

SB0788/233129/1

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."

SB0788/233129/01 Health and Government Operations Committee
Amendments to SB 788
Page 3 of 3

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”.