

# HOUSE BILL 506

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3lr1728

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By: **Delegates Grammer and Moon**

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Manufacturing of Controlled Dangerous Substances – Cannabis**  
3 **Products and Concentrated Cannabis**

4 FOR the purpose of authorizing a person at least a certain age to manufacture a personal  
5 use amount of cannabis products or concentrated cannabis for personal use or adult  
6 sharing at a private residence if the manufacturing process does not involve the use  
7 of a volatile solvent; and generally relating to manufacturing of cannabis products  
8 and concentrated cannabis.

9 BY repealing and reenacting, without amendments,  
10 Article – Criminal Law  
11 Section 5–101(a) and (u) and 5–602  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2022 Supplement)  
14 (As enacted by Section 4 of Chapter 26 of the Acts of the General Assembly of 2022)

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 5–603  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2022 Supplement)

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

### Article – Criminal Law

22 5–101.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (u) “Personal use amount” means:

2 (1) an amount of usable cannabis that does not exceed 1.5 ounces;

3 (2) an amount of concentrated cannabis that does not exceed 12 grams;

4 (3) an amount of cannabis products containing  
5 delta-9-tetrahydrocannabinol that does not exceed 750 milligrams; or

6 (4) two or fewer cannabis plants.

7 5-602.

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

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

10 (2) possess a controlled dangerous substance other than cannabis in  
11 sufficient quantity reasonably to indicate under all circumstances an intent to distribute or  
12 dispense a controlled dangerous substance.

13 (b) (1) Except as otherwise provided in this title, a person may not possess  
14 cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to  
15 distribute or dispense cannabis.

16 (2) Possession of the civil use amount of cannabis or the personal use  
17 amount of cannabis without other evidence of an intent to distribute or dispense does not  
18 constitute a violation of paragraph (1) of this subsection.

19 (c) (1) (i) In this subsection, “adult sharing” means transferring cannabis  
20 between persons who are 21 years of age or older without remuneration.

21 (ii) “Adult sharing” does not include instances in which:

22 1. cannabis is given away contemporaneously with another  
23 reciprocal transaction between the same parties;

24 2. a gift of cannabis is offered or advertised in conjunction  
25 with an offer for the sale of goods or services; or

26 3. a gift of cannabis is contingent on a separate reciprocal  
27 transaction for goods or services.

28 (2) This section does not prohibit, and no civil or criminal penalty may be  
29 imposed for, adult sharing of the personal use amount of cannabis.

30 5-603.

1 (a) Except as otherwise provided in this title, a person may not manufacture a  
2 controlled dangerous substance other than cannabis, or manufacture, distribute, or possess  
3 a machine, equipment, instrument, implement, device, or a combination of them that is  
4 adapted to produce a controlled dangerous substance other than cannabis under  
5 circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a  
6 controlled dangerous substance other than cannabis in violation of this title.

7 (b) Except as otherwise provided in this title, a person may not cultivate or grow  
8 cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a  
9 machine, equipment, an instrument, an implement, a device, or a combination of them that  
10 is adapted to produce cannabis or a cannabis product under circumstances that reasonably  
11 indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in  
12 violation of this title.

13 (c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
14 MEANINGS INDICATED.

15 (ii) "ADULT SHARING" HAS THE MEANING STATED IN §  
16 5-602(C)(1) OF THIS SUBTITLE.

17 (iii) 1. "VOLATILE SOLVENT" MEANS A SOLVENT THAT IS OR  
18 PRODUCES A FLAMMABLE GAS OR VAPOR THAT, WHEN PRESENT IN THE AIR IN  
19 SUFFICIENT QUANTITIES, WILL CREATE EXPLOSIVE OR IGNITABLE MIXTURES.

20 2. "VOLATILE SOLVENT" INCLUDES BUTANE, HEXANE,  
21 AND PROPANE.

22 (2) A PERSON WHO IS AT LEAST 21 YEARS OLD MAY MANUFACTURE A  
23 PERSONAL USE AMOUNT OF CANNABIS PRODUCTS OR CONCENTRATED CANNABIS  
24 FOR PERSONAL USE OR ADULT SHARING AT A PRIVATE RESIDENCE IF THE  
25 MANUFACTURING PROCESS DOES NOT INVOLVE THE USE OF A VOLATILE SOLVENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2023, contingent on the taking effect of Section 4 of Chapter 26 of the Acts of the  
28 General Assembly of 2022, and if Section 4 of Chapter 26 does not take effect, this Act, with  
29 no further action required by the General Assembly, shall be null and void.