

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 506  
Judiciary

(Delegates Grammer and Moon)

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**Criminal Law - Manufacturing of Controlled Dangerous Substances - Cannabis  
Products and Concentrated Cannabis**

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This bill authorizes a person who is at least age 21 to manufacture a personal use amount of cannabis products or concentrated cannabis for personal use or adult sharing at a private residence if the manufacturing process does not involve the use of a “volatile solvent.” A “volatile solvent” is defined as a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. **The bill takes effect October 1, 2023, contingent upon Section 4 of Chapter 26 of 2022 taking effect. (Section 4 of Chapter 26 is set to take effect July 1, 2023.)**

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State government operations or finances, including the workload of the District Court, State incarceration expenditures, and the workload of the Office of the Public Defender.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances, including the workload of the circuit courts, local incarceration expenditures, and the workload of State’s Attorneys’ offices.

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *Possession of Cannabis*

Pursuant to Chapter 26 and the passage of the associated constitutional referendum, as of January 1, 2023, statute distinguishes between a “personal use amount” and a “civil use amount” of cannabis. **Exhibit 1** shows a comparison of what is included under the definitions of each of these terms.

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### **Exhibit 1** **Comparison of “Personal Use Amount” and “Civil Use Amount” Definitions**

#### **Personal Use Amount**

- Up to 1.5 ounces of usable cannabis;
- Up to 12 grams of concentrated cannabis;
- Cannabis products containing up to 750 milligrams of delta-9-THC; or
- (As of July 1, 2023) up to two cannabis plants

#### **Civil Use Amount**

- More than 1.5 ounces but not more than 2.5 ounces of usable cannabis;
- More than 12 grams but not more than 20 grams of concentrated cannabis; or
- Cannabis products containing more than 750 milligrams but not more than 1,250 milligrams of delta-9-THC

Note: Effective July 1, 2023, “personal use amount” also includes up to two cannabis plants. Cannabis plants are not included in the definition of the civil use amount of cannabis; thus, cultivating any number of plants from January 1, 2023, to June 30, 2023, and more than two plants as of July 1, 2023, is a criminal misdemeanor with a maximum penalty of imprisonment for three years and/or a \$5,000 fine.

Source: Department of Legislative Services

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As of July 1, 2023, (1) a person at least age 21 may possess the personal use amount of cannabis; (2) possession of the personal use amount of cannabis by a person younger than age 21 and possession of the civil use amount of cannabis are subject to civil penalties; and (3) possession of more than the civil use amount of cannabis is subject to a criminal penalty.

### *Possession with the Intent to Distribute and Adult Sharing of Cannabis*

As of January 1, 2023, a person may not possess cannabis in sufficient quantity to reasonably indicate under all circumstances an intent to distribute or dispense cannabis. However, possession of the personal use amount of cannabis or the civil use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of this prohibition. A police officer must charge a violation of this provision by citation, as specified. A person who violates this provision is guilty of a misdemeanor and subject to a maximum penalty of imprisonment for three years and/or a \$5,000 fine.

Effective July 1, 2023, the prohibition against distributing, dispensing, or possessing with the intent to distribute a controlled dangerous substance does not prohibit adult sharing of the personal use amount of cannabis. A civil or criminal penalty may not be imposed for “adult sharing” (generally defined as the transfer of cannabis between persons who are at least age 21 without remuneration) of the personal use amount of cannabis. “Adult sharing” does not include instances in which (1) cannabis is given away contemporaneously with another reciprocal transaction between the same parties; (2) a gift of cannabis is offered or advertised in conjunction with an offer for the sale of goods or services; or (3) a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.

### *Cultivating Cannabis*

Between January 1, 2023, and June 30, 2023, an individual is prohibited from cultivating cannabis. Effective July 1, 2023, a person at least age 21 may cultivate up to two cannabis plants. However, no more than two cannabis plants may be cultivated at a single residence where two or more people at least age 21 reside. A person who cultivates cannabis must (1) cultivate cannabis in a location outside of public view; (2) take reasonable precautions, as specified, to ensure the plants are secure from unauthorized access and access by an underage person; and (3) only cultivate cannabis on property the cultivator lawfully possesses or with the consent of the property’s lawful possessor. An underage person may not cultivate cannabis. A person who violates these provisions is guilty of a misdemeanor and subject to a maximum penalty of imprisonment for three years and/or a \$5,000 fine.

### *Manufacturing Cannabis Products*

A person may not manufacture a cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or a combination of them that is adapted to produce cannabis or a cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in violation of Title 5 of the Criminal Law Article. A police officer must charge a violation of this provision by citation. A person who violates this provision is guilty of a

misdemeanor and subject to a maximum penalty of imprisonment for three years and/or a \$5,000 fine.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Caroline and Prince George's counties; Alcohol and Tobacco Commission; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2023  
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