

SENATE BILL 708

E1, E2, J1

11r2224

By: **Senators Feldman, Ferguson, Guzzone, King, Smith, Waldstreicher, and Washington**

Introduced and read first time: February 3, 2021

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Legalization and Regulation**

3 FOR the purpose of substituting the term “cannabis” for the term “marijuana” in certain
4 provisions of law; altering a certain quantity threshold and establishing a certain
5 age limit applicable to a certain civil offense of use or possession of cannabis;
6 establishing a civil offense for use or possession of a certain amount of cannabis for
7 a person of at least a certain age; establishing a civil offense for cultivating cannabis
8 plants in a certain manner; prohibiting an individual from knowingly and willfully
9 making a certain misrepresentation or false statement to a certain person for a
10 certain purpose; prohibiting an individual from obtaining or attempting to obtain
11 cannabis in a certain manner for consumption by a certain individual; prohibiting a
12 person from furnishing cannabis or certain cannabis accessories to an individual
13 under certain circumstances; providing for the expungement of certain records
14 relating to certain charges of possession of cannabis; providing for the disposition
15 and expungement of certain charges relating to possession, cultivation, processing,
16 or sale of cannabis; providing for a certain application for resentencing; establishing
17 an Office of Social Equity within the Alcohol and Tobacco Commission; requiring the
18 Governor to appoint an executive director of the Office; requiring that the executive
19 director have certain experience; authorizing the Office to employ staff and retain
20 contractors for a certain purpose; specifying the duties of the Office; establishing the
21 Social Equity Start-Up Fund, the Cannabis Education and Training Fund, the
22 Community Reinvestment and Repair Fund, and the Cannabis Regulation Fund;
23 specifying the purposes of the funds; requiring the Office or the Commission to
24 administer certain funds; requiring the State Treasurer to hold the funds and the
25 Comptroller to account for the funds; specifying the contents of the funds; specifying
26 the purposes for which and the manner in which money in the funds may be used;
27 providing for the investment of money in and expenditures from the funds; providing
28 that the funds are subject to audit by a certain office; establishing certain duties and
29 powers of the Commission in relation to the use of certain funds; authorizing certain
30 education programs to use hemp instead of cannabis for certain training; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Commission and the Office to adopt certain regulations; authorizing the
2 Commission to issue certain dual licenses only for certain types of licenses and
3 locations; requiring the Commission to develop a certain label, handout, or both after
4 consulting with certain researchers; requiring that certain materials be available to
5 each consumer; requiring the Commission to review and update certain materials at
6 certain intervals and in a certain manner for a certain purpose; prohibiting the
7 Commission from requiring a consumer to provide or a retailer to acquire certain
8 information; requiring the Commission to develop certain policies and procedures
9 governing the Commission's approval of transfer of licenses; providing for the
10 licensing of cannabis establishments, including certain dual licensing; establishing
11 certain powers and duties of and prohibitions on the Commission regarding the
12 licensing of cannabis establishments; establishing the terms of certain licenses;
13 prohibiting a person from holding certain interest, directly or indirectly, in more
14 than a certain number of cultivators or a certain number of retailers; prohibiting a
15 cultivator from producing certain products except under certain circumstances;
16 prohibiting a cultivator from cultivating medical cannabis except under certain
17 circumstances; prohibiting a processor from processing or producing medical
18 cannabis or medical cannabis products except under certain circumstances;
19 prohibiting a retailer from selling medical cannabis or medical cannabis products to
20 patients except under certain circumstances; establishing certain licensing fees;
21 requiring that certain licensing fees be credited to a certain fund; establishing
22 certain requirements for qualification for a dual license; authorizing an applicant for
23 a certain license to apply for conditional approval under certain circumstances;
24 requiring the Commission, in conjunction with the Office, to annually evaluate the
25 cannabis market in the State and solicit certain input regarding certain matters;
26 requiring the Commission, on or before a certain date, to commission a certain study
27 of the cannabis market in the State; requiring the Commission to annually report
28 certain recommendations to the General Assembly based on certain findings;
29 authorizing an on-site consumption establishment to operate only if a certain local
30 regulatory authority issued a certain permit or license; authorizing a locality to
31 prohibit the operation of certain cannabis establishments in a certain manner under
32 certain circumstances; requiring that a person seeking licensure as a cannabis
33 establishment meet certain requirements; prohibiting a locality from negotiating or
34 entering into a certain agreement with a cannabis establishment or cannabis
35 establishment applicant; establishing that certain acts relating to cannabis are not
36 unlawful and are not a criminal or civil offense under State law or the law of any
37 political subdivision of the State or a basis for seizure or forfeiture of assets under
38 State law; establishing that certain acts are not a violation of certain conditions of
39 parole or probation under certain circumstances; establishing certain criminal and
40 civil immunities and protections for a person who engages in conduct permitted
41 under this Act; providing that a person may not be denied certain licenses or permits
42 for engaging in conduct permitted under this Act; clarifying that a provision of law
43 is included in this Act to satisfy a certain federal requirement; prohibiting a certain
44 law enforcement officer from expending certain resources to take certain actions on
45 a certain basis if the officer has reason to believe that certain activity is in compliance
46 with this Act; requiring the interest earnings of certain funds to be credited to the
47 funds; exempting certain funds from a certain provision of law requiring interest

1 earnings on State money to accrue to the General Fund of the State; imposing certain
2 excise taxes on the sale or transfer of cannabis from a certain cannabis establishment
3 to a consumer; providing that sales of cannabis by a cannabis establishment to a
4 consumer are not subject to a certain sales and use tax; authorizing a political
5 subdivision to impose a sales tax not exceeding a certain amount on sales of cannabis
6 and cannabis products to certain consumers, subject to a certain exception; requiring
7 that certain revenues be distributed in a certain manner; authorizing a certain
8 deduction from State taxes; providing certain penalties for violating certain
9 provisions of this Act; requiring the Speaker of the House of Delegates, on or before
10 a certain date, to submit to the Governor a certain number of names of individuals
11 who are qualified and suitable to serve as Executive Director of the Office; requiring
12 the Governor, on or before a certain date, to select an Executive Director of the Office
13 from among certain names; requiring the Office and the Commission to conduct a
14 certain study on or before certain dates and report certain information to the General
15 Assembly; providing for the application of certain provisions of this Act; defining
16 certain terms; making conforming changes; and generally relating to cannabis.

17 BY repealing and reenacting, without amendments,

18 Article – Criminal Law

19 Section 5–101(a)

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2020 Supplement)

22 BY adding to

23 Article – Criminal Law

24 Section 5–101(e–1) and (t), 5–601.2, 5–601.3, and 5–629

25 Annotated Code of Maryland

26 (2012 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Criminal Law

29 Section 5–101(p), (s), and (t), 5–601(a), (c), and (d), 5–601.1, 5–612, 5–614, 5–619(c),
30 5–620, 10–113, 10–116, and 10–117

31 Annotated Code of Maryland

32 (2012 Replacement Volume and 2020 Supplement)

33 BY repealing

34 Article – Criminal Law

35 Section 5–101(r)

36 Annotated Code of Maryland

37 (2012 Replacement Volume and 2020 Supplement)

38 BY adding to

39 Article – Criminal Procedure

40 Section 10–105.1 and 10–105.2

41 Annotated Code of Maryland

42 (2018 Replacement Volume and 2020 Supplement)

- 1 BY adding to
2 Article – Health – General
3 Section 23–101 through 23–702 to be under the new title “Title 23. Cannabis”
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)
- 6 BY repealing and reenacting, without amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(i)
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2020 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)122. and 123.
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2020 Supplement)
- 16 BY adding to
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(ii)124. through 127.
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2020 Supplement)
- 21 BY adding to
22 Article – Tax – General
23 Section 12.5–101 through 12.5–104 to be under the new title “Title 12.5. Cannabis
24 Tax”
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2020 Supplement)
- 27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That the Laws of Maryland read as follows:
- 29 **Article – Criminal Law**
- 30 5–101.
- 31 (a) In this title the following words have the meanings indicated.
- 32 **(E–1) (1) “CANNABIS” MEANS THE PLANT CANNABIS SATIVA L. AND ANY**
33 **PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**
34 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**
35 **A DELTA–9 TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A**
36 **DRY WEIGHT BASIS.**

1 **(2) “CANNABIS” DOES NOT INCLUDE HEMP AS DEFINED IN § 14–101**
2 **OF THE AGRICULTURE ARTICLE.**

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

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

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

11 (2) “Drug paraphernalia” includes:

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

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

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

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

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

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

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

33 (viii) a blender, bowl, container, spoon, or mixing device used,

1 intended for use, or designed for use in compounding a controlled dangerous substance
2 **OTHER THAN CANNABIS;**

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

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

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

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

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

16 2. a water pipe;

17 3. a carburetion tube or device;

18 4. a smoking or carburetion mask;

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

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

23 7. a chamber pipe;

24 8. a carburetor pipe;

25 9. an electric pipe;

26 10. an air-driven pipe;

27 11. a chillum;

28 12. a bong; and

29 13. an ice pipe or chiller].

1 **(3) “DRUG PARAPHERNALIA” DOES NOT INCLUDE CANNABIS**
2 **ACCESSORIES AS DEFINED IN § 23–101 OF THE HEALTH – GENERAL ARTICLE.**

3 **[(r) (1) “Marijuana” means:**

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

6 (ii) the seeds of the plant;

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

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

10 **(2) “Marijuana” does not include:**

11 (i) the mature stalks of the plant;

12 (ii) fiber produced from the mature stalks;

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

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

16 (v) the sterilized seed of the plant that is incapable of germination;
17 or

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

19 **[(s)] (R) (1) “Narcotic drug” means a substance:**

20 (i) that has been found to present an extreme danger to the health
21 and welfare of the community because of addiction–forming and addiction–sustaining
22 qualities;

23 (ii) that is:

24 1. an opiate;

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

27 3. a substance and any compound, manufactured substance,
28 salt, derivative, or preparation that is chemically identical with a substance listed in items

1 1 and 2 of this item; and

2 (iii) that is produced:

- 3 1. directly or indirectly by extraction from substances of
4 vegetable origin;
- 5 2. independently by chemical synthesis; or
- 6 3. by a combination of extraction and chemical synthesis.

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

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

11 (T) **“PERSONAL USE AMOUNT” MEANS:**

12 (1) (I) **AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 4**
13 **OUNCES;**

14 (II) **AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT**
15 **EXCEED 15 GRAMS;**

16 (III) **AN AMOUNT OF CANNABIS PRODUCTS CONTAINING**
17 **DELTA-9 TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 1,500 MILLIGRAMS;**
18 **OR**

19 (IV) **SIX OR FEWER CANNABIS PLANTS; OR**

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

23 (I) **WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND**

24 (II) **THAT IS SECURE FROM UNAUTHORIZED ACCESS AND**
25 **ACCESS BY A PERSON WHO IS UNDER THE AGE OF 21 YEARS.**

26 5-601.

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

28 (1) possess or administer to another a controlled dangerous substance,

1 unless:

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

4 (II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS,
5 THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED DOES
6 NOT EXCEED A PERSONAL USE AMOUNT; OR

7 (III) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS
8 AND POSSESSION IS LEGAL UNDER TITLE 13, SUBTITLE 33 OR TITLE 23 OF THE
9 HEALTH – GENERAL ARTICLE; 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)] **SUBPARAGRAPHS (II)**
30 **AND (III)** of this paragraph **AND TITLE 23 OF THE HEALTH – GENERAL ARTICLE**, a
31 person whose violation of this section involves the use or possession of [marijuana]

1 CANNABIS is guilty of [a] THE misdemeanor of possession of [marijuana] CANNABIS and
2 is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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

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

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

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

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

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

24 4. A. In addition to a fine, a court shall order a person
25 under the age of 21 years who commits a violation punishable under subparagraph 1,
26 2, or 3 of this subparagraph to attend a drug education program approved by the Maryland
27 Department of Health, refer the person to an assessment for substance abuse disorder, and
28 refer the person to substance abuse treatment, if necessary.

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

34 C.] A court that orders a person to a drug education program
35 or substance abuse assessment or treatment under this subparagraph may hold the
36 case sub curia pending receipt of proof of completion of the program, assessment, or

1 treatment.

2 (III) 1. A VIOLATION OF THIS SECTION INVOLVING A PERSON
3 AT LEAST 21 YEARS OLD POSSESSING CANNABIS IN AN AMOUNT GREATER THAN THE
4 PERSONAL USE AMOUNT BUT NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT
5 IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.

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

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

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

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

17 A. is a resident of the State;

18 B. is at least 21 years old;

19 C. is an immediate family member, a spouse, or a domestic
20 partner of the patient;

21 D. has not been convicted of a crime of violence as defined in
22 § 14–101 of this article;

23 E. has not been convicted of a violation of a State or federal
24 controlled dangerous substances law;

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

26 G. has been designated as caregiver by the patient in writing
27 that has been placed in the patient’s medical record prior to arrest;

28 H. is the only individual designated by the patient to serve as
29 caregiver; and

30 I. is not serving as caregiver for any other patient.

31 4. “Debilitating medical condition” means a chronic or

1 debilitating disease or medical condition or the treatment of a chronic or debilitating
2 disease or medical condition that produces one or more of the following, as documented by
3 a physician with whom the patient has a bona fide physician–patient relationship:

4 A. cachexia or wasting syndrome;

5 B. severe or chronic pain;

6 C. severe nausea;

7 D. seizures;

8 E. severe and persistent muscle spasms; or

9 F. any other condition that is severe and resistant to
10 conventional medicine.

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

14 2. Notwithstanding paragraph (2) of this subsection, if the
15 court finds that the person used or possessed [marijuana] **CANNABIS** because of medical
16 necessity, the court shall dismiss the charge.

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

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

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

25 C. [marijuana] **CANNABIS** is likely to provide the defendant
26 with therapeutic or palliative relief from the debilitating medical condition.

27 2. A. In a prosecution for the possession of [marijuana]
28 **CANNABIS** under this section, it is an affirmative defense that the defendant possessed
29 [marijuana] **CANNABIS** because the [marijuana] **CANNABIS** was intended for medical use
30 by an individual with a debilitating medical condition for whom the defendant is a
31 caregiver.

32 B. A defendant may not assert the affirmative defense under

1 this subparagraph unless the defendant notifies the State's Attorney of the defendant's
2 intention to assert the affirmative defense and provides the State's Attorney with all
3 documentation in support of the affirmative defense in accordance with the rules of
4 discovery provided in Maryland Rules 4-262 and 4-263.

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

7 A. using [marijuana] CANNABIS in a public place or
8 assisting the individual for whom the defendant is a caregiver in using the [marijuana]
9 CANNABIS in a public place; or

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

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

14 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
15 [marijuana] CANNABIS a civil offense **FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS**
16 **AND THE PROVISIONS OF TITLE 23 OF THE HEALTH – GENERAL ARTICLE MAKING**
17 **THE POSSESSION OF CANNABIS LEGAL FOR INDIVIDUALS AT LEAST 21 YEARS OLD**
18 may not be construed to affect the laws relating to[:

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

21 (2) seizure and forfeiture].

22 5-601.1.

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

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

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

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

1 (ii) does not impose any of the civil disabilities that may result from
2 a criminal conviction.

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

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

8 (ii) the date and time that the violation occurred;

9 (iii) the location at which the violation occurred;

10 (iv) the fine **OR AMOUNT OF COMMUNITY SERVICE** that may be
11 imposed;

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

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

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

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

17 **OR**

18 3. request a trial date at the date, time, and place established
19 by the District Court by writ or trial notice.

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

24 [(ii)] If the court finds that a person at least 21 years old who has been
25 issued a citation under this section has at least twice previously been found guilty under §
26 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the
27 court shall summon the person for trial.]

28 (d) The form of the citation shall be uniform throughout the State and shall be
29 prescribed by the District Court.

30 (e) (1) The Chief Judge of the District Court shall establish a schedule for the
31 prepayment of the fine **AND PROCEDURES FOR INDIVIDUALS TO REQUEST AND BE**

1 **GRANTED COMMUNITY SERVICE IN LIEU OF A FINE.**

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

4 (3) A person described in subsection (c)(2) of this section may not prepay
5 the fine.

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

9 (2) If a person other than a person described in subsection (c)(2) of this
10 section does not request a trial [or], prepay the fine, **OR REQUEST COMMUNITY SERVICE**
11 **IN LIEU OF A FINE** within 30 days of the issuance of the citation, the court may impose the
12 maximum fine and costs against the person and find the person is guilty of a Code violation
13 for purposes of subsection (c)(2)(ii) of this section.

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

16 (h) (1) The failure of a defendant to respond to a summons described in
17 subsection (c)(2) of this section shall be governed by § 5–212 of the Criminal Procedure
18 Article.

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

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

26 (1) the State has the burden to prove the guilt of the defendant by a
27 preponderance of the evidence;

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

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

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

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

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

5 (i) guilty of a Code violation;

6 (ii) not guilty of a Code violation; or

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

9 (j) (1) The defendant is liable for the costs of the proceedings in the District
10 Court.

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

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

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

22 (i) enter a nolle prosequi or move to place the case on the stet docket;
23 and

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

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

31 (m) A citation for a violation of § 5-601 of this part involving the use or possession
32 of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING**
33 **DOUBLE THE PERSONAL USE AMOUNT** and the official record of a court regarding the

1 citation are not subject to public inspection and may not be included on the public website
2 maintained by the Maryland Judiciary if:

3 (1) the defendant has prepaid the fine **OR PERFORMED THE COMMUNITY**
4 **SERVICE**;

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

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

11 (4) the case has been removed from the stet docket after the defendant fully
12 paid the fine and completed any terms imposed by the court;

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

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

15 (7) the charge has been dismissed.

16 **5-601.2.**

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

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

21 (2) **A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE**
22 **UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO**
23 **5 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

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

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

28 (2) **ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

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

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

3 **(E) (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 **(F) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE**
24 **STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

25 **(G) (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.**

29 **(2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY**

1 SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE
2 VIOLATION.

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

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

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

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

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

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

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

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

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

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

31 (4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL
32 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 (L) (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 (M) (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 (N) 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 (O) 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

1 **THE MARYLAND JUDICIARY IF:**

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

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

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

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

13 **(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;**

14 **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**
15 **OR**

16 **(7) THE CHARGE HAS BEEN DISMISSED.**

17 **5-601.3.**

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

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

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

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

30 **(D) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN**

1 POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN
2 LAWFUL POSSESSION OF THE PROPERTY.

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

5 (F) (1) A PERSON MAY NOT CULTIVATE MORE THAN 6 CANNABIS PLANTS.

6 (2) IF TWO OR MORE PERSONS AT LEAST 21 YEARS OLD RESIDE AT
7 THE SAME RESIDENCE, NO MORE THAN 12 CANNABIS PLANTS MAY BE CULTIVATED
8 AT THAT RESIDENCE.

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

12 (2) A PERSON WHO VIOLATES THIS SECTION BY CULTIVATING MORE
13 THAN 6 PLANTS BUT LESS THAN 12 PLANTS IS GUILTY OF A CIVIL OFFENSE
14 PUNISHABLE BY A FINE NOT EXCEEDING \$250.

15 (3) A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE
16 UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO
17 50 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;
11 OR

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

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

17 (K) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE
18 STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

19 (L) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A
20 SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR
21 INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A
22 FINE.

23 (2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY
24 SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE
25 VIOLATION.

26 (3) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT PREPAY THE
27 FINE.

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

1 **(2) IF A PERSON DOES NOT REQUEST A TRIAL, PREPAY THE FINE, OR**
2 **REQUEST COMMUNITY SERVICE IN LIEU OF A FINE WITHIN 30 DAYS AFTER THE**
3 **ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE OR**
4 **COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON**
5 **GUILTY OF A CODE VIOLATION.**

6 **(N) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION**
7 **AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING**
8 **VENUE.**

9 **(O) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS**
10 **DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION SHALL BE GOVERNED BY §**
11 **5-212 OF THE CRIMINAL PROCEDURE ARTICLE.**

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

16 **(P) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:**

17 **(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE**
18 **DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;**

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

21 **(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED**
22 **A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT**
23 **UNDERSTANDS THOSE CHARGES;**

24 **(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL**
25 **WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR**
26 **WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S**
27 **OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;**

28 **(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL**
29 **OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND**

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

1 **(I) GUILTY OF A CODE VIOLATION;**

2 **(II) NOT GUILTY OF A CODE VIOLATION; OR**

3 **(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT**
4 **IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE**
5 **TRIAL OF A CRIMINAL CASE.**

6 **(Q) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE**
7 **PROCEEDINGS IN THE DISTRICT COURT.**

8 **(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS**
9 **SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.**

10 **(R) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**
11 **CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION**
12 **FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

13 **(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S**
14 **ATTORNEY MAY:**

15 **(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON**
16 **THE STET DOCKET; AND**

17 **(II) EXERCISE AUTHORITY IN THE SAME MANNER AS**
18 **PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

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

22 **(T) A CITATION FOR A VIOLATION OF THIS SECTION AND THE OFFICIAL**
23 **RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC**
24 **INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY**
25 **THE MARYLAND JUDICIARY IF:**

26 **(1) THE DEFENDANT HAS PREPAID THE FINE OR PERFORMED THE**
27 **COMMUNITY SERVICE;**

28 **(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY**
29 **OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE OR PERFORMED THE**
30 **COMMUNITY SERVICE AND PAID THE COSTS IMPOSED FOR THE VIOLATION;**

1 **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**
2 **JUDGMENT AND HAS FULLY PAID THE FINE OR PERFORMED THE COMMUNITY**
3 **SERVICE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;**

4 **(4) THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER**
5 **THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY**
6 **THE COURT;**

7 **(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;**

8 **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**
9 **OR**

10 **(7) THE CHARGE HAS BEEN DISMISSED.**

11 5–612.

12 (a) **[A] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A person may not**
13 **manufacture, distribute, dispense, or possess:**

14 (1) 50 pounds or more of [marijuana] **CANNABIS;**

15 (2) 448 grams or more of cocaine;

16 (3) 448 grams or more of any mixture containing a detectable amount, as
17 scientifically measured using representative sampling methodology, of cocaine;

18 (4) 448 grams or more of cocaine base, commonly known as “crack”;

19 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,
20 or salt of an isomer of morphine or opium;

21 (6) 28 grams or more of any mixture containing a detectable amount, as
22 scientifically measured using representative sampling methodology, of morphine or opium
23 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

24 (7) 5 grams or more of fentanyl or any structural variation of fentanyl that
25 is scheduled by the United States Drug Enforcement Administration;

26 (8) 28 grams or more of any mixture containing a detectable amount, as
27 scientifically measured using representative sampling methodology, of fentanyl or any
28 structural variation of fentanyl that is scheduled by the United States Drug Enforcement
29 Administration;

30 (9) 1,000 dosage units or more of lysergic acid diethylamide;

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

3 (11) 16 ounces or more of phencyclidine in liquid form;

4 (12) 448 grams or more of any mixture containing a detectable amount, as
5 scientifically measured using representative sampling methodology, of phencyclidine;

6 (13) 448 grams or more of methamphetamine; or

7 (14) 448 grams or more of any mixture containing a detectable amount, as
8 scientifically measured using representative sampling methodology, of methamphetamine.

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

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

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

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

20 5-614.

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

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

24 (ii) 28 grams or more of cocaine;

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

26 (iv) 4 grams or more of morphine or opium or any derivative, salt,
27 isomer, or salt of an isomer of morphine or opium;

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

29 (vi) any mixture containing the equivalent of 1,000 dosage units of
30 lysergic acid diethylamide;

- 1 (vii) 28 grams or more of phencyclidine in liquid or powder form;
- 2 (viii) 112 grams or more of any mixture containing phencyclidine;
- 3 (ix) 1,000 dosage units or more of methaqualone;
- 4 (x) 28 grams or more of methamphetamine;
- 5 (xi) any mixture containing 28 grams or more of methamphetamine;
- 6 or
- 7 (xii) 4 grams or more of fentanyl or a fentanyl analogue.

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

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

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

17 5-619.

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

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

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

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

27 [(3)] (2) A person who violates this subsection is guilty of a misdemeanor
28 and on conviction is subject to:

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

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

1 ~~[(4)] (3)~~ A person who is convicted of violating this subsection for the first
2 time and who previously has been convicted of violating subsection (d)(4) of this section is
3 subject to the penalty specified under paragraph ~~[(3)(ii)] (2)(II)~~ of this subsection.

4 5–620.

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

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

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

8 (ii) counterfeit a prescription or a written order;

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

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

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

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

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

22 (1) a scale;

23 (2) a sieve;

24 (3) a strainer;

25 (4) a measuring spoon;

26 (5) staples;

27 (6) a stapler;

28 (7) a glassine envelope;

- 1 (8) a gelatin capsule;
- 2 (9) procaine hydrochloride;
- 3 (10) mannitol;
- 4 (11) lactose;
- 5 (12) quinine; and
- 6 (13) a controlled dangerous substance.

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

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

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

16 **5-629.**

17 **THE OFFENSES AND PENALTIES IN THIS SUBTITLE DO NOT APPLY TO**
18 **ACTIVITIES RELATED TO CANNABIS OR CANNABIS ACCESSORIES THAT ARE LEGAL**
19 **UNDER:**

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

21 **(2) TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

22 10-113.

23 An individual may not knowingly and willfully make a misrepresentation or false
24 statement as to the age of that individual or another to any person licensed to sell alcoholic
25 beverages **OR CANNABIS** or engaged in the sale of alcoholic beverages **OR CANNABIS**, for
26 the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic
27 beverage **OR CANNABIS** to an individual.

28 10-116.

29 An individual may not obtain, or attempt to obtain by purchase or otherwise, an
30 alcoholic beverage **OR CANNABIS** from any person licensed to sell alcoholic beverages **OR**

1 CANNABIS for consumption by another who the individual obtaining or attempting to
2 obtain the beverage OR CANNABIS knows is under the age of 21 years.

3 10–117.

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

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

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

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

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

19 (i) are members of the same immediate family, and the alcoholic
20 beverage is furnished and consumed in a private residence or within the curtilage of the
21 residence; or

22 (ii) are participants in a religious ceremony.

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

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

29 (ii) are participants in a religious ceremony.

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

1 DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY
2 EXPUNGED ON OR BEFORE OCTOBER 1, 2023.

3 (D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF
4 CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY
5 OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED ON OR
6 AFTER OCTOBER 1, 2021, OR A CIVIL CHARGE UNDER § 5-601.1 OR § 5-601.2 OF THE
7 CRIMINAL LAW ARTICLE, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:

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

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

15 10-105.2.

16 (A) IN THIS SECTION, "PERSONAL USE AMOUNT" MEANS:

17 (1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 4 OUNCES;

18 (2) AN AMOUNT OF CONCENTRATED CANNABIS OR HASHISH THAT
19 DOES NOT EXCEED 15 GRAMS; OR

20 (3) SIX OR FEWER CANNABIS PLANTS.

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

24 (2) ALL CHARGES PENDING ON OCTOBER 1, 2021, FOR POSSESSION
25 OR CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS BY A PERSON WHO IS
26 AT LEAST 21 YEARS OLD SHALL BE DISMISSED.

27 (3) (I) A PERSON INCARCERATED OR UNDER SUPERVISION ON OR
28 AFTER OCTOBER 1, 2021, FOR AN OFFENSE INVOLVING THE POSSESSION OR
29 CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS MAY PRESENT AN
30 APPLICATION FOR RELEASE TO THE COURT THAT SENTENCED THE PERSON.

31 (II) 1. THE COURT SHALL GRANT THE PETITION AND

1 VACATE THE CONVICTION.

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

5 **(C) (1) A PERSON INCARCERATED OR UNDER SUPERVISION ON OCTOBER**
6 **1, 2021, FOR AN OFFENSE INVOLVING THE POSSESSION, CULTIVATION, PROCESSING,**
7 **OR SALE OF CANNABIS MAY PRESENT AN APPLICATION FOR RESENTENCING TO THE**
8 **COURT THAT SENTENCED THE PERSON REGARDLESS OF WHETHER THE PERSON HAS**
9 **PREVIOUSLY FILED A PETITION FOR RESENTENCING.**

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

16 **(3) THE SENTENCE OF THE APPLICANT MAY NOT BE INCREASED AT A**
17 **PROCEEDING DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.**

18 **(D) (1) A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE INVOLVING**
19 **THE POSSESSION, CULTIVATION, PROCESSING, OR SALE OF CANNABIS NOT LISTED**
20 **IN § 10-105.1 OF THIS SUBTITLE WHO IS NOT INCARCERATED OR UNDER**
21 **SUPERVISION AT THE TIME OF THE PETITION MAY PRESENT AN APPLICATION FOR**
22 **EXPUNGEMENT TO THE COURT.**

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

29 **(E) (1) ANY INDIVIDUAL PETITIONING FOR RELEASE OR RESENTENCING**
30 **IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION IS ELIGIBLE FOR**
31 **REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.**

32 **(2) ON AND AFTER JANUARY 1, 2023, ANY INDIVIDUAL PETITIONING**
33 **FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION IS ELIGIBLE FOR**
34 **REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.**

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

3 (2) IN A FACTUAL DISPUTE WITHIN A PROCEEDING UNDER THIS
4 SECTION, THE PROSECUTION SHALL BEAR THE BURDEN OF PROOF BY A
5 PREPONDERANCE OF THE EVIDENCE.

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

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

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

19 Article - Health - General

20 TITLE 23. CANNABIS.

21 SUBTITLE 1. DEFINITIONS.

22 23-101.

23 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

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

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

32 (C) "CANNABIS ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR

1 MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE, OR DESIGNED FOR
2 USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING,
3 COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,
4 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,
5 STORING, VAPORIZING, OR CONTAINING CANNABIS, OR FOR INGESTING, INHALING,
6 OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY.

7 (D) "CANNABIS EDUCATION AND TRAINING FUND" MEANS THE CANNABIS
8 EDUCATION AND TRAINING FUND ESTABLISHED UNDER § 23-203 OF THIS TITLE.

9 (E) "CANNABIS ESTABLISHMENT" MEANS A CULTIVATOR, A DELIVERY
10 SERVICE, A PROCESSOR, A RETAILER, AN INDEPENDENT TESTING LABORATORY, A
11 TRANSPORTER, A DUAL LICENSE HOLDER, AN ON-SITE CONSUMPTION
12 ESTABLISHMENT, OR ANY OTHER TYPE OF CANNABIS BUSINESS LICENSED UNDER
13 THIS TITLE AND AUTHORIZED BY THE COMMISSION.

14 (F) "CANNABIS ESTABLISHMENT AGENT" OR "AGENT" MEANS AN
15 EMPLOYEE OR OTHER AUTHORIZED PERSON WHO ACTS FOR OR AT THE DIRECTION
16 OF A CANNABIS ESTABLISHMENT.

17 (G) "CANNABIS PRODUCTS" MEANS PRODUCTS THAT ARE COMPOSED OF
18 CANNABIS, CANNABIS CONCENTRATE, OR CANNABIS EXTRACT AND OTHER
19 INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE
20 PRODUCTS, OINTMENTS, AND TINCTURES.

21 (H) "CLASS A PROCESSOR" MEANS A PROCESSOR THAT MAY PERFORM
22 SOLVENT-BASED EXTRACTIONS ON CANNABIS IN COMPLIANCE WITH REGULATIONS
23 ADOPTED BY THE COMMISSION.

24 (I) "CLASS B PROCESSOR" MEANS A PROCESSOR THAT MAY NOT PERFORM
25 SOLVENT-BASED EXTRACTIONS ON CANNABIS USING SOLVENTS OTHER THAN
26 WATER, GLYCERIN, PROPYLENE GLYCOL, VEGETABLE OIL, OR FOOD-GRADE
27 ETHANOL.

28 (J) "COMMISSION" MEANS THE ALCOHOL AND TOBACCO COMMISSION OR
29 ITS SUCCESSOR AGENCY.

30 (K) "COMMUNITY REINVESTMENT AND REPAIR FUND" MEANS THE
31 COMMUNITY REINVESTMENT AND REPAIR FUND ESTABLISHED UNDER § 23-204 OF
32 THIS TITLE.

33 (L) "CONSUMER" MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO
34 PURCHASES CANNABIS OR CANNABIS PRODUCTS FOR PERSONAL USE BY

1 INDIVIDUALS AT LEAST 21 YEARS OLD.

2 (M) "CULTIVATOR" MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT:

3 (1) CULTIVATES OR PACKAGES CANNABIS; AND

4 (2) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO
5 OTHER CANNABIS ESTABLISHMENTS.

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

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

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

11 (I) HAS A MEDIAN INCOME THAT IS 80% OR LESS OF THE
12 AVERAGE MEDIAN HOUSEHOLD INCOME IN THE STATE;

13 (II) HAS AN UNEMPLOYMENT RATE THAT IS AT LEAST 150% OF
14 THE UNEMPLOYMENT RATE IN THE STATE;

15 (III) HAS A HEALTH UNINSURED RATE THAT IS AT LEAST 150%
16 OF THE HEALTH UNINSURED RATE IN THE STATE;

17 (IV) HAS A FOOD STAMP OR SUPPLEMENTAL NUTRITION
18 ASSISTANCE PLAN RATE THAT IS AT LEAST 150% OF THE FOOD STAMP OR
19 SUPPLEMENTAL NUTRITION ASSISTANCE PLAN RATE IN THE STATE; OR

20 (V) HAS A POVERTY RATE THAT IS AT LEAST 150% OF THE
21 POVERTY RATE IN THE STATE; AND

22 (2) HAS BEEN IMPACTED BY HIGH RATES OF ARREST, CONVICTION,
23 AND INCARCERATION FOR CANNABIS POSSESSION.

24 (P) "DUAL LICENSE" MEANS A LICENSE ISSUED BY THE COMMISSION TO AN
25 ENTITY THAT IS ALSO LICENSED AS A MEDICAL CANNABIS DISPENSARY, MEDICAL
26 CANNABIS PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY,
27 OR MEDICAL CANNABIS GROWER.

28 (Q) "INDEPENDENT TESTING LABORATORY" MEANS A FACILITY, AN ENTITY,
29 OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND

1 **TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.**

2 (R) "LOCALITY" MEANS A COUNTY, A MUNICIPAL CORPORATION, OR
3 ANOTHER POLITICAL SUBDIVISION OF THE STATE.

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

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

8 (U) "MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY" MEANS AN
9 INDEPENDENT TESTING LABORATORY LICENSED UNDER TITLE 13, SUBTITLE 33 OF
10 THIS ARTICLE.

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

13 (W) "ON-SITE CONSUMPTION ESTABLISHMENT" MEANS AN ENTITY
14 LICENSED UNDER THIS TITLE AND AUTHORIZED BY THE COMMISSION AND THE
15 LOCALITY IN WHICH IT IS LOCATED TO SELL CANNABIS OR CANNABIS PRODUCTS FOR
16 ON-SITE CONSUMPTION.

17 (X) "PERSONAL USE AMOUNT" MEANS:

18 (1) (I) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 4
19 OUNCES;

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

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

25 (IV) SIX OR FEWER CANNABIS PLANTS; OR

26 (2) ANY ADDITIONAL CANNABIS PRODUCED BY AN INDIVIDUAL'S
27 CANNABIS PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE
28 AMOUNTS LISTED IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS POSSESSED IN
29 A LOCATION:

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

1 **(II) THAT IS SECURE FROM UNAUTHORIZED ACCESS AND**
2 **ACCESS BY AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS.**

3 **(Y) (1) “PROCESSOR” MEANS AN ENTITY LICENSED UNDER THIS TITLE**
4 **AND AUTHORIZED BY THE COMMISSION TO:**

5 **(I) TRANSFORM CANNABIS INTO ANOTHER PRODUCT OR**
6 **EXTRACT; AND**

7 **(II) PACKAGE AND LABEL CANNABIS.**

8 **(2) “PROCESSOR” INCLUDES CLASS A AND CLASS B PROCESSORS.**

9 **(Z) (1) “PUBLIC PLACE” MEANS ANY PLACE TO WHICH THE GENERAL**
10 **PUBLIC HAS ACCESS.**

11 **(2) “PUBLIC PLACE” DOES NOT INCLUDE:**

12 **(I) AN ON-SITE CONSUMPTION ESTABLISHMENT; OR**

13 **(II) ANY VENUE OR AREA WHERE INDIVIDUALS CONGREGATE TO**
14 **CONSUME CANNABIS IN A MANNER CONSISTENT WITH LOCAL LAW.**

15 **(AA) “REMUNERATION” MEANS A THING OF VALUE, INCLUDING MONETARY**
16 **PAYMENT, A DONATION, THE PROVISION OF A SERVICE, THE PURCHASE OF AN ITEM**
17 **AT ABOVE FAIR MARKET VALUE, OR THE TRADE OF A PHYSICAL ITEM OF VALUE.**

18 **(BB) “RETAILER” MEANS AN ENTITY LICENSED TO:**

19 **(1) PURCHASE CANNABIS FROM CANNABIS ESTABLISHMENTS; AND**

20 **(2) SELL CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS.**

21 **(CC) “SOCIAL EQUITY APPLICANT” MEANS AN APPLICANT FOR A CANNABIS**
22 **ESTABLISHMENT LICENSE THAT:**

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

26 **(2) HAS AT LEAST 51% OWNERSHIP AND CONTROL BY ONE OR MORE**
27 **STATE RESIDENTS WHO HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND**

1 RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR
2 EXPUNGEMENT UNDER § 10–105.1 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE
3 MEMBERS OF IMPACTED FAMILIES;

4 (3) HAS A MINIMUM OF 10 FULL–TIME EMPLOYEES, WITH AT LEAST
5 60% OF EMPLOYEES WHO:

6 (I) AT THE TIME OF APPLICATION, RESIDE IN A
7 DISPROPORTIONATELY IMPACTED AREA; OR

8 (II) HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND
9 RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR
10 EXPUNGEMENT UNDER § 10–105.1 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE
11 MEMBERS OF IMPACTED FAMILIES; OR

12 (4) MEETS ANY OTHER CRITERIA ESTABLISHED BY THE COMMISSION
13 BASED ON THE RESULTS OF A DISPARITY STUDY.

14 (DD) “SOCIAL EQUITY START–UP FUND” MEANS THE SOCIAL EQUITY
15 START–UP FUND ESTABLISHED UNDER § 23–202 OF THIS TITLE.

16 (EE) “TRANSPORTER” MEANS AN ENTITY LICENSED UNDER THIS TITLE AND
17 AUTHORIZED BY THE COMMISSION TO TRANSPORT CANNABIS BETWEEN CANNABIS
18 ESTABLISHMENTS.

19 SUBTITLE 2. OFFICE OF SOCIAL EQUITY.

20 23–201.

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

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

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

27 (C) THE OFFICE OF SOCIAL EQUITY MAY EMPLOY STAFF AND RETAIN
28 CONTRACTORS AS MAY BE REQUIRED TO CARRY OUT THE FUNCTIONS OF THE
29 OFFICE.

30 (D) THE OFFICE OF SOCIAL EQUITY SHALL:

1 **(1) PROMOTE AND ENCOURAGE FULL PARTICIPATION IN THE**
2 **REGULATED CANNABIS INDUSTRY BY PEOPLE FROM COMMUNITIES THAT HAVE**
3 **PREVIOUSLY BEEN DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION**
4 **AND ENFORCEMENT IN ORDER TO POSITIVELY IMPACT THOSE COMMUNITIES;**

5 **(2) CONSULT WITH AND ASSIST THE COMMISSION IN THE**
6 **ADMINISTRATION OF THE COMMUNITY REINVESTMENT AND REPAIR FUND;**

7 **(3) CONSULT WITH AND ASSIST THE COMMISSION IN THE**
8 **ADMINISTRATION OF THE SOCIAL EQUITY START-UP FUND;**

9 **(4) CONSULT WITH AND ASSIST THE COMMISSION IN THE**
10 **ADMINISTRATION OF THE CANNABIS EDUCATION AND TRAINING FUND;**

11 **(5) ADVISE THE COMMISSION REGARDING REGULATIONS,**
12 **INCLUDING:**

13 **(i) ADVISING AGAINST IMPLEMENTING REGULATIONS AND**
14 **FINANCIAL REQUIREMENTS THAT UNNECESSARILY IMPOSE FINANCIAL BURDENS**
15 **THAT UNDERMINE THE PURPOSES OF THIS SECTION; AND**

16 **(ii) PROVIDING RECOMMENDATIONS ON REGULATIONS**
17 **RELATED TO:**

18 **1. DIVERSITY; AND**

19 **2. SOCIAL EQUITY APPLICATIONS;**

20 **(6) WORK WITH THE COMMISSION TO IMPLEMENT FREE TECHNICAL**
21 **ASSISTANCE FOR SOCIAL EQUITY AND MINORITY BUSINESS APPLICANTS;**

22 **(7) PRODUCE REPORTS AND RECOMMENDATIONS ON DIVERSITY AND**
23 **EQUITY IN OWNERSHIP, MANAGEMENT, AND EMPLOYMENT IN THE LEGAL CANNABIS**
24 **ECONOMY; AND**

25 **(8) DETERMINE WHICH INDIVIDUALS AND ENTITIES SHALL BE**
26 **GRANTED LOANS OR GRANTS FROM THE SOCIAL EQUITY START-UP FUND, THE**
27 **CANNABIS EDUCATION AND TRAINING FUND, AND THE COMMUNITY**
28 **REINVESTMENT AND REPAIR FUND.**

29 **(E) ON OR BEFORE MARCH 1 EACH YEAR, THE OFFICE OF SOCIAL EQUITY**
30 **SHALL PRODUCE AND MAKE PUBLICLY AVAILABLE A REPORT ON HOW THE**

1 COMMUNITY REINVESTMENT AND REPAIR FUND, THE SOCIAL EQUITY START-UP
2 FUND, AND THE CANNABIS EDUCATION AND TRAINING FUND WERE ALLOCATED
3 DURING THE IMMEDIATELY PRECEDING YEAR.

4 (F) (1) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE OFFICE OF SOCIAL
5 EQUITY SHALL SOLICIT PUBLIC INPUT ON THE USES OF THE COMMUNITY
6 REINVESTMENT AND REPAIR FUND, THE SOCIAL EQUITY START-UP FUND, AND
7 THE CANNABIS EDUCATION AND TRAINING FUND.

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

11 23-202.

12 (A) (1) THERE IS A SOCIAL EQUITY START-UP FUND.

13 (2) THE PURPOSE OF THE SOCIAL EQUITY START-UP FUND IS TO
14 PROVIDE NO-INTEREST LOANS AND GRANTS TO SUPPORT BUSINESSES IN THE
15 LEGAL CANNABIS INDUSTRY THAT ARE SOCIAL EQUITY APPLICANTS.

16 (3) (I) THE COMMISSION SHALL ADMINISTER THE FUND, IN
17 CONSULTATION WITH AND WITH THE ASSISTANCE OF THE OFFICE OF SOCIAL
18 EQUITY AND THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING
19 AUTHORITY.

20 (II) THE OFFICE OF SOCIAL EQUITY HAS SOLE RESPONSIBILITY
21 FOR APPROVING APPLICATIONS AND DETERMINING WHICH ENTITIES SHALL
22 RECEIVE LOANS AND GRANTS FROM THE FUND.

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

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

27 (5) THE FUND CONSISTS OF:

28 (I) ALL LICENSING FEES PAID BY DUAL LICENSES UNDER §
29 23-403 OF THIS TITLE;

30 (II) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103
31 OF THE TAX - GENERAL ARTICLE;

1 (III) INTEREST EARNINGS; AND

2 (IV) 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 PROGRAM
6 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING FOR ANY
7 ADMINISTRATIVE EXPENSES RELATED TO THE PROGRAM.

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

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

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

13 (I) THE GENERAL FUND OF THE STATE; OR

14 (II) ANY OTHER SPECIAL FUND OF THE STATE.

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

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

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

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

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

28 (C) AT THE END OF EACH FISCAL YEAR, BEGINNING JUNE 30, 2025, IF THE
29 OFFICE OF SOCIAL EQUITY REPORTS THAT THE SOCIAL EQUITY START-UP FUND

1 HAS A SURPLUS OF FUNDS AND THERE IS NO REASONABLE EXPECTATION THAT THE
2 SURPLUS WILL BE NEEDED FOR LOANS OR GRANTS TO SOCIAL EQUITY APPLICANTS,
3 THE OFFICE OF SOCIAL EQUITY MAY TRANSFER THE EXCESS FUNDS IN THE
4 FOLLOWING MANNER:

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

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

7 23-203.

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

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

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

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

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

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

22 (5) THE FUND CONSISTS OF:

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

25 (II) INTEREST EARNINGS; AND

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

29 (6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE

1 OF THE FUND, INCLUDING FOR ANY RELATED ADMINISTRATIVE EXPENSES.

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

4 (II) ANY INTEREST EARNINGS OF THE FUND SHALL BE
5 CREDITED TO THE FUND.

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

7 (I) THE GENERAL FUND OF THE STATE; OR

8 (II) ANY OTHER SPECIAL FUND OF THE STATE.

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

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

13 (B) THE FUND SHALL PROVIDE FUNDING FOR:

14 (1) HIGH SCHOOL CAREER AND TECHNICAL EDUCATION PROGRAMS;

15 (2) COMMUNITY COLLEGE PROGRAMS;

16 (3) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND

17 (4) ADULT EDUCATION PROGRAMS.

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

20 (1) DURING THE FIRST YEAR, ALLOCATE AT LEAST 5% OF THE FUNDS
21 TO CONDUCTING AND FUNDING OUTREACH TO THE ELIGIBLE COMMUNITIES,
22 EDUCATIONAL INSTITUTIONS, GOVERNMENT PROGRAMS, AND INDIVIDUALS TO
23 NOTIFY THEM OF THE CANNABIS EDUCATION AND TRAINING FUND GRANT
24 OPPORTUNITIES AND GIVE PRIORITY TO ORGANIZATIONS WITH A TRADITION OF
25 OUTREACH TO STAKEHOLDERS IN DISPROPORTIONATELY IMPACTED AREAS;

26 (2) PRIORITIZE WORK-BASED LEARNING PROGRAMS;

27 (3) ALLOCATE NOT LESS THAN 25% OF THE FUNDS EACH YEAR TO

1 CAREER TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS;

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

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

9 (6) PROVIDE FUNDING TO LOCAL WORKFORCE DEVELOPMENT
10 BOARDS TO ADD CANNABIS CAREER TRAINING TO THEIR CAREER DEVELOPMENT
11 PROGRAMS; AND

12 (7) PROVIDE FUNDING FOR TRAINING IN A BROAD RANGE OF
13 CAREERS IN THE LEGAL CANNABIS INDUSTRY, INCLUDING POTENTIAL BUSINESS
14 OWNERS AND EMPLOYEES AND FOR WORK IN THE GROWING, PROCESSING, AND
15 RETAIL SECTORS.

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

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

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

26 (3) THE OFFICE OF SOCIAL EQUITY SHALL PRIORITIZE TRAINING
27 PROGRAMS THAT PROVIDE A PIPELINE TO CAREERS, INCLUDING ASSISTING
28 STUDENTS WITH APPLICATIONS, RESUMES, AND INTERVIEW SCHEDULING AND
29 TRACKING THE EMPLOYMENT OF STUDENTS IN THE LEGAL CANNABIS INDUSTRY.

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

33 (2) GRANT FUNDS AWARDED TO ELIGIBLE INDIVIDUALS:

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

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

7 **23-204.**

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

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

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

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

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

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

24 (5) THE FUND CONSISTS OF:

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

27 (II) INTEREST EARNINGS; AND

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

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

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

5 **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**
6 **CREDITED TO THE FUND.**

7 **(8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

8 **(I) THE GENERAL FUND OF THE STATE; OR**

9 **(II) ANY OTHER SPECIAL FUND OF THE STATE.**

10 **(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS**
11 **DIRECTED BY THE OFFICE OF SOCIAL EQUITY.**

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

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

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

26 **(2) THE OFFICE OF SOCIAL EQUITY MAY USE THE FUND TO AWARD**
27 **GRANTS TO NONPROFIT ORGANIZATIONS OR ALLOCATIONS TO GOVERNMENT**
28 **AGENCIES FOR:**

29 **(I) HOUSING ASSISTANCE, INCLUDING TO PROMOTE HOME**
30 **OWNERSHIP AMONG MEMBERS OF MINORITY GROUPS THAT ARE**
31 **UNDERREPRESENTED IN HOME OWNERSHIP DUE TO REDLINING OR**

1 DISCRIMINATION;

2 (II) RE-ENTRY SERVICES, INCLUDING JOB TRAINING AND
3 PLACEMENT;

4 (III) SCHOLARSHIP ASSISTANCE FOR LOW-INCOME STUDENTS;

5 (IV) GRANTS TO COMMUNITY-BASED ORGANIZATIONS TO
6 PROVIDE SERVICES TO PREVENT VIOLENCE, SUPPORT YOUTH DEVELOPMENT,
7 PROVIDE EARLY INTERVENTION FOR YOUTH AND FAMILIES, AND PROMOTE
8 COMMUNITY STABILITY AND SAFETY;

9 (V) SMALL BUSINESS LOANS FOR RESIDENTS OF THE
10 COMMUNITIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

11 (VI) LEGAL OR CIVIC AID, INCLUDING TO PROVIDE ASSISTANCE
12 IN OBTAINING AN EXPUNGEMENT.

13 SUBTITLE 3. CANNABIS REGULATION.

14 23-301.

15 (A) (1) ON OR BEFORE MARCH 1, 2022, THE COMMISSION SHALL ADOPT
16 REGULATIONS NECESSARY TO ISSUE AND REGULATE DUAL LICENSES ON AN
17 EXPEDITED BASIS.

18 (2) THE COMMISSION SHALL ATTEMPT TO HARMONIZE THE
19 REGULATIONS WITH THE REGULATIONS ISSUED BY THE NATALIE M. LAPRADE
20 MEDICAL CANNABIS COMMISSION TO MINIMIZE HARDSHIP TO DUAL LICENSEES.

21 (3) THE REGULATIONS SHALL:

22 (I) INCLUDE PROCEDURES TO ALLOW MEDICAL CANNABIS
23 DISPENSARIES, MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS
24 INDEPENDENT TESTING LABORATORIES, OR MEDICAL CANNABIS GROWERS TO
25 APPLY FOR A DUAL LICENSE BY:

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

29 2. A. SUBMITTING A DOCUMENT FROM THE NATALIE
30 M. LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT

1 HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE
2 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION'S RULES AND
3 REGULATIONS AND IS IN COMPLIANCE WITH THOSE RULES AND REGULATIONS; OR

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

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

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

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

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

28 (4) THE COMMISSION MAY ISSUE DUAL LICENSES UNDER THIS
29 SUBSECTION ONLY FOR THE TYPE OR TYPES OF LICENSES ISSUED AND LOCATIONS
30 WHERE THE APPLICANT IS AUTHORIZED TO OPERATE UNDER TITLE 13, SUBTITLE
31 33 OF THIS ARTICLE.

32 (B) (1) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION, IN
33 CONSULTATION WITH THE OFFICE OF SOCIAL EQUITY, SHALL ADOPT REGULATIONS
34 NECESSARY FOR IMPLEMENTATION OF THE REMAINDER OF THIS TITLE.

35 (2) THE REGULATIONS MAY NOT:

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

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

8 **(3) THE REGULATIONS SHALL INCLUDE:**

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

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

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

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

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

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

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

32 **6. PROVIDING THAT DELIVERY AND TRANSPORTATION**

1 LICENSES ARE AVAILABLE EXCLUSIVELY TO SOCIAL EQUITY APPLICANTS;

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

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

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

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

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

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

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

24 (VI) QUALIFICATIONS FOR A LICENSE THAT ARE DIRECTLY AND
25 DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS ESTABLISHMENT
26 AND THAT DO NOT DISQUALIFY APPLICANTS FOR CANNABIS OFFENSES OCCURRING
27 BEFORE OCTOBER 1, 2021;

28 (VII) SECURITY REQUIREMENTS;

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

31 (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, 2021, 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**

1 INDICATING THAT IT CONTAINS CANNABIS;

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

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

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

- 10 1. IS BASED ON TOTAL CANOPY;
- 11 2. ALLOWS CULTIVATORS TO APPLY TO MOVE TO
12 ANOTHER TIER;
- 13 3. BASES FEES ON TIER; AND
- 14 4. INCLUDES, AT MINIMUM, THE FOLLOWING TIERS OF
15 CULTIVATION LICENSES:

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

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

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

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

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

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

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

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

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

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

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

26 (XX) A DEFINITION OF THE AMOUNT OF DELTA-9
27 TETRAHYDROCANNABINOL THAT CONSTITUTES A SINGLE SERVING IN A CANNABIS
28 PRODUCT;

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

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

33 (XXIII) REQUIREMENTS FOR RANDOM SAMPLE TESTING TO

1 ENSURE QUALITY CONTROL, INCLUDING:

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

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

7 A. RESIDUAL SOLVENTS, POISONS, OR TOXINS;

8 B. HARMFUL CHEMICALS;

9 C. DANGEROUS MOLDS OR MILDEW;

10 D. FILTH; AND

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

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

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

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

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

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

1 (C) (1) AFTER CONSULTING WITH RESEARCHERS KNOWLEDGEABLE
2 ABOUT THE RISKS AND BENEFITS OF CANNABIS AND PROVIDING AN OPPORTUNITY
3 FOR PUBLIC COMMENT, THE COMMISSION SHALL DEVELOP A SCIENTIFICALLY
4 ACCURATE SAFETY INFORMATION LABEL, HANDOUT, OR BOTH.

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

7 (3) THE SAFETY INFORMATION MATERIALS DEVELOPED UNDER
8 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

9 (I) ADVICE ABOUT THE POTENTIAL RISKS OF CANNABIS,
10 INCLUDING:

11 1. THE RISKS OF DRIVING UNDER THE INFLUENCE OF
12 CANNABIS AND THE FACT THAT DOING SO IS ILLEGAL;

13 2. ANY ADVERSE EFFECTS UNIQUE TO YOUNGER
14 ADULTS, INCLUDING EFFECTS RELATED TO THE DEVELOPING MIND;

15 3. POTENTIAL ADVERSE EVENTS AND OTHER RISKS; AND

16 4. RISKS OF USING CANNABIS DURING PREGNANCY OR
17 BREASTFEEDING; AND

18 (II) A WARNING ABOUT THE NEED TO SAFEGUARD ALL
19 CANNABIS AND CANNABIS PRODUCTS FROM CHILDREN AND PETS.

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

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

27 (E) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED:

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

1 **(2) A RETAILER MAY NOT BE REQUIRED TO ACQUIRE AND RECORD**
2 **PERSONAL INFORMATION ABOUT CONSUMERS.**

3 **(F) (1) THE COMMISSION SHALL DEVELOP POLICIES AND PROCEDURES**
4 **GOVERNING THE COMMISSION'S APPROVAL OF TRANSFER OF LICENSES.**

5 **(2) THE POLICIES AND PROCEDURES MAY NOT PROHIBIT THE**
6 **TRANSFER OF A LICENSE FROM A SOCIAL EQUITY APPLICANT TO A NONSOCIAL**
7 **EQUITY APPLICANT.**

8 **(3) THE POLICIES AND PROCEDURES MAY REQUIRE THAT, BEFORE**
9 **THE TRANSFER IS APPROVED:**

10 **(I) ADDITIONAL CONDITIONS BE MET;**

11 **(II) A REASONABLE PERIOD OF TIME ELAPSE BEFORE THE**
12 **TRANSFER; OR**

13 **(III) A REASONABLE REIMBURSEMENT TO THE SOCIAL EQUITY**
14 **START-UP FUND BE MADE.**

15 **SUBTITLE 4. CANNABIS LICENSING.**

16 **23-401.**

17 **(A) EACH APPLICATION OR RENEWAL APPLICATION FOR A LICENSE TO**
18 **OPERATE A CANNABIS ESTABLISHMENT SHALL BE SUBMITTED TO THE COMMISSION.**

19 **(B) CANNABIS ESTABLISHMENTS, AND THE BOOKS AND RECORDS**
20 **MAINTAINED AND CREATED BY CANNABIS ESTABLISHMENTS, ARE SUBJECT TO**
21 **INSPECTION BY THE COMMISSION.**

22 **(C) ON DENIAL OF AN APPLICATION, THE COMMISSION SHALL NOTIFY THE**
23 **APPLICANT IN WRITING OF THE SPECIFIC REASON FOR ITS DENIAL.**

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

27 **(E) EXCEPT AS PROVIDED IN § 23-403(E) OF THIS SUBTITLE, A CANNABIS**
28 **ESTABLISHMENT LICENSE IS VALID FOR:**

1 (1) 1 YEAR ON INITIAL LICENSURE; AND

2 (2) 2 YEARS ON RENEWAL.

3 **23-402.**

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

6 (1) ONE CULTIVATOR; OR

7 (2) FIVE RETAILERS.

8 (B) A CULTIVATOR MAY NOT PRODUCE CANNABIS CONCENTRATES,
9 TINCTURES, EXTRACTS, OR OTHER CANNABIS PRODUCTS UNLESS THE CULTIVATOR
10 IS ALSO LICENSED AS A PROCESSOR.

11 (C) A CULTIVATOR MAY NOT CULTIVATE MEDICAL CANNABIS UNLESS THE
12 CULTIVATOR IS A DUAL LICENSEE.

13 (D) A PROCESSOR MAY NOT PROCESS OR PRODUCE MEDICAL CANNABIS OR
14 MEDICAL CANNABIS PRODUCTS UNLESS THE PROCESSOR IS A DUAL LICENSEE.

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

17 **23-403.**

18 (A) THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING
19 APPLICATIONS FOR DUAL LICENSES FROM MEDICAL CANNABIS DISPENSARIES,
20 MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS INDEPENDENT TESTING
21 LABORATORIES, AND MEDICAL CANNABIS GROWERS NOT LATER THAN APRIL 1,
22 **2022.**

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

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

1 **(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT**
2 **IS NOT IN COMPLIANCE WITH LOCAL LAW.**

3 **(C) (1) BEFORE BEING ISSUED A DUAL LICENSE UNDER THIS SECTION,**
4 **EACH APPLICANT SHALL PAY A LICENSING FEE OF:**

5 **(I) FOR A MEDICAL CANNABIS GROWER:**

6 1. **THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL**
7 **SALES BETWEEN JANUARY 1, 2020, AND JANUARY 1, 2021, OR \$500,000; OR**

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

10 **(II) FOR A MEDICAL CANNABIS DISPENSARY:**

11 1. **THE LOWER OF 2.0% OF THE BUSINESS'S TOTAL**
12 **SALES BETWEEN JANUARY 1, 2020, AND JANUARY 1, 2021, OR \$100,000; OR**

13 2. **IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS**
14 **ITEM IS LESS THAN \$50,000, \$50,000; OR**

15 **(III) FOR A MEDICAL CANNABIS PROCESSOR:**

16 1. **THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL**
17 **SALES BETWEEN JANUARY 1, 2020, AND JANUARY 1, 2021, OR \$250,000; OR**

18 2. **IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS**
19 **ITEM IS LESS THAN \$25,000, \$25,000.**

20 **(2) ALL FEES PAID IN ACCORDANCE WITH THIS SUBSECTION SHALL**
21 **BE CREDITED TO THE SOCIAL EQUITY START-UP FUND.**

22 **(3) THE COMMISSION SHALL REDUCE DUAL LICENSE FEES FOR ANY**
23 **ENTITY THAT QUALIFIES AS A SOCIAL EQUITY APPLICANT.**

24 **(4) THE COMMISSION MAY REDUCE DUAL LICENSE FEES BY AT LEAST**
25 **50% FOR ANY APPLICANT THAT IS A CERTIFIED MINORITY-OWNED BUSINESS.**

26 **(5) A MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY IS**
27 **NOT REQUIRED TO PAY A LICENSING FEE.**

28 **(D) (1) FOR AN INITIAL RENEWAL, EACH APPLICANT SHALL PAY A**

1 LICENSING FEE OF:

2 (I) FOR A MEDICAL CANNABIS GROWER:

3 1. THE LOWER OF 5.0% OF THE BUSINESS'S TOTAL
4 SALES FOR THE 6 MONTHS IMMEDIATELY PRECEDING THE PAYMENT, OR \$250,000;
5 OR

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

8 (II) FOR A MEDICAL CANNABIS DISPENSARY:

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

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

14 (III) FOR A MEDICAL CANNABIS PROCESSOR, THE LOWER OF
15 2.5% OF THE BUSINESS'S TOTAL SALES FOR THE 6 MONTHS IMMEDIATELY
16 PRECEDING THE PAYMENT, OR \$250,000.

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

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

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

26 (5) THE COMMISSION SHALL DETERMINE SUBSEQUENT RENEWAL
27 FEES, WHICH SHALL BE CREDITED TO THE CANNABIS REGULATION FUND.

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

29 (1) 240 DAYS ON INITIAL LICENSURE; AND

1 **(2) 2 YEARS ON RENEWAL.**

2 **(F) EACH MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS**
3 **PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY, AND**
4 **MEDICAL CANNABIS GROWER SHALL BE ELIGIBLE FOR A SINGLE DUAL LICENSE, AT**
5 **THE SAME PREMISES AS THE MEDICAL CANNABIS ESTABLISHMENT LICENSE.**

6 **(G) (1) (I) A MEDICAL CANNABIS PROCESSOR IS ELIGIBLE ONLY FOR A**
7 **DUAL LICENSE AS A PROCESSOR.**

8 **(II) A MEDICAL CANNABIS DISPENSARY IS ELIGIBLE ONLY FOR**
9 **A DUAL LICENSE AS A RETAILER.**

10 **(III) A MEDICAL CANNABIS GROWER IS ELIGIBLE ONLY FOR A**
11 **DUAL LICENSE AS A CULTIVATOR.**

12 **(IV) A MEDICAL CANNABIS INDEPENDENT TESTING**
13 **LABORATORY IS ELIGIBLE ONLY FOR A DUAL LICENSE AS AN INDEPENDENT TESTING**
14 **LABORATORY.**

15 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
16 **PARAGRAPH, THIS SUBSECTION DOES NOT PREVENT AN ENTITY LICENSED AS TWO**
17 **OR MORE TYPES OF MEDICAL CANNABIS ESTABLISHMENTS FROM APPLYING FOR**
18 **AND BEING ISSUED AN EQUAL NUMBER AND TYPE OF DUAL LICENSES.**

19 **(II) A MEDICAL CANNABIS INDEPENDENT TESTING**
20 **LABORATORY MAY NOT HOLD ANY OTHER TYPE OF CANNABIS ESTABLISHMENT**
21 **LICENSE.**

22 **23-404.**

23 **(A) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL:**

24 **(1) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR**
25 **LICENSES TO OPERATE AS A CULTIVATOR, DELIVERY SERVICE, PROCESSOR, OR**
26 **TRANSPORTER FROM SOCIAL EQUITY APPLICANTS; AND**

27 **(2) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR**
28 **LICENSES TO OPERATE AN INDEPENDENT TESTING LABORATORY FROM ALL**
29 **APPLICANTS.**

30 **(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A**
31 **CANNABIS ESTABLISHMENT, THE COMMISSION SHALL IMMEDIATELY FORWARD A**

1 COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE
2 LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT
3 DESIRES TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS
4 NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.

5 (C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL
6 APPLICATION TO OPERATE A DELIVERY SERVICE, CLASS A PROCESSOR, CLASS B
7 PROCESSOR, OR TRANSPORTER FROM A SOCIAL EQUITY APPLICANT, THE
8 COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL LICENSE TO THE
9 APPLICANT, UNLESS THE COMMISSION:

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

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

14 (D) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL
15 APPLICATION TO OPERATE AN INDEPENDENT TESTING LABORATORY, THE
16 COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL LICENSE TO THE
17 APPLICANT, UNLESS THE COMMISSION:

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

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

22 (E) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, ON OR BEFORE FEBRUARY 1, 2023, THE COMMISSION SHALL ISSUE TO
24 SOCIAL EQUITY APPLICANTS:

- 25 1. 10 TIER 5 CULTIVATOR LICENSES;
26 2. 15 TIER 3 CULTIVATOR LICENSES; AND
27 3. 15 TIER 1 CULTIVATOR LICENSES.

28 (II) IF THERE ARE FEWER THAN 10 QUALIFIED APPLICANTS FOR
29 TIER 5 CULTIVATOR LICENSES, THEN ADDITIONAL TIER 3 LICENSES SHALL BE
30 ISSUED TO ENSURE THAT A TOTAL OF 25 LICENSES ARE ISSUED TO TIER 5 AND TIER
31 3 CULTIVATORS COLLECTIVELY.

1 **(2) (I) THE COMMISSION SHALL IMPLEMENT A SCORED PROCESS**
2 **TO DETERMINE QUALIFYING APPLICANTS FOR CULTIVATION LICENSES, WHICH MAY**
3 **CONSIDER:**

- 4 1. **SECURITY AND RECORDKEEPING PLANS;**
- 5 2. **BUSINESS PLANS;**
- 6 3. **KNOWLEDGE AND EXPERIENCE;**
- 7 4. **SUITABILITY OF EMPLOYEE TRAINING;**
- 8 5. **DIVERSITY PLANS;**
- 9 6. **LABOR AND EMPLOYMENT PRACTICES;**
- 10 7. **ENVIRONMENTAL PLANS;**
- 11 8. **VETERAN STATUS; AND**
- 12 9. **MARYLAND RESIDENCY.**

13 **(II) AN APPLICANT THAT SCORES ABOVE A NUMBER OF POINTS**
14 **ESTABLISHED BY THE COMMISSION SHALL BE ENTERED INTO A LOTTERY TO**
15 **DETERMINE WHICH APPLICANTS ARE ISSUED LICENSES.**

16 **(F) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE**
17 **APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE CANNABIS**
18 **ESTABLISHMENT WOULD BE LOCATED.**

19 **(2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,**
20 **THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.**

21 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
22 **COMMISSION MAY REQUIRE A CULTIVATOR TO SECURE A SITE WITHIN A**
23 **REASONABLE AMOUNT OF TIME.**

24 **(II) THE COMMISSION SHALL ALLOW AN APPLICANT TO SHOW**
25 **CAUSE TO ALLOW ONE OR MORE EXTENSIONS TO THE DEADLINE FOR EVENTS**
26 **BEYOND THE APPLICANT'S CONTROL.**

27 **(4) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A**
28 **COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY**

1 WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION
2 SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND
3 APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.

4 (G) THE COMMISSION SHALL ACCEPT AND PROCESS APPLICATIONS FOR
5 TRANSPORTERS, DELIVERY SERVICES, AND PROCESSORS OPERATED BY SOCIAL
6 EQUITY APPLICANTS ON AN ONGOING BASIS.

7 (H) THE COMMISSION SHALL ACCEPT AND PROCESS APPLICATIONS FOR
8 INDEPENDENT TESTING LABORATORIES ON AN ONGOING BASIS.

9 23-405.

10 (A) (1) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL
11 BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE A
12 RETAILER FROM ANY QUALIFIED APPLICANT.

13 (2) (I) ON OR BEFORE APRIL 1, 2023, THE COMMISSION SHALL
14 INITIALLY ISSUE 47 RETAILER LICENSES IN A MANNER THAT EQUITABLY
15 DISTRIBUTES THE LICENSES THROUGHOUT THE STATE AT THE RATE OF ONE
16 LICENSE PER SENATORIAL DISTRICT.

17 (II) IN DETERMINING WHETHER THE AMOUNT OF RETAILER
18 LICENSES REQUIRED TO BE ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
19 HAS BEEN MET, THE COMMISSION MAY NOT INCLUDE DUAL LICENSES.

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

26 (C) THE COMMISSION SHALL AWARD UP TO 250 POINTS TO COMPLETE
27 APPLICATIONS BASED ON THE FOLLOWING FACTORS:

28 (1) 65 POINTS AWARDED FOR SECURITY AND RECORD KEEPING
29 BASED ON THE EXTENT TO WHICH THE SECURITY PLAN ACCOUNTS FOR THE
30 PREVENTION OF THEFT OR DIVERSION OF CANNABIS, INCLUDING SAFE STORAGE OF
31 CANNABIS AND CURRENCY, TRACKING PROCEDURES, AND A PLAN FOR THE
32 DESTRUCTION AND DISPOSAL OF CANNABIS;

33 (2) 30 POINTS AWARDED FOR KNOWLEDGE AND EXPERIENCE BASED

1 ON THE APPLICANT'S PRINCIPAL OFFICERS' DEMONSTRATED EXPERIENCE AND
2 QUALIFICATIONS IN BUSINESS MANAGEMENT OR EXPERIENCE WITH THE CANNABIS
3 INDUSTRY, WHICH MAY BE DEMONSTRATED THROUGH EXPERIENCE IN OTHER
4 INDUSTRIES OR TRAINING THAT REFLECTS ON AN APPLICANT'S ABILITY TO
5 OPERATE A CANNABIS BUSINESS ESTABLISHMENT;

6 (3) 65 POINTS AWARDED FOR BUSINESS PLAN, FINANCIALS,
7 OPERATING, AND FLOOR PLANS;

8 (4) 50 POINTS AWARDED FOR STATUS AS A SOCIAL EQUITY APPLICANT
9 BASED ON WHETHER THE APPLICANT MEETS THE QUALIFICATIONS FOR A SOCIAL
10 EQUITY APPLICANT AS SET FORTH IN THIS TITLE;

11 (5) 15 POINTS AWARDED FOR THE SUITABILITY OF THE EMPLOYEE
12 TRAINING PLAN BASED ON THE EXTENT TO WHICH THE APPLICANT'S TRAINING PLAN
13 WILL ENSURE EMPLOYEES UNDERSTAND THE RULES AND LAWS, ARE
14 KNOWLEDGEABLE ABOUT SECURITY MEASURES AND OPERATING PROCEDURES, AND
15 ARE ABLE TO ADVISE CONSUMERS ON HOW TO SAFELY CONSUME PRODUCTS AND
16 USE INDIVIDUAL PRODUCTS THAT ARE OFFERED;

17 (6) 10 POINTS AWARDED FOR A DIVERSITY PLAN BASED ON A
18 NARRATIVE OF NOT MORE THAN 2,500 WORDS THAT ESTABLISHES A GOAL OF
19 DIVERSITY IN OWNERSHIP, MANAGEMENT, EMPLOYMENT, AND CONTRACTING TO
20 ENSURE THAT DIVERSE PARTICIPANTS AND GROUPS ARE AFFORDED EQUALITY OF
21 OPPORTUNITY;

22 (7) 5 POINTS AWARDED FOR LABOR AND EMPLOYMENT PRACTICES
23 BASED ON PLANS TO PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL
24 WORKING ENVIRONMENT FOR THE CANNABIS ESTABLISHMENT'S AGENTS,
25 INCLUDING CODES OF CONDUCT, HEALTH CARE BENEFITS, EDUCATIONAL
26 BENEFITS, RETIREMENT BENEFITS, AND LIVING WAGE STANDARDS;

27 (8) 5 POINTS AWARDED BASED ON AN ENVIRONMENTAL PLAN OF
28 ACTION TO MINIMIZE THE CARBON FOOTPRINT, ENVIRONMENTAL IMPACT, AND
29 RESOURCE NEEDS FOR THE DISPENSARY;

30 (9) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 26%
31 OR MORE CONTROLLED AND OWNED BY AN INDIVIDUAL OR INDIVIDUALS WHO MEET
32 THE QUALIFICATIONS OF A VETERAN AS DEFINED BY § 9-901 OF THE STATE
33 GOVERNMENT ARTICLE; AND

34 (10) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 51%
35 OR MORE OWNED AND CONTROLLED BY STATE RESIDENTS, WHO CAN PROVE

1 RESIDENCY IN EACH OF THE IMMEDIATELY PRECEDING 5 YEARS WITH TAX
2 RECORDS.

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

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

9 (II) THE COMMISSION MAY REQUIRE AN APPLICANT TO SPECIFY
10 THE LOCALITY IN WHICH THE CANNABIS ESTABLISHMENT IS INTENDED TO
11 OPERATE.

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

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

17 (II) 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 (F) THE COMMISSION MAY PROVIDE THAT ANY APPLICANT THAT SCORES
26 ABOVE A SPECIFIED NUMBER OF POINTS MUST BE ENTERED INTO A LOTTERY THAT
27 IS CONDUCTED IN A MANNER THAT ENSURES EQUITABLE DISTRIBUTION OF
28 RETAILERS THROUGHOUT THE STATE.

29 23-406.

30 (A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2024, THE
31 COMMISSION, IN CONJUNCTION WITH THE OFFICE OF SOCIAL EQUITY, SHALL
32 EVALUATE THE CANNABIS MARKET IN THE STATE AND SOLICIT INPUT FROM THE
33 PUBLIC AND STAKEHOLDERS REGARDING:

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

4 **(2) DIVERSITY IN OWNERSHIP, MANAGEMENT, AND STAFFING OF THE**
5 **CANNABIS INDUSTRY IN THE STATE, INCLUDING A REVIEW OF THE DISPARITY**
6 **STUDY;**

7 **(3) WHETHER THE TAX RATE AND REVENUE ARE MEETING GOALS OF**
8 **DISPLACING THE ILLICIT MARKET AND GENERATING REVENUE FOR REINVESTMENT**
9 **IN COMMUNITIES, CANNABIS TRAINING, AND OTHER NEEDS, INCLUDING A REVIEW**
10 **OF HOW TAX RATES COMPARE TO OTHER STATES; AND**

11 **(4) ANY ANTICIPATED OR ACTUAL CHANGES TO FEDERAL LAW OR**
12 **OTHER FACTORS THAT MAY WARRANT REVISIONS TO THIS TITLE.**

13 **(B) ON OR BEFORE JANUARY 1, 2026, AND BEFORE ANY ADDITIONAL**
14 **CULTIVATION LICENSES ARE ISSUED UNDER § 23-407 OF THIS SUBTITLE, THE**
15 **COMMISSION SHALL COMMISSION A STUDY OF THE CANNABIS MARKET IN THE**
16 **STATE, WHICH SHALL ADDRESS:**

17 **(1) THE EXTENT TO WHICH CONSUMERS HAVE SAFE, CONVENIENT**
18 **ACCESS TO LEGAL CANNABIS AT PRICES THAT ARE LOWER THAN IN THE ILLICIT**
19 **MARKET;**

20 **(2) WHETHER CANNABIS CULTIVATORS, PROCESSORS, AND**
21 **RETAILERS ARE MEETING DEMAND WITHOUT CREATING A SURPLUS; AND**

22 **(3) WHETHER ADDITIONAL SUPPLY IS NEEDED.**

23 **(C) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2024, THE**
24 **COMMISSION SHALL REPORT ITS RECOMMENDATIONS, BASED ON THE FINDINGS OF**
25 **THE SOLICITATIONS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION, TO THE**
26 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
27 **ARTICLE, FOR ANY CHANGES TO CANNABIS REGULATION AND TAXATION,**
28 **INCLUDING:**

29 **(1) ANY CHANGES TO THE TAX RATE AND METHOD; AND**

30 **(2) WHETHER AND UNDER WHAT CONDITIONS TO ALLOW THE IMPORT**
31 **AND EXPORT OF CANNABIS TO OTHER STATES.**

1 **23-407.**

2 (A) THE COMMISSION MAY ACCEPT ADDITIONAL APPLICATIONS FOR
3 CULTIVATORS AND RETAILERS BEGINNING FEBRUARY 1, 2026.

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

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

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

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

15 (2) EXPECTED CULTIVATION EXPANSION BY EXISTING CULTIVATORS;
16 AND

17 (3) THE ANTICIPATED OR ACTUAL OPENING OF AN INTERSTATE OR
18 INTERNATIONAL MARKET FOR CANNABIS PRODUCTS.

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

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

26 **23-408.**

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

1 **(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A**
2 **CLASS A OR CLASS B PROCESSOR, THE COMMISSION SHALL IMMEDIATELY**
3 **FORWARD A COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION**
4 **FEE TO THE LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE**
5 **APPLICANT DESIRES TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE**
6 **LOCALITY HAS NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.**

7 **(C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL**
8 **APPLICATION, THE COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL**
9 **LICENSE TO THE APPLICANT, UNLESS THE COMMISSION:**

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

12 **(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT**
13 **IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING LAWS.**

14 **(D) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE**
15 **APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE**
16 **PROCESSOR WOULD BE LOCATED.**

17 **(2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,**
18 **THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.**

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

24 **SUBTITLE 5. LOCAL REGULATIONS.**

25 **23-501.**

26 **(A) AN ON-SITE CONSUMPTION ESTABLISHMENT MAY OPERATE ONLY IF**
27 **THE LOCAL REGULATORY AUTHORITY IN THE LOCALITY WHERE IT IS LOCATED**
28 **ISSUED A PERMIT OR LICENSE THAT EXPRESSLY ALLOWS THE OPERATION OF THE**
29 **ON-SITE CONSUMPTION ESTABLISHMENT.**

30 **(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A LOCALITY MAY**
31 **PROHIBIT THE OPERATION OF ANY OR ALL TYPES OF CANNABIS ESTABLISHMENTS**
32 **WITHIN ITS JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR**
33 **THROUGH AN INITIATED OR REFERRED MEASURE.**

1 **(2) AN INITIATED OR REFERRED MEASURE TO PROHIBIT THE**
2 **OPERATION OF CANNABIS ESTABLISHMENTS MUST APPEAR ON A GENERAL**
3 **ELECTION BALLOT.**

4 **(3) A LOCALITY MAY NOT:**

5 **(I) PROHIBIT TRANSPORTATION THROUGH THE LOCALITY OR**
6 **DELIVERIES WITHIN THE LOCALITY BY CANNABIS ESTABLISHMENTS LOCATED IN**
7 **OTHER JURISDICTIONS;**

8 **(II) PROHIBIT OR IMPACT A BUSINESS LICENSED UNDER TITLE**
9 **13, SUBTITLE 33 OF THIS ARTICLE, REGARDLESS OF WHETHER THE BUSINESS IS**
10 **GRANTED A LICENSE UNDER THIS TITLE; OR**

11 **(III) PREVENT AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE**
12 **33 OF THIS ARTICLE THAT IS IN COMPLIANCE WITH ALL RELEVANT MEDICAL**
13 **CANNABIS REGULATIONS FROM BEING GRANTED A DUAL LICENSE.**

14 **(C) A PERSON SEEKING LICENSURE AS A CANNABIS ESTABLISHMENT SHALL**
15 **MEET LOCAL ZONING AND PLANNING REQUIREMENTS.**

16 **(D) A LOCALITY MAY NOT NEGOTIATE OR ENTER INTO AN AGREEMENT WITH**
17 **A CANNABIS ESTABLISHMENT OR A CANNABIS ESTABLISHMENT APPLICANT**
18 **REQUIRING THAT THE CANNABIS ESTABLISHMENT OR APPLICANT PROVIDE MONEY,**
19 **DONATIONS, IN-KIND CONTRIBUTIONS, SERVICES, OR ANYTHING OF VALUE TO THE**
20 **LOCALITY.**

21 **SUBTITLE 6. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.**

22 **23-601.**

23 **(A) IN THIS SECTION, “PROCESSING” AND “MANUFACTURING” DO NOT**
24 **INCLUDE:**

25 **(1) PERFORMING EXTRACTIONS USING SOLVENTS OTHER THAN**
26 **WATER, GLYCERIN, PROPYLENE GLYCOL, VEGETABLE OIL, OR FOOD-GRADE**
27 **ETHANOL; OR**

28 **(2) EXTRACTING COMPOUNDS FROM CANNABIS USING ETHANOL IN**
29 **THE PRESENCE OR VICINITY OF OPEN FLAME.**

30 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS**

1 OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE NOT
2 UNLAWFUL UNDER STATE LAW OR THE LAW OF ANY POLITICAL SUBDIVISION OF THE
3 STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR
4 INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD:

5 (1) POSSESSING, CONSUMING, GROWING, USING, PROCESSING,
6 MANUFACTURING, PURCHASING, OR TRANSPORTING AN AMOUNT OF CANNABIS
7 THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT;

8 (2) TRANSFERRING AN AMOUNT OF CANNABIS THAT DOES NOT
9 EXCEED THE PERSONAL USE AMOUNT TO AN INDIVIDUAL WHO IS AT LEAST 21 YEARS
10 OLD WITHOUT REMUNERATION;

11 (3) CONTROLLING PROPERTY WHERE ACTIONS DESCRIBED IN ITEM
12 (1) OR (2) OF THIS SUBSECTION OCCUR; OR

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

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

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

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

23 **23-602.**

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

1 **(B) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR**
2 **VIOLATING THIS TITLE OR REGULATIONS ADOPTED BY THE COMMISSION OR**
3 **LOCALITIES IN ACCORDANCE WITH THIS TITLE.**

4 **23-603.**

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

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

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

13 **(B) EXCEPT AS PROVIDED IN THIS SECTION, AN INDIVIDUAL WHO IS AT**
14 **LEAST 21 YEARS OLD MAY MANUFACTURE, POSSESS, AND PURCHASE CANNABIS**
15 **ACCESSORIES AND DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO A PERSON WHO**
16 **IS AT LEAST 21 YEARS OLD.**

17 **(C) THIS SECTION IS INCLUDED TO SATISFY THE REQUIREMENTS OF 21**
18 **U.S.C. § 863(F) BY AUTHORIZING, UNDER STATE LAW, A PERSON IN COMPLIANCE**
19 **WITH THIS SUBTITLE TO MANUFACTURE, POSSESS, OR DISTRIBUTE CANNABIS**
20 **ACCESSORIES.**

21 **(D) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR**
22 **VIOLATING CONSUMER SAFETY OR BUSINESS LICENSING LAWS OR REGULATIONS.**

23 **23-604.**

24 **(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE**
25 **PROVISIONS OF THIS TITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR**
26 **ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR**
27 **DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY**
28 **RIGHT OR PRIVILEGE, FOR THE USE, POSSESSION, MANUFACTURE,**
29 **TRANSPORTATION, OR DISTRIBUTION OF CANNABIS:**

30 **(1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD IN POSSESSION**
31 **OF AN AMOUNT OF CANNABIS OR CANNABIS PRODUCT FOR ADULT USE THAT DOES**
32 **NOT EXCEED THE PERSONAL USE AMOUNT, AS DEFINED IN § 5-601 OF THE**

1 **CRIMINAL LAW ARTICLE;**

2 **(2) A CANNABIS ESTABLISHMENT LICENSED UNDER THIS TITLE OR**
3 **THE CANNABIS ESTABLISHMENT AGENT;**

4 **(3) A HOSPITAL, MEDICAL FACILITY, OR HOSPICE PROGRAM WHERE**
5 **A QUALIFYING PATIENT IS RECEIVING TREATMENT; OR**

6 **(4) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO**
7 **TEST, TRANSPORT, OR DISPOSE OF CANNABIS, CANNABIS PRODUCTS, OR CANNABIS**
8 **WASTE UNDER THE PROVISIONS OF THIS TITLE.**

9 **(B) (1) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR**
10 **ANY OF ITS POLITICAL SUBDIVISIONS MAY IMPOSE ANY PENALTY OR DENY ANY**
11 **BENEFIT OR ENTITLEMENT FOR CONDUCT PERMITTED UNDER THIS TITLE OR FOR**
12 **THE PRESENCE OF CANNABINOIDS OR CANNABINOID METABOLITES IN THE URINE,**
13 **BLOOD, SALIVA, BREATH, HAIR, OR OTHER TISSUE OR FLUID OF AN INDIVIDUAL WHO**
14 **IS AT LEAST 21 YEARS OLD.**

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

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

25 **(D) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR ANY**
26 **OF ITS POLITICAL SUBDIVISIONS MAY DENY EMPLOYMENT OR A CONTRACT TO AN**
27 **INDIVIDUAL FOR ENGAGING IN CONDUCT AUTHORIZED UNDER THIS TITLE, FOR:**

28 **(1) A PRIOR CONVICTION FOR A NONVIOLENT CANNABIS OFFENSE**
29 **THAT DOES NOT INVOLVE DISTRIBUTION TO MINORS; OR**

30 **(2) TESTING POSITIVE FOR THE PRESENCE OF CANNABINOIDS OR**
31 **CANNABINOID METABOLITES IN THE URINE, BLOOD, SALIVA, BREATH, HAIR, OR**
32 **OTHER TISSUE OR FLUID OF THE INDIVIDUAL'S BODY.**

33 **(E) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN AND TISSUE**

1 TRANSPLANTS:

2 (1) THE USE OF CANNABIS DOES NOT CONSTITUTE THE USE OF AN
3 ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY AN INDIVIDUAL FROM NEEDED
4 MEDICAL CARE; AND

5 (2) MAY BE CONSIDERED ONLY WITH RESPECT TO EVIDENCE-BASED
6 CLINICAL CRITERIA.

7 (F) (1) THIS SECTION DOES NOT PREVENT A GOVERNMENT EMPLOYER
8 FROM DISCIPLINING AN EMPLOYEE OR CONTRACTOR FOR:

9 (I) INGESTING CANNABIS IN THE WORKPLACE; OR

10 (II) WORKING WHILE IMPAIRED BY CANNABIS.

11 (2) THE PROTECTIONS PROVIDED BY THIS SECTION DO NOT APPLY TO
12 THE EXTENT THAT THEY CONFLICT WITH A GOVERNMENT EMPLOYER'S
13 OBLIGATIONS UNDER FEDERAL LAW OR TO THE EXTENT THAT THEY WOULD
14 DISQUALIFY THE ENTITY FROM A MONETARY OR LICENSING-RELATED BENEFIT
15 UNDER FEDERAL LAW.

16 (3) THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN,
17 AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, DISCIPLINE, OR
18 OTHER PENALTIES, INCLUDING DISCIPLINE OR TERMINATION BY A GOVERNMENT
19 EMPLOYER FOR ENGAGING IN, ANY TASK WHILE UNDER THE INFLUENCE OF
20 CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
21 MALPRACTICE.

22 (4) THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN,
23 AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, DISCIPLINE, OR
24 OTHER PENALTIES, INCLUDING DISCIPLINE OR TERMINATION BY A GOVERNMENT
25 EMPLOYER OR REVOCATION OF A DRIVER'S LICENSE, FOR DRIVING WHILE IMPAIRED
26 BY CANNABIS.

27 (G) TO THE EXTENT ALLOWABLE, A PERSON IS NOT CONSIDERED
28 INELIGIBLE TO POSSESS A FIREARM UNDER FEDERAL LAW OR TO BE AN UNLAWFUL
29 USER OF OR ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE SOLELY
30 BECAUSE OF CONDUCT AUTHORIZED UNDER THIS TITLE.

31 (H) A PERSON MAY NOT BE DENIED A STATE FIREARM LICENSE OR PERMIT,
32 INCLUDING A CONCEALED CARRY PERMIT, SOLELY BECAUSE OF CONDUCT
33 AUTHORIZED UNDER THIS TITLE.

1 **23-605.**

2 (A) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY NOT
3 BE SUBJECT TO PROFESSIONAL DISCIPLINE FOR PROVIDING ADVICE OR SERVICES
4 RELATED TO CANNABIS ESTABLISHMENTS OR APPLICATIONS TO OPERATE
5 CANNABIS ESTABLISHMENTS ON THE BASIS THAT CANNABIS IS ILLEGAL UNDER
6 FEDERAL LAW.

7 (B) AN APPLICANT FOR A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY
8 NOT BE DENIED A LICENSE BASED ON PREVIOUS EMPLOYMENT RELATED TO
9 CANNABIS ESTABLISHMENTS OPERATING IN ACCORDANCE WITH STATE LAW.

10 **23-606.**

11 (A) FOR THE PURPOSES OF STATE LAW, ACTIONS RELATED TO CANNABIS
12 ARE CONSIDERED LAWFUL AS LONG AS THEY ARE IN ACCORDANCE WITH THIS TITLE.

13 (B) AN AGENCY OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT RELY
14 ON A VIOLATION OF FEDERAL LAW RELATED TO CANNABIS AS THE SOLE BASIS FOR
15 TAKING AN ADVERSE ACTION AGAINST A PERSON.

16 **23-607.**

17 (A) IT IS THE PUBLIC POLICY OF THE STATE THAT CONTRACTS RELATED TO
18 THE OPERATION OF A CANNABIS ESTABLISHMENT LICENSED IN ACCORDANCE WITH
19 THIS SUBTITLE ARE ENFORCEABLE.

20 (B) IT IS THE PUBLIC POLICY OF THE STATE THAT NO CONTRACT ENTERED
21 INTO BY A LICENSED CANNABIS ESTABLISHMENT OR ITS AGENTS AS AUTHORIZED IN
22 ACCORDANCE WITH A VALID LICENSE, OR BY THOSE WHO ALLOW PROPERTY TO BE
23 USED BY A CANNABIS ESTABLISHMENT, ITS EMPLOYEES, OR ITS AGENTS AS
24 AUTHORIZED IN ACCORDANCE WITH A VALID LICENSE, SHALL BE UNENFORCEABLE
25 ON THE BASIS THAT CULTIVATING, OBTAINING, MANUFACTURING, DISTRIBUTING,
26 DISPENSING, TRANSPORTING, SELLING, POSSESSING, OR USING CANNABIS IS
27 PROHIBITED BY FEDERAL LAW.

28 **23-608.**

29 (A) A LAW ENFORCEMENT OFFICER EMPLOYED BY AN AGENCY THAT
30 RECEIVES STATE OR LOCAL GOVERNMENT FUNDS MAY NOT EXPEND STATE OR
31 LOCAL RESOURCES, INCLUDING THE OFFICER'S TIME, TO EFFECT ANY ARREST OR
32 SEIZURE OF CANNABIS, OR CONDUCT ANY INVESTIGATION, ON THE SOLE BASIS OF

1 ACTIVITY THE OFFICER BELIEVES TO CONSTITUTE A VIOLATION OF FEDERAL LAW IF
2 THE OFFICER HAS REASON TO BELIEVE THAT THE ACTIVITY IS IN COMPLIANCE WITH
3 THIS TITLE.

4 (B) A LAW ENFORCEMENT OFFICER MAY NOT EXPEND STATE OR LOCAL
5 RESOURCES, INCLUDING THE OFFICER'S TIME, TO PROVIDE ANY INFORMATION OR
6 LOGISTICAL SUPPORT RELATED TO ACTIVITY DESCRIBED IN SUBSECTION (A) OF
7 THIS SECTION TO ANY FEDERAL LAW ENFORCEMENT AUTHORITY OR PROSECUTING
8 ENTITY.

9 SUBTITLE 7. CONSTRUCTION OF TITLE.

10 23-701.

11 THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE AN INDIVIDUAL TO
12 ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR
13 OTHER PENALTIES FOR:

14 (1) UNDERTAKING A TASK WHILE UNDER THE INFLUENCE OF
15 CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
16 MALPRACTICE;

17 (2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL
18 CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE
19 OF CANNABIS;

20 (3) SMOKING CANNABIS IN A PUBLIC PLACE; OR

21 (4) POSSESSING CANNABIS, INCLUDING CANNABIS PRODUCTS, IN A
22 LOCAL DETENTION FACILITY, COUNTY JAIL, STATE PRISON, REFORMATORY, OR
23 OTHER CORRECTIONAL FACILITY, INCLUDING A FACILITY FOR THE DETENTION OF
24 JUVENILE OFFENDERS.

25 23-702.

26 (A) EXCEPT AS PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS TITLE
27 DO NOT REQUIRE A PERSON, CORPORATION, OR ANY OTHER ENTITY THAT OCCUPIES,
28 OWNS, OR CONTROLS A PROPERTY TO ALLOW THE CONSUMPTION, CULTIVATION,
29 DISPLAY, SALE, OR TRANSFER OF CANNABIS ON OR IN THAT PROPERTY.

30 (B) EXCEPT AS PROVIDED IN THIS SECTION, A LANDLORD OR PROPERTY
31 MANAGER MAY NOT REFUSE TO RENT TO A TENANT, OR OTHERWISE DISCRIMINATE
32 AGAINST THE TENANT, BASED ON A PAST CONVICTION FOR A CANNABIS OFFENSE.

1 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 2 **IN THE CASE OF THE RENTAL OF A RESIDENTIAL DWELLING, A LANDLORD OR**
 3 **PROPERTY MANAGER MAY NOT PROHIBIT THE POSSESSION OF CANNABIS OR THE**
 4 **CONSUMPTION OF CANNABIS BY NONSMOKED MEANS.**

5 **(2) THIS SUBSECTION DOES NOT APPLY IF:**

6 **(I) THE TENANT IS A BOARDER OR LODGER WHO IS NOT**
 7 **LEASING THE ENTIRE RESIDENTIAL DWELLING;**

8 **(II) THE RESIDENCE IS INCIDENTAL TO DETENTION OR THE**
 9 **PROVISION OF MEDICAL, GERIATRIC, EDUCATIONAL, COUNSELING, RELIGIOUS, OR**
 10 **SIMILAR SERVICE;**

11 **(III) THE RESIDENCE IS A TRANSITIONAL HOUSING OR SOBER**
 12 **LIVING FACILITY; OR**

13 **(IV) FAILING TO PROHIBIT CANNABIS POSSESSION OR**
 14 **CONSUMPTION WOULD VIOLATE FEDERAL LAW OR REGULATIONS OR CAUSE THE**
 15 **LANDLORD TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER**
 16 **FEDERAL LAW OR REGULATIONS.**

17 **(3) AFTER A WARNING, A LANDLORD OR PROPERTY MANAGER MAY**
 18 **TAKE ACTION AGAINST A TENANT IF THE TENANT'S USE OF CANNABIS CREATES AN**
 19 **ODOR THAT INTERFERES WITH OTHERS' PEACEFUL ENJOYMENT OF THEIR HOME OR**
 20 **PROPERTY.**

21 **Article – State Finance and Procurement**

22 6–226.

23 (a) (2) (i) Notwithstanding any other provision of law, and unless
 24 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 25 terms of a gift or settlement agreement, net interest on all State money allocated by the
 26 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 27 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 28 Fund of the State.

29 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 30 to the following funds:

31 122. the Racing and Community Development Financing Fund;

32 [and]

1 123. the Racing and Community Development Facilities Fund;

2 124. THE SOCIAL EQUITY START-UP FUND;

3 125. THE CANNABIS EDUCATION AND TRAINING FUND;

4 126. THE COMMUNITY REINVESTMENT AND REPAIR
5 FUND; AND

6 127. THE CANNABIS REGULATION FUND.

7 Article – Tax – General

8 TITLE 12.5. CANNABIS TAX.

9 12.5–101.

10 (A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS SOLD UNDER
11 TITLE 23 OF THE HEALTH – GENERAL ARTICLE.

12 (B) (1) UNTIL APRIL 1, 2025, A 10% EXCISE TAX IS IMPOSED ON THE SALE
13 OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED UNDER
14 TITLE 23 OF THE HEALTH – GENERAL ARTICLE TO A CONSUMER.

15 (2) FROM APRIL 1, 2025, TO MARCH 30, 2027, BOTH INCLUSIVE, A
16 15% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A
17 CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH – GENERAL
18 ARTICLE TO A CONSUMER.

19 (3) BEGINNING APRIL 1, 2027, A 20% EXCISE TAX IS IMPOSED ON THE
20 SALE OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED
21 UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE TO A CONSUMER.

22 (C) SALES OF CANNABIS BY A CANNABIS ESTABLISHMENT TO A CONSUMER
23 ARE NOT SUBJECT TO A SALES AND USE TAX IMPOSED UNDER TITLE 11 OF THIS
24 ARTICLE.

25 (D) (1) TAXES IMPOSED UNDER THIS SECTION SHALL APPLY ONLY AT THE
26 POINT OF SALE TO A CONSUMER.

27 (2) NO TAXES SHALL APPLY TO SALES OR TRANSFERS OF CANNABIS
28 BETWEEN CANNABIS ESTABLISHMENTS.

1 **12.5–102.**

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY,
3 MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL
4 SUBDIVISION OF THE STATE MAY IMPOSE A SALES TAX NOT EXCEEDING 3% ON SALES
5 OF CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS WITHIN ITS JURISDICTION.

6 (B) A COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR
7 OTHER POLITICAL SUBDIVISION OF THE STATE MAY NOT IMPOSE A SALES TAX
8 UNDER SUBSECTION (A) OF THIS SECTION ON SALES OF MEDICAL CANNABIS UNDER
9 TITLE 23 OF THE HEALTH – GENERAL ARTICLE.

10 **12.5–103.**

11 (A) (1) IN THIS SECTION, “FUND” MEANS THE CANNABIS REGULATION
12 FUND.

13 (2) THERE IS A CANNABIS REGULATION FUND.

14 (3) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO BE
15 DISTRIBUTED AND USED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

16 (4) THE ALCOHOL AND TOBACCO COMMISSION SHALL ADMINISTER
17 THE FUND.

18 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
19 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

22 (6) THE FUND CONSISTS OF:

23 (I) ALL APPLICATION AND LICENSING FEES PAID BY CANNABIS
24 ESTABLISHMENTS UNDER TITLE 23, SUBTITLE 4 OF THE HEALTH – GENERAL
25 ARTICLE, EXCEPT FOR RETAILER AND DUAL LICENSE FEES THAT ARE PAYABLE
26 DIRECTLY TO THE SOCIAL EQUITY START-UP FUND;

27 (II) ALL TAXES COLLECTED UNDER § 12.5–101 OF THIS TITLE;

28 (III) INTEREST EARNINGS; AND

29 (IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED

1 FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED
2 BY THE ALCOHOL AND TOBACCO COMMISSION FOR THE ACCEPTANCE OF
3 DONATIONS OR GIFTS TO THE FUND.

4 (7) THE FUND MAY BE USED ONLY FOR CARRYING OUT THIS TITLE.

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

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

9 (9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
10 DIRECTED BY THE ALCOHOL AND TOBACCO COMMISSION.

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

13 (B) ON OR BEFORE MARCH 15 EACH YEAR, THE ALCOHOL AND TOBACCO
14 COMMISSION SHALL PRODUCE AND PUBLISH ON ITS WEBSITE A DETAILED REPORT
15 ON REVENUES AND EXPENDITURES FROM THE FUND, INCLUDING A DETAILED
16 REPORTING OF MONEY RETAINED AND SPENT TO DEFRAY THE COST OF
17 ADMINISTRATION OF THIS TITLE.

18 (C) THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:

19 (1) THE ALCOHOL AND TOBACCO COMMISSION SHALL RETAIN
20 SUFFICIENT MONEY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS
21 TITLE; AND

22 (2) REVENUES GENERATED IN EXCESS OF THE AMOUNT OF THOSE
23 NECESSARY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS TITLE
24 SHALL BE DISTRIBUTED NOT LESS THAN ONCE EVERY QUARTER AS FOLLOWS:

25 (I) 27% TO THE COMMUNITY REINVESTMENT AND REPAIR
26 FUND, ESTABLISHED UNDER § 23-204 OF THE HEALTH - GENERAL ARTICLE;

27 (II) 10% TO THE SOCIAL EQUITY START-UP FUND;

28 (III) 3% FOR TECHNICAL ASSISTANCE FOR SOCIAL EQUITY AND
29 MINORITY BUSINESS CANNABIS ESTABLISHMENT APPLICANTS;

30 (IV) 3% TO THE CANNABIS EDUCATION AND TRAINING FUND,

1 ESTABLISHED UNDER § 23–203 OF THE HEALTH – GENERAL ARTICLE;

2 (v) 7% TO THE MARYLAND DEPARTMENT OF HEALTH FOR USE
3 IN EVIDENCE–BASED, VOLUNTARY PROGRAMS FOR THE PREVENTION OR
4 TREATMENT OF SUBSTANCE ABUSE;

5 (vi) 2% TO THE MARYLAND DEPARTMENT OF HEALTH FOR A
6 SCIENTIFICALLY AND MEDICALLY ACCURATE PUBLIC EDUCATION CAMPAIGN
7 EDUCATING YOUTH AND ADULTS ABOUT THE HEALTH AND SAFETY RISKS OF
8 ALCOHOL, TOBACCO, CANNABIS, AND OTHER SUBSTANCES, INCLUDING THE RISKS
9 OF DRIVING WHILE IMPAIRED;

10 (vii) 2% TO THE MARYLAND DEPARTMENT OF HEALTH TO FUND
11 DIVERSE SCIENTIFIC, ACADEMIC, OR MEDICAL RESEARCH ON CANNABIS OR
12 ENDOCANNABINOIDS, INCLUDING RESEARCH EXPLORING THE BENEFITS OF
13 CANNABIS, ON THE CONDITION THAT ALL FUNDED RESEARCH DATA, RESULTS, AND
14 PAPERS MUST BE RELEASED INTO THE PUBLIC DOMAIN AND MUST BE PUBLISHED
15 FOR FREE AND OPEN ACCESS BY THE PUBLIC AND BY OTHER RESEARCHERS;

16 (viii) 1% TO THE DEPARTMENT OF STATE POLICE FOR
17 ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT AND DRUG
18 RECOGNITION EXPERT (DRE) TRAINING;

19 (ix) 20% TO THE ENDOWMENTS OF THE STATE’S HISTORICALLY
20 BLACK COLLEGES AND UNIVERSITIES; AND

21 (x) 25% TO THE GENERAL FUND OF THE STATE.

22 12.5–104.

23 NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN
24 COMPUTING NET INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES
25 UNDER STATE LAW, THERE SHALL BE ALLOWED AS A DEDUCTION FROM STATE
26 TAXES ALL THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING
27 THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A CANNABIS
28 ESTABLISHMENT AS DEFINED BY § 23–101 OF THE HEALTH – GENERAL ARTICLE, OR
29 AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL
30 ARTICLE, INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER
31 COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 15,
33 2021, the Speaker of the House of Delegates may submit to the Governor the names of five
34 individuals who are qualified and suitable to serve as Executive Director of the Office of
35 Social Equity, established under § 23–201 of the Health – General Article, as enacted under

1 Section 1 of this Act.

2 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2022,
3 the Governor shall select an Executive Director of the Office of Social Equity from among
4 the five individuals whose names were submitted by the Speaker of the House of Delegates
5 under Section 2 of this Act.

6 SECTION 4. AND BE IT FURTHER ENACTED, That:

7 (a) On or before April 1, 2022, and January 1, 2024, the Office of Social Equity
8 and the Alcohol and Tobacco Commission, in consultation with the certification agency as
9 defined in § 14–301 of the State Finance and Procurement Article, the Governor’s Office of
10 Small, Minority, and Women Business Affairs, and the Office of the Attorney General,
11 shall:

12 (1) study the cannabis industry and market to determine whether there is
13 a compelling reason to implement remedial measures to assist minorities and women in
14 the cannabis industry, including:

15 (i) applying the State Minority Business Enterprise Program under
16 Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program; and

17 (ii) considerations of race, ethnicity, and wealth in the definition of
18 “social equity applicant”;

19 (2) evaluate race–neutral programs or other methods that may be used to
20 address the needs of minority applicants and minority–owned businesses seeking to
21 participate in the cannabis industry; and

22 (3) if necessary, adopt regulations to implement remedial measures based
23 on the findings of the study and evaluation described in items (1) and (2) of this subsection.

24 (b) The Alcohol and Tobacco Commission may report to the General Assembly, in
25 accordance with § 2–1257 of the State Government Article, any information that the
26 Commission determines to be necessary to the consideration, development, or
27 implementation of any remedial measure implemented under this section.

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.