BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 788
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in line 2, strike “Medical Cannabis Definition and Study” and substitute “Delta–8– and Delta–10–Tetrahydrocannabinol”; in line 9, before “defining” insert “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 12, strike “representatives of a certain coalition” and substitute “certain other stakeholders”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“BY adding to

Article – Criminal Law
Section 10–108
Annotated Code of Maryland
(2021 Replacement Volume 2021 Supplement)”.

On page 4, after line 17, insert:

“Article – Criminal Law

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:

(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 page 6, in line 22, strike “and representatives of” and substitute “, one representative from”; and in the same line, after “Coalition,” insert “and one representative from the Maryland Health Alternatives Association.”.

On pages 6 and 7, strike beginning with “is” in line 32 on page 6 down through “enacted” in line 2 on page 7 and substitute “shall take effect July 1, 2022”.