
31 ~~15% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A~~

~~CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH GENERAL
ARTICLE TO A CONSUMER.~~

~~(3) BEGINNING APRIL 1, 2028, A 20% EXCISE TAX IS IMPOSED ON THE
SALE OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED
UNDER TITLE 23 OF THE HEALTH GENERAL ARTICLE TO A CONSUMER.~~

~~(C) SALES OF CANNABIS BY A CANNABIS ESTABLISHMENT TO A CONSUMER
ARE NOT SUBJECT TO A SALES AND USE TAX IMPOSED UNDER TITLE 11 OF THIS
ARTICLE.~~

~~(D) (1) TAXES IMPOSED UNDER THIS SECTION SHALL APPLY ONLY AT THE
POINT OF SALE TO A CONSUMER.~~

~~(2) NO TAXES SHALL APPLY TO SALES OR TRANSFERS OF CANNABIS
BETWEEN CANNABIS ESTABLISHMENTS.~~

~~12.5-102.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY
MAY IMPOSE A SALES TAX NOT EXCEEDING 3% ON SALES OF CANNABIS AND
CANNABIS PRODUCTS TO CONSUMERS WITHIN ITS JURISDICTION.~~

~~(B) A COUNTY MAY NOT IMPOSE A SALES TAX UNDER SUBSECTION (A) OF
THIS SECTION ON SALES OF MEDICAL CANNABIS UNDER TITLE 23 OF THE HEALTH
GENERAL ARTICLE.~~

~~12.5-103.~~

~~(A) (1) IN THIS SECTION, "FUND" MEANS THE CANNABIS REGULATION
FUND.~~

~~(2) THERE IS A CANNABIS REGULATION FUND.~~

~~(3) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO BE
DISTRIBUTED AND USED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.~~

~~(4) THE ALCOHOL AND TOBACCO COMMISSION SHALL ADMINISTER
THE FUND.~~

~~(5) (i) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

1 ~~(H) THE STATE TREASURER SHALL HOLD THE FUND~~
2 ~~SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

3 ~~(6) THE FUND CONSISTS OF:~~

4 ~~(I) ALL APPLICATION AND LICENSING FEES PAID BY CANNABIS~~
5 ~~ESTABLISHMENTS UNDER TITLE 23, SUBTITLE 4 OF THE HEALTH GENERAL~~
6 ~~ARTICLE, EXCEPT FOR RETAILER AND DUAL LICENSE FEES THAT ARE PAYABLE~~
7 ~~DIRECTLY TO THE SOCIAL EQUITY START UP FUND;~~

8 ~~(II) ALL TAXES COLLECTED UNDER § 12.5-101 OF THIS TITLE;~~

9 ~~(III) INTEREST EARNINGS; AND~~

10 ~~(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
11 ~~FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED~~
12 ~~BY THE ALCOHOL AND TOBACCO COMMISSION FOR THE ACCEPTANCE OF~~
13 ~~DONATIONS OR GIFTS TO THE FUND.~~

14 ~~(7) THE FUND MAY BE USED ONLY FOR CARRYING OUT THIS TITLE.~~

15 ~~(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
16 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

17 ~~(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE~~
18 ~~CREDITED TO THE FUND.~~

19 ~~(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS~~
20 ~~DIRECTED BY THE ALCOHOL AND TOBACCO COMMISSION.~~

21 ~~(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE~~
22 ~~AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

23 ~~(B) ON OR BEFORE MARCH 15 EACH YEAR, THE ALCOHOL AND TOBACCO~~
24 ~~COMMISSION SHALL PRODUCE AND PUBLISH ON ITS WEBSITE A DETAILED REPORT~~
25 ~~ON REVENUES AND EXPENDITURES FROM THE FUND, INCLUDING A DETAILED~~
26 ~~REPORTING OF MONEY RETAINED AND SPENT TO DEFRAY THE COST OF~~
27 ~~ADMINISTRATION OF THIS TITLE.~~

28 ~~(C) THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:~~

29 ~~(1) THE ALCOHOL AND TOBACCO COMMISSION SHALL RETAIN~~
30 ~~SUFFICIENT MONEY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS~~
31 ~~TITLE; AND~~

1 ~~(2) REVENUES GENERATED IN EXCESS OF THE AMOUNT OF THOSE~~
2 ~~NECESSARY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS TITLE~~
3 ~~SHALL BE DISTRIBUTED NOT LESS THAN ONCE EVERY QUARTER AS FOLLOWS:~~

4 ~~(I) 25% TO THE COMMUNITY REINVESTMENT AND REPAIR~~
5 ~~FUND, ESTABLISHED UNDER § 23-204 OF THE HEALTH GENERAL ARTICLE;~~

6 ~~(II) 10% TO THE SOCIAL EQUITY START-UP FUND;~~

7 ~~(III) 3% FOR TECHNICAL ASSISTANCE FOR SOCIAL EQUITY AND~~
8 ~~MINORITY BUSINESS CANNABIS ESTABLISHMENT APPLICANTS;~~

9 ~~(IV) 5% TO THE CANNABIS EDUCATION AND TRAINING FUND,~~
10 ~~ESTABLISHED UNDER § 23-203 OF THE HEALTH GENERAL ARTICLE;~~

11 ~~(V) 20% TO THE MARYLAND DEPARTMENT OF HEALTH FOR~~
12 ~~USE IN EVIDENCE-BASED, VOLUNTARY PROGRAMS FOR THE PREVENTION OR~~
13 ~~TREATMENT OF SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES;~~

14 ~~(VI) 2% TO THE MARYLAND DEPARTMENT OF HEALTH FOR A~~
15 ~~SCIENTIFICALLY AND MEDICALLY ACCURATE PUBLIC EDUCATION CAMPAIGN~~
16 ~~EDUCATING YOUTH AND ADULTS ABOUT THE HEALTH AND SAFETY RISKS OF~~
17 ~~ALCOHOL, TOBACCO, CANNABIS, AND OTHER SUBSTANCES, INCLUDING THE RISKS~~
18 ~~OF DRIVING WHILE IMPAIRED;~~

19 ~~(VII) 2% TO THE MARYLAND DEPARTMENT OF HEALTH TO FUND~~
20 ~~DIVERSE SCIENTIFIC, ACADEMIC, OR MEDICAL RESEARCH ON CANNABIS OR~~
21 ~~ENDOCANNABINOIDS, INCLUDING RESEARCH EXPLORING THE BENEFITS OF~~
22 ~~CANNABIS, ON THE CONDITION THAT ALL FUNDED RESEARCH DATA, RESULTS, AND~~
23 ~~PAPERS MUST BE RELEASED INTO THE PUBLIC DOMAIN AND MUST BE PUBLISHED~~
24 ~~FOR FREE AND OPEN ACCESS BY THE PUBLIC AND BY OTHER RESEARCHERS;~~

25 ~~(VIII) 1% TO THE DEPARTMENT OF STATE POLICE FOR~~
26 ~~ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT AND DRUG~~
27 ~~RECOGNITION EXPERT (DRE) TRAINING;~~

28 ~~(IX) 10% TO THE ENDOWMENTS OF THE STATE'S HISTORICALLY~~
29 ~~BLACK COLLEGES AND UNIVERSITIES;~~

30 ~~(X) 15% TO LOCAL IMPACT AID; AND~~

31 ~~(XI) 7% TO THE GENERAL FUND OF THE STATE.~~

~~12.5-104.~~

~~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 CANNABIS ESTABLISHMENT AS DEFINED BY § 23-101 OF THE HEALTH GENERAL ARTICLE, OR AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH GENERAL ARTICLE, INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.~~

Article – Transportation

~~21-902.~~

~~(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.~~

~~(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.~~

~~(iii) 1. IN THIS SUBPARAGRAPH, “UNDER THE INFLUENCE OF CANNABIS PER SE” MEANS HAVING A CONCENTRATION AT THE TIME OF TESTING OF 5 NANOGRAMS OR MORE OF DELTA 9 TETRAHYDROCANNABINOL AS MEASURED PER MILLILITER OF BLOOD.~~

~~2. A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE THE PERSON IS UNDER THE INFLUENCE OF CANNABIS PER SE.~~

~~(IV) A person convicted of a violation of this paragraph is subject to:~~

~~1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and~~

~~2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.~~

~~[(iv)] (V) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under subsection (b), (c), or (d) of this section, within 5 years before the conviction for a violation of this paragraph, shall be considered a prior conviction.~~

~~(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.~~

(ii) ~~A person convicted of a violation of this paragraph is subject to:~~

~~1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and~~

~~2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.~~

~~(iii) For the purpose of determining subsequent offender penalties for a violation of this paragraph, a prior conviction under this paragraph or subsection (b)(2), (c)(2), or (d)(2) of this section shall be considered a prior conviction.~~

~~(3) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION THAT THE DEFENDANT WAS NOT ACTUALLY UNDER THE INFLUENCE OF CANNABIS.~~

21-903.

(a) (1) In this section the following words have the meanings indicated.

(2) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that contains at least 0.5% alcohol by volume and is fit for beverage purposes.

(3) “CANNABIS” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

~~[(3)] (4)~~ (i) “Passenger area” means an area that:

1. Is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation; or

2. Is readily accessible to the driver or a passenger of a motor vehicle while in their seating positions.

(ii) “Passenger area” does not include:

1. A locked glove compartment;

2. The trunk of a motor vehicle; or

3. If a motor vehicle is not equipped with a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or a passenger of the motor vehicle.

1 (b) This section applies to a motor vehicle that is driven, stopped, standing, or
2 otherwise located on a highway.

3 (c) A driver of a motor vehicle may not consume an alcoholic beverage, **OR SMOKE**
4 **OR CONSUME CANNABIS**, in a passenger area of a motor vehicle on a highway.

5 (d) Notwithstanding § 6-320, § 6-321, or § 6-322 of the Alcoholic Beverages
6 Article, or any other provision of law, the prohibition contained in this section applies
7 throughout the State.

8 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before November 15,~~
9 ~~2022, the President of the Senate of Maryland and the Speaker of the House of Delegates~~
10 ~~acting jointly may submit to the Governor the names of five individuals who are qualified~~
11 ~~and suitable to serve as Executive Director of the Office of Social Equity, established under~~
12 ~~§ 23-201 of the Health General Article, as enacted under Section 2 of this Act.~~

13 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023,~~
14 ~~the Governor shall select an Executive Director of the Office of Social Equity from among~~
15 ~~the five individuals whose names were submitted under Section 3 of this Act.~~

16 ~~SECTION 5. AND BE IT FURTHER ENACTED, That:~~

17 ~~(a) On or before April 1, 2023, and January 1, 2025, the Office of Social Equity~~
18 ~~and the Alcohol and Tobacco Commission, in consultation with the certification agency as~~
19 ~~defined in § 14-301 of the State Finance and Procurement Article, the Governor's Office of~~
20 ~~Small, Minority, and Women Business Affairs, and the Office of the Attorney General,~~
21 ~~shall:~~

22 ~~(1) study the cannabis industry and market to determine whether there is~~
23 ~~a compelling reason to implement remedial measures to assist minorities and women in~~
24 ~~the cannabis industry, including:~~

25 ~~(i) applying the State Minority Business Enterprise Program under~~
26 ~~Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program; and~~

27 ~~(ii) considerations of race, ethnicity, and wealth in the definition of~~
28 ~~“social equity applicant”;~~

29 ~~(2) evaluate race-neutral programs or other methods that may be used to~~
30 ~~address the needs of minority applicants and minority-owned businesses seeking to~~
31 ~~participate in the cannabis industry; and~~

32 ~~(3) if necessary, adopt regulations to implement remedial measures based~~
33 ~~on the findings of the study and evaluation described in items (1) and (2) of this subsection.~~

34 ~~(b) The Alcohol and Tobacco Commission may report to the General Assembly, in~~
35 ~~accordance with § 2-1257 of the State Government Article, any information that the~~

1 ~~Commission determines to be necessary to the consideration, development, or~~
2 ~~implementation of any remedial measure implemented under this section.~~

3 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the General Assembly~~
4 ~~determines that the amendment to the Maryland Constitution proposed by Section 1 of this~~
5 ~~Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland~~
6 ~~Constitution concerning local approval of constitutional amendments do not apply.~~

7 ~~SECTION 7. AND BE IT FURTHER ENACTED, That:~~

8 ~~(a) The amendment to the Maryland Constitution proposed by Section 1 of this~~
9 ~~Act shall be submitted to the qualified voters of the State at the next general election to be~~
10 ~~held in November 2022 for adoption or rejection pursuant to Article XIV of the Maryland~~
11 ~~Constitution.~~

12 ~~(b) (1) At that general election, the vote on the proposed amendment to the~~
13 ~~Constitution shall be by ballot, and on each ballot there shall be printed the words “For the~~
14 ~~Constitutional Amendment” and “Against the Constitutional Amendment”, as now~~
15 ~~provided by law.~~

16 ~~(2) At that general election, a question substantially similar to the~~
17 ~~following shall be submitted to the qualified voters of the State:~~

18 ~~“Question _____ Constitutional Amendment~~

19 ~~Do you favor the legalization of adult use cannabis in the State of Maryland that~~
20 ~~complies with a legal framework established by the legislature to provide for limits on use~~
21 ~~amounts and the regulation and taxation of the market for the production and sale of~~
22 ~~cannabis in the State?”~~

23 ~~(e) Immediately after the election, all returns shall be made to the Governor of~~
24 ~~the vote for and against the proposed amendment, as directed by Article XIV of the~~
25 ~~Maryland Constitution, and further proceedings had in accordance with Article XIV.~~

26 ~~SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act is~~
27 ~~contingent on the passage of Section 1 of this Act, a constitutional amendment, and its~~
28 ~~ratification by the voters of the State.~~

29 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, subject to the provisions of~~
30 ~~Section 8 of this Act, Section 2 of this Act shall take effect on the proclamation of the~~
31 ~~Governor that the constitutional amendment, having received a majority of the votes cast~~
32 ~~at the general election, has been adopted by the people of Maryland.~~

33 ~~SECTION 10. AND BE IT FURTHER ENACTED, That, subject to the provisions of~~
34 ~~Sections 7 and 9 of this Act, this Act shall take effect October 1, 2022.~~

1 SECTION 7. AND BE IT FURTHER ENACTED, That the terms of the initial
2 appointed members of the Cannabis Public Health Advisory Council shall expire as follows:

3 (1) three members in 2025;

4 (2) three members in 2026; and

5 (3) four members in 2027.

6 SECTION 8. AND BE IT FURTHER ENACTED, That, if the voters ratify
7 Chapter (H.B. 1) of the Acts of the General Assembly of 2022, legalizing cannabis in the
8 State, it is the intent of the General Assembly that:

9 (1) the Office of the Executive Director of the Alcohol and Tobacco
10 Commission shall be the successor of the Natalie M. LaPrade Medical Cannabis
11 Commission in matters concerning the regulation of medical cannabis;

12 (2) the transfer of personnel from the Natalie M. LaPrade Medical
13 Cannabis Commission to the Office of the Executive Director of the Alcohol and Tobacco
14 Commission shall be studied jointly by the Commissions; and

15 (3) on or before January 1, 2023, the Commissions shall make a
16 recommendation to the General Assembly, in accordance with § 2-1257 of the State
17 Government Article, on how to transfer personnel in a manner that:

18 (i) will minimize the costs of the transfer and result in a more
19 cost-efficient operation for the regulation of cannabis for the protection of the public health,
20 safety, and welfare of the State;

21 (ii) does not result in any diminution of pay, working conditions,
22 benefits, rights, or status; and

23 (iii) allows personnel to retain any merit system and retirement
24 status they may have on the date of transfer.

25 SECTION 9. AND BE IT FURTHER ENACTED, That:

26 (a) The certification agency designated by the Board of Public Works under §
27 14-303(b) of the State Finance and Procurement Article, in consultation with the
28 Governor's Office of Small, Minority, and Women Business Affairs, the General Assembly,
29 and the Office of the Attorney General, shall review the Business Disparities in the
30 Maryland Market Area study completed on February 8, 2017, the Analysis of the Maryland
31 Medical Cannabis Industry report completed on December 8, 2017, and the analysis of the
32 industry report completed on January 17, 2018, to evaluate whether the data and analyses
33 in the study and reports are sufficient to determine whether the enactment of remedial
34 measures to assist minorities and women in the adult-use cannabis industry and market

1 would comply with the requirements of City of Richmond v. J. A. Croson Co., 488 U.S. 469,
2 and any subsequent federal or constitutional requirements.

3 (b) (1) If a determination is made that the data and analyses in the study and
4 reports reviewed under subsection (a) of this section are sufficient to determine whether
5 the enactment of remedial measures to assist minorities and women in the adult–use
6 cannabis industry and market would comply with the requirements of the Croson decision
7 and any subsequent federal or constitutional requirements, the certification agency shall
8 submit the findings of the review to the Legislative Policy Committee, in accordance with
9 § 2–1257 of the State Government Article, on or before July 1, 2022, so that the General
10 Assembly may review the findings before the 2023 legislative session.

11 (2) (i) If a determination is made that the data and analyses in the
12 study and reports reviewed under subsection (a) of this section are insufficient to determine
13 whether the enactment of remedial measures to assist minorities and women in the
14 adult–use cannabis industry and market would comply with the requirements of the Croson
15 decision and any subsequent federal or constitutional requirements, the certification
16 agency and the Department of Legislative Services, in consultation with the Governor’s
17 Office of Small, Minority, and Women Business Affairs, the General Assembly, and the
18 Office of the Attorney General, shall initiate a study of the cannabis industry to evaluate
19 whether the enactment of remedial measures to assist minorities and women in the
20 adult–use cannabis industry and market would comply with the requirements of the Croson
21 decision and any subsequent federal or constitutional requirements.

22 (ii) The certification agency shall submit the findings of the study
23 initiated in accordance with subparagraph (i) of this paragraph to the Legislative Policy
24 Committee, in accordance with § 2–1257 of the State Government Article, on or before
25 November 1, 2022, so that the General Assembly may review the findings before the 2023
26 legislative session.

27 (c) (1) The Natalie M. LaPrade Medical Cannabis Commission shall require
28 licensed growers, processors, and dispensaries and preapproved applicants for licensure
29 under Title 13, Subtitle 33 of the Health – General Article to provide to the Commission
30 any information determined to be necessary to continue to assess the need for remedial
31 measures in the cannabis industry and market that may include the following data broken
32 down by State fiscal year for the period beginning July 1, 2016, and ending June 30, 2022:

33 (i) a list of the licensee’s or applicant’s expenditures for each State
34 fiscal year; and

35 (ii) for each expenditure, a description of the work performed, the
36 dollar value of the expenditure, whether the work was performed by the licensee or a
37 contractor or subcontractor, and, if performed by a contractor or subcontractor, the name
38 of the entity that performed the work.

39 (2) Each licensed grower, processor, and dispensary and preapproved
40 applicant for licensure under Title 13, Subtitle 33 of the Health – General Article shall

1 provide the data requested under paragraph (1) of this subsection to the Commission on or
2 before July 1, 2022.

3 (3) The Commission shall provide the data collected under paragraph (1)
4 of this subsection to the certification agency on or before July 15, 2022.

5 (4) All data provided by each licensed grower, processor, and dispensary
6 and preapproved applicant for licensure under Title 13, Subtitle 33 of the Health – General
7 Article under this subsection:

8 (i) shall constitute confidential commercial information and
9 confidential financial information and be treated as confidential by the Commission and
10 the State; and

11 (ii) may be used only for purposes authorized under this section and
12 be disclosed to the public only in an anonymized or aggregated format.

13 (d) The Governor’s Office of Small, Minority, and Women Business Affairs, in
14 consultation with the certification agency and the Office of the Attorney General, shall
15 develop race– and gender–neutral approaches to address the needs of minority and women
16 applicants and minority– and women–owned businesses seeking to participate in the
17 adult–use cannabis industry and submit a report of its findings to the Legislative Policy
18 Committee, in accordance with § 2–1257 of the State Government Article, on or before
19 October 15, 2022, so that the General Assembly may review, consider, and adopt race– and
20 gender–neutral alternatives in any legislation adopted concerning the adult–use cannabis
21 industry.

22 SECTION 10. AND BE IT FURTHER ENACTED, That:

23 (a) The Natalie M. LaPrade Medical Cannabis Commission shall study and make
24 recommendations on:

25 (1) a home grow program to authorize qualifying patients to grow cannabis
26 plants for personal use;

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

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

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

34 (c) On or before November 1, 2022, the Natalie M. LaPrade Medical Cannabis
35 Commission shall report its findings and recommendations for the program to the Governor

1 and, in accordance with § 2–1257 of the State Government Article, the Senate Finance
2 Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee,
3 and the House Health and Government Operations Committee.

4 SECTION 11. AND BE IT FURTHER ENACTED, That the State may not issue
5 applications for new licenses to an adult–use cannabis cultivator, processor, retailer, or any
6 other adult–use cannabis establishment until the report required under Section 9 of this
7 Act is received and reviewed by the Legislative Policy Committee.

8 SECTION 12. AND BE IT FURTHER ENACTED, That, on or before December 1,
9 2022, the Attorney General shall, in accordance with § 2–1257 of the State Government
10 Article, provide to the General Assembly a formal opinion regarding the impact of cannabis
11 legalization on the authority of police officers to conduct searches of individuals and
12 vehicles based on detection of the odor of burnt or unburnt cannabis, including in cases
13 involving suspicion of possession with intent to distribute cannabis, growing or
14 manufacturing cannabis or cannabis products, or driving under the influence of cannabis.

15 SECTION 13. AND BE IT FURTHER ENACTED, That the publishers of the
16 Annotated Code of Maryland, in consultation with and subject to the approval of the
17 Department of Legislative Services, shall correct, with no further action required by the
18 General Assembly, cross–references and terminology rendered incorrect by this Act.
19 References to the term “marijuana” shall be replaced with references to the term
20 “cannabis”. The publishers shall adequately describe any correction that is made in an
21 editor’s note following the section affected.

22 SECTION 14. AND BE IT FURTHER ENACTED, That Sections 2, 3, 4, 5, 6, 7, and
23 8 of this Act are contingent on the passage of Chapter ____ (H.B. 1) of the Acts of the General
24 Assembly of 2022, a constitutional amendment, and its ratification by the voters of the
25 State.

26 SECTION 15. AND BE IT FURTHER ENACTED, That, subject to the provisions of
27 Section 14 of this Act, Section 3 of this Act shall take effect January 1, 2023. Section 3 of
28 this Act shall remain effective for a period of 6 months and, at the end of June 30, 2023,
29 Section 3 of this Act, with no further action required by the General Assembly, shall be
30 abrogated and of no further force and effect.

31 SECTION 16. AND BE IT FURTHER ENACTED, That, subject to the provisions of
32 Section 14 of this Act, Section 4 of this Act shall take effect July 1, 2023.

33 SECTION 17. AND BE IT FURTHER ENACTED, That, subject to the provisions of
34 Section 14 of this Act, Section 6 of this Act shall take effect July 1, 2023.

35 SECTION 18. AND BE IT FURTHER ENACTED, That, subject to the provisions of
36 Section 14 of this Act, Sections 2, 5, and 7 of this Act shall take effect January 1, 2023.

37 SECTION 19. AND BE IT FURTHER ENACTED, That, except as provided in
38 Sections 15, 16, 17, and 18 of this Act, this Act shall take effect June 1, 2022.