

# HOUSE BILL 1210

Q3  
HB 568/19 – W&M & HGO

0lr1719  
CF SB 146

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By: **Delegates Wilkins, Cain, Feldmark, W. Fisher, Grammer, Ivey, Kelly, Lierman, Lisanti, Palakovich Carr, Valderrama, and Washington**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Subtraction Modification – Expenses of Medical Cannabis Grower,**  
3 **Processor, Dispensary, or Independent Testing Laboratory**

4 FOR the purpose of allowing a subtraction modification under the Maryland income tax for  
5 certain expenses paid or incurred during the taxable year in carrying on a trade or  
6 business as a certain medical cannabis grower, processor, dispensary, or  
7 independent testing laboratory; providing for the application of this Act; and  
8 generally relating to an income tax subtraction modification for certain expenses of  
9 medical cannabis growers, processors, dispensaries, or independent testing  
10 laboratories.

11 BY repealing and reenacting, without amendments,  
12 Article – Tax – General  
13 Section 10–208(a) and 10–308(a)  
14 Annotated Code of Maryland  
15 (2016 Replacement Volume and 2019 Supplement)

16 BY adding to  
17 Article – Tax – General  
18 Section 10–208(y)  
19 Annotated Code of Maryland  
20 (2016 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Tax – General  
23 Section 10–308(b)  
24 Annotated Code of Maryland  
25 (2016 Replacement Volume and 2019 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



That the Laws of Maryland read as follows:

**Article – Tax – General**

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

**(Y) (1) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR A BUSINESS AS A MEDICAL CANNABIS GROWER, PROCESSOR, OR DISPENSARY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE OR AN INDEPENDENT TESTING LABORATORY REGISTERED IN ACCORDANCE WITH § 13–3311 OF THE HEALTH – GENERAL ARTICLE IF THE DEDUCTION FOR ORDINARY AND NECESSARY EXPENSES IS DISALLOWED UNDER § 280E OF THE INTERNAL REVENUE CODE.**

**(2) THE SUBTRACTION ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDES A REASONABLE ALLOWANCE FOR SALARIES OR OTHER COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED DURING THE TAXABLE YEAR.**

10–308.

(a) In addition to the modification under § 10–307 of this subtitle, the amounts under this section are subtracted from the federal taxable income of a corporation to determine Maryland modified income.

(b) The subtraction under subsection (a) of this section includes the amounts allowed to be subtracted for an individual under:

(1) § 10–208(d) of this title (Enhanced agricultural management equipment expenses);

(2) § 10–208(i) of this title (Reforestation or timber stand expenses);

(3) § 10–208(k) of this title (Wage expenses for targeted jobs); [and]

(4) § 10–208(p) of this title (Elevator handrails in health care facilities);

**AND**

**(5) § 10–208(Y) OF THIS TITLE (TRADE OR BUSINESS EXPENSES OF MEDICAL CANNABIS GROWER, PROCESSOR, DISPENSARY, OR INDEPENDENT**

1 TESTING LABORATORY).

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
3 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.