Article - Alcoholic Beverages and Cannabis

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§36–101.

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

(b) "Academic research representative" means an individual who is:

(1) an employee or agent of an institution of higher education, a related medical facility, or an affiliated biomedical research firm that filed a registration with the Administration under § 36–701 of this title; and

(2) authorized to purchase medical cannabis for the institution of higher education, related medical facility, or affiliated biomedical research firm.

(c) "Administration" means the Maryland Cannabis Administration established under this title.

(c–1) "Cannabinoid beverage" means a beverage intended for human consumption by oral ingestion that:

(1) is suitable for beverage purposes;

(2) contains 5 milligrams or less of tetrahydrocannabinol, as defined in § 36–1102 of this title, per serving;

(3) is contained as a single–serving product;

(4) is lawfully produced by a cannabis licensee; and

(5) complies with:

(i) the laboratory testing standards established under § 36–203 of this title; and

(ii) the packaging and labeling standards established under §§ 36–203 and 36–203.1 of this title.

(d) "Cannabis agent" means an employee, a volunteer, or any other authorized person who acts for or at the direction of a cannabis licensee or cannabis registrant.

(e) "Cannabis business" means a business licensed or registered by the Administration to operate in the cannabis industry.

(f) "Cannabis concentrate" means a product derived from cannabis that is kief, hashish, bubble hash, oil, wax, or any other product produced by extracting cannabinoids from the plant through the use of solvents, carbon dioxide, or heat, screens, presses, or steam distillation.

(g) "Cannabis–infused product" means oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or any other product containing cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.

(h) "Cannabis licensee" means a business licensed by the Administration to operate in the cannabis industry.

(h–1) "Cannabis nursery" means a business that provides cannabis seeds, seedlings, immature plants, or clones to a cannabis business.

(i) "Cannabis products" means products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including cannabinoid beverages, edible products, oils, and tinctures.

(j) "Cannabis registrant" means an independent testing laboratory, a transporter, a security guard company, a waste disposal company, a cannabis nursery, and any other type of cannabis business registered under this title and authorized by the Administration.

(k) (1) "Canopy" means the total square footage of space used by a cannabis licensee for the production of flowering cannabis plants.

(2) "Canopy" includes each layer of flowering cannabis plants grown on any rack or shelving.

(3) "Canopy" does not include square footage used for:

(i) mother stock;

(ii) propagation;

(iii) immature or nonflowering plants;

(iv) processing;

(v) drying;

(vi) curing;

(vii) trimming;

(viii) storage;

(ix) offices;

(x) hallways;

(xi) pathways;

(xii) work areas; or

(xiii) other administrative and nonproduction uses.

(l) (1) "Caregiver" means:

(i) an individual who has agreed to assist with a qualifying patient's medical use of cannabis; and

(ii) for a qualifying patient under the age of 18 years:

1. a parent or legal guardian; and

2. not more than two additional adults designated by the parent or legal guardian.

(2) "Caregiver" does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(m) "Certifying provider" means an individual who:

(1) (i) 1. has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. is in good standing with the State Board of Physicians;

(ii) 1. has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

2. is in good standing with the State Board of Dental Examiners;

(iii) 1. has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. is in good standing with the State Board of Podiatric Medical Examiners;

(iv) 1. has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. is in good standing with the State Board of Nursing; or

(v) 1. has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article;

2. has an active collaboration agreement with a patient care team physician who is a certifying provider; and

3. is in good standing with the State Board of Physicians;

(2) has a State controlled dangerous substances registration; and

(3) is registered with the Administration to make cannabis available to patients for medical use in accordance with regulations adopted by the Administration.

(n) "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.

(o) (1) "Control" means:

(i) the decision–making authority over the management, operations, or policies that guide a business; or

(ii) authority over the operation of the technical aspects of a business.

(2) "Control" includes:

(i) holding a right to veto significant events;

(ii) the right or authority to make or veto decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;

(iii) the right or authority to appoint or remove directors, corporate–level officers, or their equivalent;

(iv) the right or authority to make major marketing, production, and financial decisions; and

(v) the right or authority to execute exclusive contracts or significant contracts in the aggregate of $10,000 or greater on behalf of the licensee.

(p) "Delivery service" means a cannabis licensee authorized to deliver cannabis in accordance with a micro license to operate a dispensary.

(q) "Dispensary" means an entity licensed under this title that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.

(r) "Disproportionately impacted area" means a geographic area identified by the Office of Social Equity that has had above 150% of the State's 10–year average for cannabis possession charges.

(s) (1) "Edible cannabis product" means a cannabis product intended for human consumption by oral ingestion, in whole or in part.

(2) "Edible cannabis product" includes a cannabis product that dissolves or disintegrates in the mouth.

(3) "Edible cannabis product" does not include any:

(i) cannabis concentrate;

(ii) cannabis–infused product, including an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or a cartridge; or

(iii) other dosage form that is recognized by the United States Pharmacopeia, the National Formulary, or the U.S. Food and Drug Administration and is approved by the Administration.

(t) "Grower" means an entity licensed under this title that:

(1) cultivates or packages cannabis; and

(2) is authorized by the Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.

(u) "Incubator space" means a facility operated in accordance with § 36–401(c)(3) of this title.

(v) "Independent testing laboratory" means a facility, an entity, or a site that is registered with the Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.

(w) "Institution of higher education" has the meaning stated in § 10–101 of the Education Article.

(x) "Micro license" means a license issued in accordance with § 36–401(c)(2) of this title.

(y) "On–site consumption establishment" means an entity licensed under § 36–401(c)(4) of this title to distribute cannabis or cannabis products for on–site consumption other than consumption by smoking indoors.

(z) "Owner" means a person with an ownership interest in a cannabis licensee.

(aa) "Ownership interest" means a direct or indirect equity interest in a cannabis licensee, including in its profits, revenues, shares, or stock.

(bb) "Passive investor" means an individual or an entity that:

(1) holds an aggregate ownership interest of less than 5% in a cannabis licensee; and

(2) does not have control of the cannabis licensee.

(cc) "Principal officer" means a board member, a president, a vice president, a secretary, a treasurer, a partner, an officer, or a managing member, or any other individual with a profit sharing, financial interest, or revenue sharing arrangement, including an individual with the authority to control a cannabis licensee.

(dd) "Processor" means an entity licensed under this title that:

(1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and

(2) is authorized by the Administration to provide cannabis to cannabis licensees and registered independent testing laboratories.

(ee) "Qualifying patient" means an individual who:

(1) has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and

(2) if under the age of 18 years, has a caregiver.

(ee–1) (1) "Single–serving product" means an edible cannabis product that:

(i) is individually packaged for retail sale;

(ii) does not exceed the serving limits established by the regulations of the Administration; and

(iii) is intended for immediate consumption.

(2) "Single–serving product" includes a cannabinoid beverage.

(ff) "Social equity applicant" means an applicant for a cannabis license or cannabis registration that:

(1) has at least 65% ownership and control held by one or more individuals who:

(i) have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;

(ii) attended a public school in a disproportionately impacted area for at least 5 years; or

(iii) for at least 2 years, attended a 4–year institution of higher education in the State where at least 40% of the individuals who attend the institution of higher education are eligible for a Pell Grant; or

(2) meets any other criteria established by the Administration.

(gg) (1) "Social equity licensee" means a social equity applicant who has been awarded a cannabis license or cannabis registration.

(2) "Social equity licensee" includes a grower, processor, or dispensary that:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not operational before October 1, 2022.

(hh) "Standard license" means a license issued in accordance with § 36–401(c)(1) of this title.

(ii) "Transporter" means an entity registered under this title to transport cannabis between cannabis licensees and registered independent testing laboratories.

(jj) (1) "Usable cannabis" means the dried leaves and flowers of the cannabis plant.

(2) "Usable cannabis" does not include seedlings, seeds, stems, stalks, or roots of the plant or the weight of any noncannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration.

(kk) "Written certification" means a certification that:

(1) is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship;

(2) includes a written statement certifying that, in the certifying provider's professional opinion, after having completed an assessment of the patient's medical history and current medical condition, the patient has a condition:

(i) that meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider's application; and

(ii) for which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(3) may include a written statement certifying that, in the certifying provider's professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

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