

# SENATE BILL 692

E1, J1, Q4

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By: **Senator Carter**

Introduced and read first time: February 4, 2022

Assigned to: Finance and Budget and Taxation

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## A BILL ENTITLED

AN ACT concerning

### **Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

FOR the purpose of legalizing the use and possession of a certain amount of cannabis by an individual who is at least a certain age; providing for the clearing of criminal records and disposition of certain charges relating to the use and possession of cannabis; establishing a system for the regulation and taxation of the market for the production and sale of cannabis in the State; and generally relating to cannabis.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

BY adding to

Article – Criminal Law

Section 5–101(e–1) and (t), 5–601.2, 5–607.1, and 5–629

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–101(p), (s), and (t), 5–601(a), (c), and (d), 5–601.1, 5–602, 5–607, 5–612, 5–614, 5–619(c), 5–620, 10–113, 10–116, and 10–117

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

BY repealing

Article – Criminal Law

Section 5–101(r)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland  
(2021 Replacement Volume and 2021 Supplement)

BY adding to

Article – Criminal Procedure  
Section 1–211, 8–303, and 10–105.3  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development  
Section 5–1501  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Health – General  
Section 23–101 through 23–702 to be under the new title “Title 23. Cannabis”  
Annotated Code of Maryland  
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 24–501(a), 24–504, and 24–508(a)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 24–501(d) and (g), 24–502, 24–503, 24–507, and 24–510  
Annotated Code of Maryland  
(2019 Replacement Volume and 2021 Supplement)

BY adding to

Article – Tax – General  
Section 12.5–101 through 12.5–104 to be under the new title “Title 12.5. Cannabis  
Tax”  
Annotated Code of Maryland  
(2016 Replacement Volume and 2021 Supplement)

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

**Article – Criminal Law**

5–101.

(a) In this title the following words have the meanings indicated.

**(E-1) (1) “CANNABIS” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A DRY WEIGHT BASIS.**

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

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

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

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

(2) “Drug paraphernalia” includes:

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

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

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

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

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

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a

controlled dangerous substance **OTHER THAN CANNABIS**;

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

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance **OTHER THAN CANNABIS**;

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

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

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

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

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;
2. a water pipe;
3. a carburetion tube or device;
4. a smoking or carburetion mask;
5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
6. a miniature spoon used for cocaine and cocaine vials;
7. a chamber pipe;
8. a carburetor pipe;
9. an electric pipe;

10. an air-driven pipe;
11. a chillum;
12. a bong; and
13. an ice pipe or chiller].

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

**[(r) (1)** “Marijuana” means:

- (i) all parts of any plant of the genus *Cannabis*, whether or not the plant is growing;
- (ii) the seeds of the plant;
- (iii) the resin extracted from the plant; and
- (iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

**(2)** “Marijuana” does not include:

- (i) the mature stalks of the plant;
- (ii) fiber produced from the mature stalks;
- (iii) oil or cake made from the seeds of the plant;
- (iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
- (v) the sterilized seed of the plant that is incapable of germination;
- (vi) hemp as defined in § 14–101 of the Agriculture Article.]

or

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

- (i) that has been found to present an extreme danger to the health and welfare of the community because of addiction-forming and addiction-sustaining qualities;
- (ii) that is:

1. an opiate;
  2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or
  3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and
- (iii) that is produced:
1. directly or indirectly by extraction from substances of vegetable origin;
  2. independently by chemical synthesis; or
  3. by a combination of extraction and chemical synthesis.

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

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

**(T) “PERSONAL USE AMOUNT” MEANS:**

- (1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 4 OUNCES;**
- (2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT EXCEED 24 GRAMS; OR**
- (3) SIX OR FEWER CANNABIS PLANTS.**

5–601.

- (a) Except as otherwise provided in this title, a person may not:
- (1) possess or administer to another a controlled dangerous substance, unless:
    - (I)** obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; **[or]**
    - (II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS, THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED DOES**

**NOT EXCEED A PERSONAL USE AMOUNT; OR****(III) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS AND POSSESSION IS LEGAL UNDER TITLE 13, SUBTITLE 33 OR TITLE 23 OF THE HEALTH – GENERAL ARTICLE; OR**

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

- (i) fraud, deceit, misrepresentation, or subterfuge;
- (ii) the counterfeiting or alteration of a prescription or a written order;
- (iii) the concealment of a material fact;
- (iv) the use of a false name or address;
- (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or
- (vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(c) (1) Except as provided in paragraphs [(2), (3), and (4)] **(2) AND (3)** of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

- (i) for a first conviction, imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both;
- (ii) for a second or third conviction, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; or
- (iii) for a fourth or subsequent conviction, imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana is guilty of a misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.]

**(I) 1. EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A FINDING OF GUILT UNDER THIS SECTION INVOLVING THE USE OR POSSESSION OF AN AMOUNT OF CANNABIS EXCEEDING THE PERSONAL USE AMOUNT IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$150.**

**2. A PERSON WHO IS FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO 15 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

(ii) 1. A [first] finding of guilt under this section involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS** is a civil offense punishable by a fine not exceeding [\$100] **\$50**.

2. [A second finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$250.

3. A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

4. A. In addition to a fine, a] **A court shall [order] PROVIDE a person under the age of 21 years who commits a violation punishable under subsubparagraph 1[, 2, or 3] of this subparagraph [to attend a drug education program approved by the Maryland Department of Health, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary] WITH INFORMATION RELATING TO CANNABIS USE DISORDER AND THE DANGERS OF UNDERAGE USE OF CANNABIS.**

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

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

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

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

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the



patient, including assisting with the medical use of [marijuana] CANNABIS, who:

- A. is a resident of the State;
- B. is at least 21 years old;
- C. is an immediate family member, a spouse, or a domestic partner of the patient;
- D. has not been convicted of a crime of violence as defined in § 14–101 of this article;
- E. has not been convicted of a violation of a State or federal controlled dangerous substances law;
- F. has not been convicted of a crime of moral turpitude;
- G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;
- H. is the only individual designated by the patient to serve as caregiver; and
- I. is not serving as caregiver for any other patient.

4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

- A. cachexia or wasting syndrome;
- B. severe or chronic pain;
- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

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

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

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

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

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

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

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

B. A defendant may not assert the affirmative defense under this subparagraph unless the defendant notifies the State’s Attorney of the defendant’s intention to assert the affirmative defense and provides the State’s Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

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

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

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

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

(d) The provisions of subsection [(c)(2)(ii)] **(C)(2)** of this section making the possession of [marijuana] CANNABIS a civil offense **UNDER CERTAIN CIRCUMSTANCES AND THE PROVISIONS OF TITLE 23 OF THE HEALTH – GENERAL ARTICLE MAKING**

**THE POSSESSION OF CANNABIS LEGAL FOR INDIVIDUALS AT LEAST 21 YEARS OLD UNDER CERTAIN CIRCUMSTANCES** may not be construed to affect the laws relating to[:

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

(2) seizure and forfeiture].

5–601.1.

(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **MORE THAN THE PERSONAL USE AMOUNT OF CANNABIS**.

(b) (1) A violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **MORE THAN THE PERSONAL USE AMOUNT OF CANNABIS** is a civil offense.

(2) Adjudication of a violation under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS**:

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

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

(c) (1) A citation issued for a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS** shall be signed by the police officer who issues the citation and shall contain:

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

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

(iii) the location at which the violation occurred;

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

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

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

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

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

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

(2) [(i)] If a citation for a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS** is issued to a person under the age of 21 years, the court shall summon the person for trial.

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

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

(e) (1) The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine **AND PROCEDURES FOR INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A FINE.**

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

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

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

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

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

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

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

(i) In any proceeding for a Code violation under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS**:

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

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

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

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

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

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

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

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

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

(2) The court costs in a Code violation case under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS** in which costs are imposed are \$5.

(k) (1) The State's Attorney for any county may prosecute a Code violation under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **CANNABIS** in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] CANNABIS, the State’s Attorney may:

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

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

(l) A person issued a citation for a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] CANNABIS who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(m) A citation for a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] CANNABIS and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public website maintained by the Maryland Judiciary if:

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

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

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

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

(5) the State has entered a nolle prosequi;

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

(7) the charge has been dismissed.

#### **5–601.2.**

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

**(B) CANNABIS PLANTS MAY NOT BE CULTIVATED IN A LOCATION WHERE THE PLANTS ARE SUBJECT TO PUBLIC VIEW, INCLUDING A VIEW FROM ANOTHER**

PRIVATE PROPERTY, WITHOUT THE USE OF BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS.

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

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

(D) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN LAWFUL POSSESSION OF THE PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OR**

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

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

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

**(L) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR**



INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A FINE.

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

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

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

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

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

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

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

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

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

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

(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT

**UNDERSTANDS THOSE CHARGES;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OR**

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

5-602.

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

**(1) distribute or dispense a controlled dangerous substance; or**

**(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.**

**(B) THERE IS A PRESUMPTION THAT A PERSON IN POSSESSION OF LESS THAN THE PERSONAL USE AMOUNT OF CANNABIS IS NOT IN VIOLATION OF SUBSECTION (A) OF THIS SECTION WITH REGARD TO CANNABIS, IN THE ABSENCE OF ANY OTHER EVIDENCE OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION.**

5-607.

(a) Except as provided in §§ 5–608 and 5–609 of this subtitle **AND SUBSECTION (B) OF THIS SECTION**, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(b) (1) **A VIOLATION OF A PROVISION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE INVOLVING CANNABIS IS A CIVIL OFFENSE PUNISHABLE BY A CIVIL FINE NOT EXCEEDING \$250.**

(2) **A PERSON WHO IS FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SUBSECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO 30 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

(c) A person convicted under this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

#### **5–607.1.**

(A) **A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF A PROVISION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE INVOLVING CANNABIS.**

(B) (1) **A VIOLATION OF A PROVISION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE INVOLVING CANNABIS IS A CIVIL OFFENSE.**

(2) **ADJUDICATION OF A VIOLATION OF A PROVISION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE INVOLVING CANNABIS:**

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

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

(C) (1) **A CITATION ISSUED FOR A VIOLATION OF A PROVISION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE INVOLVING CANNABIS SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:**

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

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

(III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

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

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

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

1. PAY THE FULL AMOUNT OF THE PRESET FINE;

2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;

OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) NOT GUILTY OF A CODE VIOLATION; OR

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

(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

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

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

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

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

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

(L) A PERSON ISSUED A CITATION FOR A VIOLATION OF A PROVISION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE INVOLVING CANNABIS WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(M) A CITATION FOR A VIOLATION OF A PROVISION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE INVOLVING CANNABIS AND THE OFFICIAL RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY IF:

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

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

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

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

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

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

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

5-612.

(a) A person may not manufacture, distribute, dispense, or possess:

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

(2) 448 grams or more of cocaine;

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

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

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

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

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

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

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



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

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

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

(13) 448 grams or more of methamphetamine; or

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

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

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

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

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

5-614.

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

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

(ii) 28 grams or more of cocaine;

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

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

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

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

- (vii) 28 grams or more of phencyclidine in liquid or powder form;
- (viii) 112 grams or more of any mixture containing phencyclidine;
- (ix) 1,000 dosage units or more of methaqualone;
- (x) 28 grams or more of methamphetamine;
- (xi) any mixture containing 28 grams or more of methamphetamine;

or

- (xii) 4 grams or more of fentanyl or a fentanyl analogue.

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

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

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

5-619.

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

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

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

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

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

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

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

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

5-620.

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

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

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

(ii) counterfeiting a prescription or a written order;

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

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

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

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

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

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

(6) a stapler;

(7) a glassine envelope;

- (8) a gelatin capsule;
- (9) procaine hydrochloride;
- (10) mannitol;
- (11) lactose;
- (12) quinine; and
- (13) a controlled dangerous substance.

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

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

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

#### **5-629.**

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

- (1) TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE; OR**
- (2) TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

#### 10-113.

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

#### 10-116.

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

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

10–117.

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

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

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

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

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

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

(ii) are participants in a religious ceremony.

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

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

(ii) are participants in a religious ceremony.

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

**(E)** A person may not violate subsection (a) or (b) of this section if the violation involves an individual under the age of 21 years who:

(1) the person knew or reasonably should have known would operate a motor vehicle after consuming the alcoholic beverage **OR CANNABIS**; and

(2) as a result of operating a motor vehicle while under the influence of alcohol or while impaired by alcohol **OR CANNABIS**, causes serious physical injury or death to the individual or another.

### **Article – Criminal Procedure**

#### **1–211.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FINDING OR DETERMINATION OF REASONABLE SUSPICION OR PROBABLE CAUSE RELATING TO POSSESSION OF CONTRABAND OR OTHER CRIMINAL ACTIVITY MAY NOT BE BASED SOLELY ON EVIDENCE OF:**

**(1) THE ODOR OF CANNABIS;**

**(2) THE ODOR OF BURNT CANNABIS;**

**(3) THE POSSESSION OF OR SUSPICION OF POSSESSION OF CANNABIS;**

**OR**

**(4) THE PRESENCE OF MONEY IN PROXIMITY TO CANNABIS.**

**(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY WHEN A LAW ENFORCEMENT OFFICER IS INVESTIGATING WHETHER A PERSON IS DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY DRUGS, EXCEPT THAT THE ODOR OF CANNABIS MAY NOT BE THE BASIS FOR FINDING PROBABLE CAUSE TO JUSTIFY THE SEARCH OF AN AREA OF A VEHICLE OR VESSEL THAT IS NOT:**

**(1) READILY ACCESSIBLE TO THE DRIVER OR OPERATOR; OR**

**(2) REASONABLY LIKELY TO CONTAIN EVIDENCE RELEVANT TO THE CONDITION OF THE DRIVER OR OPERATOR.**

#### **8–303.**

**(A) (1) A CONVICTION OF POSSESSION OF CANNABIS UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE, POSSESSION OF CANNABIS PARAPHERNALIA UNDER**

**§ 5–619 OR § 5–620 OF THE CRIMINAL LAW ARTICLE, POSSESSION WITH INTENT TO DISTRIBUTE CANNABIS UNDER § 5–602 OF THE CRIMINAL LAW ARTICLE, MANUFACTURING CANNABIS, OR DISTRIBUTION OF CANNABIS ENTERED BEFORE JULY 1, 2022, SHALL BE AUTOMATICALLY VACATED ON OR BEFORE JULY 1, 2023.**

**(2) A FORMER CONVICTION THAT HAS BEEN VACATED UNDER THIS SUBSECTION MAY NOT BE CONSIDERED A CONVICTION FOR ANY PURPOSE.**

**(B) (1) A PERSON WHO HAS BEEN CONVICTED OF A CRIME, OR ADJUDICATED DELINQUENT FOR AN OFFENSE THAT WOULD BE A CRIME IN ADULT COURT, MAY REQUEST THAT ANY CONVICTION BE VACATED OR REQUEST A NEW TRIAL WHERE A CONVICTION OR DELINQUENT FINDING WAS BASED IN WHOLE OR IN PART ON EVIDENCE GATHERED DURING A SEARCH OR SEIZURE FOR WHICH REASONABLE SUSPICION OR PROBABLE CAUSE WAS BASED ON:**

**(I) THE ODOR OF CANNABIS;**

**(II) THE ODOR OF BURNT CANNABIS;**

**(III) THE POSSESSION OF OR SUSPICION OF POSSESSION OF CANNABIS; OR**

**(IV) THE PRESENCE OF MONEY IN PROXIMITY TO CANNABIS.**

**(2) THE COURT SHALL GRANT A TIMELY REQUEST FOR RECONSIDERATION MADE UNDER THIS SUBSECTION.**

**(C) (1) A PERSON REQUESTING VACATUR OR A NEW TRIAL BECAUSE THE PERSON'S CONVICTION WAS BASED ON EVIDENCE GATHERED DURING A SEARCH OR SEIZURE FOR WHICH REASONABLE SUSPICION OR PROBABLE CAUSE WAS BASED ON FACTORS LISTED IN SUBSECTION (B)(1) OF THIS SECTION SHALL FILE A PETITION THAT:**

**(I) IS IN WRITING;**

**(II) STATES IN DETAIL THE GROUNDS ON WHICH THE PETITION IS BASED, INCLUDING:**

**1. THE EVIDENCE THAT WOULD HAVE BEEN SUPPRESSED; AND**

**2. THE RELEVANT CONSTITUTIONAL STANDARD;**

(III) IS ACCOMPANIED BY OR CONTAINS A REQUEST FOR A HEARING IF A HEARING IS SOUGHT; AND

(IV) IS ACCOMPANIED BY THE TRANSCRIPTS FROM ALL PRIOR RELEVANT PROCEEDINGS.

(2) A PERSON FILING A PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE STATE IN WRITING OF THE FILING OF THE PETITION AND SERVE THE STATE WITH A COPY OF THE PETITION AND ACCOMPANYING TRANSCRIPTS.

(3) THE STATE MAY FILE A RESPONSE TO THE PETITION WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION OR WITHIN THE PERIOD OF TIME THAT THE COURT ORDERS.

(4) (I) BEFORE A HEARING IS HELD ON A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE NOTIFIED OF THE HEARING AS PROVIDED UNDER § 11-104 OR § 11-503 OF THIS ARTICLE.

(II) THE VICTIM OR VICTIM'S REPRESENTATIVE HAS THE RIGHT TO ATTEND THE HEARING ON THE PETITION AS PROVIDED UNDER § 11-102 OF THIS ARTICLE.

(5) THE COURT SHALL HOLD A HEARING IF THE PERSON FILING THE PETITION REQUESTS A HEARING AND THE PETITION SATISFIES THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.

(6) (I) IF THE COURT FINDS THAT, BUT FOR RELIANCE ON THE FACTORS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION, THE EVIDENCE IN SUPPORT OF THE CONVICTION WOULD BE EXCLUDED IN WHOLE OR IN PART UNDER THE RELEVANT CONSTITUTIONAL STANDARD, THE COURT SHALL:

1. SET ASIDE THE VERDICT; OR
2. GRANT A NEW TRIAL.

(II) THE REMEDIES LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE AVAILABLE REGARDLESS OF WHETHER THE PERSON FILING THE PETITION PREVIOUSLY LITIGATED A SUPPRESSION ISSUE BEFORE BEING CONVICTED.

(III) THE COURT SHALL STATE THE REASONS FOR ITS RULING ON



**THE RECORD.**

**(7) AN APPEAL MAY BE TAKEN BY EITHER PARTY FROM AN ORDER ENTERED UNDER THIS SUBSECTION.**

**(8) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE FILED BY DECEMBER 31, 2025.**

**(II) THE COURT MAY CONSIDER A PETITION FILED AFTER DECEMBER 31, 2025, FOR GOOD CAUSE SHOWN.**

**(9) A PERSON WHOSE CONVICTION IS SUBJECT TO A DIRECT APPEAL FOR WHICH A FINAL DISPOSITION HAS NOT BEEN REACHED MAY FILE A PETITION UNDER THIS SECTION.**

**10-105.3.**

**(A) IN THIS SECTION, “PERSONAL USE AMOUNT” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.**

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

**(2) ALL CHARGES PENDING ON JULY 1, 2022, FOR POSSESSION, POSSESSION WITH INTENT TO DISTRIBUTE, OR CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS BY A PERSON WHO IS AT LEAST 21 YEARS OLD SHALL BE DISMISSED.**

**(3) (I) A PERSON INCARCERATED OR UNDER SUPERVISION ON OR AFTER JULY 1, 2022, FOR AN OFFENSE INVOLVING THE POSSESSION, POSSESSION WITH INTENT TO DISTRIBUTE, OR CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS MAY PRESENT AN APPLICATION FOR RELEASE TO THE COURT THAT SENTENCED THE PERSON.**

**(II) 1. THE COURT SHALL GRANT THE PETITION AND VACATE THE CONVICTION.**

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

**(C) (1) A PERSON INCARCERATED OR UNDER SUPERVISION ON JULY 1, 2022, FOR AN OFFENSE INVOLVING THE POSSESSION, POSSESSION WITH INTENT TO DISTRIBUTE, CULTIVATION, PROCESSING, OR SALE OF CANNABIS MAY PRESENT AN APPLICATION FOR RESENTENCING TO THE COURT THAT SENTENCED THE PERSON REGARDLESS OF WHETHER THE PERSON HAS PREVIOUSLY FILED A PETITION FOR RESENTENCING.**

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

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

**(D) (1) A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE INVOLVING THE POSSESSION, POSSESSION WITH INTENT TO DISTRIBUTE, CULTIVATION, PROCESSING, OR SALE OF CANNABIS NOT LISTED IN § 8-303(A) OF THIS SUBTITLE WHO IS NOT INCARCERATED OR UNDER SUPERVISION AT THE TIME OF THE PETITION MAY PRESENT AN APPLICATION FOR EXPUNGEMENT TO THE COURT.**

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

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

**(2) ON AND AFTER JANUARY 1, 2024, ANY INDIVIDUAL PETITIONING FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION IS ELIGIBLE FOR REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.**

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

**(2) IN A FACTUAL DISPUTE WITHIN A PROCEEDING UNDER THIS SECTION, THE PROSECUTION SHALL BEAR THE BURDEN OF PROOF BY A**

**PREPONDERANCE OF THE EVIDENCE.**

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

**(G) FUNDS SHALL BE ALLOCATED BY THE OFFICE OF SOCIAL EQUITY FROM THE COMMUNITY REINVESTMENT AND REPAIR FUND TO COVER THE COST TO THE OFFICE OF THE PUBLIC DEFENDER, STATE’S ATTORNEY’S OFFICES, AND COURTS, AS PART OF THE COST OF ADMINISTERING TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

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

### **Article – Economic Development**

5–1501.

(a) There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Department.

(b) (1) (i) The Account shall receive money as required under § 9–1A–27 of the State Government Article.

(ii) The Account shall receive money from the Strategic Energy Investment Fund as required under § 9–20B–05 of the State Government Article.

**(III) THE ACCOUNT SHALL RECEIVE MONEY FROM THE CANNABIS REGULATION FUND AS REQUIRED UNDER § 12.5–103 OF THE TAX – GENERAL ARTICLE.**

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Department, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Department as provided under subsection (c) of this section.

(c) (1) In this subsection, “eligible fund manager”:

(i) means an entity that has significant financial or investment experience, under criteria developed by the Department; and

(ii) includes an entity that the Department designates to manage funds received under subsection (b)(1)(i) of this section.

(2) Subject to the provisions of paragraph (3) of this subsection, the Department shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women–owned businesses in the State.

(3) Except for money received from the Strategic Energy Investment Fund **OR THE CANNABIS REGULATION FUND**, the Department shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women–owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(d) (1) Any money received from the Strategic Energy Investment Fund shall be used to benefit small, minority, women–owned, and veteran–owned businesses in the clean energy industry in the State.

(2) The Department shall make grants to eligible fund managers to provide investment capital, including direct equity investments and similar investments and loans to small, minority, women–owned, and veteran–owned businesses in the clean energy industry in the State.

**(E) (1) ANY MONEY RECEIVED FROM THE CANNABIS REGULATION FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, WOMEN–OWNED, AND VETERAN–OWNED BUSINESSES IN THE CANNABIS INDUSTRY IN THE STATE.**

**(2) THE DEPARTMENT SHALL MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL, INCLUDING DIRECT EQUITY INVESTMENTS AND SIMILAR INVESTMENTS AND LOANS TO SMALL, MINORITY, WOMEN–OWNED, AND VETERAN–OWNED BUSINESSES IN THE CANNABIS INDUSTRY IN THE STATE.**

**[(e)] (F)** Fund managers receiving grants under this section shall:

(1) keep proper records of funds and accounts;

(2) provide an annual report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on investment capital and loans made ~~[pursuant to]~~ **IN ACCORDANCE WITH** subsection (c) of this section; and

(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

~~[(f)]~~ **(G)** (1) Subject to paragraph (2) of this subsection, an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.

(2) The Department shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.

~~[(g)]~~ **(H)** (1) Subject to paragraphs (2) through (4) of this subsection, an eligible fund manager may use money from a grant received under subsection (d)(1) of this section to pay ordinary and reasonable expenses for administrative, actuarial, legal, marketing, and technical services and management fees.

(2) The Department shall:

(i) maintain all money received from the Strategic Energy Investment Fund in a single account; ~~[and]~~

**(II) MAINTAIN ALL MONEY RECEIVED FROM THE CANNABIS REGULATION FUND IN A SINGLE ACCOUNT; AND**

~~[(ii)]~~ **(III)** make grant allocations to an eligible fund manager as the manager advises the Department that the manager has approved and prepared to fund an investment or a loan.

(3) Any allocation that the Department makes to an eligible fund manager from the Strategic Energy Investment Fund shall include:

(i) the amount of the investment or loan; and

(ii) up to an additional 3% of the total investment or loan commitment amount as a management fee for the benefit and compensation of the eligible fund manager.

(4) An eligible fund manager that receives an allocation from the Strategic Energy Investment Fund shall retain for the manager's benefit:

- (i) all management fees paid by the Department; and
- (ii) all interest earned from a loan made by the eligible fund manager under this subsection.

**[(h)] (I)** (1) Notwithstanding any provisions in this section to the contrary, this subsection applies to businesses in areas of the State that are:

- (i) declared to be federal disaster areas;
- (ii) subject to a federal declaration of emergency; or
- (iii) subject to an official declaration of emergency by the Governor.

(2) In an area of the State described in paragraph (1) of this subsection, an eligible fund manager may:

(i) provide financial assistance under this section to a small, minority, or women–owned business in the form of a grant; or

(ii) convert to a grant part or all of a loan that was provided to a small, minority, or women–owned business before the area was declared a federal disaster area or became subject to a declaration of emergency.

(3) (i) The amount of any grant or loan converted to a grant under this subsection may not exceed \$50,000 for a single business.

(ii) The aggregate total of financial assistance provided in the form of grants and loans converted to grants under this subsection may not exceed \$10,000,000 in a fiscal year.

**[(i)] (J)** The Legislative Auditor shall audit the utilization of the funds that are allocated to small, minority, and women–owned businesses by eligible fund managers under subsection (c)(3) of this section during an audit of the applicable State unit as provided in § 2–1220 of the State Government Article.

**[(j)] (K)** (1) On or before October 1 each year, the Department shall submit a report on the status of money received from the Strategic Energy Investment Fund under subsection (d) of this section to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article.

(2) With respect to the preceding fiscal year and each relevant prior fiscal year, the report shall include:

- (i) the amounts received from the Fund;
- (ii) the amounts placed as grants with eligible fund managers; and

- (iii) with respect to each eligible fund manager:
1. the identity of the manager;
  2. the money provided to the manager;
  3. the investments made by the manager;
  4. the amounts retained by the manager as expenses and management fees;
  5. the small, minority, women-owned, and veteran-owned businesses receiving the investments; and
  6. the status of the investments listed under item 5 of this item, along with any return made on each investment.

## **Article – Health – General**

### **TITLE 23. CANNABIS.**

#### **SUBTITLE 1. DEFINITIONS.**

#### **23–101.**

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

**(B) “CANNABIS” HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.**

**(C) “CANNABIS ACCESSORIES” MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING CANNABIS, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY.**

**(D) “CANNABIS ESTABLISHMENT” MEANS A CULTIVATOR, A DELIVERY SERVICE, A PROCESSOR, A RETAILER, AN INDEPENDENT TESTING LABORATORY, A TRANSPORTER, AN ON–SITE CONSUMPTION ESTABLISHMENT, OR ANY OTHER TYPE OF CANNABIS BUSINESS LICENSED UNDER THIS TITLE AND AUTHORIZED BY THE COMMISSION.**

(E) “CANNABIS ESTABLISHMENT AGENT” OR “AGENT” MEANS AN EMPLOYEE OR OTHER AUTHORIZED PERSON WHO ACTS FOR OR AT THE DIRECTION OF A CANNABIS ESTABLISHMENT.

(F) “CANNABIS PRODUCTS” MEANS PRODUCTS THAT ARE COMPOSED OF CANNABIS, CANNABIS CONCENTRATE, OR CANNABIS EXTRACT AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

(G) “CANNABIS REGULATION FUND” MEANS THE FUND ESTABLISHED UNDER § 12.5-103 OF THE TAX – GENERAL ARTICLE.

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

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

(J) “COMMISSION” MEANS THE ALCOHOL AND TOBACCO COMMISSION OR ITS SUCCESSOR AGENCY.

(K) “CONSUMER” MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO PURCHASES CANNABIS OR CANNABIS PRODUCTS FOR PERSONAL USE BY INDIVIDUALS AT LEAST 21 YEARS OLD.

(L) “CULTIVATOR” MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT:

(1) CULTIVATES OR PACKAGES CANNABIS; AND

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

(M) “DELIVERY SERVICE” MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT IS AUTHORIZED BY THE COMMISSION TO DELIVER CANNABIS TO CONSUMERS.

(N) “FUND” MEANS THE COMMUNITY REINVESTMENT AND REPAIR FUND ESTABLISHED UNDER § 23-201 OF THIS TITLE.

(O) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY,



OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.

(P) “LOCALITY” MEANS A COUNTY, A MUNICIPAL CORPORATION, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE.

(Q) “MEDICAL CANNABIS DISPENSARY” MEANS A DISPENSARY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

(R) “MEDICAL CANNABIS GROWER” MEANS A GROWER LICENSED UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

(S) “MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY” MEANS AN INDEPENDENT TESTING LABORATORY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

(T) “MEDICAL CANNABIS PROCESSOR” MEANS A PROCESSOR LICENSED UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

(U) “ON-SITE CONSUMPTION ESTABLISHMENT” MEANS AN ENTITY LICENSED UNDER THIS TITLE AND AUTHORIZED BY THE COMMISSION AND THE LOCALITY IN WHICH IT IS LOCATED TO SELL CANNABIS OR CANNABIS PRODUCTS FOR ON-SITE CONSUMPTION.

(V) “PERSONAL USE AMOUNT” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

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

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

(II) PACKAGE AND LABEL CANNABIS.

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

(X) (1) “PUBLIC PLACE” MEANS ANY PLACE TO WHICH THE GENERAL PUBLIC HAS ACCESS.

(2) “PUBLIC PLACE” DOES NOT INCLUDE:

(I) AN ON-SITE CONSUMPTION ESTABLISHMENT; OR

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

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

(Z) “RETAILER” MEANS AN ENTITY LICENSED TO:

(1) PURCHASE CANNABIS FROM CANNABIS ESTABLISHMENTS; AND

(2) SELL CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS.

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

## SUBTITLE 2. COMMUNITY REINVESTMENT AND REPAIR FUND.

23-201.

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

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO COMMUNITY-BASED ORGANIZATIONS THAT SERVICE COMMUNITIES DETERMINED BY THE OFFICE OF THE ATTORNEY GENERAL TO HAVE BEEN THE MOST IMPACTED BY DISPROPORTIONATE ENFORCEMENT OF THE CANNABIS PROHIBITION BEFORE JULY 1, 2022.

(3) THE COMPTROLLER SHALL ADMINISTER THE FUND.

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

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

(5) THE FUND CONSISTS OF:

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

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED BY THE COMPTROLLER FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.

(6) (I) THE FUND MAY BE USED ONLY FOR:

1. FUNDING COMMUNITY-BASED INITIATIVES INTENDED TO BENEFIT LOW-INCOME COMMUNITIES;

2. FUNDING COMMUNITY-BASED INITIATIVES THAT SERVE COMMUNITIES DISPROPORTIONATELY HARMED BY THE CANNABIS PROHIBITION AND ENFORCEMENT; AND

3. ANY RELATED ADMINISTRATIVE EXPENSES.

(II) MONEY MAY NOT BE EXPENDED FROM THE FUND FOR LAW ENFORCEMENT AGENCIES OR ACTIVITIES.

(III) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND MAY NOT SUPPLANT FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR PREEXISTING LOCAL GOVERNMENT PROGRAMS.

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

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

(I) THE GENERAL FUND OF THE STATE; OR

(II) ANY OTHER SPECIAL FUND OF THE STATE.

(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND.

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

(B) (1) THE COMPTROLLER SHALL DISTRIBUTE FUNDS FROM THE FUND TO THE COUNTIES IN AN AMOUNT THAT, FOR THE PERIOD FROM JULY 1, 2002, TO JUNE 30, 2022, BOTH INCLUSIVE, IS PROPORTIONATE TO THE TOTAL NUMBER OF MARIJUANA ARRESTS IN THE COUNTY COMPARED TO THE TOTAL NUMBER OF MARIJUANA ARRESTS IN THE STATE.

**(2) (I) SUBJECT TO THE LIMITATIONS UNDER SUBSECTION (A)(6) OF THIS SECTION, EACH COUNTY SHALL ADOPT A LAW ESTABLISHING THE PURPOSE FOR WHICH MONEY RECEIVED FROM THE FUND MAY BE USED.**

**(II) ON OR BEFORE DECEMBER 1 EVERY 2 YEARS, BEGINNING IN 2024, EACH LOCAL JURISDICTION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON HOW FUNDS RECEIVED FROM THE FUND WERE SPENT DURING THE IMMEDIATELY PRECEDING 2 FISCAL YEARS.**

### **SUBTITLE 3. CANNABIS REGULATION.**

**23-301.**

**(A) (1) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS TITLE.**

**(2) THE REGULATIONS MAY NOT:**

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

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

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

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

**(II) RULES, PROCEDURES, AND POLICIES TO PROMOTE AND ENCOURAGE FULL PARTICIPATION IN THE REGULATED CANNABIS INDUSTRY BY PEOPLE FROM COMMUNITIES THAT HAVE PREVIOUSLY BEEN DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION AND ENFORCEMENT AND TO POSITIVELY IMPACT THOSE COMMUNITIES, INCLUDING:**

**1. CONDUCTING NECESSARY AND APPROPRIATE OUTREACH TO DIVERSE GROUPS THAT MAY QUALIFY FOR PARTICIPATION IN**

ACTIVITIES UNDER THIS TITLE;

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

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

(III) AN APPLICATION REVIEW PROCESS FOR GRANTING LICENSES;

(IV) A PROCESS TO ALLOW CULTIVATORS TO MOVE TO ANOTHER TIER OF LICENSE;

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

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

2. BASES APPLICATION AND LICENSING FEES FOR CULTIVATION ON TIER, WITH SUBSTANTIALLY LOWER FEES FOR TIER 1 CULTIVATORS THAN FOR TIER 5 CULTIVATORS; AND

3. SETS APPLICATION AND LICENSING FEES FOR CLASS B PROCESSORS SUBSTANTIALLY LOWER THAN APPLICATION AND LICENSING FEES FOR CLASS A PROCESSORS;

(VI) QUALIFICATIONS FOR A LICENSE THAT ARE DIRECTLY AND DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS ESTABLISHMENT AND THAT DO NOT DISQUALIFY APPLICANTS FOR CANNABIS OFFENSES OCCURRING BEFORE JULY 1, 2022;

(VII) SECURITY REQUIREMENTS;

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

**(IX) REQUIREMENTS FOR DELIVERY SERVICES, INCLUDING:**

1. SECURITY REQUIREMENTS;
2. A PROHIBITION ON BUSINESS NAMES, LOGOS, AND OTHER IDENTIFYING LANGUAGE OR IMAGES ON DELIVERY VEHICLES; AND
3. A PROHIBITION ON DELIVERING TO ANY ADDRESS LOCATED ON LAND OWNED BY THE FEDERAL GOVERNMENT OR ANY ADDRESS ON LAND OR IN A BUILDING LEASED BY THE FEDERAL GOVERNMENT;

**(X) EMPLOYMENT AND TRAINING REQUIREMENTS THAT DO NOT DISQUALIFY APPLICANTS BASED ON CANNABIS OFFENSES OCCURRING BEFORE JULY 1, 2022, INCLUDING A REQUIREMENT THAT EACH CANNABIS ESTABLISHMENT CREATE AN IDENTIFICATION BADGE FOR EACH AGENT;**

**(XI) REQUIREMENTS DESIGNED TO PREVENT THE SALE OR DIVERSION OF CANNABIS AND CANNABIS PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 21 YEARS;**

**(XII) REQUIREMENTS FOR CANNABIS AND CANNABIS PRODUCTS SOLD OR DISTRIBUTED BY A CANNABIS ESTABLISHMENT, INCLUDING:**

1. A REQUIREMENT THAT LABELS BE ACCURATE AND NOT MISLEADING;
2. A REQUIREMENT THAT CANNABIS PRODUCT LABELS INCLUDE:
  - A. THE LENGTH OF TIME IT TYPICALLY TAKES FOR THE PRODUCT TO TAKE EFFECT;
  - B. A DISCLOSURE OF INGREDIENTS AND POSSIBLE ALLERGENS; AND
  - C. A NUTRITIONAL FACT PANEL;
3. A REQUIREMENT THAT CANNABIS PRODUCTS HAVE OPAQUE, CHILD-RESISTANT PACKAGING THAT IS DESIGNED OR CONSTRUCTED TO BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER THE AGE OF 5 YEARS TO OPEN AND NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY AS DEFINED BY 16 C.F.R. 1700.20 (1995); AND

4. A REQUIREMENT THAT EDIBLE CANNABIS PRODUCTS BE CLEARLY IDENTIFIABLE, WHEN PRACTICABLE, WITH A STANDARD SYMBOL INDICATING THAT IT CONTAINS CANNABIS;

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

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

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

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

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

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

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

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

E. TIER 5 CULTIVATOR THAT AUTHORIZES A

CULTIVATOR TO GROW A TOTAL CANOPY OF NOT MORE THAN 50,000 SQUARE FEET FOR INDOOR CULTIVATION OR 150,000 SQUARE FEET FOR OUTDOOR CULTIVATION; AND

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

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

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

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

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

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

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

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

(XXIII) REQUIREMENTS FOR RANDOM SAMPLE TESTING TO ENSURE QUALITY CONTROL, INCLUDING:



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

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

A. RESIDUAL SOLVENTS, POISONS, OR TOXINS;

B. HARMFUL CHEMICALS;

C. DANGEROUS MOLDS OR MILDEW;

D. FILTH; AND

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

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

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

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

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

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

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

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

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

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

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

**2. ANY ADVERSE EFFECTS UNIQUE TO YOUNGER ADULTS, INCLUDING EFFECTS RELATED TO BRAIN DEVELOPMENT;**

**3. POTENTIAL ADVERSE EVENTS AND OTHER RISKS; AND**

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

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

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

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

**(D) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED:**

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

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

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

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

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

**(II) A REASONABLE PERIOD OF TIME ELAPSES BEFORE THE TRANSFER.**

**(F) (1) IN AWARDING LICENSES UNDER THIS TITLE, THE COMMISSION SHALL ENSURE THAT AT LEAST 30% OF THE LICENSES AWARDED ARE AWARDED TO APPLICANTS THAT ARE 51% OR MORE OWNED BY MEMBERS OF A GROUP THAT HAS BEEN HISTORICALLY NEGATIVELY IMPACTED BY THE ENFORCEMENT OF THE CANNABIS PROHIBITION.**

**(2) IF THE COMMISSION FAILS TO COMPLY WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL DOCUMENT THE ACTIONS TAKEN BY THE COMMISSION TO COMPLY AND THE REASON FOR THE FAILURE.**

#### **SUBTITLE 4. CANNABIS LICENSING.**

**23-401.**

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

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

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

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

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

- (1) 1 YEAR ON INITIAL LICENSURE; AND**
- (2) 2 YEARS ON RENEWAL.**

**23-402.**

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

- (1) ONE CULTIVATOR; OR**
- (2) FIVE RETAILERS.**

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

**(C) A CULTIVATOR MAY NOT CULTIVATE MEDICAL CANNABIS UNLESS THE CULTIVATOR IS LICENSED AS A GROWER UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.**

**(D) A PROCESSOR MAY NOT PROCESS OR PRODUCE MEDICAL CANNABIS OR MEDICAL CANNABIS PRODUCTS UNLESS THE PROCESSOR IS LICENSED AS A PROCESSOR UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.**

**(E) A RETAILER MAY NOT SELL MEDICAL CANNABIS OR MEDICAL CANNABIS PRODUCTS TO PATIENTS UNLESS THE RETAILER IS LICENSED AS A DISPENSARY UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.**

**23-403.**

**(A) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE AN INDEPENDENT TESTING LABORATORY.**

**(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A CANNABIS ESTABLISHMENT, THE COMMISSION SHALL IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS**

NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.

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

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

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

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

(I) SECURITY AND RECORD-KEEPING PLANS;

(II) BUSINESS PLANS;

(III) KNOWLEDGE AND EXPERIENCE;

(IV) SUITABILITY OF EMPLOYEE TRAINING;

(V) DIVERSITY PLANS;

(VI) LABOR AND EMPLOYMENT PRACTICES;

(VII) ENVIRONMENTAL PLANS;

(VIII) VETERAN STATUS; AND

(IX) MARYLAND RESIDENCY.

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

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

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

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

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

(4) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.

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

23-404.

(A) (1) ON OR BEFORE OCTOBER 1, 2023, THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE A RETAILER FROM QUALIFIED APPLICANTS.

(2) ON OR BEFORE APRIL 1, 2024, THE COMMISSION SHALL INITIALLY ISSUE 47 RETAILER LICENSES IN A MANNER THAT EQUITABLY DISTRIBUTES THE LICENSES THROUGHOUT THE STATE AT THE RATE OF ONE LICENSE PER SENATORIAL DISTRICT.

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

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

(1) 50 POINTS AWARDED FOR SECURITY AND RECORD KEEPING BASED ON THE EXTENT TO WHICH THE SECURITY PLAN ACCOUNTS FOR THE

**PREVENTION OF THEFT OR DIVERSION OF CANNABIS, INCLUDING SAFE STORAGE OF CANNABIS AND CURRENCY, TRACKING PROCEDURES, AND A PLAN FOR THE DESTRUCTION AND DISPOSAL OF CANNABIS;**

**(2) 30 POINTS AWARDED FOR KNOWLEDGE AND EXPERIENCE BASED ON THE APPLICANT'S PRINCIPAL OFFICERS' DEMONSTRATED EXPERIENCE AND QUALIFICATIONS IN BUSINESS MANAGEMENT OR EXPERIENCE WITH THE CANNABIS INDUSTRY, WHICH MAY BE DEMONSTRATED THROUGH EXPERIENCE IN OTHER INDUSTRIES OR TRAINING THAT REFLECTS ON AN APPLICANT'S ABILITY TO OPERATE A CANNABIS BUSINESS ESTABLISHMENT;**

**(3) 30 POINTS AWARDED FOR BUSINESS PLAN, FINANCIALS, OPERATING, AND FLOOR PLANS;**

**(4) 30 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 51% OR MORE OWNED BY MEMBERS OF A GROUP THAT HAS BEEN HISTORICALLY NEGATIVELY IMPACTED BY THE ENFORCEMENT OF THE CANNABIS PROHIBITION;**

**(5) 30 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 51% OR MORE OWNED AND CONTROLLED BY STATE RESIDENTS WHO CAN PROVE RESIDENCY IN EACH OF THE IMMEDIATELY PRECEDING 5 YEARS WITH TAX RECORDS;**

**(6) 30 POINTS FOR A PLAN TO ENGAGE WITH THE COMMUNITY IN WHICH THE APPLICANT WILL BE LOCATED;**

**(7) 20 POINTS AWARDED FOR A DIVERSITY PLAN BASED ON A NARRATIVE OF NOT MORE THAN 2,500 WORDS THAT ESTABLISHES A GOAL OF DIVERSITY IN OWNERSHIP, MANAGEMENT, EMPLOYMENT, AND CONTRACTING TO ENSURE THAT DIVERSE PARTICIPANTS AND GROUPS ARE AFFORDED EQUALITY OF OPPORTUNITY;**

**(8) 10 POINTS AWARDED FOR THE SUITABILITY OF THE EMPLOYEE TRAINING PLAN BASED ON THE EXTENT TO WHICH THE APPLICANT'S TRAINING PLAN WILL ENSURE THAT EMPLOYEES UNDERSTAND THE RULES AND LAWS, ARE KNOWLEDGEABLE ABOUT SECURITY MEASURES AND OPERATING PROCEDURES, AND ARE ABLE TO ADVISE CONSUMERS ON HOW TO SAFELY CONSUME PRODUCTS AND USE INDIVIDUAL PRODUCTS THAT ARE OFFERED;**

**(9) 15 POINTS AWARDED FOR LABOR AND EMPLOYMENT PRACTICES BASED ON PLANS TO PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL WORKING ENVIRONMENT FOR THE CANNABIS ESTABLISHMENT'S AGENTS, INCLUDING CODES OF CONDUCT, HEALTH CARE BENEFITS, EDUCATIONAL**

**BENEFITS, RETIREMENT BENEFITS, AND LIVING WAGE STANDARDS;**

**(10) 10 POINTS AWARDED BASED ON AN ENVIRONMENTAL PLAN OF ACTION TO MINIMIZE THE CARBON FOOTPRINT, ENVIRONMENTAL IMPACT, AND RESOURCE NEEDS FOR THE DISPENSARY; AND**

**(11) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 26% OR MORE CONTROLLED AND OWNED BY AN INDIVIDUAL OR INDIVIDUALS WHO MEET THE QUALIFICATIONS OF A VETERAN AS DEFINED BY § 9-901 OF THE STATE GOVERNMENT ARTICLE.**

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

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

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

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

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

**(4) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.**

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



(A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2025, THE COMMISSION SHALL EVALUATE THE CANNABIS MARKET IN THE STATE AND SOLICIT INPUT FROM THE PUBLIC AND STAKEHOLDERS REGARDING:

(1) DIVERSITY IN OWNERSHIP, MANAGEMENT, AND STAFFING OF THE CANNABIS INDUSTRY IN THE STATE;

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

(3) ANY ANTICIPATED OR ACTUAL CHANGES TO FEDERAL LAW OR OTHER FACTORS THAT MAY WARRANT REVISIONS TO THIS TITLE.

(B) ON OR BEFORE JANUARY 1, 2027, AND BEFORE ANY ADDITIONAL CULTIVATION LICENSES ARE ISSUED UNDER § 23-406 OF THIS SUBTITLE, THE COMMISSION SHALL COMMISSION A STUDY OF THE CANNABIS MARKET IN THE STATE, WHICH SHALL ADDRESS:

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

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

(3) WHETHER ADDITIONAL SUPPLY IS NEEDED.

(C) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2025, THE COMMISSION SHALL REPORT ITS RECOMMENDATIONS, BASED ON THE FINDINGS OF THE SOLICITATIONS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION, TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, FOR ANY CHANGES TO CANNABIS REGULATION AND TAXATION, INCLUDING:

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

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

(A) THE COMMISSION MAY ACCEPT ADDITIONAL APPLICATIONS FOR CULTIVATORS AND RETAILERS BEGINNING FEBRUARY 1, 2027.

(B) ADDITIONAL CULTIVATION LICENSES MAY BE ISSUED ONLY IF THE STUDY DONE IN ACCORDANCE WITH § 23-405(B) OF THIS SUBTITLE DETERMINES THAT ADDITIONAL SUPPLY IS NEEDED.

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

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

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

(2) EXPECTED CULTIVATION EXPANSION BY EXISTING CULTIVATORS;  
AND

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

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

**23-407.**

(A) ON OR BEFORE AUGUST 1, 2024, THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE AS A CLASS A OR CLASS B PROCESSOR FROM ANY QUALIFIED APPLICANT.

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

(C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR A RENEWAL

APPLICATION, THE COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL LICENSE TO THE APPLICANT, UNLESS THE COMMISSION:

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

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

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

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

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

#### SUBTITLE 5. LOCAL REGULATIONS.

#### 23-501.

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

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

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

(3) A LOCALITY MAY NOT:

(I) PROHIBIT TRANSPORTATION THROUGH THE LOCALITY OR

DELIVERIES WITHIN THE LOCALITY BY CANNABIS ESTABLISHMENTS LOCATED IN OTHER JURISDICTIONS;

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

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

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

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

#### SUBTITLE 6. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.

#### 23-601.

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

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

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

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE NOT UNLAWFUL UNDER STATE LAW OR THE LAW OF ANY POLITICAL SUBDIVISION OF THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD:

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

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

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

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

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

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

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

**23-602.**

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

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

**23-603.**

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT

UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION OF THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS FOR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD TO MANUFACTURE, POSSESS, OR PURCHASE CANNABIS ACCESSORIES, OR TO DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO:

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

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

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

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

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

23-604.

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

(1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD IN POSSESSION OF AN AMOUNT OF CANNABIS OR CANNABIS PRODUCT FOR ADULT USE THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT;

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

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

(4) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO

TEST, TRANSPORT, OR DISPOSE OF CANNABIS, CANNABIS PRODUCTS, OR CANNABIS WASTE UNDER THE PROVISIONS OF THIS TITLE.

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

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

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

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

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

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

(E) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN AND TISSUE TRANSPLANTS:

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

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

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

**(I) INGESTING CANNABIS IN THE WORKPLACE; OR**

**(II) WORKING WHILE IMPAIRED BY CANNABIS.**

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

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

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

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

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

**23-605.**

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



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

**23-606.**

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

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

**23-607.**

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

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

**23-608.**

**(A) A LAW ENFORCEMENT OFFICER EMPLOYED BY AN AGENCY THAT RECEIVES STATE OR LOCAL GOVERNMENT FUNDS MAY NOT EXPEND STATE OR LOCAL RESOURCES, INCLUDING THE OFFICER'S TIME, TO EFFECT ANY ARREST OR SEIZURE OF CANNABIS, OR CONDUCT ANY INVESTIGATION, ON THE SOLE BASIS OF ACTIVITY THE OFFICER BELIEVES TO CONSTITUTE A VIOLATION OF FEDERAL LAW IF THE OFFICER HAS REASON TO BELIEVE THAT THE ACTIVITY IS IN COMPLIANCE WITH THIS TITLE.**

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

**SUBTITLE 7. CONSTRUCTION OF TITLE.****23-701.**

**(A) THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE AN INDIVIDUAL TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR:**

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

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

**(3) POSSESSING CANNABIS, INCLUDING CANNABIS PRODUCTS, IN A LOCAL DETENTION FACILITY, COUNTY JAIL, STATE PRISON, REFORMATORY, OR OTHER CORRECTIONAL FACILITY, INCLUDING A FACILITY FOR THE DETENTION OF JUVENILE OFFENDERS.**

**(B) THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM SMOKING CANNABIS IN ANY PUBLIC PLACE WHERE TOBACCO SMOKING IS ALLOWED.**

**23-702.**

**(A) CONDUCT AUTHORIZED UNDER THIS TITLE MAY NOT BE THE BASIS FOR DENYING PUBLIC BENEFITS OR HOUSING OPPORTUNITIES.**

**(B) IN THE CASE OF RESIDENTIAL RENTAL PROPERTY, THE LANDLORD OR PROPERTY MANAGER:**

**(1) MAY NOT PROHIBIT THE POSSESSION OF CANNABIS OR THE CONSUMPTION OF CANNABIS BY MEANS OTHER THAN SMOKING; AND**

**(2) MAY PROHIBIT THE SMOKING OF CANNABIS PRODUCTS ON THE PREMISES IF:**

**(I) THE PROPERTY HAS IN PLACE A SMOKE-FREE POLICY; AND**

**(II) THERE IS A DESIGNATED OUTDOOR SMOKING AREA.**

**(C) A SCHOOL, COLLEGE, OR UNIVERSITY MAY NOT REFUSE TO ENROLL OR OTHERWISE PENALIZE AN INDIVIDUAL SOLELY FOR CONDUCT AUTHORIZED UNDER THIS TITLE UNLESS REQUIRED TO DO SO BY FEDERAL LAW.**

24-501.

(a) In this subtitle the following words have the meanings indicated.

(d) “Environmental tobacco **OR CANNABIS** smoke” means the complex mixture formed from the escaping smoke of a burning tobacco **OR CANNABIS** product or smoke exhaled by the smoker.

(g) “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco **OR CANNABIS**.

24-502.

It is the intent of the General Assembly that the State protect the public and employees from involuntary exposure to environmental tobacco **OR CANNABIS** smoke in indoor areas open to the public, indoor places of employment, and certain designated private areas.

24-503.

The purpose of this subtitle is to preserve and improve the health, comfort, and environment of the people of the State by limiting exposure to environmental tobacco **OR CANNABIS** smoke.

24-504.

Except as provided in § 24-505 of this subtitle, beginning on February 1, 2008, a person may not smoke in:

(1) An indoor area open to the public;

(2) An indoor place in which meetings are open to the public in accordance with Title 3 of the General Provisions Article;

(3) A government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or

(4) An indoor place of employment.

24-507.

(a) The Department shall adopt regulations that prohibit environmental tobacco

**OR CANNABIS** smoke in indoor areas open to the public.

(b) On or before September 30 of each year, the Department shall report, in accordance with § 2–1257 of the State Government Article, to the General Assembly on:

- (1) The enforcement efforts of the Department to eliminate environmental tobacco **OR CANNABIS** smoke in indoor areas open to the public during the prior year; and
- (2) The results of these enforcement efforts.

24–508.

(a) Subject to subsection (c) of this section and except as provided in subsection (d) of this section, a person who violates a provision of this subtitle or a regulation adopted under § 24–507(a) of this subtitle:

- (1) For a first violation, shall be issued a written reprimand by the Secretary or the Secretary’s designee;
- (2) For a second violation, is subject to a civil penalty of \$100; and
- (3) For each subsequent violation, is subject to a civil penalty not less than \$250.

24–510.

Nothing in this subtitle shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to reduce involuntary exposure to environmental tobacco **OR CANNABIS** smoke.

## **Article – Tax – General**

### **TITLE 12.5. CANNABIS TAX.**

**12.5–101.**

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

**(B) (1) UNTIL APRIL 1, 2026, A 10% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE TO A CONSUMER.**

**(2) FROM APRIL 1, 2026, TO MARCH 30, 2028, BOTH INCLUSIVE, A 15% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A**

**CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE TO A CONSUMER.**

**(3) BEGINNING APRIL 1, 2028, A 20% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE TO A CONSUMER.**

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

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

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

**12.5–102.**

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

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

**12.5–103.**

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

**(2) THERE IS A CANNABIS REGULATION FUND.**

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

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

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

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

**(6) THE FUND CONSISTS OF:**

**(I) ALL APPLICATION AND LICENSING FEES PAID BY CANNABIS ESTABLISHMENTS UNDER TITLE 23, SUBTITLE 4 OF THE HEALTH – GENERAL ARTICLE;**

**(II) ALL TAXES COLLECTED UNDER § 12.5-101 OF THIS TITLE;  
AND**

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

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

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

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

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

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

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

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

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

**(I) 60% TO THE COMMUNITY REINVESTMENT AND REPAIR FUND ESTABLISHED UNDER § 23-204 OF THE HEALTH – GENERAL ARTICLE;**

**(II) 2% TO THE SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 5-1501 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND**

**(III) THE REMAINDER TO THE GENERAL FUND OF THE STATE.**

**12.5-104.**

**NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN COMPUTING NET INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES UNDER STATE LAW, THERE SHALL BE ALLOWED AS A DEDUCTION FROM STATE TAXES ALL THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A CANNABIS ESTABLISHMENT AS DEFINED BY § 23-101 OF THE HEALTH – GENERAL ARTICLE, OR AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE, INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.**