

HB1078/143526/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1078

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in the sponsor line, strike “Delegate Pena–Melnyk” and substitute “Delegates Pena–Melnyk, Pendergrass, Bagnall, Bhandari, Carr, Cullison, Hill, Johnson, Kaiser, Kelly, Kerr, R. Lewis, Rosenberg, Sample–Hughes, and K. Young”; in line 2, strike “**Revisions**” and substitute “**Delta–8– and Delta–10 Tetrahydrocannabinol**”; strike beginning with “prohibiting” in line 3 down through “hemp” in line 9 and substitute “prohibiting a certain person from distributing, purchasing for sale, or selling products containing delta–8– or delta–10 tetrahydrocannabinol to an individual under a certain age; requiring certain websites to employ a certain age–screening mechanism”; and in line 10, after “cannabis;” insert “requiring the Natalie M. LaPrade Medical Cannabis Commission, in consultation with the State Department of Agriculture and certain other stakeholders, to study and make recommendations on the classification and regulation of tetrahydrocannabinols, other than delta–9–tetrahydrocannabinol, and certain manufactured products;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 12 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 22 on page 2 through line 11 on page 3, inclusive.

On page 2, after line 4, insert:

“BY adding to

Article – Criminal Law

HB1078/143526/01 Health and Government Operations Committee
Amendments to HB 1078
Page 2 of 4

Section 10-108
Annotated Code of Maryland
(2021 Replacement Volume 2021 Supplement)".

On page 3, after line 12, insert:

"10-108.

(A) A PERSON WHO DISTRIBUTES PRODUCTS CONTAINING DELTA-8- OR DELTA-10-TETRAHYDROCANNABINOL, INCLUDING A PERSON LICENSED UNDER TITLE 16, TITLE 16.5, TITLE 16.7, OR TITLE 17 OF THE BUSINESS REGULATION ARTICLE, MAY NOT DISTRIBUTE, PURCHASE FOR SALE, OR SELL A PRODUCT CONTAINING DELTA-8- OR DELTA-10-TETRAHYDROCANNABINOL TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

(B) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, IT IS A DEFENSE THAT THE DEFENDANT EXAMINED THE PURCHASER'S OR RECIPIENT'S DRIVER'S LICENSE, OR OTHER VALID IDENTIFICATION ISSUED BY A GOVERNMENTAL UNIT, THAT POSITIVELY IDENTIFIED THE PURCHASER OR RECIPIENT AS BEING AT LEAST 21 YEARS OLD.

(C) ANY WEBSITE OWNED, MANAGED, OR OPERATED BY A PERSON WHO DISTRIBUTES OR SELLS A PRODUCT CONTAINING DELTA-8- OR DELTA-10-TETRAHYDROCANNABINOL SHALL EMPLOY A NEUTRAL AGE-SCREENING MECHANISM THAT VERIFIES THAT THE USER IS AT LEAST 21 YEARS OLD, INCLUDING BY USING AN AGE-GATE, AGE-SCREEN, OR AGE-VERIFICATION MECHANISM.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:

**HB1078/143526/01 Health and Government Operations Committee
Amendments to HB 1078
Page 3 of 4**

(1) \$300 FOR A FIRST VIOLATION;

**(2) \$1,000 FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS
AFTER THE FIRST VIOLATION; AND**

**(3) \$3,000 FOR EACH SUBSEQUENT VIOLATION OCCURRING
WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION.”.**

On pages 3 and 4, strike in their entirety the lines beginning with line 13 on page 3 through line 11 on page 4, inclusive.

On page 4, strike beginning with “ANY” in line 15 down through “ALL” in line 17 and substitute “ALL”; in line 18, strike the semicolon and substitute “, INCLUDING:”; in lines 19, 20, and 21, strike “2.”, “3.”, and “4.”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 20, strike the first “THE” and substitute “THE”; and strike beginning with “EACH” in line 21 down through “RESIN;” in line 22 and substitute “ANY COMPOUND, MANUFACTURED PRODUCT, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR RESIN, INCLUDING TETRAHYDROCANNABINOL AND ALL OTHER NATURALLY PRODUCED CANNABINOL DERIVATIVES, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION.”.

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 4 on page 5, inclusive.

On page 5, strike line 8 in its entirety; in lines 9, 10, 13, and 15, strike “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, and “(V)”, respectively; and in line 10, strike “EXCEPT FOR RESIN, ANY” and substitute “ANY”.

(Over)

**HB1078/143526/01 Health and Government Operations Committee
Amendments to HB 1078
Page 4 of 4**

On page 6, after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Cannabis Commission, in consultation with the State Department of Agriculture, one representative from the Maryland Hemp Coalition, and one representative from the Maryland Health Alternatives Association, shall study and make recommendations on the classification and regulation of tetrahydrocannabinols, other than delta-9-tetrahydrocannabinol, that are artificially, synthetically, or naturally derived and manufactured products containing delta-8- and delta-10-tetrahydrocannabinol.

(b) On or before January 1, 2023, the Natalie M. LaPrade Medical Cannabis Commission shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Finance Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Health and Government Operations Committee.”;

in line 13, strike “2.” and substitute “3.”; and strike beginning with “is” in line 13 down through “enacted” in line 17 and substitute “shall take effect July 1, 2022”.