

HOUSE BILL 1243

A3

4lr3053

By: **Delegate Miller**

Introduced and read first time: February 8, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Packaging Requirements – Prohibition on Purchase of Empty**
3 **Packaging**

4 FOR the purpose of prohibiting the holder of a cannabis license from buying empty
5 packaging that, if used to package cannabis, would violate a certain law; and
6 generally relating to cannabis packaging requirements.

7 BY repealing and reenacting, with amendments,
8 Article – Alcoholic Beverages and Cannabis
9 Section 36–203.1
10 Annotated Code of Maryland
11 (2016 Volume and 2023 Supplement)

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

14 **Article – Alcoholic Beverages and Cannabis**

15 36–203.1.

16 (a) The Administration shall adopt regulations establishing limits on the
17 maximum potency of cannabis products sold in the State, including limits on the maximum
18 amount of THC in individual cannabis products and limits on the maximum aggregate THC
19 amount for multiple edible cannabis products packaged together.

20 (b) A package of cannabis for distribution to a consumer or qualifying patient
21 shall:

22 (1) conform to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) child-resistant packaging requirements established under 16
2 C.F.R. § 1700.15(b)(1); and

3 (ii) tamper-evident packaging;

4 (2) provide that packaging and labeling shall include:

5 (i) a finished product lot number and expiration date if applicable;

6 (ii) a statement:

7 1. that consumption of cannabis may impair your ability to
8 drive a car or operate machinery, use extreme caution;

9 2. of potential risks associated with cannabis use, especially
10 during pregnancy or breast feeding; and

11 3. that this package contains cannabis, keep out of the reach
12 of children and animals;

13 (iii) the name, address, and phone number of the dispensary that sold
14 the product to report an adverse event;

15 (iv) any allergen warning required by law;

16 (v) a listing of noncannabis ingredients; and

17 (vi) an itemization, including weight:

18 1. of all cannabinoid and terpene ingredients specified for the
19 product; and

20 2. concentrations of any cannabinoid of less than 1% printed
21 with a leading zero before the decimal point.

22 (c) Cannabis labeling and packaging may not include:

23 (1) subject to subsection [(d)] (E) of this section, any image that may appeal
24 to children including:

25 (i) images of food, candy, baked goods, cereal, fruit, and beverages;
26 and

27 (ii) a resemblance to the trademarked characteristic
28 product-specialized packaging of any commercially available candy, snack, baked good,
29 cereal, or beverage;

1 (2) any image that is designed or likely to appeal to minors, including
2 cartoons, toys, animals, children, or any likeness to images, characters, or phrases that are
3 popularly used to advertise to children;

4 (3) a statement, artwork, or design that could reasonably mislead any
5 individual to believe that the packaging contains anything other than a finished cannabis
6 product; and

7 (4) any image of a seal, flag, crest, coat of arms, or other insignia that could
8 reasonably mislead any individual to believe that the product has been endorsed,
9 manufactured, or used by any agency of a state or political subdivision.

10 **(D) THE HOLDER OF A CANNABIS LICENSE ISSUED UNDER THIS TITLE MAY**
11 **NOT PURCHASE ANY EMPTY PACKAGING THAT, IF USED TO PACKAGE CANNABIS,**
12 **WOULD VIOLATE A PROVISION OF THIS TITLE.**

13 **[(d)] (E)** The Administration may adopt regulations to allow the sale, on or
14 before July 1, 2024, of cannabis or cannabis products that are labeled or packaged using
15 images described under subsection (c)(1) of this section.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.