

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 299
Finance

(Senators Carozza and Feldman)

Cannabis Agents - Registration - Security Guards

This bill exempts a cannabis agent employed to provide security services for a cannabis licensee or registrant as a “security guard” or by a “security guard agency” (as defined under the Business Occupations and Professions Article), from the requirement to obtain a criminal history records check (CHRC) as a prerequisite for registration with the Maryland Cannabis Administration (MCA) if the cannabis agent is authorized to provide security guard services under Title 19, Subtitle 4 of the Business Occupations and Professions Article.

Fiscal Summary

State Effect: The bill’s changes are not anticipated to materially affect State finances or operations.

Local Effect: None.

Small Business Effect: Minimal. Cannabis licensees and registrants (many of which are small businesses) that employ security guards and security guard agencies benefit from the bill’s exemption and realize minimal savings and administrative efficiencies.

Analysis

Current Law:

Cannabis Agents

A “cannabis agent” is an employee, a volunteer, or any authorized person who acts for or at the direction of a cannabis licensee or registrant.

Before an agent may volunteer or work for a cannabis business licensee or registrant, the agent must register with MCA. An agent registration is valid for two years. To register as a cannabis agent, an individual must (1) be at least age 21 and (2) if the records are legally accessible, obtain a CHRC in accordance with specified procedures (which generally involve submitting fingerprints and specified fees, but may involve an alternate method as permitted by the Director of the Criminal Justice Information System Central Repository (CJIS-CR) and the Director of the Federal Bureau of Investigation (FBI)). MCA may not register as a cannabis agent an individual who fails to meet these criteria and may disqualify an individual from registering as a cannabis agent if the individual has been convicted of or pleaded *nolo contendere* to a crime involving moral turpitude. MCA may not deny a cannabis agent registration based on any cannabis-related offenses that occurred before July 1, 2023.

Security Guards and Security Guard Agencies

Under the Business Occupations and Professions Article, a “security guard agency” is a person who conducts a business that provides security guard services; the term does not include (1) a person that is primarily engaged in the business of owning, maintaining, or otherwise managing property or (2) a security guard employer. A “security guard” is an individual who, regardless of whether the individual is described as a security guard, watchman, or private patrolman or by other title, (1) is an employee of a security guard agency and provides security guard services to another person on behalf of the security guard agency or (2) is an employee of a security guard employer and provides security guard services to the security guard employer.

Under Title 19, Subtitle 3 of the Business Occupations and Professions Article, security guard agencies must be licensed by the Secretary of State Police. As part of the application process, the Department of State Police (DSP) must apply to CJIS-CR for a State and national CHRC for each applicant. As part of the application for a CHRC, DSP must submit to CJIS-CR (1) two complete sets of the applicant’s fingerprints, as specified; (2) the fee for access to Maryland criminal history records; and (3) the mandatory processing fee required by the FBI for a national CHRC.

Under Title 19, Subtitle 4 of the Business Occupations and Professions Article, subject to specified exceptions, a licensed security guard agency may provide an individual for hire as a security guard only if the individual is certified by the Secretary of State Police as a security guard. However, a licensed security guard agency may provide an uncertified individual for hire as a security guard if, among other things, the agency has submitted to the Secretary the application of the individual for certification, fingerprint cards, and CHRC fees, as specified. On receipt from an applicant for certification as a security guard, a licensed security guard agency or security guard employer must forward to the Secretary the applicant’s application, fingerprint cards, and CHRC fees.

Criminal History Records Checks and the Central Repository

CJIS-CR within the Department of Public Safety and Correctional Services collects, manages, and disseminates Maryland criminal history record information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. Each individual who uses CJIS-CR to conduct a CHRC is required to pay \$50.00 for a State and national CHRC, including a \$20 fingerprinting fee, a \$12.00 FBI fee, an \$18 fee to CJIS-CR.

Additional Information

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

Designated Cross File: None.

Information Source(s): Alcohol, Tobacco, and Cannabis Commission; Maryland Cannabis Administration; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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