

Article - Alcoholic Beverages and Cannabis

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§36–407.

(a) (1) A person shall obtain an on–site consumption license from the Administration before operating a premises where cannabis may be consumed.

(2) The Administration may issue on–site consumption licenses authorizing an entity to operate a licensed premises on which cannabis may be consumed, but not smoked indoors, in accordance with this title and any regulations adopted under this title.

(3) An on–site consumption establishment may operate only if the county and, if applicable, the municipality, where the business is located have issued a permit or license that expressly allows the operation of the on–site consumption establishment.

(b) Subject to the limitations in § 36–405 of this subtitle, a county and, if applicable, a municipality may:

(1) prohibit the operation of on–site consumption establishments;

(2) prohibit or restrict the smoking or vaping of cannabis at on–site consumption establishments; or

(3) adopt zoning and planning requirements for on–site consumption establishments.

(c) (1) An on–site consumption license authorizes an entity to distribute cannabis or cannabis products for on–site consumption.

(2) An on–site consumption license does not authorize the holder of the license to:

(i) cultivate cannabis;

(ii) process cannabis or cannabis–infused products; or

(iii) add cannabis to food prepared or served on the premises.

(d) A business that has average daily receipts from the sale of bakery goods that are at least 50% of the average daily receipts of the business may apply for a license to operate an on-site consumption establishment.

(e) The Administration shall:

(1) maintain a list of all on-site consumption establishments in the State; and

(2) make the list available on its website.

(f) An on-site consumption establishment may not:

(1) allow on-duty employees of the business to consume cannabis on the licensed premises;

(2) distribute or allow the distribution of free samples of cannabis on the licensed premises;

(3) allow the consumption of alcohol on the licensed premises;

(4) allow the smoking or vaping of tobacco or tobacco products on the licensed premises;

(5) allow an activity on the licensed premises that would require an additional license under this title, including growing, processing, or dispensing;

(6) allow the indoor smoking of cannabis or cannabis products on the licensed premises;

(7) allow the use or consumption of cannabis by a patron who displays any visible signs of intoxication; or

(8) admit onto the licensed premises an individual who is under the age of 21 years.

(g) An on-site consumption establishment shall:

(1) require all employees to successfully complete an annual responsible vendor training program authorized under this title; and

(2) ensure that the display and consumption of cannabis or cannabis products are not visible from outside of the licensed premises.

(h) (1) An on-site cannabis establishment shall educate consumers by providing informational materials regarding the safe consumption of cannabis.

(2) The educational materials provided under paragraph (1) of this subsection must be based on the requirements established by the Cannabis Public Health Advisory Council established under § 13-4502 of the Health – General Article.

(i) This section does not prohibit a county or municipality from adopting additional requirements for education on the safe consumption of cannabis on the premises of a licensed on-site consumption establishment.

(j) A person may have an ownership interest in or control of, including the power to manage and operate, two on-site consumption establishments licensed under this section.

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