

HOUSE BILL 1400

E1, E4, J1

0lr0548

By: **Delegates Moon, Acevero, Carr, Charkoudian, Crutchfield, Feldmark, Fraser-Hidalgo, Korman, R. Lewis, Lierman, Love, McIntosh, Mosby, Palakovich Carr, Reznik, Shetty, and Turner**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Legalization, Taxation, and Regulation**

3 FOR the purpose of substituting the term “cannabis” for the term “marijuana” in certain
4 provisions of law; altering a certain quantity threshold and establishing a certain
5 age limit applicable to a certain civil offense of use or possession of cannabis;
6 establishing an exception to the existing prohibition on obtaining or attempting to
7 obtain a controlled dangerous substance or procuring or attempting to procure the
8 administration of a controlled dangerous substance under certain circumstances;
9 establishing a civil offense for use or possession of a certain amount of cannabis for
10 a person at least a certain age; repealing provisions of law requiring a court to
11 summon a certain person for trial under certain circumstances; repealing a certain
12 provision of law authorizing a court to impose a certain fine and costs against a
13 certain person and find the person guilty of a Code violation for a certain purpose;
14 prohibiting a person from smoking cannabis in a public place; providing that a
15 violation of the prohibition is a civil offense and providing a fine for a violation of the
16 prohibition; providing that adjudication of a violation of the prohibition is not a
17 criminal conviction for any purpose and does not impose certain civil disabilities;
18 providing for the form and issuance of a citation for a violation of the prohibition;
19 providing that a court shall summon a certain person for trial under certain
20 circumstances; requiring the Chief Judge of the District Court to establish a certain
21 prepayment schedule; providing for payment of a civil citation issued for a violation
22 of the prohibition; providing for a procedure for the prosecution of the civil offense;
23 providing for discovery, trial, and disposition in a case involving the violation of the
24 prohibition; providing that a defendant may be represented by a certain attorney
25 subject to a certain requirement; providing that a certain defendant is liable for
26 certain costs; providing that a State’s Attorney may enter a nolle prosequi, move to
27 place a certain case on a stet docket, and exercise authority in a certain manner
28 under certain circumstances; providing for a minor issued a citation for a violation
29 of the prohibition established by this Act; providing that a certain citation and official

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 record regarding the citation are not subject to public inspection and may not be
2 included on a certain public website maintained by the Maryland Judiciary under
3 certain circumstances; providing for the expungement of certain offenses relating to
4 cannabis; recodifying certain provisions of the Health – General Article related to
5 medical cannabis; expanding the applicability of certain provisions of law related to
6 medical cannabis to include adult–use cannabis; providing for the intent of the
7 General Assembly; renaming the Natalie M. LaPrade Medical Cannabis Commission
8 to be the Natalie M. LaPrade Maryland Cannabis Commission; altering the purpose
9 of the Commission; altering certain requirements for a certain website that the
10 Commission is required to develop and maintain; renaming a certain fund; altering
11 certain reporting requirements for the Commission; establishing the Natalie M.
12 LaPrade Minority Business Enterprise Fund as a special, nonlapsing fund;
13 specifying the purpose of the Fund; requiring the Maryland Department of Health
14 to administer the Fund; requiring the State Treasurer to hold the Fund and the
15 Comptroller to account for the Fund; specifying the contents of the Fund; specifying
16 the purpose for which the Fund may be used; providing for the investment of money
17 in and expenditures from the Fund; requiring the Commission to report to the
18 General Assembly certain information by a certain date; authorizing the Commission
19 to hire an independent actuary for a certain purpose; requiring the Department, in
20 consultation with the Commission, to establish a certain program and develop a
21 process for selecting certain applicants to receive reimbursement for a certain
22 expense; requiring the Department to adopt certain regulations; altering the number
23 of cannabis growers that the Commission may license; authorizing certain entities
24 to provide adult–use cannabis to certain persons under certain circumstances;
25 providing that a certain dispensary or dispensary agent may not be penalized or
26 arrested for certain conduct related to distributing or dispensing cannabis to an
27 individual who is at least 21 years of age; altering the number of cannabis processors
28 that the Commission may license; altering and establishing certain advertising
29 requirements related to cannabis; prohibiting a certain cannabis grower, processor,
30 or dispensary from selling, giving, or otherwise distributing to a certain individual
31 more than a certain amount of cannabis in a single transaction; prohibiting a certain
32 person under the age of 21 years from presenting or offering certain false or
33 fraudulent evidence for the purpose of purchasing or otherwise procuring cannabis;
34 establishing a certain penalty for a violation of the prohibition; providing that a
35 certain individual who is at least 21 years of age and in possession of a certain
36 amount of cannabis is not subject to arrest, prosecution, revocation of mandatory
37 supervision, parole, or probation, or any civil or administrative penalty; imposing a
38 certain excise tax on the sale or transfer of cannabis under certain circumstances;
39 imposing a certain sales and use tax on the sale of cannabis by certain persons;
40 authorizing a county, municipal corporation, special taxing district, or other political
41 subdivision of the State to impose a certain sales and use tax under certain
42 circumstances; requiring the Commission to adopt certain regulations with a certain
43 effective date to implement certain provisions of this Act on or before a certain date;
44 providing that the Commission shall be subject to certain regulations; providing for
45 the continuation and termination of certain licenses issued by the Commission;
46 establishing the intent of the General Assembly that certain provisions are
47 recodified; establishing that nothing in this Act affects a certain term of office;

1 establishing that nothing in this Act affects certain employment or transactions;
2 establishing the retention of certain units and the continuation of certain assets,
3 liabilities, and obligations; prohibiting certain documents from being used except
4 under certain circumstances; requiring the publisher of the Annotated Code of
5 Maryland, in consultation with and subject to the approval of the Department of
6 Legislative Services, to correct any cross-references or terminology rendered
7 incorrect by this Act and to describe any corrections made in an editor's note
8 following the section affected; providing for a delayed effective date for certain
9 provisions of this Act; defining certain terms; making conforming changes; making a
10 stylistic change; repealing a certain obsolete provision; and generally relating to
11 cannabis.

12 BY repealing

13 Article – Health – General

14 Section 13–3301 through 13–3316 and the subtitle “Subtitle 33. Natalie M. LaPrade
15 Medical Cannabis Commission”

16 Annotated Code of Maryland

17 (2019 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Criminal Law

20 Section 5–101

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2019 Supplement)

23 (As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

24 BY repealing and reenacting, with amendments,

25 Article – Criminal Law

26 Section 5–601, 5–601.1, 5–612(a)(1), 5–614(a)(1)(i) and (b)(1), 5–619(c), and
27 5–620(d)(2)

28 Annotated Code of Maryland

29 (2012 Replacement Volume and 2019 Supplement)

30 BY adding to

31 Article – Criminal Law

32 Section 5–601.2

33 Annotated Code of Maryland

34 (2012 Replacement Volume and 2019 Supplement)

35 BY adding to

36 Article – Criminal Procedure

37 Section 10–105.1

38 Annotated Code of Maryland

39 (2018 Replacement Volume and 2019 Supplement)

40 BY adding to

41 Article – Health – General

1 Section 23–101 through 23–802 to be under the new title “Title 23. Cannabis”
2 Annotated Code of Maryland
3 (2019 Replacement Volume)

4 BY adding to
5 Article – Tax – General
6 Section 12.5–101 and 12.5–102 to be under the new title “Title 12.5. Cannabis Tax”
7 Annotated Code of Maryland
8 (2016 Replacement Volume and 2019 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That Section(s) 13–3301 through 13–3316 and the subtitle “Subtitle 33. Natalie M. LaPrade
11 Medical Cannabis Commission” of Article – Health – General of the Annotated Code of
12 Maryland be repealed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
14 as follows:

15 **Article – Criminal Law**

16 5–101.

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

18 (b) “Administer” means to introduce a substance into the system of a human or
19 animal by injection, inhalation, ingestion, application to the skin, or any combination of
20 those methods or by any other means.

21 (c) (1) “Agent” means an employee or other authorized person who acts for or
22 at the direction of a manufacturer, distributor, or authorized provider.

23 (2) “Agent” does not include:

24 (i) a common carrier, contract carrier, or public warehouseman; or

25 (ii) an employee of a common carrier, contract carrier, or public
26 warehouseman.

27 (d) (1) “Authorized provider” means:

28 (i) a person licensed, registered, or otherwise allowed to administer,
29 distribute, dispense, or conduct research on a controlled dangerous substance in the State
30 in the course of professional practice or research; or

31 (ii) a pharmacy, laboratory, hospital, or other institution licensed,
32 registered, or otherwise allowed to administer, distribute, dispense, or conduct research on
33 a controlled dangerous substance in the State in the course of professional practice or

1 research.

2 (2) “Authorized provider” includes:

3 (i) a scientific investigator;

4 (ii) an individual authorized by the State to practice medicine,
5 dentistry, or veterinary medicine; and

6 (iii) an animal control facility licensed under § 2–305 of the
7 Agriculture Article.

8 (e) (1) “Cannabimimetic agents” means substances that are cannabinoid
9 receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional
10 assays within one of the following structural classes:

11 (i) 2–(3–hydroxycyclohexyl)phenol with substitution at the
12 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
13 cyclohexyl ring to any extent;

14 (ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by
15 substitution at the nitrogen atom of the indole ring, whether or not further substituted on
16 the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl
17 ring to any extent;

18 (iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of
19 the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and
20 whether or not substituted on the naphthoyl ring to any extent;

21 (iv) 1–(1–naphthylmethylene)indene by substitution of the
22 3–position of the indene ring, whether or not further substituted in the indene ring to any
23 extent and whether or not substituted on the naphthyl ring to any extent; or

24 (v) 3–phenylacetylindole or 3–benzoylindole by substitution at the
25 nitrogen atom of the indole ring, whether or not further substituted in the indole ring to
26 any extent and whether or not substituted on the phenyl ring to any extent.

27 (2) “Cannabimimetic agents” includes:

28 (i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–
29 phenol (CP–47,497);

30 (ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol
31 (cannabicyclohexanol or CP–47,497 C8–homolog);

32 (iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

- 1 (iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- 2 (v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
- 3 (vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- 4 (vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- 5 (viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
- 6 (ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- 7 (x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- 8 (xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
- 9 (xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
- 10 (xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);
- 11 (xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18
12 and RCS-8); and
- 13 (xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

14 (f) (1) **“CANNABIS” MEANS THE PLANT CANNABIS SATIVA L. AND ANY**
15 **PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**
16 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**
17 **A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A**
18 **DRY WEIGHT BASIS.**

19 (2) **“CANNABIS” DOES NOT INCLUDE HEMP AS DEFINED IN § 14-101**
20 **OF THE AGRICULTURE ARTICLE.**

21 (G) (1) **“Coca leaf” includes a leaf containing cocaine, the optical and geometric**
22 **isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture,**
23 **or preparation of a coca leaf.**

24 (2) **“Coca leaf” does not include a derivative of a coca leaf that does not**
25 **contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be**
26 **synthesized or made.**

27 [(g)] (H) (1) **“Controlled dangerous substance” means:**

28 (i) a drug or substance listed in Schedule I through Schedule V; or

1 (ii) an immediate precursor to a drug or substance listed in Schedule
2 I through Schedule V that:

3 1. by regulation the Department designates as being the
4 principal compound commonly used or produced primarily for use to manufacture a drug
5 or substance listed in Schedule I through Schedule V;

6 2. is an immediate chemical intermediary used or likely to be
7 used to manufacture a drug or substance listed in Schedule I through Schedule V; and

8 3. must be controlled to prevent or limit the manufacture of
9 a drug or substance listed in Schedule I through Schedule V.

10 (2) “Controlled dangerous substance” does not include distilled spirits,
11 wine, malt beverages, or tobacco.

12 **[(h)] (I)** “Controlled paraphernalia” means:

13 (1) a hypodermic syringe, needle, or any other object or combination of
14 objects adapted to administer a controlled dangerous substance by hypodermic injection;

15 (2) a gelatin capsule, glassine envelope, or other container suitable for
16 packaging individual quantities of a controlled dangerous substance; or

17 (3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine
18 hydrochloride, or any other substance suitable as a diluent or adulterant.

19 **[(i)] (J)** “Deliver” means to make an actual, constructive, or attempted transfer
20 or exchange from one person to another whether or not remuneration is paid or an agency
21 relationship exists.

22 **[(j)] (K)** “Department” means the Maryland Department of Health.

23 **[(k)] (L)** “Depressant or stimulant drug” means a drug that contains any
24 quantity of a substance that the Attorney General of the United States by regulation
25 designates as having a potential for abuse because of:

26 (1) a depressant or stimulant effect on the central nervous system; or

27 (2) a hallucinogenic effect.

28 **[(l)] (M)** (1) “Dispense” means to deliver to the ultimate user or the human
29 research subject by or in accordance with the lawful order of an authorized provider.

30 (2) “Dispense” includes to prescribe, administer, package, label, or
31 compound a substance for delivery.

1 **[(m)] (N)** “Distribute” means, with respect to a controlled dangerous substance,
2 to deliver other than by dispensing.

3 **[(n)] (O)** (1) “Drug” means:

4 (i) a substance recognized in the official United States
5 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official
6 National Formulary;

7 (ii) a substance intended for use in the diagnosis, cure, mitigation,
8 treatment, or prevention of disease in humans or other animals;

9 (iii) except for food, a substance intended to affect the structure or
10 function of the body of humans or other animals; or

11 (iv) a substance intended for use as a component of any substance
12 specified in item (i), (ii), or (iii) of this paragraph.

13 (2) “Drug” does not include a device or an accessory, part, or component of
14 a device.

15 **[(o)] (P)** “Drug dependent person” means a person who:

16 (1) is using a controlled dangerous substance; and

17 (2) is in a state of psychological or physical dependence, or both, that:

18 (i) arises from administration of that controlled dangerous
19 substance on a continuous basis; and

20 (ii) is characterized by behavioral and other responses that include
21 a strong compulsion to take the substance on a continuous basis in order to experience its
22 psychological effects or to avoid the discomfort of its absence.

23 **[(p)] (Q)** (1) “Drug paraphernalia” means equipment, a product, or material
24 that is used, intended for use, or designed for use, in:

25 (i) planting, propagating, cultivating, growing, harvesting,
26 manufacturing, compounding, converting, producing, processing, preparing, packaging,
27 repackaging, storing, containing, or concealing a controlled dangerous substance in
28 violation of this title; or

29 (ii) injecting, ingesting, inhaling, or otherwise introducing into the
30 human body a controlled dangerous substance in violation of this title.

31 (2) “Drug paraphernalia” includes:

1 (i) a kit used, intended for use, or designed for use in planting,
2 propagating, cultivating, growing, or harvesting any species of plant that is a controlled
3 dangerous substance or from which a controlled dangerous substance can be derived;

4 (ii) a kit used, intended for use, or designed for use in
5 manufacturing, compounding, converting, producing, processing, or preparing a controlled
6 dangerous substance;

7 (iii) an isomerization device used, intended for use, or designed for
8 use in increasing the potency of any species of plant that is a controlled dangerous
9 substance;

10 (iv) testing equipment used, intended for use, or designed for use in
11 analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

12 (v) a scale or balance used, intended for use, or designed for use in
13 weighing or measuring a controlled dangerous substance;

14 (vi) a diluent or adulterant, such as quinine hydrochloride, mannitol,
15 mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a
16 controlled dangerous substance;

17 (vii) a separation gin or sifter used, intended for use, or designed for
18 use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

19 (viii) a blender, bowl, container, spoon, or mixing device used,
20 intended for use, or designed for use in compounding a controlled dangerous substance;

21 (ix) a capsule, balloon, envelope, or other container used, intended
22 for use, or designed for use in packaging small quantities of a controlled dangerous
23 substance;

24 (x) a container or other object used, intended for use, or designed for
25 use in storing or concealing a controlled dangerous substance;

26 (xi) a hypodermic syringe, needle, or other object used, intended for
27 use, or designed for use in parenterally injecting a controlled dangerous substance into the
28 human body; and

29 (xii) an object used, intended for use, or designed for use in ingesting,
30 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the
31 human body such as:

32 1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic
33 pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

34 2. a water pipe;

1 3. a carburetion tube or device;

2 4. a smoking or carburetion mask;

3 5. an object known as a roach clip used to hold burning
4 material, such as a marijuana cigarette that has become too small or too short to be held in
5 the hand;

6 6. a miniature spoon used for cocaine and cocaine vials;

7 7. a chamber pipe;

8 8. a carburetor pipe;

9 9. an electric pipe;

10 10. an air-driven pipe;

11 11. a chillum;

12 12. a bong; and

13 13. an ice pipe or chiller.

14 [(q)] (R) (1) “Manufacture”, with respect to a controlled dangerous substance,
15 means to produce, prepare, propagate, compound, convert, or process a controlled
16 dangerous substance:

17 (i) directly or indirectly by extraction from substances of natural
18 origin;

19 (ii) independently by chemical synthesis; or

20 (iii) by a combination of extraction and chemical synthesis.

21 (2) “Manufacture” includes to package and repackage a controlled
22 dangerous substance and label and relabel its containers.

23 (3) “Manufacture” does not include:

24 (i) to prepare or compound a controlled dangerous substance by an
25 individual for the individual’s own use; or

26 (ii) to prepare, compound, package, or label a controlled dangerous
27 substance:

1 1. by an authorized provider incidental to administering or
2 dispensing a controlled dangerous substance in the course of professional practice; or

3 2. if the controlled dangerous substance is not for sale by an
4 authorized provider, or by the authorized provider's agent under the authorized provider's
5 supervision, for or incidental to research, teaching, or chemical analysis.

6 [(r) (1) “Marijuana” means:

7 (i) all parts of any plant of the genus Cannabis, whether or not the
8 plant is growing;

9 (ii) the seeds of the plant;

10 (iii) the resin extracted from the plant; and

11 (iv) each compound, manufactured product, salt, derivative, mixture,
12 or preparation of the plant, its seeds, or its resin.

13 (2) “Marijuana” does not include:

14 (i) the mature stalks of the plant;

15 (ii) fiber produced from the mature stalks;

16 (iii) oil or cake made from the seeds of the plant;

17 (iv) except for resin, any other compound, manufactured product,
18 salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

19 (v) the sterilized seed of the plant that is incapable of germination;
20 or

21 (vi) hemp as defined in § 14–101 of the Agriculture Article.]

22 (s) (1) “Narcotic drug” means a substance:

23 (i) that has been found to present an extreme danger to the health
24 and welfare of the community because of addiction-forming and addiction-sustaining
25 qualities;

26 (ii) that is:

27 1. an opiate;

28 2. a compound, manufactured substance, salt, derivative, or
29 preparation of opium, coca leaf, or an opiate; or

1 3. a substance and any compound, manufactured substance,
2 salt, derivative, or preparation that is chemically identical with a substance listed in items
3 1 and 2 of this item; and

4 (iii) that is produced:

5 1. directly or indirectly by extraction from substances of
6 vegetable origin;

7 2. independently by chemical synthesis; or

8 3. by a combination of extraction and chemical synthesis.

9 (2) “Narcotic drug” includes decocainized coca leaf or an extract of coca leaf
10 that does not contain cocaine or ecgonine.

11 (t) “Noncontrolled substance” means a substance that is not classified as a
12 controlled dangerous substance under Subtitle 4 of this title.

13 (u) (1) “Opiate” means a substance that has an addiction-forming or
14 addiction-sustaining quality similar to morphine or that can be converted into a drug that
15 has this addiction-forming or addiction-sustaining quality.

16 (2) “Opiate” includes:

17 (i) the racemic and levorotatory forms of an opiate;

18 (ii) except for seeds, the opium poppy, the plant of the species
19 *Papaver somniferum* L.;

20 (iii) the poppy straw consisting of the opium poppy after mowing
21 except the seeds; and

22 (iv) coca leaf.

23 (3) “Opiate” does not include, unless specifically designated as controlled
24 under § 5-202 of this title, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan
25 and its salts (dextromethorphan).

26 (v) **“PERSONAL USE AMOUNT” MEANS:**

27 **(1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 1 OUNCE;**

28 **(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT**
29 **EXCEED 5 GRAMS;**

1 **(3) AN AMOUNT OF CANNABIS PRODUCT CONTAINING**
2 **DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 500 MILLIGRAMS;**

3 **(4) SIX OR FEWER CANNABIS PLANTS, NOT MORE THAN THREE OF**
4 **WHICH MAY BE MATURE; OR**

5 **(5) ANY ADDITIONAL CANNABIS PRODUCED BY A PERSON'S CANNABIS**
6 **PLANT OR PLANTS, PROVIDED THAT AN AMOUNT OF CANNABIS IN EXCESS OF THE**
7 **AMOUNTS LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION MUST BE**
8 **POSSESSED IN A LOCATION WHERE THE PLANT OR PLANTS WERE CULTIVATED THAT**
9 **IS SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON WHO IS UNDER**
10 **THE AGE OF 21 YEARS.**

11 **(W)** “Possess” means to exercise actual or constructive dominion or control over a
12 thing by one or more persons.

13 **[(w)] (X)** (1) “Prescription drug” means a drug that:

14 (i) is intended to be used by an individual; and

15 (ii) because of its toxicity, other potentiality for harmful effect,
16 method of use, or collateral measures necessary for its use:

17 1. bears a cautionary label warning a person that under
18 federal law the drug may not be dispensed without a prescription; or

19 2. is designated by the Department as not safe for use except
20 under the supervision of a person licensed by the State to administer a prescription drug.

21 (2) “Prescription drug” does not include a controlled dangerous substance.

22 **[(x)] (Y)** “Produce”, with respect to a controlled dangerous substance, includes
23 to manufacture, plant, cultivate, grow, and harvest.

24 **[(y)] (Z)** “Registrant” means a person who is registered by the Department to
25 manufacture, distribute, or dispense a controlled dangerous substance in the State.

26 **[(z)] (AA)** “Schedule I” means a list of controlled dangerous substances that
27 appears in § 5-402 of this title.

28 **[(aa)] (BB)** “Schedule II” means a list of controlled dangerous substances that
29 appears in § 5-403 of this title.

30 **[(bb)] (CC)** “Schedule III” means a list of controlled dangerous substances that

1 appears in § 5–404 of this title.

2 [(cc)] (DD) “Schedule IV” means a list of controlled dangerous substances that
3 appears in § 5–405 of this title.

4 [(dd)] (EE) “Schedule V” means a list of controlled dangerous substances that
5 appears in § 5–406 of this title.

6 [(ee)] (FF) “Secretary” means the Secretary of the Department.

7 [(ff)] (GG) “Ultimate user” means a person who lawfully possesses a controlled
8 dangerous substance for the person’s own use, for the use of a member of the person’s
9 household, or for administration to an animal owned by the person or by a member of the
10 person’s household.

11 5–601.

12 (a) Except as otherwise provided in this title, a person may not:

13 (1) possess or administer to another a controlled dangerous substance,
14 unless obtained directly or by prescription or order from an authorized provider acting in
15 the course of professional practice; or

16 (2) obtain or attempt to obtain a controlled dangerous substance, or
17 procure or attempt to procure the administration of a controlled dangerous substance by:

18 (i) fraud, deceit, misrepresentation, or subterfuge;

19 (ii) the counterfeiting or alteration of a prescription or a written
20 order;

21 (iii) the concealment of a material fact;

22 (iv) the use of a false name or address;

23 (v) falsely assuming the title of or representing to be a
24 manufacturer, distributor, or authorized provider; or

25 (vi) making, issuing, or presenting a false or counterfeit prescription
26 or written order.

27 (b) Information that is communicated to a physician in an effort to obtain a
28 controlled dangerous substance in violation of this section is not a privileged
29 communication.

30 (c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a
31 person who violates this section is guilty of a misdemeanor and on conviction is subject to:

1 (i) for a first conviction, imprisonment not exceeding 1 year or a fine
2 not exceeding \$5,000 or both;

3 (ii) for a second or third conviction, imprisonment not exceeding 18
4 months or a fine not exceeding \$5,000 or both; or

5 (iii) for a fourth or subsequent conviction, imprisonment not
6 exceeding 2 years or a fine not exceeding \$5,000 or both.

7 (2) (i) Except as provided in [subparagraph (ii)] **SUBPARAGRAPHS (II)**
8 **AND (III)** of this paragraph **AND TITLE 23 OF THE HEALTH – GENERAL ARTICLE**, a
9 person whose violation of this section involves the use or possession of [marijuana]
10 **CANNABIS** is guilty of [a] **THE** misdemeanor of possession of [marijuana] **CANNABIS** and
11 is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

12 (ii) 1. A first finding of guilt under this section involving the use
13 or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
14 **EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER THE AGE OF 21**
15 **YEARS** is a civil offense punishable by a fine not exceeding \$100.

16 2. A second finding of guilt under this section involving the
17 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
18 **EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER THE AGE OF 21**
19 **YEARS** is a civil offense punishable by a fine not exceeding \$250.

20 3. A third or subsequent finding of guilt under this section
21 involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF**
22 **CANNABIS NOT EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER**
23 **THE AGE OF 21 YEARS** is a civil offense punishable by a fine not exceeding \$500.

24 4. A. In addition to a fine, a court shall order a person
25 under the age of 21 years who commits a violation punishable under subparagraph 1,
26 2, or 3 of this subparagraph to attend a drug education program approved by the Maryland
27 Department of Health, refer the person to an assessment for substance abuse disorder, and
28 refer the person to substance abuse treatment, if necessary.

29 B. [In addition to a fine, a court shall order a person at least
30 21 years old who commits a violation punishable under subparagraph 3 of this
31 subparagraph to attend a drug education program approved by the Maryland Department
32 of Health, refer the person to an assessment for substance abuse disorder, and refer the
33 person to substance abuse treatment, if necessary.

34 C.] A court that orders a person to a drug education program
35 or substance abuse assessment or treatment under this subparagraph may hold the
36 case sub curia pending receipt of proof of completion of the program, assessment, or

1 treatment.

2 (III) A VIOLATION OF THIS SECTION INVOLVING A PERSON AT
3 LEAST 21 YEARS OLD USING OR POSSESSING AN AMOUNT OF CANNABIS GREATER
4 THAN THE PERSONAL USE AMOUNT BUT NOT EXCEEDING DOUBLE THE PERSONAL
5 USE AMOUNT IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250 OR
6 THE PERFORMANCE OF COMMUNITY SERVICE NOT EXCEEDING 20 HOURS OR BOTH.

7 (3) (i) 1. In this paragraph the following words have the meanings
8 indicated.

9 2. “Bona fide physician–patient relationship” means a
10 relationship in which the physician has ongoing responsibility for the assessment, care, and
11 treatment of a patient’s medical condition.

12 3. “Caregiver” means an individual designated by a patient
13 with a debilitating medical condition to provide physical or medical assistance to the
14 patient, including assisting with the medical use of [marijuana] CANNABIS, who:

15 A. is a resident of the State;

16 B. is at least 21 years old;

17 C. is an immediate family member, a spouse, or a domestic
18 partner of the patient;

19 D. has not been convicted of a crime of violence as defined in
20 § 14–101 of this article;

21 E. has not been convicted of a violation of a State or federal
22 controlled dangerous substances law;

23 F. has not been convicted of a crime of moral turpitude;

24 G. has been designated as caregiver by the patient in writing
25 that has been placed in the patient’s medical record prior to arrest;

26 H. is the only individual designated by the patient to serve as
27 caregiver; and

28 I. is not serving as caregiver for any other patient.

29 4. “Debilitating medical condition” means a chronic or
30 debilitating disease or medical condition or the treatment of a chronic or debilitating
31 disease or medical condition that produces one or more of the following, as documented by
32 a physician with whom the patient has a bona fide physician–patient relationship:

- 1 A. cachexia or wasting syndrome;
- 2 B. severe or chronic pain;
- 3 C. severe nausea;
- 4 D. seizures;
- 5 E. severe and persistent muscle spasms; or
- 6 F. any other condition that is severe and resistant to
7 conventional medicine.

8 (ii) 1. In a prosecution for the use or possession of [marijuana]
9 **CANNABIS**, the defendant may introduce and the court shall consider as a mitigating factor
10 any evidence of medical necessity.

11 2. Notwithstanding paragraph (2) of this subsection, if the
12 court finds that the person used or possessed [marijuana] **CANNABIS** because of medical
13 necessity, the court shall dismiss the charge.

14 (iii) 1. In a prosecution for the use or possession of [marijuana]
15 **CANNABIS** under this section, it is an affirmative defense that the defendant used or
16 possessed [marijuana] **CANNABIS** because:

17 A. the defendant has a debilitating medical condition that
18 has been diagnosed by a physician with whom the defendant has a bona fide
19 physician–patient relationship;

20 B. the debilitating medical condition is severe and resistant
21 to conventional medicine; and

22 C. [marijuana] **CANNABIS** is likely to provide the defendant
23 with therapeutic or palliative relief from the debilitating medical condition.

24 2. A. In a prosecution for the possession of [marijuana]
25 **CANNABIS** under this section, it is an affirmative defense that the defendant possessed
26 [marijuana] **CANNABIS** because the [marijuana] **CANNABIS** was intended for medical use
27 by an individual with a debilitating medical condition for whom the defendant is a
28 caregiver.

29 B. A defendant may not assert the affirmative defense under
30 this subsubparagraph unless the defendant notifies the State’s Attorney of the defendant’s
31 intention to assert the affirmative defense and provides the State’s Attorney with all
32 documentation in support of the affirmative defense in accordance with the rules of

1 discovery provided in Maryland Rules 4–262 and 4–263.

2 3. An affirmative defense under this subparagraph may not
3 be used if the defendant was:

4 A. using [marijuana] CANNABIS in a public place or
5 assisting the individual for whom the defendant is a caregiver in using the [marijuana]
6 CANNABIS in a public place; or

7 B. in possession of more than [1 ounce of marijuana] **THE**
8 **PERSONAL USE AMOUNT OF CANNABIS.**

9 [(4) A violation of this section involving the smoking of marijuana in a
10 public place is a civil offense punishable by a fine not exceeding \$500.]

11 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
12 [marijuana] CANNABIS a civil offense may not be construed to affect the laws relating to:

13 (1) operating a vehicle or vessel while under the influence of or while
14 impaired by a controlled dangerous substance; or

15 (2) seizure and forfeiture.

16 (e) (1) (i) Before imposing a sentence under subsection (c) of this section,
17 the court may order the Maryland Department of Health or a certified and licensed
18 designee to conduct an assessment of the defendant for substance use disorder and
19 determine whether the defendant is in need of and may benefit from drug treatment.

20 (ii) If an assessment for substance use disorder is requested by the
21 defendant and the court denies the request, the court shall state on the record the basis for
22 the denial.

23 (2) On receiving an order under paragraph (1) of this subsection, the
24 Maryland Department of Health, or the designee, shall conduct an assessment of the
25 defendant for substance use disorder and provide the results to the court, the defendant or
26 the defendant's attorney, and the State identifying the defendant's drug treatment needs.

27 (3) The court shall consider the results of an assessment performed under
28 paragraph (2) of this subsection when imposing the defendant's sentence and:

29 (i) except as provided in subparagraph (ii) of this paragraph, the
30 court shall suspend the execution of the sentence and order probation and, if the
31 assessment shows that the defendant is in need of substance abuse treatment, require the
32 Maryland Department of Health or the designee to provide the medically appropriate level
33 of treatment as identified in the assessment; or

1 (ii) the court may impose a term of imprisonment under subsection
2 (c) of this section and order the Division of Correction or local correctional facility to
3 facilitate the medically appropriate level of treatment for the defendant as identified in the
4 assessment.

5 **(F) A PERSON MAY NOT BE FOUND TO HAVE VIOLATED SUBSECTION (A)(2)**
6 **OF THIS SECTION FOR CONDUCT THAT VIOLATES § 23-602 OF THE HEALTH -**
7 **GENERAL ARTICLE.**

8 5-601.1.

9 (a) A police officer shall issue a citation to a person who the police officer has
10 probable cause to believe has committed a violation of § 5-601 of this part involving the use
11 or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
12 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT.**

13 (b) (1) A violation of § 5-601 of this part involving the use or possession of [less
14 than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE**
15 **PERSONAL USE AMOUNT** is a civil offense.

16 (2) Adjudication of a violation under § 5-601 of this part involving the use
17 or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
18 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT:**

19 (i) is not a criminal conviction for any purpose; and

20 (ii) does not impose any of the civil disabilities that may result from
21 a criminal conviction.

22 (c) (1) A citation issued for a violation of § 5-601 of this part involving the use
23 or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
24 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT** shall be signed by the police officer
25 who issues the citation and shall contain:

26 (i) the name, address, and date of birth of the person charged;

27 (ii) the date and time that the violation occurred;

28 (iii) the location at which the violation occurred;

29 (iv) the fine that may be imposed;

30 (v) a notice stating that prepayment of the fine is allowed, except as
31 provided in paragraph (2) of this subsection; and

32 (vi) a notice in boldface type that states that the person shall:

1 1. pay the full amount of the preset fine; or

2 2. request a trial date at the date, time, and place established
3 by the District Court by writ or trial notice.

4 (2) (i) If a citation for a violation of § 5–601 of this part involving the
5 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
6 **EXCEEDING THE PERSONAL USE AMOUNT** is issued to a person under the age of 21 years,
7 the court shall summon the person for trial.

8 (ii) If the court finds that a person at least 21 years old who has been
9 issued a citation under this section has at least twice previously been found guilty under §
10 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **AN**
11 **AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT**, the
12 court shall summon the person for trial.

13 (d) The form of the citation shall be uniform throughout the State and shall be
14 prescribed by the District Court.

15 (e) (1) The Chief Judge of the District Court shall establish a schedule for the
16 prepayment of the fine.

17 (2) Prepayment of a fine shall be considered a plea of guilty to a Code
18 violation.

19 (3) A person described in subsection (c)(2) of this section may not prepay
20 the fine.

21 (f) (1) A person may request a trial by sending a request for trial to the District
22 Court in the jurisdiction where the citation was issued within 30 days of the issuance of the
23 citation.

24 (2) If a person other than a person described in subsection (c)(2) of this
25 section does not request a trial or prepay the fine within 30 days of the issuance of the
26 citation, the court may impose the maximum fine and costs against the person and find the
27 person is guilty of a Code violation for purposes of subsection (c)(2)(ii) of this section.

28 (g) The issuing jurisdiction shall forward a copy of the citation and a request for
29 trial to the District Court in the district having venue.

30 (h) (1) The failure of a defendant to respond to a summons described in
31 subsection (c)(2) of this section shall be governed by § 5–212 of the Criminal Procedure
32 Article.

33 (2) If a person at least 21 years old fails to appear after having requested
34 a trial, the court may impose the maximum fine and costs against the person and find the

1 person is guilty of a Code violation for purposes of subsection (c)(2)(ii) of this section.

2 (i) In any proceeding for a Code violation under § 5–601 of this part involving the
3 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
4 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT:**

5 (1) the State has the burden to prove the guilt of the defendant by a
6 preponderance of the evidence;

7 (2) the court shall apply the evidentiary standards as prescribed by law or
8 rule for the trial of a criminal case;

9 (3) the court shall ensure that the defendant has received a copy of the
10 charges against the defendant and that the defendant understands those charges;

11 (4) the defendant is entitled to cross-examine all witnesses who appear
12 against the defendant, to produce evidence or witnesses on behalf of the defendant, and to
13 testify on the defendant's own behalf, if the defendant chooses to do so;

14 (5) the defendant is entitled to be represented by counsel of the defendant's
15 choice and at the expense of the defendant; and

16 (6) the defendant may enter a plea of guilty or not guilty, and the verdict
17 of the court in the case shall be:

18 (i) guilty of a Code violation;

19 (ii) not guilty of a Code violation; or

20 (iii) probation before judgment, imposed by the court in the same
21 manner and to the same extent as is allowed by law in the trial of a criminal case.

22 (j) (1) The defendant is liable for the costs of the proceedings in the District
23 Court.

24 (2) The court costs in a Code violation case under § 5–601 of this part
25 involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF**
26 **CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT** in which costs are
27 imposed are \$5.

28 (k) (1) The State's Attorney for any county may prosecute a Code violation
29 under § 5–601 of this part involving the use or possession of [less than 10 grams of
30 marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE**
31 **AMOUNT** in the same manner as prosecution of a violation of the criminal laws of the State.

32 (2) In a Code violation case under § 5–601 of this part involving the use or

1 possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
2 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT**, the State's Attorney may:

3 (i) enter a nolle prosequi or move to place the case on the stet docket;
4 and

5 (ii) exercise authority in the same manner as prescribed by law for
6 violation of the criminal laws of the State.

7 (l) A person issued a citation for a violation of § 5-601 of this part involving the
8 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
9 **EXCEEDING THE PERSONAL USE AMOUNT** who is under the age of 18 years shall be
10 subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts
11 Article.

12 (m) A citation for a violation of § 5-601 of this part involving the use or possession
13 of [less than 10 grams of marijuana] **CANNABIS NOT EXCEEDING DOUBLE THE**
14 **PERSONAL USE AMOUNT** and the official record of a court regarding the citation are not
15 subject to public inspection and may not be included on the public [Web site] **WEBSITE**
16 maintained by the Maryland Judiciary if:

17 (1) the defendant has prepaid the fine;

18 (2) the defendant has pled guilty to or been found guilty of the Code
19 violation and has fully paid the fine and costs imposed for the violation;

20 (3) the defendant has received a probation before judgment and has fully
21 paid the fine and completed any terms imposed by the court;

22 (4) the case has been removed from the stet docket after the defendant fully
23 paid the fine and completed any terms imposed by the court;

24 (5) the State has entered a nolle prosequi;

25 (6) the defendant has been found not guilty of the charge; or

26 (7) the charge has been dismissed.

27 **5-601.2.**

28 **(A) A PERSON MAY NOT SMOKE CANNABIS IN A PUBLIC PLACE.**

29 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE**
30 **PUNISHABLE BY A FINE NOT EXCEEDING \$500.**

1 **(C) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE**
2 **POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION**
3 **OF THIS SECTION.**

4 **(D) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.**

5 **(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

6 **(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND**

7 **(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT**
8 **MAY RESULT FROM A CRIMINAL CONVICTION.**

9 **(E) (1) A CITATION ISSUED FOR A VIOLATION OF THIS SECTION SHALL BE**
10 **SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:**

11 **(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON**
12 **CHARGED;**

13 **(II) THE DATE AND TIME THAT THE VIOLATION OCCURRED;**

14 **(III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;**

15 **(IV) THE FINE THAT MAY BE IMPOSED;**

16 **(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS**
17 **ALLOWED, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND**

18 **(VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE**
19 **PERSON SHALL:**

20 1. **PAY THE FULL AMOUNT OF THE PRESET FINE; OR**

21 2. **REQUEST A TRIAL AT THE DATE, TIME, AND PLACE**
22 **ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.**

23 **(2) (I) IF A CITATION FOR A VIOLATION OF THIS SECTION IS ISSUED**
24 **TO A PERSON UNDER THE AGE OF 21 YEARS, THE COURT SHALL SUMMON THE**
25 **PERSON FOR TRIAL.**

26 **(II) IF THE COURT FINDS THAT A PERSON AT LEAST 21 YEARS**
27 **OLD WHO HAS BEEN ISSUED A CITATION UNDER THIS SECTION HAS AT LEAST TWICE**
28 **PREVIOUSLY BEEN FOUND GUILTY UNDER THIS SECTION, THE COURT SHALL**

1 **SUMMON THE PERSON FOR TRIAL.**

2 **(F) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE**
3 **STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

4 **(G) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**
5 **SCHEDULE FOR THE PREPAYMENT OF THE FINE.**

6 **(2) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF**
7 **GUILTY TO A CODE VIOLATION.**

8 **(3) A PERSON DESCRIBED IN SUBSECTION (E)(2) OF THIS SECTION**
9 **MAY NOT PREPAY THE FINE.**

10 **(H) (1) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR**
11 **TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS**
12 **ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.**

13 **(2) IF A PERSON OTHER THAN A PERSON DESCRIBED IN SUBSECTION**
14 **(E)(2) OF THIS SECTION DOES NOT REQUEST A TRIAL OR PREPAY THE FINE WITHIN**
15 **30 DAYS AFTER THE ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE**
16 **MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON GUILTY OF**
17 **A CODE VIOLATION FOR PURPOSES OF SUBSECTION (E)(2)(II) OF THIS SECTION.**

18 **(I) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION**
19 **AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING**
20 **VENUE.**

21 **(J) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS**
22 **DESCRIBED IN SUBSECTION (E)(2) OF THIS SECTION SHALL BE GOVERNED BY §**
23 **5-212 OF THE CRIMINAL PROCEDURE ARTICLE.**

24 **(2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER**
25 **HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE AND**
26 **COSTS AGAINST THE PERSON AND FIND THE PERSON GUILTY OF A CODE VIOLATION**
27 **FOR PURPOSES OF SUBSECTION (E)(2)(II) OF THIS SECTION.**

28 **(K) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:**

29 **(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE**
30 **DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;**

31 **(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS**

1 PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

2 (3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED
3 A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT
4 UNDERSTANDS THOSE CHARGES;

5 (4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL
6 WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR
7 WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S
8 OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

9 (5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL
10 OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

11 (6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY,
12 AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

13 (I) GUILTY OF A CODE VIOLATION;

14 (II) NOT GUILTY OF A CODE VIOLATION; OR

15 (III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT
16 IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE
17 TRIAL OF A CRIMINAL CASE.

18 (L) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE
19 PROCEEDINGS IN THE DISTRICT COURT.

20 (2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS
21 SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.

22 (M) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A
23 CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF
24 A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

25 (2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S
26 ATTORNEY MAY:

27 (I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON
28 THE STET DOCKET; AND

29 (II) EXERCISE AUTHORITY IN THE SAME MANNER AS
30 PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

1 **(N) A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS SECTION WHO**
2 **IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND**
3 **DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.**

4 **(O) A CITATION FOR A VIOLATION OF THIS SECTION AND THE OFFICIAL**
5 **RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC**
6 **INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY**
7 **THE MARYLAND JUDICIARY IF:**

8 **(1) THE DEFENDANT HAS PREPAID THE FINE;**

9 **(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY**
10 **OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE AND COSTS IMPOSED FOR**
11 **THE VIOLATION;**

12 **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**
13 **JUDGMENT AND HAS FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED**
14 **BY THE COURT;**

15 **(4) THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER**
16 **THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY**
17 **THE COURT;**

18 **(5) THE STATE HAS ENTERED A NOLLE PROSEQUI;**

19 **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**
20 **OR**

21 **(7) THE CHARGE HAS BEEN DISMISSED.**

22 5-612.

23 (a) A person may not manufacture, distribute, dispense, or possess:

24 (1) 50 pounds or more of [marijuana] CANNABIS;

25 5-614.

26 (a) (1) Unless authorized by law to possess the substance, a person may not
27 bring into the State:

28 (i) 45 kilograms or more of [marijuana] CANNABIS;

1 (b) (1) Unless authorized by law to possess the [marijuana] CANNABIS, a
2 person may not bring into the State more than 5 kilograms but less than 45 kilograms of
3 [marijuana] CANNABIS.

4 5–619.

5 (c) (1) This subsection does not apply to the use or possession of drug
6 paraphernalia involving the use or possession of [marijuana] CANNABIS.

7 (2) Unless authorized under this title, a person may not use or possess with
8 intent to use drug paraphernalia to:

9 (i) plant, propagate, cultivate, grow, harvest, manufacture,
10 compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a
11 controlled dangerous substance; or

12 (ii) inject, ingest, inhale, or otherwise introduce into the human body
13 a controlled dangerous substance.

14 (3) A person who violates this subsection is guilty of a misdemeanor and
15 on conviction is subject to:

16 (i) for a first violation, a fine not exceeding \$500; and

17 (ii) for each subsequent violation, imprisonment not exceeding 2
18 years or a fine not exceeding \$2,000 or both.

19 (4) A person who is convicted of violating this subsection for the first time
20 and who previously has been convicted of violating subsection (d)(4) of this section is subject
21 to the penalty specified under paragraph (3)(ii) of this subsection.

22 5–620.

23 (d) (2) A person who violates this section involving the use or possession
24 of [marijuana] CANNABIS is subject to imprisonment not exceeding 1 year or a fine not
25 exceeding \$1,000 or both.

26 Article – Criminal Procedure

27 10–105.1.

28 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
29 INDICATED.

30 (2) “AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT WITHOUT
31 THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS THE

1 SUBJECT OF THE RECORDS TO BE EXPUNGED.

2 (3) "PERSONAL USE AMOUNT" MEANS:

3 (I) AN AMOUNT OF MARIJUANA OR CANNABIS THAT DOES NOT
4 EXCEED 1 OUNCE;

5 (II) AN AMOUNT OF CONCENTRATED MARIJUANA OR CANNABIS
6 THAT DOES NOT EXCEED 5 GRAMS;

7 (III) AN AMOUNT OF MARIJUANA OR CANNABIS PRODUCT
8 CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 500
9 MILLIGRAMS;

10 (IV) SIX OR FEWER MARIJUANA OR CANNABIS PLANTS, NOT
11 MORE THAN THREE OF WHICH MAY BE MATURE;

12 (B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY
13 DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE
14 CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF MARIJUANA THAT DID NOT
15 EXCEED THE PERSONAL USE AMOUNT ENTERED BEFORE OCTOBER 1, 2022, WHERE
16 POSSESSION OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE
17 AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2024.

18 (C) NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS
19 AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION
20 OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A
21 QUANTITY OF MARIJUANA THAT DID NOT EXCEED THE PERSONAL USE AMOUNT
22 ENTERED BEFORE OCTOBER 1, 2022, WHERE THE DEFENDANT WAS ALSO CHARGED
23 WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE
24 DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY
25 EXPUNGED ON OR BEFORE OCTOBER 1, 2030.

26 (D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF
27 MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A
28 QUANTITY OF MARIJUANA THAT DID NOT EXCEED THE PERSONAL USE AMOUNT
29 ENTERED ON OR AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10-107 OF THIS
30 SUBTITLE:

31 (1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE
32 EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE
33 RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE;
34 AND

1 **(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS**
2 **RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90**
3 **DAYS AFTER DISPOSITION.**

4 **Article – Health – General**

5 **TITLE 23. CANNABIS.**

6 **SUBTITLE 1. NATALIE M. LAPRADE MARYLAND CANNABIS COMMISSION.**

7 **23–101.**

8 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(B) “ACADEMIC RESEARCH REPRESENTATIVE” MEANS AN EMPLOYEE OR**
11 **AGENT OF AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL FACILITY,**
12 **OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM THAT FILED A REGISTRATION**
13 **WITH THE COMMISSION UNDER § 23–402 OF THIS TITLE, WHO IS AUTHORIZED TO**
14 **PURCHASE CANNABIS FOR THE INSTITUTION OF HIGHER EDUCATION OR RELATED**
15 **MEDICAL FACILITY.**

16 **(C) “ADULT–USE” OR “ADULT USE” MEANS INTENDED FOR RECREATIONAL**
17 **PURPOSES BY AN ADULT WHO IS AT LEAST 21 YEARS OF AGE.**

18 **(D) “CANNABIS GROWER AGENT” MEANS AN OWNER, AN EMPLOYEE, A**
19 **VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A GROWER.**

20 **(E) “CAREGIVER” MEANS:**

21 **(1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING**
22 **PATIENT’S MEDICAL USE OF CANNABIS; AND**

23 **(2) FOR A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS, A**
24 **PARENT OR LEGAL GUARDIAN.**

25 **(F) “CERTIFYING PROVIDER” MEANS AN INDIVIDUAL WHO:**

26 **(1) (i) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO**
27 **PRACTICE MEDICINE THAT WAS ISSUED BY THE STATE BOARD OF PHYSICIANS**
28 **UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

29 **2. IS IN GOOD STANDING WITH THE STATE BOARD OF**

1 **PHYSICIANS;**

2 (II) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO
3 PRACTICE DENTISTRY THAT WAS ISSUED BY THE STATE BOARD OF DENTAL
4 EXAMINERS UNDER TITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE; AND

5 2. IS IN GOOD STANDING WITH THE STATE BOARD OF
6 DENTAL EXAMINERS;

7 (III) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO
8 PRACTICE PODIATRY THAT WAS ISSUED BY THE STATE BOARD OF PODIATRIC
9 MEDICAL EXAMINERS UNDER TITLE 16 OF THE HEALTH OCCUPATIONS ARTICLE;
10 AND

11 2. IS IN GOOD STANDING WITH THE STATE BOARD OF
12 PODIATRIC MEDICAL EXAMINERS; OR

13 (IV) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO
14 PRACTICE REGISTERED NURSING AND AN ACTIVE, UNRESTRICTED CERTIFICATION
15 TO PRACTICE AS A NURSE PRACTITIONER OR A NURSE MIDWIFE THAT WERE ISSUED
16 BY THE STATE BOARD OF NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS
17 ARTICLE; AND

18 2. IS IN GOOD STANDING WITH THE STATE BOARD OF
19 NURSING;

20 (2) HAS A STATE CONTROLLED DANGEROUS SUBSTANCES
21 REGISTRATION; AND

22 (3) IS REGISTERED WITH THE COMMISSION TO MAKE CANNABIS
23 AVAILABLE TO PATIENTS FOR MEDICAL USE IN ACCORDANCE WITH REGULATIONS
24 ADOPTED BY THE COMMISSION.

25 (G) "COMMISSION" MEANS THE NATALIE M. LAPRADE MARYLAND
26 CANNABIS COMMISSION ESTABLISHED UNDER THIS SUBTITLE.

27 (H) "DISPENSARY" MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE
28 THAT ACQUIRES, POSSESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES,
29 DISPENSES, OR ADMINISTERS CANNABIS, PRODUCTS CONTAINING CANNABIS,
30 RELATED SUPPLIES, RELATED PRODUCTS CONTAINING CANNABIS, INCLUDING
31 EDIBLE CANNABIS PRODUCTS, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR
32 EDUCATIONAL MATERIALS.

1 **(I) “DISPENSARY AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A**
2 **VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A DISPENSARY.**

3 **(J) (1) “EDIBLE CANNABIS PRODUCT” MEANS A CANNABIS PRODUCT**
4 **INTENDED FOR HUMAN CONSUMPTION BY ORAL INGESTION, IN WHOLE OR IN PART.**

5 **(2) “EDIBLE CANNABIS PRODUCT” INCLUDES CANNABIS PRODUCTS**
6 **THAT DISSOLVE OR DISINTEGRATE IN THE MOUTH.**

7 **(3) “EDIBLE CANNABIS PRODUCT” DOES NOT INCLUDE ANY:**

8 **(I) CANNABIS CONCENTRATE;**

9 **(II) CANNABIS-INFUSED PRODUCT, INCLUDING AN OIL, A WAX,**
10 **AN OINTMENT, A SALVE, A TINCTURE, A CAPSULE, A SUPPOSITORY, A DERMAL**
11 **PATCH, OR A CARTRIDGE; OR**

12 **(III) OTHER DOSAGE FORM THAT IS RECOGNIZED BY THE**
13 **UNITED STATES PHARMACOPEIA, THE NATIONAL FORMULARY, OR THE U.S. FOOD**
14 **AND DRUG ADMINISTRATION AND IS APPROVED BY THE COMMISSION.**

15 **(K) “FUND” MEANS THE NATALIE M. LAPRADE MARYLAND CANNABIS**
16 **COMMISSION FUND ESTABLISHED UNDER § 23-201 OF THIS TITLE.**

17 **(L) “GROWER” MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT:**

18 **(1) CULTIVATES OR PACKAGES CANNABIS; AND**

19 **(2) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO**
20 **A PROCESSOR, A DISPENSARY, OR AN INDEPENDENT TESTING LABORATORY.**

21 **(M) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY,**
22 **OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND**
23 **TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.**

24 **(N) “PROCESSOR” MEANS AN ENTITY THAT:**

25 **(1) TRANSFORMS CANNABIS INTO ANOTHER PRODUCT OR EXTRACT;**
26 **AND**

27 **(2) PACKAGES AND LABELS CANNABIS.**

28 **(O) “PROCESSOR AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A**

1 VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A PROCESSOR.

2 (P) "QUALIFYING PATIENT" MEANS AN INDIVIDUAL WHO:

3 (1) HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION BY A
4 CERTIFYING PROVIDER IN ACCORDANCE WITH A BONA FIDE PROVIDER-PATIENT
5 RELATIONSHIP; AND

6 (2) IF UNDER THE AGE OF 18 YEARS, HAS A CAREGIVER.

7 (Q) "WRITTEN CERTIFICATION" MEANS A CERTIFICATION THAT:

8 (1) IS ISSUED BY A CERTIFYING PROVIDER TO A QUALIFYING PATIENT
9 WITH WHOM THE PROVIDER HAS A BONA FIDE PROVIDER-PATIENT RELATIONSHIP;
10 AND

11 (2) INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE
12 PROVIDER'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED AN ASSESSMENT
13 OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, THE
14 PATIENT HAS A CONDITION:

15 (I) THAT MEETS THE INCLUSION CRITERIA AND DOES NOT
16 MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PROVIDER'S APPLICATION;
17 AND

18 (II) FOR WHICH THE POTENTIAL BENEFITS OF THE MEDICAL
19 USE OF CANNABIS WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT;
20 AND

21 (3) MAY INCLUDE A WRITTEN STATEMENT CERTIFYING THAT, IN THE
22 PROVIDER'S PROFESSIONAL OPINION, A 30-DAY SUPPLY OF MEDICAL CANNABIS
23 WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING
24 PATIENT.

25 23-102.

26 THE GENERAL ASSEMBLY INTENDS THAT THE PROGRAMS IMPLEMENTED IN
27 ACCORDANCE WITH THIS SUBTITLE YIELD SUCCESSFUL BUT CONSUMER-FRIENDLY
28 MEDICAL CANNABIS AND ADULT-USE CANNABIS INDUSTRIES IN THE STATE TO
29 PROVIDE PATIENTS AFFORDABLE AND ADEQUATE ACCESS TO CANNABIS.

30 23-103.

1 **(A) THERE IS A NATALIE M. LAPRADE MARYLAND CANNABIS**
2 **COMMISSION.**

3 **(B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS**
4 **WITHIN THE DEPARTMENT.**

5 **(C) THE PURPOSE OF THE COMMISSION IS TO DEVELOP POLICIES,**
6 **PROCEDURES, GUIDELINES, AND REGULATIONS TO IMPLEMENT PROGRAMS TO:**

7 **(1) MAKE MEDICAL CANNABIS AVAILABLE TO QUALIFYING PATIENTS**
8 **IN A SAFE AND EFFECTIVE MANNER; AND**

9 **(2) MAKE ADULT-USE CANNABIS AVAILABLE TO INDIVIDUALS WHO**
10 **ARE 21 YEARS OF AGE OR OLDER FOR USE IN A SAFE MANNER.**

11 **(D) THE COMMISSION SHALL DEVELOP AND MAINTAIN A WEBSITE THAT:**

12 **(1) PROVIDES INFORMATION ON HOW AN INDIVIDUAL CAN OBTAIN**
13 **MEDICAL CANNABIS AND ADULT-USE CANNABIS IN THE STATE;**

14 **(2) PROVIDES CONTACT INFORMATION FOR LICENSED**
15 **DISPENSARIES;**

16 **(3) PROVIDES INFORMATION CONCERNING THE COLLATERAL**
17 **CONSEQUENCES, WITH RESPECT TO FEDERAL LAW, OF:**

18 **(I) REGISTERING AS A QUALIFYING PATIENT OR CAREGIVER;**

19 **(II) POSSESSING CANNABIS; AND**

20 **(III) USING CANNABIS; AND**

21 **(4) DISCLOSES, WITH THE EXCEPTION OF ANY CONFIDENTIAL OR**
22 **PROPRIETARY INFORMATION:**

23 **(I) THE METHODOLOGY FOR THE RANKING OF APPLICANTS**
24 **FOR LICENSURE UNDER THIS TITLE; AND**

25 **(II) THE RESULTS OF ANY RANKINGS OF APPLICANTS FOR**
26 **LICENSURE UNDER THIS TITLE.**

27 **(E) (1) THE COMMISSION SHALL:**

1 **(I) CONDUCT ONGOING, THOROUGH, AND COMPREHENSIVE**
2 **OUTREACH TO SMALL, MINORITY, AND WOMEN BUSINESS OWNERS AND**
3 **ENTREPRENEURS WHO MAY HAVE AN INTEREST IN APPLYING FOR CANNABIS**
4 **GROWER, PROCESSOR, OR DISPENSARY LICENSES; AND**

5 **(II) MAKE GRANTS TO APPROPRIATE EDUCATIONAL AND**
6 **BUSINESS DEVELOPMENT ORGANIZATIONS TO TRAIN AND ASSIST SMALL, MINORITY,**
7 **AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS SEEKING TO BECOME**
8 **LICENSED AS CANNABIS GROWERS, PROCESSORS, OR DISPENSARIES.**

9 **(2) THE OUTREACH REQUIRED UNDER PARAGRAPH (1)(I) OF THIS**
10 **SUBSECTION SHALL INCLUDE:**

11 **(I) DEVELOPING PARTNERSHIPS WITH:**

12 **1. TRADITIONAL MINORITY-SERVING INSTITUTIONS IN**
13 **THE STATE AND SURROUNDING JURISDICTIONS, INCLUDING HISTORICALLY BLACK**
14 **COLLEGES AND UNIVERSITIES;**

15 **2. TRADE ASSOCIATIONS REPRESENTING MINORITY**
16 **AND WOMEN-OWNED BUSINESSES; AND**

17 **3. THE GOVERNOR'S OFFICE OF SMALL, MINORITY,**
18 **AND WOMEN BUSINESS AFFAIRS;**

19 **(II) ESTABLISHING AND CONDUCTING TRAINING PROGRAMS**
20 **FOR EMPLOYMENT IN THE CANNABIS INDUSTRY;**

21 **(III) DISSEMINATING INFORMATION ABOUT THE LICENSING**
22 **PROCESS FOR CANNABIS GROWERS, PROCESSORS, AND DISPENSARIES THROUGH**
23 **MEDIA DEMONSTRATED TO REACH LARGE NUMBERS OF MINORITY AND WOMEN**
24 **BUSINESS OWNERS AND ENTREPRENEURS; AND**

25 **(IV) COLLABORATING WITH THE PARTNERS DESCRIBED IN ITEM**
26 **(I) OF THIS PARAGRAPH TO ENSURE THAT OUTREACH IS APPROPRIATELY**
27 **TARGETED.**

28 **(3) THE COMMISSION AND THE ENTITIES WITH WHICH THE**
29 **COMMISSION DEVELOPS PARTNERSHIPS UNDER PARAGRAPH (2)(I) OF THIS**
30 **SUBSECTION SHALL COMPLY WITH FEDERAL AND STATE LAWS IN PERFORMING THE**
31 **ACTIONS REQUIRED UNDER PARAGRAPH (2)(II) THROUGH (IV) OF THIS SUBSECTION.**

32 **(F) (1) THE COMMISSION SHALL PARTNER WITH THE MARYLAND**

1 DEPARTMENT OF LABOR TO IDENTIFY EMPLOYMENT OPPORTUNITIES WITHIN THE
2 CANNABIS INDUSTRY FOR JOB SEEKERS, DISLOCATED WORKERS, AND
3 EX-OFFENDERS.

4 (2) IN PERFORMING THE DUTIES REQUIRED UNDER PARAGRAPH (1)
5 OF THIS SUBSECTION, THE COMMISSION AND THE MARYLAND DEPARTMENT OF
6 LABOR SHALL COMPLY WITH FEDERAL AND STATE LAWS.

7 23-104.

8 (A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

9 (1) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;

10 (2) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR WITH
11 THE ADVICE AND CONSENT OF THE SENATE:

12 (I) TWO LICENSED NONCERTIFIED PROVIDERS WHO ARE
13 PHYSICIANS, DENTISTS, PODIATRISTS, NURSE PRACTITIONERS, OR NURSE
14 MIDWIVES;

15 (II) ONE NURSE OR OTHER HEALTH CARE PROVIDER LICENSED
16 IN THE STATE WHO HAS EXPERIENCE IN HOSPICE CARE, NOMINATED BY A STATE
17 HOSPICE TRADE ASSOCIATION;

18 (III) ONE PHARMACIST LICENSED IN THE STATE, NOMINATED BY
19 A STATE RESEARCH INSTITUTION OR TRADE ASSOCIATION; AND

20 (IV) ONE SCIENTIST WHO HAS EXPERIENCE IN THE SCIENCE OF
21 CANNABIS, NOMINATED BY A STATE RESEARCH INSTITUTION;

22 (3) FOUR MEMBERS APPOINTED BY THE GOVERNOR WITH THE
23 ADVICE AND CONSENT OF THE SENATE;

24 (4) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF
25 THREE INDIVIDUALS RECOMMENDED BY THE PRESIDENT OF THE SENATE;

26 (5) ONE MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF
27 THREE INDIVIDUALS RECOMMENDED BY THE SPEAKER OF THE HOUSE; AND

28 (6) ONE MEMBER APPOINTED BY THE GOVERNOR FROM EITHER OF
29 THE TWO LISTS DESCRIBED IN ITEMS (4) AND (5) OF THIS SUBSECTION.

1 **(B) (1) AN APPOINTED MEMBER OF THE COMMISSION MUST:**

2 **(I) BE AT LEAST 25 YEARS OLD;**

3 **(II) BE A RESIDENT OF THE STATE WHO HAS RESIDED IN THE**
4 **STATE FOR AT LEAST THE IMMEDIATELY PRECEDING 5 YEARS;**

5 **(III) BE A QUALIFIED VOTER OF THE STATE; AND**

6 **(IV) WITH RESPECT TO A MEMBER APPOINTED UNDER**
7 **SUBSECTION (A)(3), (4), (5), OR (6) OF THIS SECTION, HAVE SUBSTANTIAL**
8 **EXPERIENCE:**

9 **1. AS AN EXECUTIVE WITH FIDUCIARY**
10 **RESPONSIBILITIES FOR A LARGE ORGANIZATION OR FOUNDATION;**

11 **2. IN AN ACADEMIC FIELD RELATING TO HEALTH,**
12 **AGRICULTURE, FINANCE, OR SUBSTANCE USE DISORDER TREATMENT; OR**

13 **3. AS A PROFESSIONAL IN A PROFESSION RELATING TO**
14 **HEALTH, AGRICULTURE, FINANCE, OR SUBSTANCE USE DISORDER TREATMENT.**

15 **(2) A MEMBER OF THE COMMISSION MAY NOT:**

16 **(I) HAVE A DIRECT OR INDIRECT FINANCIAL, OWNERSHIP, OR**
17 **MANAGEMENT INTEREST, INCLUDING OWNERSHIP OF ANY STOCKS, BONDS, OR**
18 **OTHER SIMILAR FINANCIAL INSTRUMENTS, IN ANY STATE-LICENSED CANNABIS**
19 **GROWER, PROCESSOR, OR DISPENSARY;**

20 **(II) HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO**
21 **HOLDS A LICENSE UNDER THIS SUBTITLE;**

22 **(III) BE AN ELECTED OFFICIAL OF STATE OR LOCAL**
23 **GOVERNMENT;**

24 **(IV) RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE**
25 **RECEIPTS OR PROCEEDS OF ANY STATE-LICENSED CANNABIS GROWER,**
26 **PROCESSOR, OR DISPENSARY; OR**

27 **(V) HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR THE**
28 **MANUFACTURE OR SALE OF CANNABIS OR THE PROVISION OF ANY INDEPENDENT**
29 **CONSULTING SERVICES IN CONNECTION WITH ANY CANNABIS LICENSE.**

1 **(3) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL**
2 **AND STATE LAW, THE MEMBERSHIP OF THE COMMISSION SHALL REFLECT THE**
3 **RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.**

4 **(4) A MEMBER OF THE COMMISSION SHALL FILE A FINANCIAL**
5 **DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE**
6 **WITH TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE.**

7 **(C) (1) THE TERM OF A MEMBER IS 4 YEARS.**

8 **(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS**
9 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2019.**

10 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
11 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

12 **(4) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE**
13 **FULL TERMS.**

14 **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
15 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
16 **QUALIFIES.**

17 **(D) THE GOVERNOR SHALL DESIGNATE THE CHAIR FROM AMONG THE**
18 **MEMBERS OF THE COMMISSION.**

19 **(E) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**
20 **COMMISSION IS A QUORUM.**

21 **(F) (1) AN APPOINTED MEMBER OF THE COMMISSION IS ENTITLED TO:**

22 **(I) THE SALARY PROVIDED IN THE BUDGET OF THE**
23 **COMMISSION; AND**

24 **(II) REIMBURSEMENT FOR REASONABLE EXPENSES:**

25 **1. INCURRED IN THE PERFORMANCE OF THE**
26 **COMMISSION MEMBER'S DUTIES; AND**

27 **2. AS PROVIDED IN THE BUDGET OF THE COMMISSION.**

28 **(2) AN APPOINTED MEMBER OF THE COMMISSION SHALL BE PAID**
29 **ONCE EVERY 2 WEEKS.**

1 **(3) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE, IS**
2 **ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE**
3 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

4 **(G) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR**
5 **JUST CAUSE.**

6 **(H) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
7 **COMMISSION MAY EMPLOY A STAFF, INCLUDING CONTRACTUAL STAFF, IN**
8 **ACCORDANCE WITH THE STATE BUDGET.**

9 **(2) WITHIN 30 DAYS AFTER RECEIVING A LIST OF THREE NAMES**
10 **SUBMITTED BY THE COMMISSION, THE GOVERNOR SHALL APPOINT AN EXECUTIVE**
11 **DIRECTOR OF THE COMMISSION FROM THE LIST WITH THE ADVICE AND CONSENT**
12 **OF THE SENATE.**

13 **(3) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF**
14 **THE COMMISSION.**

15 **(I) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE COSTS OF**
16 **OPERATING THE COMMISSION.**

17 **23-105.**

18 **ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL REPORT TO**
19 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
20 **ARTICLE, THE GENERAL ASSEMBLY ON:**

21 **(1) PROVIDERS CERTIFIED UNDER THIS TITLE;**

22 **(2) THE AMOUNT OF CANNABIS SOLD, DISAGGREGATED BY SALES OF**
23 **MEDICAL CANNABIS AND ADULT-USE CANNABIS; AND**

24 **(3) FOR MEDICAL CANNABIS SALES, THE AMOUNT OF MEDICAL**
25 **CANNABIS SOLD, BY CONDITION TREATED, AND AVERAGE CONSUMER PRICE FOR**
26 **MEDICAL CANNABIS PRODUCTS PROVIDED IN ACCORDANCE WITH THIS TITLE.**

27 **23-106.**

28 **(A) THE COMMISSION, IN CONSULTATION WITH THE CERTIFICATION**
29 **AGENCY AS DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT**
30 **ARTICLE, THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS**

1 **AFFAIRS, AND THE OFFICE OF THE ATTORNEY GENERAL, SHALL:**

2 **(1) EVALUATE A STUDY OF THE CANNABIS INDUSTRY AND MARKET TO**
3 **DETERMINE WHETHER THERE IS A COMPELLING INTEREST TO IMPLEMENT**
4 **REMEDIAL MEASURES, INCLUDING THE APPLICATION OF THE STATE MINORITY**
5 **BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE**
6 **FINANCE AND PROCUREMENT ARTICLE OR A SIMILAR PROGRAM, TO ASSIST**
7 **MINORITIES AND WOMEN IN THE CANNABIS INDUSTRY;**

8 **(2) EVALUATE RACE-NEUTRAL PROGRAMS OR OTHER METHODS**
9 **THAT MAY BE USED TO ADDRESS THE NEEDS OF MINORITY AND WOMEN APPLICANTS**
10 **AND MINORITY AND WOMEN-OWNED BUSINESSES SEEKING TO PARTICIPATE IN THE**
11 **CANNABIS INDUSTRY; AND**

12 **(3) SUBMIT EMERGENCY REGULATIONS, IN ACCORDANCE WITH**
13 **TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, TO IMPLEMENT**
14 **REMEDIAL MEASURES, IF NECESSARY AND TO THE EXTENT PERMITTED BY STATE**
15 **AND FEDERAL LAW, BASED ON THE FINDINGS OF THE STUDY EVALUATED UNDER**
16 **ITEM (1) OF THIS SUBSECTION.**

17 **(B) THE COMMISSION MAY REPORT TO THE GENERAL ASSEMBLY, IN**
18 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ANY**
19 **INFORMATION THAT THE COMMISSION DETERMINES TO BE NECESSARY TO THE**
20 **CONSIDERATION, DEVELOPMENT, OR IMPLEMENTATION OF ANY REMEDIAL**
21 **MEASURES REQUIRED UNDER THIS SECTION.**

22 **SUBTITLE 2. CANNABIS FUNDS.**

23 **23-201.**

24 **(A) THERE IS A NATALIE M. LAPRADE MARYLAND CANNABIS COMMISSION**
25 **FUND.**

26 **(B) THE COMMISSION SHALL ADMINISTER THE FUND.**

27 **(C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO**
28 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

29 **(D) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE**
30 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

31 **(E) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER**
32 **AS OTHER STATE FUNDS, AND ANY INVESTMENT EARNINGS SHALL BE RETAINED TO**

1 THE CREDIT OF THE FUND.

2 (F) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF
3 LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT
4 ARTICLE.

5 (G) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
6 DIRECTED BY THE COMMISSION.

7 (H) THE FUND CONSISTS OF:

8 (1) ANY MONEY APPROPRIATED IN THE STATE BUDGET TO THE
9 FUND;

10 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
11 THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED BY
12 THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND;
13 AND

14 (3) EXCEPT AS PROVIDED IN §§ 23-202 AND 23-203 OF THIS
15 SUBTITLE, ANY FEES COLLECTED BY THE COMMISSION UNDER THIS SUBTITLE.

16 (I) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

17 (1) THE GENERAL FUND OF THE STATE; OR

18 (2) ANY OTHER SPECIAL FUND OF THE STATE.

19 (J) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
20 WITH THE STATE BUDGET.

21 23-202.

22 (A) IN THIS SECTION, "COMPASSIONATE USE FUND" MEANS THE NATALIE
23 M. LAPRADE MEDICAL CANNABIS COMPASSIONATE USE FUND.

24 (B) THERE IS A NATALIE M. LAPRADE MEDICAL CANNABIS
25 COMPASSIONATE USE FUND.

26 (C) (1) THE DEPARTMENT SHALL:

27 (I) ADMINISTER THE COMPASSIONATE USE FUND; AND

1 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SET**
2 **FEES IN AN AMOUNT NECESSARY TO PROVIDE REVENUES FOR THE PURPOSES OF**
3 **THE COMPASSIONATE USE FUND.**

4 **(2) THE COMMISSION MAY NOT IMPOSE THE FEES ESTABLISHED**
5 **UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ON A LICENSED CANNABIS**
6 **GROWER, PROCESSOR, OR DISPENSARY DURING THE 2 YEARS IMMEDIATELY**
7 **FOLLOWING THE PREAPPROVAL OF THE LICENSEE FOR A LICENSE UNDER THIS**
8 **TITLE.**

9 **(D) THE PURPOSE OF THE COMPASSIONATE USE FUND IS TO PROVIDE**
10 **ACCESS TO MEDICAL CANNABIS FOR INDIVIDUALS ENROLLED IN THE MARYLAND**
11 **MEDICAL ASSISTANCE PROGRAM OR IN THE VETERANS ADMINISTRATION**
12 **MARYLAND HEALTH CARE SYSTEM.**

13 **(E) (1) THE COMPASSIONATE USE FUND IS A SPECIAL, NONLAPSING**
14 **FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND**
15 **PROCUREMENT ARTICLE.**

16 **(2) THE STATE TREASURER SHALL HOLD THE COMPASSIONATE USE**
17 **FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE**
18 **COMPASSIONATE USE FUND.**

19 **(3) THE COMPASSIONATE USE FUND SHALL BE INVESTED AND**
20 **REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS, AND ANY INVESTMENT**
21 **EARNINGS SHALL BE RETAINED TO THE CREDIT OF THE COMPASSIONATE USE**
22 **FUND.**

23 **(4) THE COMPASSIONATE USE FUND SHALL BE SUBJECT TO AN**
24 **AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF**
25 **THE STATE GOVERNMENT ARTICLE.**

26 **(5) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE**
27 **COMPASSIONATE USE FUND AS DIRECTED BY THE DEPARTMENT.**

28 **(F) NO PART OF THE COMPASSIONATE USE FUND MAY REVERT OR BE**
29 **CREDITED TO:**

30 **(1) THE GENERAL FUND OF THE STATE; OR**

31 **(2) ANY OTHER SPECIAL FUND OF THE STATE.**

32 **(G) EXPENDITURES FROM THE COMPASSIONATE USE FUND MAY BE MADE**

1 ONLY IN ACCORDANCE WITH THE STATE BUDGET.

2 (H) (1) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION,
3 SHALL ESTABLISH A PROGRAM TO ALLOW ELIGIBLE INDIVIDUALS ENROLLED IN THE
4 MARYLAND MEDICAL ASSISTANCE PROGRAM OR IN THE VETERANS
5 ADMINISTRATION MARYLAND HEALTH CARE SYSTEM TO:

6 (I) OBTAIN MEDICAL CANNABIS FROM A LICENSED
7 DISPENSARY AT NO COST OR A REDUCED COST; AND

8 (II) REIMBURSE A LICENSED DISPENSARY FOR THE COST OF
9 THE MEDICAL CANNABIS DISPENSED TO AN ELIGIBLE INDIVIDUAL UNDER THE
10 PROGRAM FROM THE COMPASSIONATE USE FUND.

11 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
12 THIS SUBSECTION.

13 **23-203.**

14 (A) IN THIS SECTION, "MINORITY BUSINESS ENTERPRISE FUND" MEANS
15 THE NATALIE M. LAPRADE MINORITY BUSINESS ENTERPRISE FUND.

16 (B) THERE IS A NATALIE M. LAPRADE MINORITY BUSINESS ENTERPRISE
17 FUND.

18 (C) (1) THE DEPARTMENT SHALL:

19 (I) ADMINISTER THE MINORITY BUSINESS ENTERPRISE
20 FUND; AND

21 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SET
22 FEES IN AN AMOUNT NECESSARY TO PROVIDE REVENUES FOR THE PURPOSES OF
23 THE MINORITY BUSINESS ENTERPRISE FUND.

24 (2) THE COMMISSION MAY NOT IMPOSE THE FEES ESTABLISHED
25 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ON A LICENSED CANNABIS
26 GROWER, PROCESSOR, OR DISPENSARY DURING THE 2 YEARS IMMEDIATELY
27 FOLLOWING THE PREAPPROVAL OF THE LICENSEE FOR A LICENSE UNDER THIS
28 TITLE.

29 (D) THE PURPOSE OF THE MINORITY BUSINESS ENTERPRISE FUND IS TO
30 OFFSET THE COST OF AN APPLICATION FEE CHARGED BY THE COMMISSION UNDER
31 SUBTITLE 4 OF THIS TITLE TO APPLICANTS WHO QUALIFY AS A MINORITY BUSINESS

1 ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT
2 ARTICLE, OR WHO ARE SMALL, MINORITY, OR WOMEN-OWNED BUSINESS ENTITIES.

3 (E) (1) THE MINORITY BUSINESS ENTERPRISE FUND IS A SPECIAL,
4 NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND
5 PROCUREMENT ARTICLE.

6 (2) THE STATE TREASURER SHALL HOLD THE MINORITY BUSINESS
7 ENTERPRISE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR
8 THE MINORITY BUSINESS ENTERPRISE FUND.

9 (3) THE MINORITY BUSINESS ENTERPRISE FUND SHALL BE
10 INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS, AND
11 ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT OF THE MINORITY
12 BUSINESS ENTERPRISE FUND.

13 (4) THE MINORITY BUSINESS ENTERPRISE FUND SHALL BE SUBJECT
14 TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR IN §
15 2-1220 OF THE STATE GOVERNMENT ARTICLE.

16 (5) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE
17 MINORITY BUSINESS ENTERPRISE FUND AS DIRECTED BY THE DEPARTMENT.

18 (F) (1) ON OR BEFORE DECEMBER 1, 2022, THE COMMISSION, IN
19 CONSULTATION WITH THE DEPARTMENT, SHALL REPORT TO THE GENERAL
20 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
21 ON:

22 (I) THE REVENUES THE COMMISSION ANTICIPATES ARE
23 NECESSARY TO IMPLEMENT THE PROGRAM DESCRIBED IN SUBSECTION (I) OF THIS
24 SECTION;

25 (II) THE AMOUNT OF FEES AND THE LICENSEES ON WHICH
26 THOSE FEES SHALL BE ASSESSED IN ORDER TO GENERATE THE NECESSARY
27 REVENUES; AND

28 (III) THE USE OF ANY OTHER FUNDING MECHANISM TO
29 IMPLEMENT THE PROGRAM.

30 (2) THE COMMISSION MAY HIRE AN INDEPENDENT ACTUARY TO
31 ASSIST THE COMMISSION IN THE PREPARATION OF THE REPORT REQUIRED UNDER
32 PARAGRAPH (1) OF THIS SUBSECTION.

1 (G) NO PART OF THE MINORITY BUSINESS ENTERPRISE FUND MAY REVERT
2 OR BE CREDITED TO:

3 (1) THE GENERAL FUND OF THE STATE; OR

4 (2) ANY OTHER SPECIAL FUND OF THE STATE.

5 (H) EXPENDITURES FROM THE MINORITY BUSINESS ENTERPRISE FUND
6 MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

7 (I) (1) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION,
8 SHALL ESTABLISH A PROGRAM TO ALLOW APPLICANTS FOR LICENSES UNDER
9 SUBTITLE 4 OF THIS TITLE WHO QUALIFY AS MINORITY BUSINESS ENTERPRISES, AS
10 DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR
11 WHO ARE SMALL, MINORITY, OR WOMEN-OWNED BUSINESS ENTITIES TO APPLY TO
12 HAVE PART OR ALL OF THE COST OF THE APPLICATION FEE CHARGED BY THE
13 COMMISSION REIMBURSED TO THE APPLICANT.

14 (2) THE COMMISSION SHALL DEVELOP A PROCESS FOR SELECTING
15 APPLICANTS THAT APPLY FOR REIMBURSEMENT UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION.

17 (J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
18 SUBSECTION.

19 SUBTITLE 3. LICENSING AND OWNERSHIP.

20 23-301.

21 (A) IN THIS SECTION, "OWNER" INCLUDES ANY TYPE OF OWNER OR
22 BENEFICIARY OF A BUSINESS ENTITY, INCLUDING AN OFFICER, A DIRECTOR, A
23 PRINCIPAL EMPLOYEE, A PARTNER, AN INVESTOR, A STOCKHOLDER, OR A
24 BENEFICIAL OWNER OF THE BUSINESS ENTITY AND, NOTWITHSTANDING ANY OTHER
25 PROVISION OF THIS TITLE, A PERSON HAVING ANY OWNERSHIP INTEREST
26 REGARDLESS OF THE PERCENTAGE OF OWNERSHIP INTEREST.

27 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
28 CONSTITUTIONAL OFFICER OR A SECRETARY OF A PRINCIPAL DEPARTMENT OF THE
29 EXECUTIVE BRANCH OF THE STATE GOVERNMENT MAY NOT:

30 (1) BE AN OWNER OR AN EMPLOYEE OF ANY BUSINESS ENTITY THAT
31 HOLDS A LICENSE UNDER THIS TITLE; OR

1 **(2) HAVE AN OFFICIAL RELATIONSHIP TO A BUSINESS ENTITY THAT**
2 **HOLDS A LICENSE UNDER THIS TITLE.**

3 **(C) A CONSTITUTIONAL OFFICER OR A SECRETARY OF A PRINCIPAL**
4 **DEPARTMENT OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT MAY**
5 **REMAIN AN OWNER OR AN EMPLOYEE OF A BUSINESS ENTITY THAT HOLDS A LICENSE**
6 **UNDER THIS TITLE IF THE CONSTITUTIONAL OFFICER OR SECRETARY WAS AN**
7 **OWNER OR EMPLOYEE OF THE BUSINESS ENTITY BEFORE THE CONSTITUTIONAL**
8 **OFFICER'S ELECTION OR APPOINTMENT OR THE SECRETARY'S APPOINTMENT.**

9 **(D) A FORMER MEMBER OF THE GENERAL ASSEMBLY, FOR THE 1-YEAR**
10 **PERIOD IMMEDIATELY AFTER THE MEMBER LEAVES OFFICE, MAY NOT:**

11 **(1) BE AN OWNER OR AN EMPLOYEE OF ANY BUSINESS ENTITY THAT**
12 **HOLDS A LICENSE UNDER THIS TITLE; OR**

13 **(2) HAVE AN OFFICIAL RELATIONSHIP WITH A BUSINESS ENTITY**
14 **THAT HOLDS A LICENSE UNDER THIS TITLE.**

15 **23-302.**

16 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
17 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
18 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

19 **(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A**
20 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL**
21 **SUBMIT TO THE CENTRAL REPOSITORY:**

22 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON**
23 **FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
24 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

25 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**
26 **PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

27 **(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF**
28 **INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

29 **(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL**
30 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
31 **COMMISSION AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD**
32 **INFORMATION OF THE APPLICANT.**

1 (D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL ATTEMPTS
2 AT SECURING LEGIBLE FINGERPRINTS, THE COMMISSION MAY ACCEPT AN
3 ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY
4 THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
5 FEDERAL BUREAU OF INVESTIGATION.

6 (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
7 THIS SECTION SHALL BE:

8 (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

9 (2) USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED BY
10 THIS TITLE.

11 (F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS
12 SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY
13 THE CENTRAL REPOSITORY, AS PROVIDED IN § 10-223 OF THE CRIMINAL
14 PROCEDURE ARTICLE.

15 23-303.

16 (A) A PERSON THAT APPLIES FOR LICENSURE UNDER THIS TITLE SHALL
17 SUBMIT WITH THE APPLICATION FOR LICENSURE AN AFFIDAVIT ATTESTING TO:

18 (1) THE NUMBER OF MINORITY AND WOMEN OWNERS OF THE
19 APPLICANT;

20 (2) THE OWNERSHIP INTEREST OF ANY MINORITY AND WOMEN
21 OWNERS OF THE APPLICANT;

22 (3) THE NUMBER OF MINORITY AND WOMEN EMPLOYEES OF THE
23 APPLICANT; AND

24 (4) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE
25 COMMISSION.

26 (B) IF THE COMMISSION RETAINS A THIRD PARTY TO ASSIST THE
27 COMMISSION IN THE EVALUATION OR RANKING OF APPLICATIONS FOR LICENSURE
28 UNDER THIS TITLE, THE COMMISSION MAY NOT RETAIN THE SERVICES OF A PERSON
29 THAT:

30 (1) HAS A DIRECT OR INDIRECT FINANCIAL, OWNERSHIP, OR

1 MANAGEMENT INTEREST, INCLUDING OWNERSHIP OF ANY STOCKS, BONDS, OR
2 OTHER SIMILAR FINANCIAL INSTRUMENTS, IN:

3 (I) ANY STATE-LICENSED CANNABIS GROWER, PROCESSOR, OR
4 DISPENSARY; OR

5 (II) AN APPLICANT FOR LICENSURE UNDER THIS TITLE; OR

6 (2) HAS AN OFFICIAL RELATIONSHIP WITH A PERSON WHO HOLDS A
7 LICENSE UNDER THIS TITLE OR AN APPLICANT FOR LICENSURE UNDER THIS TITLE.

8 **23-304.**

9 (A) (1) THE COMMISSION SHALL LICENSE CANNABIS GROWERS THAT
10 MEET ALL REQUIREMENTS ESTABLISHED BY THE COMMISSION TO OPERATE IN THE
11 STATE TO PROVIDE CANNABIS TO:

12 (I) PROCESSORS LICENSED BY THE COMMISSION UNDER THIS
13 SUBTITLE;

14 (II) DISPENSARIES LICENSED BY THE COMMISSION UNDER
15 THIS SUBTITLE; AND

16 (III) INDEPENDENT TESTING LABORATORIES REGISTERED WITH
17 THE COMMISSION UNDER § 23-401 OF THIS TITLE.

18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
19 COMMISSION MAY LICENSE NOT MORE THAN 88 CANNABIS GROWERS.

20 (II) 1. IF AN APPLICANT FOR LICENSURE THAT RECEIVED
21 STAGE ONE PREAPPROVAL IN CALENDAR YEAR 2016 FOR A CANNABIS GROWER
22 LICENSE FAILS TO SATISFY THE REQUIREMENTS FOR LICENSURE ESTABLISHED BY
23 THE COMMISSION, THE COMMISSION SHALL RESCIND THE APPLICANT'S STAGE ONE
24 PREAPPROVAL.

25 2. IF THE COMMISSION RESCINDS THE STAGE ONE
26 PREAPPROVAL FOR A LICENSE OF AN APPLICANT UNDER SUBSUBPARAGRAPH 1 OF
27 THIS SUBPARAGRAPH, THE MAXIMUM NUMBER OF CANNABIS GROWER LICENSES
28 AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED
29 BY ONE CANNABIS GROWER LICENSE.

30 (III) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
31 SUBPARAGRAPH, BEGINNING DECEMBER 1, 2024, THE COMMISSION MAY REPORT

1 TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE
2 GOVERNMENT ARTICLE, ON THE NUMBER OF LICENSES NECESSARY TO MEET THE
3 DEMAND FOR CANNABIS IN AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT
4 MANNER.

5 2. BEFORE THE COMMISSION SUBMITS THE REPORT
6 DESCRIBED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE
7 COMMISSION SHALL PROVIDE THE LEGISLATIVE POLICY COMMITTEE AT LEAST 30
8 DAYS TO SUBMIT COMMENTS TO THE COMMISSION.

9 (IV) THE COMMISSION SHALL ESTABLISH AN APPLICATION
10 REVIEW PROCESS FOR GRANTING CANNABIS GROWER LICENSES IN WHICH
11 APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA
12 ESTABLISHED BY THE COMMISSION.

13 (V) A PERSON MAY NOT HAVE AN OWNERSHIP INTEREST IN OR
14 CONTROL OF, INCLUDING THE POWER TO MANAGE AND OPERATE, MORE THAN ONE
15 GROWER.

16 (VI) A GROWER SHALL PAY AN APPLICATION FEE IN AN AMOUNT
17 TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS SUBTITLE.

18 (3) THE COMMISSION SHALL SET STANDARDS FOR LICENSURE AS A
19 CANNABIS GROWER TO ENSURE PUBLIC SAFETY AND SAFE ACCESS TO CANNABIS,
20 WHICH MAY INCLUDE A REQUIREMENT FOR THE POSTING OF SECURITY.

21 (4) EACH CANNABIS GROWER AGENT SHALL:

22 (I) BE REGISTERED WITH THE COMMISSION BEFORE THE
23 CANNABIS GROWER AGENT MAY VOLUNTEER OR WORK FOR A LICENSED GROWER;
24 AND

25 (II) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY
26 RECORDS CHECK IN ACCORDANCE WITH § 23-302 OF THIS SUBTITLE.

27 (5) (I) A LICENSED GROWER SHALL APPLY TO THE COMMISSION
28 FOR A REGISTRATION CARD FOR EACH CANNABIS GROWER AGENT BY SUBMITTING
29 THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

30 (II) 1. WITHIN 1 BUSINESS DAY AFTER A CANNABIS GROWER
31 AGENT CEASES TO BE ASSOCIATED WITH A GROWER, THE GROWER SHALL:

32 A. NOTIFY THE COMMISSION; AND

1 **B. RETURN THE CANNABIS GROWER AGENT'S**
2 **REGISTRATION CARD TO THE COMMISSION.**

3 **2. ON RECEIPT OF A NOTICE DESCRIBED IN**
4 **SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH, THE COMMISSION SHALL:**

5 **A. IMMEDIATELY REVOKE THE REGISTRATION CARD OF**
6 **THE CANNABIS GROWER AGENT; AND**

7 **B. IF THE REGISTRATION CARD WAS NOT RETURNED TO**
8 **THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.**

9 **(III) THE COMMISSION MAY REGISTER A PERSON WHO HAS BEEN**
10 **CONVICTED OF A FELONY DRUG OFFENSE AS A CANNABIS GROWER AGENT UNLESS:**

11 **1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS**
12 **SUBPARAGRAPH, THE INDIVIDUAL SUBMITTED AN APPLICATION UNDER**
13 **SUBPARAGRAPH (I) OF THIS PARAGRAPH EARLIER THAN 7 YEARS AFTER THE**
14 **INDIVIDUAL SATISFIED THE SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING**
15 **PAROLE, PROBATION, OR MANDATORY SUPERVISION;**

16 **2. THE INDIVIDUAL HAS BEEN CONVICTED OF A**
17 **VIOLATION OF § 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE, REGARDLESS**
18 **OF WHETHER THE INDIVIDUAL HAS SATISFACTORILY COMPLETED THE SENTENCE**
19 **FOR THE OFFENSE; OR**

20 **3. THE COMMISSION FINDS A SUBSTANTIAL REASON TO**
21 **DENY THE REGISTRATION.**

22 **(6) (I) A CANNABIS GROWER LICENSE IS VALID FOR 6 YEARS ON**
23 **INITIAL LICENSURE.**

24 **(II) A CANNABIS GROWER LICENSE IS VALID FOR 4 YEARS ON**
25 **RENEWAL.**

26 **(7) AN APPLICATION TO OPERATE AS A CANNABIS GROWER MAY BE**
27 **SUBMITTED IN PAPER OR ELECTRONIC FORM.**

28 **(8) THE COMMISSION SHALL ENCOURAGE LICENSING CANNABIS**
29 **GROWERS THAT GROW STRAINS OF CANNABIS, INCLUDING STRAINS WITH HIGH**
30 **CANNABIDIOL CONTENT AND A BROAD VARIETY OF TETRAHYDROCANNABINOL**
31 **(THC) AND CANNABIDIOL (CBD) CONTENT, WITH DEMONSTRATED SUCCESS IN**

1 ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES OR CONDITIONS.

2 (9) (I) THE COMMISSION SHALL:

3 1. TO THE EXTENT AUTHORIZED UNDER FEDERAL AND
4 STATE LAW, ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, GENDER, AND
5 GEOGRAPHIC DIVERSITY WHEN LICENSING CANNABIS GROWERS; AND

6 2. ENCOURAGE APPLICANTS WHO QUALIFY AS A
7 MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE
8 AND PROCUREMENT ARTICLE, OR WHO ARE SMALL, MINORITY, OR WOMEN-OWNED
9 BUSINESS ENTITIES TO APPLY FOR LICENSURE AS CANNABIS GROWERS.

10 (II) BEGINNING JUNE 1, 2018, A GROWER LICENSED UNDER
11 THIS TITLE TO OPERATE AS A CANNABIS GROWER SHALL REPORT ANNUALLY TO THE
12 COMMISSION ON:

13 1. THE NUMBER OF MINORITY AND WOMEN OWNERS OF
14 THE GROWER;

15 2. THE OWNERSHIP INTEREST OF ANY MINORITY AND
16 WOMEN OWNERS OF THE GROWER; AND

17 3. THE NUMBER OF MINORITY AND WOMEN EMPLOYEES
18 OF THE GROWER.

19 (10) AN ENTITY SEEKING LICENSURE AS A CANNABIS GROWER SHALL
20 MEET LOCAL ZONING AND PLANNING REQUIREMENTS.

21 (B) AN ENTITY LICENSED TO GROW CANNABIS UNDER THIS SECTION MAY
22 PROVIDE:

23 (1) ADULT-USE CANNABIS ONLY TO:

24 (I) PROCESSORS LICENSED BY THE COMMISSION UNDER §
25 23-307 OF THIS SUBTITLE;

26 (II) DISPENSARIES LICENSED BY THE COMMISSION UNDER §
27 23-305 OF THIS SUBTITLE;

28 (III) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE;

29 (IV) INDEPENDENT TESTING LABORATORIES REGISTERED WITH

1 THE COMMISSION UNDER § 23-401 OF THIS TITLE; AND

2 (V) ACADEMIC RESEARCH REPRESENTATIVES PURCHASING
3 CANNABIS UNDER § 23-402 OF THIS TITLE; AND

4 (2) MEDICAL CANNABIS ONLY TO:

5 (I) PROCESSORS LICENSED BY THE COMMISSION UNDER §
6 23-307 OF THIS SUBTITLE;

7 (II) DISPENSARIES LICENSED BY THE COMMISSION UNDER §
8 23-305 OF THIS SUBTITLE;

9 (III) QUALIFIED PATIENTS;

10 (IV) CAREGIVERS;

11 (V) INDEPENDENT TESTING LABORATORIES REGISTERED WITH
12 THE COMMISSION UNDER § 23-401 OF THIS TITLE; AND

13 (VI) ACADEMIC RESEARCH REPRESENTATIVES PURCHASING
14 CANNABIS UNDER § 23-402 OF THIS TITLE.

15 (C) (1) AN ENTITY LICENSED TO GROW CANNABIS UNDER THIS SECTION
16 MAY DISPENSE CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A
17 DISPENSARY.

18 (2) A QUALIFYING PATIENT, A CAREGIVER, OR AN ACADEMIC
19 RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 23-402 OF
20 THIS TITLE MAY OBTAIN MEDICAL CANNABIS FROM A FACILITY OF A GROWER
21 LICENSED AS A DISPENSARY.

22 (3) AN ENTITY LICENSED TO GROW CANNABIS UNDER THIS SECTION
23 MAY GROW AND PROCESS CANNABIS ON THE SAME PREMISES.

24 (D) AN ENTITY LICENSED TO GROW CANNABIS UNDER THIS SECTION SHALL
25 ENSURE THAT SAFETY PRECAUTIONS ESTABLISHED BY THE COMMISSION ARE
26 FOLLOWED BY ANY FACILITY OPERATED BY THE GROWER.

27 (E) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY
28 AND THE MANUFACTURING PROCESS THAT A GROWER MUST MEET TO OBTAIN A
29 LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A
30 PRODUCT-TRACKING SYSTEM.

1 (F) THE COMMISSION MAY INSPECT A GROWER LICENSED UNDER THIS
2 SECTION TO ENSURE COMPLIANCE WITH THIS TITLE.

3 (G) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE
4 OF A GROWER THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE
5 COMMISSION.

6 (H) A GROWER LICENSED UNDER THIS SECTION OR A CANNABIS GROWER
7 AGENT REGISTERED UNDER THIS SECTION MAY NOT BE PENALIZED OR ARRESTED
8 UNDER STATE LAW FOR:

9 (1) CULTIVATING, POSSESSING, PACKAGING, TRANSFERRING,
10 TRANSPORTING, SELLING, OR DISTRIBUTING CANNABIS TO A PROCESSOR OR
11 DISPENSARY; OR

12 (2) TRANSPORTING THE CANNABIS TO AN INDEPENDENT TESTING
13 LABORATORY.

14 (I) A GROWER LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE
15 MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.

16 **23-305.**

17 (A) (1) A DISPENSARY SHALL BE LICENSED BY THE COMMISSION.

18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
19 BEGINNING DECEMBER 1, 2024, THE COMMISSION MAY REPORT TO THE GENERAL
20 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
21 ON THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR CANNABIS IN
22 AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT MANNER.

23 (II) BEFORE THE COMMISSION SUBMITS THE REPORT
24 DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION
25 SHALL PROVIDE THE LEGISLATIVE POLICY COMMITTEE AT LEAST 30 DAYS TO
26 SUBMIT COMMENTS TO THE COMMISSION.

27 (B) TO BE LICENSED AS A DISPENSARY, AN APPLICANT SHALL SUBMIT TO
28 THE COMMISSION:

29 (1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE
30 COMMISSION CONSISTENT WITH THIS TITLE; AND

1 **(2) AN APPLICATION THAT INCLUDES:**

2 **(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE**
3 **PROPOSED DISPENSARY;**

4 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH**
5 **PRINCIPAL OFFICER AND EACH DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A**
6 **PRINCIPAL OFFICER OR DIRECTOR FOR A DISPENSARY THAT HAS HAD ITS LICENSE**
7 **REVOKED; AND**

8 **(III) OPERATING PROCEDURES THAT THE DISPENSARY WILL**
9 **USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING**
10 **STORAGE OF CANNABIS AND PRODUCTS CONTAINING CANNABIS ONLY IN ENCLOSED**
11 **AND LOCKED FACILITIES.**

12 **(C) (1) THE COMMISSION SHALL:**

13 **(I) ESTABLISH AN APPLICATION REVIEW PROCESS FOR**
14 **GRANTING DISPENSARY LICENSES IN WHICH APPLICATIONS ARE REVIEWED,**
15 **EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION;**

16 **(II) TO THE EXTENT AUTHORIZED UNDER FEDERAL AND STATE**
17 **LAW, ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC**
18 **DIVERSITY WHEN LICENSING DISPENSARIES; AND**

19 **(III) ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY**
20 **BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND**
21 **PROCUREMENT ARTICLE, OR WHO ARE SMALL, MINORITY, OR WOMEN-OWNED**
22 **BUSINESS ENTITIES TO APPLY FOR LICENSURE AS DISPENSARIES.**

23 **(2) BEGINNING JUNE 1, 2023, A DISPENSARY LICENSED UNDER THIS**
24 **SUBTITLE SHALL REPORT ANNUALLY TO THE COMMISSION ON:**

25 **(I) THE NUMBER OF MINORITY AND WOMEN OWNERS OF THE**
26 **DISPENSARY;**

27 **(II) THE OWNERSHIP INTEREST OF ANY MINORITY AND WOMEN**
28 **OWNERS OF THE DISPENSARY; AND**

29 **(III) THE NUMBER OF MINORITY AND WOMEN EMPLOYEES OF**
30 **THE DISPENSARY.**

31 **(D) THE COMMISSION SHALL ALLOW A PERSON TO HAVE AN OWNERSHIP**

1 INTEREST IN OR CONTROL OF, INCLUDING THE POWER TO MANAGE AND OPERATE,
2 UP TO FOUR DISPENSARIES UNDER THIS SECTION.

3 (E) (1) A DISPENSARY LICENSE IS VALID FOR 6 YEARS ON INITIAL
4 LICENSURE.

5 (2) A DISPENSARY LICENSE IS VALID FOR 4 YEARS ON RENEWAL.

6 (F) THE COMMISSION SHALL ALLOW A DISPENSARY LICENSED UNDER THIS
7 SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 23-306 OF THIS SUBTITLE
8 TO ACQUIRE, POSSESS, TRANSFER, TRANSPORT, SELL, DISTRIBUTE, OR DISPENSE
9 EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT, A CAREGIVER,
10 AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE, OR AN ACADEMIC RESEARCH
11 REPRESENTATIVE PURCHASING CANNABIS UNDER § 23-402 OF THIS TITLE.

12 (G) A DISPENSARY LICENSED UNDER THIS SECTION OR A DISPENSARY
13 AGENT REGISTERED UNDER § 23-306 OF THIS SUBTITLE MAY NOT BE PENALIZED OR
14 ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, TRANSFERRING,
15 TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING CANNABIS, PRODUCTS
16 CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR
17 USE BY A QUALIFYING PATIENT, A CAREGIVER, AN INDIVIDUAL WHO IS AT LEAST 21
18 YEARS OF AGE, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING
19 CANNABIS UNDER § 23-402 OF THIS TITLE.

20 (H) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY
21 AND PRODUCT-HANDLING PROCEDURES THAT A DISPENSARY MUST MEET TO
22 OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A
23 PRODUCT-TRACKING SYSTEM.

24 (I) THE COMMISSION MAY INSPECT A DISPENSARY LICENSED UNDER THIS
25 SECTION TO ENSURE COMPLIANCE WITH THIS TITLE.

26 (J) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL
27 ADOPT REGULATIONS TO REQUIRE A DISPENSARY TO MEET ANY ADDITIONAL
28 REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING
29 REQUIRING A PERMIT, FOR THE DISPENSING OF EDIBLE CANNABIS PRODUCTS.

30 (K) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE
31 OF A DISPENSARY THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY
32 THE COMMISSION.

33 (L) (1) EACH DISPENSARY LICENSED UNDER THIS SECTION SHALL
34 SUBMIT TO THE COMMISSION A QUARTERLY REPORT.

1 **(2) THE QUARTERLY REPORT SHALL INCLUDE:**

2 **(I) FOR MEDICAL CANNABIS SALES:**

3 **1. THE NUMBER OF PATIENTS SERVED;**

4 **2. THE COUNTY OF RESIDENCE OF EACH PATIENT**
5 **SERVED;**

6 **3. THE MEDICAL CONDITION FOR WHICH MEDICAL**
7 **CANNABIS WAS RECOMMENDED;**

8 **4. THE TYPE AND AMOUNT OF MEDICAL CANNABIS**
9 **DISPENSED; AND**

10 **5. IF AVAILABLE, A SUMMARY OF CLINICAL OUTCOMES,**
11 **INCLUDING ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION; AND**

12 **(II) FOR ADULT-USE CANNABIS SALES, THE TYPE AND AMOUNT**
13 **OF CANNABIS DISPENSED.**

14 **(3) THE QUARTERLY REPORT MAY NOT INCLUDE ANY PERSONAL**
15 **INFORMATION THAT IDENTIFIES A PATIENT OR OTHER INDIVIDUAL WHO HAS**
16 **PURCHASED CANNABIS UNDER THIS TITLE.**

17 **(M) A DISPENSARY LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE**
18 **MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.**

19 **23-306.**

20 **(A) A DISPENSARY AGENT SHALL:**

21 **(1) BE AT LEAST 21 YEARS OLD;**

22 **(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY**
23 **VOLUNTEER OR WORK FOR A DISPENSARY; AND**

24 **(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS**
25 **CHECK IN ACCORDANCE WITH § 23-302 OF THIS SUBTITLE.**

26 **(B) A DISPENSARY SHALL APPLY TO THE COMMISSION FOR A**
27 **REGISTRATION CARD FOR EACH DISPENSARY AGENT BY SUBMITTING THE NAME,**

1 ADDRESS, AND DATE OF BIRTH OF THE AGENT.

2 (C) (1) WITHIN 1 BUSINESS DAY AFTER A DISPENSARY AGENT CEASES TO
3 BE ASSOCIATED WITH A DISPENSARY, THE DISPENSARY SHALL:

4 (I) NOTIFY THE COMMISSION; AND

5 (II) RETURN THE DISPENSARY AGENT'S REGISTRATION CARD
6 TO THE COMMISSION.

7 (2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS
8 SUBSECTION, THE COMMISSION SHALL:

9 (I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE
10 DISPENSARY AGENT; AND

11 (II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE
12 COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

13 (D) THE COMMISSION MAY REGISTER AN INDIVIDUAL WHO HAS BEEN
14 CONVICTED OF A FELONY DRUG OFFENSE AS A DISPENSARY AGENT UNLESS:

15 (1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, THE
16 INDIVIDUAL SUBMITTED AN APPLICATION UNDER SUBSECTION (B) OF THIS SECTION
17 EARLIER THAN 7 YEARS AFTER THE INDIVIDUAL SATISFIED THE SENTENCE IMPOSED
18 FOR THE CONVICTION, INCLUDING PAROLE, PROBATION, OR MANDATORY
19 SUPERVISION;

20 (2) THE INDIVIDUAL HAS BEEN CONVICTED OF A VIOLATION OF §
21 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF WHETHER THE
22 INDIVIDUAL HAS SATISFACTORILY COMPLETED THE SENTENCE FOR THE OFFENSE;
23 OR

24 (3) THE COMMISSION FINDS A SUBSTANTIAL REASON TO DENY THE
25 REGISTRATION.

26 23-307.

27 (A) A PROCESSOR SHALL BE LICENSED BY THE COMMISSION.

28 (B) TO BE LICENSED AS A PROCESSOR, AN APPLICANT SHALL SUBMIT TO
29 THE COMMISSION:

1 **(1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE**
2 **COMMISSION IN ACCORDANCE WITH THIS SUBTITLE; AND**

3 **(2) AN APPLICATION THAT INCLUDES:**

4 **(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE**
5 **PROPOSED PROCESSOR;**

6 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH**
7 **PRINCIPAL OFFICER AND DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A**
8 **PRINCIPAL OFFICER OR DIRECTOR FOR A LICENSEE UNDER THIS SUBTITLE THAT**
9 **HAS HAD ITS LICENSE REVOKED; AND**

10 **(III) OPERATING PROCEDURES THAT THE PROCESSOR WILL USE,**
11 **CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING**
12 **STORAGE OF CANNABIS, EXTRACTS, AND PRODUCTS CONTAINING CANNABIS ONLY**
13 **IN ENCLOSED AND LOCKED FACILITIES.**

14 **(C) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
15 **COMMISSION MAY LICENSE NOT MORE THAN 112 PROCESSORS.**

16 **(II) 1. IF AN APPLICANT FOR LICENSURE THAT RECEIVED**
17 **STAGE ONE PREAPPROVAL IN CALENDAR YEAR 2016 FOR A CANNABIS PROCESSOR**
18 **LICENSE FAILS TO SATISFY THE REQUIREMENTS FOR LICENSURE ESTABLISHED BY**
19 **THE COMMISSION, THE COMMISSION SHALL RESCIND THE APPLICANT'S STAGE ONE**
20 **PREAPPROVAL.**

21 **2. IF THE COMMISSION RESCINDS THE STAGE ONE**
22 **PREAPPROVAL FOR A LICENSE OF AN APPLICANT UNDER SUBSUBPARAGRAPH 1 OF**
23 **THIS SUBPARAGRAPH, THE MAXIMUM NUMBER OF CANNABIS PROCESSOR LICENSES**
24 **AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED**
25 **BY THE NUMBER OF CANNABIS PROCESSOR LICENSES RESCINDED BY THE**
26 **COMMISSION.**

27 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
28 **BEGINNING DECEMBER 1, 2024, THE COMMISSION MAY REPORT TO THE GENERAL**
29 **ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
30 **ON THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR CANNABIS IN**
31 **AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT MANNER.**

32 **(II) BEFORE THE COMMISSION SUBMITS THE REPORT**
33 **DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION**
34 **SHALL PROVIDE THE LEGISLATIVE POLICY COMMITTEE AT LEAST 30 DAYS TO**

1 SUBMIT COMMENTS TO THE COMMISSION.

2 (3) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW
3 PROCESS FOR GRANTING PROCESSOR LICENSES IN WHICH APPLICATIONS ARE
4 REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE
5 COMMISSION.

6 (4) (I) THE COMMISSION SHALL:

7 1. TO THE EXTENT AUTHORIZED UNDER FEDERAL AND
8 STATE LAW, ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, GENDER, AND
9 GEOGRAPHIC DIVERSITY WHEN LICENSING PROCESSORS; AND

10 2. ENCOURAGE APPLICANTS WHO QUALIFY AS A
11 MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE
12 AND PROCUREMENT ARTICLE, OR WHO ARE SMALL, MINORITY, OR WOMEN-OWNED
13 BUSINESS ENTITIES TO APPLY FOR LICENSURE AS PROCESSORS.

14 (II) BEGINNING JUNE 1, 2023, A PROCESSOR LICENSED UNDER
15 THIS SUBTITLE SHALL REPORT ANNUALLY TO THE COMMISSION ON:

16 1. THE NUMBER OF MINORITY AND WOMEN OWNERS OF
17 THE PROCESSOR;

18 2. THE OWNERSHIP INTEREST OF ANY MINORITY AND
19 WOMEN OWNERS OF THE PROCESSOR; AND

20 3. THE NUMBER OF MINORITY AND WOMEN EMPLOYEES
21 OF THE PROCESSOR.

22 (D) A PERSON MAY NOT HAVE AN OWNERSHIP INTEREST IN OR CONTROL OF,
23 INCLUDING THE POWER TO MANAGE AND OPERATE, MORE THAN ONE PROCESSOR.

24 (E) (1) A PROCESSOR LICENSE IS VALID FOR 6 YEARS ON INITIAL
25 LICENSURE.

26 (2) A PROCESSOR LICENSE IS VALID FOR 4 YEARS ON RENEWAL.

27 (F) THE COMMISSION SHALL ALLOW A PROCESSOR LICENSED UNDER THIS
28 SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 23-308 OF THIS SUBTITLE
29 TO:

30 (1) ACQUIRE, POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER,

1 TRANSPORT, SELL, AND DISTRIBUTE TO A DISPENSARY EDIBLE CANNABIS
2 PRODUCTS FOR USE BY A QUALIFYING PATIENT, A CAREGIVER, AN INDIVIDUAL WHO
3 IS AT LEAST 21 YEARS OF AGE, OR AN ACADEMIC RESEARCH REPRESENTATIVE
4 PURCHASING MEDICAL CANNABIS UNDER § 23-402 OF THIS TITLE; AND

5 (2) TRANSPORT EDIBLE CANNABIS PRODUCTS TO AN INDEPENDENT
6 TESTING LABORATORY.

7 (G) A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT
8 REGISTERED UNDER § 23-308 OF THIS SUBTITLE MAY NOT BE PENALIZED OR
9 ARRESTED UNDER STATE LAW FOR:

10 (1) ACQUIRING, POSSESSING, PROCESSING, PACKAGING, LABELING,
11 TRANSFERRING, TRANSPORTING, SELLING, OR DISTRIBUTING CANNABIS OR
12 PRODUCTS CONTAINING CANNABIS TO A DISPENSARY FOR USE BY A QUALIFYING
13 PATIENT, A CAREGIVER, AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE, OR AN
14 ACADEMIC RESEARCH REPRESENTATIVE PURCHASING CANNABIS UNDER § 23-402
15 OF THIS TITLE; OR

16 (2) TRANSPORTING CANNABIS OR PRODUCTS CONTAINING CANNABIS
17 TO AN INDEPENDENT TESTING LABORATORY.

18 (H) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY
19 AND PRODUCT-HANDLING PROCEDURES THAT A PROCESSOR MUST MEET TO OBTAIN
20 A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A
21 PRODUCT-TRACKING SYSTEM.

22 (I) THE COMMISSION MAY INSPECT A PROCESSOR LICENSED UNDER THIS
23 SECTION TO ENSURE COMPLIANCE WITH THIS TITLE.

24 (J) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL
25 ADOPT REGULATIONS:

26 (1) FOR THE PACKAGING, LABELING, MARKETING, AND APPEARANCE
27 OF EDIBLE CANNABIS PRODUCTS, TO ENSURE THE SAFETY OF MINORS; AND

28 (2) TO REQUIRE A PROCESSOR TO MEET ANY ADDITIONAL
29 REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING
30 REQUIRING A PERMIT, FOR THE PROCESSING OF EDIBLE CANNABIS PRODUCTS.

31 (K) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE
32 OF A PROCESSOR THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY
33 THE COMMISSION.

1 (L) A PROCESSOR LICENSED UNDER THIS SUBTITLE IS SUBJECT TO THE
2 MARYLAND ANTITRUST ACT AND THE MARYLAND SALES BELOW COST ACT.

3 23-308.

4 (A) A PROCESSOR AGENT SHALL:

5 (1) BE AT LEAST 21 YEARS OLD;

6 (2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY
7 VOLUNTEER OR WORK FOR A PROCESSOR; AND

8 (3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS
9 CHECK IN ACCORDANCE WITH § 23-302 OF THIS SUBTITLE.

10 (B) A PROCESSOR SHALL APPLY TO THE COMMISSION FOR A REGISTRATION
11 CARD FOR EACH PROCESSOR AGENT BY SUBMITTING THE NAME, ADDRESS, AND
12 DATE OF BIRTH OF THE AGENT.

13 (C) (1) WITHIN 1 BUSINESS DAY AFTER A PROCESSOR AGENT CEASES TO
14 BE ASSOCIATED WITH A PROCESSOR, THE PROCESSOR SHALL:

15 (I) NOTIFY THE COMMISSION; AND

16 (II) RETURN THE PROCESSOR AGENT'S REGISTRATION CARD TO
17 THE COMMISSION.

18 (2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS
19 SUBSECTION, THE COMMISSION SHALL:

20 (I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE
21 PROCESSOR AGENT; AND

22 (II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE
23 COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

24 (D) THE COMMISSION MAY REGISTER AN INDIVIDUAL WHO HAS BEEN
25 CONVICTED OF A FELONY DRUG OFFENSE AS A PROCESSOR AGENT UNLESS:

26 (1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, THE
27 INDIVIDUAL SUBMITTED AN APPLICATION UNDER SUBSECTION (B) OF THIS SECTION
28 EARLIER THAN 7 YEARS AFTER THE INDIVIDUAL SATISFIED THE SENTENCE IMPOSED

1 FOR THE CONVICTION, INCLUDING PAROLE, PROBATION, OR MANDATORY
2 SUPERVISION;

3 (2) THE INDIVIDUAL HAS BEEN CONVICTED OF A VIOLATION OF §
4 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF WHETHER THE
5 INDIVIDUAL HAS SATISFACTORILY COMPLETED THE SENTENCE FOR THE OFFENSE;
6 OR

7 (3) THE COMMISSION FINDS A SUBSTANTIAL REASON TO DENY THE
8 REGISTRATION.

9 23-309.

10 (A) (1) THE HOLDER OF A CANNABIS GROWER, PROCESSOR, OR
11 DISPENSARY LICENSE MAY SELL OR TRANSFER OWNERSHIP OF THE LICENSE IF THE
12 LICENSEE WAS PHYSICALLY AND ACTIVELY ENGAGED IN THE CULTIVATION,
13 PROCESSING, OR DISPENSING OF CANNABIS FOR AT LEAST 3 YEARS IMMEDIATELY
14 PRECEDING THE SALE OR TRANSFER OF THE OWNERSHIP OF THE LICENSE.

15 (2) NOTHING IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE
16 CONSTRUED TO LIMIT THE ABILITY OF THE COMMISSION TO ENFORCE THIS TITLE.

17 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
18 COMMISSION MAY RESCIND THE STAGE ONE PREAPPROVAL OF AN APPLICANT IF
19 THE FACILITY OF THE APPLICANT IS NOT OPERATIONAL WITHIN 12 MONTHS AFTER
20 ISSUANCE OF THE STAGE ONE PREAPPROVAL DUE TO A LACK OF A GOOD-FAITH
21 EFFORT BY THE APPLICANT TO BECOME OPERATIONAL.

22 (2) IF THE APPLICANT CAN DEMONSTRATE TO THE COMMISSION
23 THAT THE FAILURE TO BECOME OPERATIONAL UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION WAS DUE TO UNFORESEEN HARDSHIP BEYOND THE CONTROL OF THE
25 APPLICANT, THE COMMISSION MAY EXTEND THE TIME FRAME TO BECOME
26 OPERATIONAL FOR AN ADDITIONAL 12 MONTHS BEFORE RESCINDING THE STAGE
27 ONE PREAPPROVAL.

28 SUBTITLE 4. TESTING AND RESEARCH.

29 23-401.

30 (A) THE COMMISSION SHALL REGISTER AT LEAST ONE PRIVATE
31 INDEPENDENT TESTING LABORATORY TO TEST CANNABIS AND PRODUCTS
32 CONTAINING CANNABIS THAT ARE TO BE SOLD IN THE STATE.

1 **(B) TO BE REGISTERED AS AN INDEPENDENT TESTING LABORATORY, A**
2 **LABORATORY SHALL:**

3 **(1) MEET THE APPLICATION REQUIREMENTS ESTABLISHED BY THE**
4 **COMMISSION;**

5 **(2) PAY ANY APPLICABLE FEE REQUIRED BY THE COMMISSION; AND**

6 **(3) MEET THE STANDARDS AND REQUIREMENTS FOR**
7 **ACCREDITATION, INSPECTION, AND TESTING ESTABLISHED BY THE COMMISSION.**

8 **(C) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:**

9 **(1) THE STANDARDS AND REQUIREMENTS TO BE MET BY AN**
10 **INDEPENDENT LABORATORY TO OBTAIN A REGISTRATION;**

11 **(2) THE STANDARDS OF CARE TO BE FOLLOWED BY AN INDEPENDENT**
12 **TESTING LABORATORY;**

13 **(3) THE INITIAL AND RENEWAL TERMS FOR AN INDEPENDENT**
14 **LABORATORY REGISTRATION AND THE RENEWAL PROCEDURE; AND**

15 **(4) THE BASES AND PROCESSES FOR DENIAL, REVOCATION, AND**
16 **SUSPENSION OF A REGISTRATION OF AN INDEPENDENT TESTING LABORATORY.**

17 **(D) THE COMMISSION MAY INSPECT AN INDEPENDENT TESTING**
18 **LABORATORY REGISTERED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH**
19 **THIS TITLE.**

20 **23-402.**

21 **(A) (1) AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL**
22 **FACILITY, OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM MAY FILE WITH THE**
23 **COMMISSION A REGISTRATION TO PURCHASE CANNABIS FOR THE PURPOSE OF**
24 **CONDUCTING A BONA FIDE RESEARCH PROJECT RELATING TO THE USES,**
25 **PROPERTIES, OR COMPOSITION OF CANNABIS.**

26 **(2) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION SHALL INCLUDE:**

28 **(I) THE NAME OF THE PRIMARY RESEARCHER;**

29 **(II) THE EXPECTED DURATION OF THE RESEARCH; AND**

1 (III) THE PRIMARY OBJECTIVES OF THE RESEARCH.

2 (3) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS
3 SUBSECTION SHALL REMAIN VALID UNTIL THERE IS A CHANGE IN THE RESEARCH
4 PROJECT OR A WITHDRAWAL OF THE REGISTRATION.

5 (B) AN ACADEMIC RESEARCH REPRESENTATIVE MAY PURCHASE CANNABIS
6 FROM A LICENSED DISPENSARY.

7 (C) AN ACADEMIC RESEARCH REPRESENTATIVE MAY NOT BE PENALIZED OR
8 ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, OR DISPENSING
9 CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR
10 EDUCATIONAL MATERIALS FOR USE IN A BONA FIDE RESEARCH PROJECT RELATING
11 TO THE USES, PROPERTIES, OR COMPOSITION OF CANNABIS.

12 (D) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS
13 SECTION.

14 SUBTITLE 5. MEDICAL CANNABIS.

15 23-501.

16 (A) THE COMMISSION SHALL REGISTER AS A CERTIFYING PROVIDER AN
17 INDIVIDUAL WHO:

18 (1) MEETS THE REQUIREMENTS OF THIS TITLE; AND

19 (2) SUBMITS APPLICATION MATERIALS THAT MEET THE
20 REQUIREMENTS OF THIS SUBTITLE.

21 (B) TO BE REGISTERED AS A CERTIFYING PROVIDER, A PROVIDER SHALL
22 SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:

23 (1) THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE OF
24 THE PROVIDER FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE PATIENT'S
25 QUALIFYING MEDICAL CONDITIONS;

26 (2) AN ATTESTATION THAT A STANDARD PATIENT EVALUATION WILL
27 BE COMPLETED, INCLUDING A HISTORY, A PHYSICAL EXAMINATION, A REVIEW OF
28 SYMPTOMS, AND OTHER PERTINENT MEDICAL INFORMATION; AND

29 (3) THE PROVIDER'S PLAN FOR THE ONGOING ASSESSMENT AND

1 FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.

2 (C) THE COMMISSION MAY NOT REQUIRE AN INDIVIDUAL TO MEET
3 REQUIREMENTS IN ADDITION TO THE REQUIREMENTS LISTED IN SUBSECTIONS (A)
4 AND (B) OF THIS SECTION TO BE REGISTERED AS A CERTIFYING PROVIDER.

5 (D) (1) THE COMMISSION IS ENCOURAGED TO APPROVE PROVIDER
6 APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:

7 (I) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
8 CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR
9 RECEIVING PALLIATIVE CARE; OR

10 (II) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
11 CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR
12 MEDICAL CONDITION THAT PRODUCES:

13 1. CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

14 2. SEVERE OR CHRONIC PAIN;

15 3. SEVERE NAUSEA;

16 4. SEIZURES; OR

17 5. SEVERE OR PERSISTENT MUSCLE SPASMS.

18 (2) THE COMMISSION MAY NOT LIMIT TREATMENT OF A PARTICULAR
19 MEDICAL CONDITION TO ONE CLASS OF PROVIDERS.

20 (E) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE ANY
21 OTHER CONDITION THAT IS SEVERE AND FOR WHICH OTHER MEDICAL TREATMENTS
22 HAVE BEEN INEFFECTIVE IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE
23 RELIEVED BY THE MEDICAL USE OF CANNABIS.

24 (F) (1) A CERTIFYING PROVIDER OR THE SPOUSE OF A CERTIFYING
25 PROVIDER MAY NOT RECEIVE ANY GIFTS FROM OR HAVE AN OWNERSHIP INTEREST
26 IN A MEDICAL CANNABIS GROWER, A PROCESSOR, OR A DISPENSARY.

27 (2) A CERTIFYING PROVIDER MAY RECEIVE COMPENSATION FROM A
28 MEDICAL CANNABIS GROWER, A PROCESSOR, OR A DISPENSARY IF THE CERTIFYING
29 PROVIDER:

1 **(I) OBTAINS THE APPROVAL OF THE COMMISSION BEFORE**
2 **RECEIVING THE COMPENSATION; AND**

3 **(II) DISCLOSES THE AMOUNT OF COMPENSATION RECEIVED**
4 **FROM THE CANNABIS GROWER, PROCESSOR, OR DISPENSARY TO THE COMMISSION.**

5 **(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**
6 **QUALIFYING PATIENT MAY BE A PATIENT OF THE CERTIFYING PROVIDER OR MAY BE**
7 **REFERRED TO THE CERTIFYING PROVIDER.**

8 **(II) A REFERRAL OF A PATIENT TO A CERTIFYING PROVIDER**
9 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE MADE BY ANY PERSON**
10 **OR ENTITY EMPLOYED, CONTRACTED, VOLUNTEERING, OR COMPENSATED BY ANY**
11 **FORM OF REMUNERATION, GIFT, DONATION, OR BARTERING TO REGISTER**
12 **INDIVIDUALS AS QUALIFYING PATIENTS, TO COMPLETE APPLICATION FORMS, OR TO**
13 **ASSIST INDIVIDUALS IN COMPLETING APPLICATION FORMS TO BECOME QUALIFYING**
14 **PATIENTS, OR TO TRANSPORT OR DELIVER TO THE COMMISSION APPLICATION**
15 **FORMS FOR INDIVIDUALS SEEKING TO BECOME QUALIFYING PATIENTS.**

16 **(2) A CERTIFYING PROVIDER SHALL PROVIDE EACH WRITTEN**
17 **CERTIFICATION TO THE COMMISSION.**

18 **(3) ON RECEIPT OF A WRITTEN CERTIFICATION PROVIDED UNDER**
19 **PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ISSUE AN**
20 **IDENTIFICATION CARD TO EACH QUALIFYING PATIENT OR CAREGIVER NAMED IN**
21 **THE WRITTEN CERTIFICATION.**

22 **(4) A CERTIFYING PROVIDER MAY DISCUSS MEDICAL CANNABIS WITH**
23 **A PATIENT.**

24 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH, A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL**
26 **CANNABIS ONLY FROM A CANNABIS GROWER LICENSED BY THE COMMISSION OR A**
27 **DISPENSARY LICENSED BY THE COMMISSION.**

28 **(II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY**
29 **OBTAIN MEDICAL CANNABIS ONLY THROUGH THE QUALIFYING PATIENT'S**
30 **CAREGIVER.**

31 **(6) (I) A CAREGIVER MAY SERVE NOT MORE THAN FIVE**
32 **QUALIFYING PATIENTS AT ANY TIME.**

33 **(II) A QUALIFYING PATIENT MAY HAVE NOT MORE THAN TWO**

1 CAREGIVERS.

2 (H) (1) A CERTIFYING PROVIDER MAY REGISTER BIENNIALLY.

3 (2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF A
4 REGISTRATION FOR APPROVAL BASED ON THE PROVIDER'S PERFORMANCE IN
5 COMPLYING WITH REGULATIONS ADOPTED BY THE COMMISSION.

6 23-502.

7 (A) THE COMMISSION SHALL DEVELOP IDENTIFICATION CARDS FOR
8 QUALIFYING PATIENTS AND CAREGIVERS.

9 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH
10 THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE COMMISSION.

11 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION SHALL INCLUDE:

13 (I) THE INFORMATION TO BE INCLUDED ON AN
14 IDENTIFICATION CARD;

15 (II) THE METHOD THROUGH WHICH THE COMMISSION WILL
16 DISTRIBUTE IDENTIFICATION CARDS; AND

17 (III) THE METHOD THROUGH WHICH THE COMMISSION WILL
18 TRACK IDENTIFICATION CARDS.

19 23-503.

20 (A) ALL ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS
21 PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR MEDICAL USE, OR MEDICAL
22 CANNABIS-RELATED SERVICES THAT MAKE THERAPEUTIC OR MEDICAL CLAIMS
23 SHALL:

24 (1) BE SUPPORTED BY SUBSTANTIAL CLINICAL EVIDENCE OR
25 SUBSTANTIAL CLINICAL DATA; AND

26 (2) INCLUDE INFORMATION ON THE MOST SIGNIFICANT SIDE
27 EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS.

28 (B) AN ADVERTISEMENT, INCLUDING AN ADVERTISEMENT PLACED ON
29 SOCIAL MEDIA OR A MOBILE APPLICATION FOR A GROWER, A PROCESSOR, A

1 DISPENSARY, AN INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER,
2 OR A THIRD-PARTY VENDOR ADVERTISING MEDICAL CANNABIS, MEDICAL CANNABIS
3 PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR MEDICAL USE, OR MEDICAL
4 CANNABIS-RELATED SERVICES:

5 (1) SHALL INCLUDE:

6 (I) NOTIFICATION THAT MEDICAL CANNABIS IS FOR USE BY
7 QUALIFYING PATIENTS ONLY; AND

8 (II) INFORMATION ON THE MOST SIGNIFICANT SIDE EFFECTS
9 OR RISKS ASSOCIATED WITH THE USE OF CANNABIS; AND

10 (2) MAY NOT:

11 (I) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN
12 ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320
13 OF THE COMMERCIAL LAW ARTICLE; OR

14 (II) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A
15 REPRESENTATION THAT:

16 1. ENCOURAGES OR REPRESENTS THE RECREATIONAL
17 USE OF CANNABIS;

18 2. TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING
19 A CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY
20 USED TO MARKET PRODUCTS TO MINORS;

21 3. DISPLAYS THE USE OF CANNABIS, INCLUDING THE
22 CONSUMPTION, SMOKING, OR VAPING OF CANNABIS;

23 4. ENCOURAGES OR PROMOTES CANNABIS FOR USE AS
24 AN INTOXICANT; OR

25 5. IS OBSCENE.

26 (C) ALL ADVERTISING FOR MEDICAL CANNABIS, MEDICAL CANNABIS
27 PRODUCTS, OR EDIBLE CANNABIS PRODUCTS FOR MEDICAL USE SHALL INCLUDE A
28 STATEMENT THAT THE PRODUCT IS FOR USE ONLY BY A QUALIFYING PATIENT.

29 (D) EXCEPT AS PROVIDED IN § 23-603 OF THIS TITLE, ANY WEBSITE OWNED,
30 MANAGED, OR OPERATED BY A CERTIFYING PROVIDER, DISPENSARY, GROWER, OR

1 PROCESSOR AND DEPICTING OR ADVERTISING MEDICAL CANNABIS, MEDICAL
2 CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR MEDICAL USE, OR
3 MEDICAL CANNABIS-RELATED SERVICES SHALL EMPLOY A NEUTRAL
4 AGE-SCREENING MECHANISM THAT VERIFIES THAT THE USER IS AT LEAST 18 YEARS
5 OF AGE, INCLUDING BY USING AN AGE-GATE, AGE-SCREEN, OR AGE VERIFICATION
6 MECHANISM.

7 (E) (1) THIS SUBSECTION DOES NOT APPLY TO AN ADVERTISEMENT
8 PLACED ON PROPERTY OWNED OR LEASED BY A DISPENSARY, GROWER, OR
9 PROCESSOR.

10 (2) ANY ADVERTISEMENT FOR MEDICAL CANNABIS, MEDICAL
11 CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL
12 CANNABIS-RELATED SERVICES MAY NOT BE PLACED WITHIN 500 FEET OF:

13 (I) A SUBSTANCE ABUSE OR TREATMENT FACILITY;

14 (II) A PRIMARY OR SECONDARY SCHOOL IN THE STATE OR A
15 CHILD CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED
16 UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR

17 (III) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR
18 PUBLIC PARK.

19 (F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:

20 (1) PROCEDURES FOR THE ENFORCEMENT OF THIS SECTION; AND

21 (2) A PROCESS FOR AN INDIVIDUAL TO VOLUNTARILY SUBMIT AN
22 ADVERTISEMENT TO THE COMMISSION FOR AN ADVISORY OPINION ON WHETHER
23 THE ADVERTISEMENT COMPLIES WITH THE RESTRICTIONS ON ADVERTISEMENTS
24 FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS
25 PRODUCTS, AND MEDICAL CANNABIS-RELATED SERVICES.

26 SUBTITLE 6. ADULT-USE CANNABIS.

27 23-601.

28 (A) (1) A CANNABIS GROWER, PROCESSOR, OR DISPENSARY LICENSED
29 UNDER THIS TITLE MAY NOT SELL, GIVE, OR OTHERWISE DISTRIBUTE TO AN
30 INDIVIDUAL MORE THAN THE FOLLOWING AMOUNTS OF ADULT-USE CANNABIS,
31 ADULT-USE CANNABIS PRODUCTS, OR EDIBLE CANNABIS PRODUCTS FOR ADULT USE
32 IN A SINGLE TRANSACTION:

1 (I) 1 OUNCE OF ADULT-USE CANNABIS;

2 (II) 5 GRAMS OF CONCENTRATED ADULT-USE CANNABIS; OR

3 (III) ANY AMOUNT OF ADULT-USE CANNABIS PRODUCT OR
4 ADULT-USE CANNABIS PRODUCTS WITH AN AGGREGATE AMOUNT OF
5 DELTA-9-TETRAHYDROCANNABINOL EXCEEDING 500 MILLIGRAMS.

6 (2) THE LIMITATIONS IN PARAGRAPH (1) OF THIS SUBSECTION DO
7 NOT APPLY TO THE SALE, GIFT, OR DISTRIBUTION OF ADULT-USE CANNABIS,
8 ADULT-USE CANNABIS PRODUCTS, OR EDIBLE CANNABIS PRODUCTS FOR ADULT USE
9 TO:

10 (I) A GROWER LICENSED UNDER § 23-304 OF THIS TITLE OR A
11 GROWER AGENT REGISTERED UNDER § 23-304 OF THIS TITLE;

12 (II) A CERTIFYING PROVIDER;

13 (III) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING
14 CANNABIS UNDER § 23-402 OF THIS TITLE;

15 (IV) A DISPENSARY LICENSED UNDER § 23-305 OF THIS TITLE
16 OR A DISPENSARY AGENT REGISTERED UNDER § 23-306 OF THIS TITLE;

17 (V) A PROCESSOR LICENSED UNDER § 23-307 OF THIS TITLE OR
18 A PROCESSOR AGENT REGISTERED UNDER § 23-308 OF THIS TITLE; OR

19 (VI) A THIRD-PARTY VENDOR AUTHORIZED BY THE
20 COMMISSION TO TEST, TRANSPORT, OR DISPOSE OF MEDICAL CANNABIS, MEDICAL
21 CANNABIS PRODUCTS, OR MEDICAL CANNABIS WASTE UNDER THE PROVISIONS OF
22 THIS TITLE.

23 (B) THE COMMISSION SHALL ADOPT REGULATIONS PROVIDING FOR THE
24 SALE OF CANNABIS FOR ADULT USE BY ADULTS WHO ARE AT LEAST 21 YEARS OF AGE.

25 23-602.

26 (A) A PERSON WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PRESENT OR
27 OFFER WRITTEN OR ORAL EVIDENCE OF AGE THAT IS FALSE, FRAUDULENT, OR NOT
28 ACTUALLY THE PERSON'S OWN, FOR THE PURPOSE OF PURCHASING, ATTEMPTING
29 TO PURCHASE, OR OTHERWISE PROCURING OR ATTEMPTING TO PROCURE
30 ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, OR EDIBLE CANNABIS

1 **PRODUCTS FOR ADULT USE.**

2 **(B) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A**
3 **FINE NOT EXCEEDING \$150 OR COMMUNITY SERVICE NOT EXCEEDING 10 HOURS OR**
4 **BOTH.**

5 **23-603.**

6 **(A) AN ADVERTISEMENT, INCLUDING AN ADVERTISEMENT PLACED ON**
7 **SOCIAL MEDIA OR A MOBILE APPLICATION, FOR A GROWER, A PROCESSOR, A**
8 **DISPENSARY, AN INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER,**
9 **OR A THIRD-PARTY VENDOR ADVERTISING ADULT-USE CANNABIS, ADULT-USE**
10 **CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR**
11 **ADULT-USE CANNABIS-RELATED SERVICES:**

12 **(1) SHALL INCLUDE:**

13 **(I) NOTIFICATION THAT ADULT-USE CANNABIS IS FOR USE BY**
14 **ADULTS WHO ARE AT LEAST 21 YEARS OF AGE; AND**

15 **(II) INCLUDE INFORMATION ON THE MOST SIGNIFICANT SIDE**
16 **EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS; AND**

17 **(2) MAY NOT:**

18 **(I) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN**
19 **ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320**
20 **OF THE COMMERCIAL LAW ARTICLE; OR**

21 **(II) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A**
22 **REPRESENTATION THAT:**

23 **1. ENCOURAGES THE RECREATIONAL USE OF CANNABIS;**

24 **2. TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING**
25 **A CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY**
26 **USED TO MARKET PRODUCTS TO MINORS; OR**

27 **3. DISPLAYS THE USE OF CANNABIS, INCLUDING THE**
28 **CONSUMPTION, SMOKING, OR VAPING OF CANNABIS.**

29 **(B) NOTWITHSTANDING § 23-503 OF THIS TITLE, ANY WEBSITE OWNED,**
30 **MANAGED, OR OPERATED BY A CERTIFYING PROVIDER, DISPENSARY, GROWER, OR**

1 PROCESSOR AND DEPICTING OR ADVERTISING ADULT-USE CANNABIS, ADULT-USE
2 CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR
3 ADULT-USE CANNABIS-RELATED SERVICES SHALL EMPLOY A NEUTRAL
4 AGE-SCREENING MECHANISM THAT VERIFIES THAT THE USER IS AT LEAST 21 YEARS
5 OF AGE, INCLUDING BY USING AN AGE-GATE, AGE-SCREEN, OR AGE VERIFICATION
6 MECHANISM.

7 (C) (1) THIS SUBSECTION DOES NOT APPLY TO AN ADVERTISEMENT
8 PLACED ON PROPERTY OWNED OR LEASED BY A DISPENSARY, GROWER, OR
9 PROCESSOR.

10 (2) ANY ADVERTISEMENT FOR ADULT-USE CANNABIS, ADULT-USE
11 CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR
12 ADULT-USE CANNABIS-RELATED SERVICES MAY NOT BE PLACED WITHIN 500 FEET
13 OF:

14 (I) A SUBSTANCE ABUSE OR TREATMENT FACILITY;

15 (II) A PRIMARY OR SECONDARY SCHOOL IN THE STATE OR A
16 CHILD CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED
17 UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR

18 (III) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR
19 PUBLIC PARK.

20 (D) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:

21 (1) PROCEDURES FOR THE ENFORCEMENT OF THIS SECTION; AND

22 (2) A PROCESS FOR AN INDIVIDUAL TO VOLUNTARILY SUBMIT AN
23 ADVERTISEMENT TO THE COMMISSION FOR AN ADVISORY OPINION ON WHETHER
24 THE ADVERTISEMENT COMPLIES WITH THE RESTRICTIONS ON ADVERTISEMENTS
25 FOR ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, EDIBLE CANNABIS
26 PRODUCTS FOR ADULT USE, OR ADULT-USE CANNABIS-RELATED SERVICES.

27 SUBTITLE 7. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.

28 23-701.

29 (A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE
30 PROVISIONS OF THIS TITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION,
31 REVOCATION OF MANDATORY SUPERVISION, PAROLE, OR PROBATION, OR ANY CIVIL
32 OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR DISCIPLINARY

1 ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY RIGHT OR
2 PRIVILEGE, FOR THE USE OR POSSESSION OF CANNABIS:

3 (1) A QUALIFYING PATIENT:

4 (I) IN POSSESSION OF AN AMOUNT OF MEDICAL CANNABIS
5 DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY SUPPLY; OR

6 (II) IN POSSESSION OF AN AMOUNT OF MEDICAL CANNABIS
7 THAT IS GREATER THAN A 30-DAY SUPPLY IF THE QUALIFYING PATIENT'S
8 CERTIFYING PROVIDER STATED IN THE WRITTEN CERTIFICATION THAT A 30-DAY
9 SUPPLY WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING
10 PATIENT;

11 (2) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE IN
12 POSSESSION OF AN AMOUNT OF ADULT-USE CANNABIS, ADULT-USE CANNABIS
13 PRODUCT, OR EDIBLE CANNABIS PRODUCT FOR ADULT USE THAT DOES NOT EXCEED
14 THE PERSONAL USE AMOUNT, AS DEFINED IN § 5-601 OF THE CRIMINAL LAW
15 ARTICLE;

16 (3) A GROWER LICENSED UNDER § 23-304 OF THIS TITLE OR A
17 GROWER AGENT REGISTERED UNDER § 23-304 OF THIS TITLE;

18 (4) A CERTIFYING PROVIDER;

19 (5) A CAREGIVER;

20 (6) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING
21 CANNABIS UNDER § 23-402 OF THIS TITLE;

22 (7) A DISPENSARY LICENSED UNDER § 23-305 OF THIS TITLE OR A
23 DISPENSARY AGENT REGISTERED UNDER § 23-306 OF THIS TITLE;

24 (8) A PROCESSOR LICENSED UNDER § 23-307 OF THIS TITLE OR A
25 PROCESSOR AGENT REGISTERED UNDER § 23-308 OF THIS TITLE;

26 (9) A HOSPITAL, MEDICAL FACILITY, OR HOSPICE PROGRAM WHERE
27 A QUALIFYING PATIENT IS RECEIVING TREATMENT; OR

28 (10) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO
29 TEST, TRANSPORT, OR DISPOSE OF CANNABIS, CANNABIS PRODUCTS, OR CANNABIS
30 WASTE UNDER THE PROVISIONS OF THIS TITLE.

1 **(B) (1) A PERSON MAY NOT DISTRIBUTE, POSSESS, MANUFACTURE, OR**
2 **USE CANNABIS THAT HAS BEEN DIVERTED FROM A QUALIFYING PATIENT, A**
3 **CAREGIVER, AN ACADEMIC RESEARCH REPRESENTATIVE, A LICENSED GROWER, OR**
4 **A LICENSED DISPENSARY.**

5 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
6 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5**
7 **YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

8 **(3) THE PENALTY UNDER THIS SUBSECTION IS IN ADDITION TO ANY**
9 **PENALTIES THAT A PERSON MAY BE SUBJECT TO FOR MANUFACTURE, POSSESSION,**
10 **OR DISTRIBUTION OF CANNABIS UNDER THE CRIMINAL LAW ARTICLE.**

11 **23-702.**

12 **(A) NOTWITHSTANDING § 12-315 OF THE STATE GOVERNMENT ARTICLE, A**
13 **STATE EMPLOYEE WHO INCURS COUNSEL FEES IN CONNECTION WITH A FEDERAL**
14 **CRIMINAL INVESTIGATION OR PROSECUTION SOLELY RELATED TO THE EMPLOYEE'S**
15 **GOOD-FAITH DISCHARGE OF PUBLIC RESPONSIBILITIES UNDER THIS TITLE IS**
16 **ELIGIBLE FOR REIMBURSEMENT OF COUNSEL FEES AS AUTHORIZED BY § 12-314 OF**
17 **THE STATE GOVERNMENT ARTICLE.**

18 **(B) THE GOVERNOR MAY SUSPEND IMPLEMENTATION OF THIS TITLE ON**
19 **MAKING A DETERMINATION THAT THERE IS A REASONABLE CHANCE OF FEDERAL**
20 **PROSECUTION OF STATE EMPLOYEES FOR INVOLVEMENT WITH IMPLEMENTATION**
21 **OF THIS TITLE.**

22 **SUBTITLE 8. REGULATIONS AND CONSTRUCTION OF TITLE.**

23 **23-801.**

24 **(A) THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY INDIVIDUAL**
25 **TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL,**
26 **OR OTHER PENALTIES FOR, THE FOLLOWING:**

27 **(1) UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA**
28 **OR CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR**
29 **PROFESSIONAL MALPRACTICE;**

30 **(2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL**
31 **CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE**
32 **INFLUENCE OF MARIJUANA OR CANNABIS;**

1 **(3) SMOKING MARIJUANA OR CANNABIS IN ANY PUBLIC PLACE;**

2 **(4) SMOKING MARIJUANA OR CANNABIS IN A MOTOR VEHICLE; OR**

3 **(5) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
4 **SMOKING MARIJUANA OR CANNABIS ON A PRIVATE PROPERTY THAT:**

5 **(I) 1. IS RENTED FROM A LANDLORD; AND**

6 **2. IS SUBJECT TO A POLICY THAT PROHIBITS THE**
7 **SMOKING OF MARIJUANA OR CANNABIS ON THE PROPERTY; OR**

8 **(II) IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF**
9 **MARIJUANA OR CANNABIS ON THE PROPERTY OF AN ATTACHED DWELLING ADOPTED**
10 **BY ONE OF THE FOLLOWING ENTITIES:**

11 **1. THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT**
12 **OWNERS OF A CONDOMINIUM REGIME; OR**

13 **2. THE GOVERNING BODY OF A HOMEOWNERS**
14 **ASSOCIATION.**

15 **(B) THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION DO NOT**
16 **APPLY TO VAPORIZING CANNABIS.**

17 **(C) THIS TITLE MAY NOT BE CONSTRUED TO PROVIDE IMMUNITY TO A**
18 **PERSON WHO VIOLATES THE PROVISIONS OF THIS TITLE FROM CRIMINAL**
19 **PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR REGULATING THE**
20 **USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION OF CONTROLLED**
21 **DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL DRUGS, OR**
22 **HARMFUL DRUGS, OR ANY CONSPIRACY OR ATTEMPT TO COMMIT ANY OF THOSE**
23 **OFFENSES.**

24 **(D) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL,**
25 **MEDICAL FACILITY, OR HOSPICE PROGRAM TO REPORT TO THE COMMISSION ANY**
26 **DISCIPLINARY ACTION TAKEN BY THE HOSPITAL, MEDICAL FACILITY, OR HOSPICE**
27 **PROGRAM AGAINST A CERTIFYING PROVIDER, INCLUDING THE REVOCATION OF**
28 **PRIVILEGES, AFTER THE REGISTRATION OF THE CERTIFYING PROVIDER BY THE**
29 **COMMISSION.**

30 **(E) THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM**
31 **BEING CONCURRENTLY LICENSED BY THE COMMISSION AS A GROWER, A**
32 **DISPENSARY, OR A PROCESSOR.**

1 **23-802.**

2 **THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
3 **PROVISIONS OF THIS TITLE.**

4 **Article – Tax – General**

5 **TITLE 12.5. CANNABIS TAX.**

6 **12.5-101.**

7 **(A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS SOLD UNDER**
8 **TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

9 **(B) A 15% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS**
10 **FROM A CANNABIS GROWER TO A CANNABIS PROCESSOR OR A CANNABIS**
11 **DISPENSARY LICENSED UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

12 **(C) SALES OF CANNABIS BY A CANNABIS GROWER, CANNABIS PROCESSOR,**
13 **OR CANNABIS DISPENSARY ARE SUBJECT TO A 15% SALES AND USE TAX TO BE**
14 **COLLECTED IN THE MANNER PROVIDED UNDER TITLE 11 OF THIS ARTICLE.**

15 **12.5-102.**

16 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY,**
17 **MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL**
18 **SUBDIVISION OF THE STATE MAY IMPOSE A SALES TAX NOT EXCEEDING 3% ON SALES**
19 **OF CANNABIS, CANNABIS PRODUCTS, AND EDIBLE CANNABIS PRODUCTS WITHIN ITS**
20 **JURISDICTION.**

21 **(B) A COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR**
22 **OTHER POLITICAL SUBDIVISION OF THE STATE MAY NOT IMPOSE A SALES TAX**
23 **UNDER SUBSECTION (A) OF THIS SECTION:**

24 **(1) IF THE COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING**
25 **DISTRICT, OR POLITICAL SUBDIVISION HAS ADOPTED A LOCAL LAW, ORDINANCE, OR**
26 **REGULATION PROHIBITING THE SITING OF A CANNABIS GROWER, CANNABIS**
27 **PROCESSOR, OR CANNABIS DISPENSARY ANYWHERE WITHIN ITS JURISDICTION;**

28 **(2) ON SALES OF MEDICAL CANNABIS UNDER TITLE 23 OF THE**
29 **HEALTH – GENERAL ARTICLE; OR**

- 1 **(3) ON SALES TO:**
- 2 **(I) A GROWER LICENSED UNDER § 23-304 OF THE HEALTH –**
3 **GENERAL ARTICLE;**
- 4 **(II) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING**
5 **CANNABIS UNDER § 23-402 OF THE HEALTH – GENERAL ARTICLE;**
- 6 **(III) A DISPENSARY LICENSED UNDER § 23-305 OF THE HEALTH**
7 **– GENERAL ARTICLE;**
- 8 **(IV) A PROCESSOR LICENSED UNDER § 23-307 OF THE HEALTH**
9 **– GENERAL ARTICLE; OR**
- 10 **(V) A THIRD-PARTY VENDOR AUTHORIZED BY THE**
11 **COMMISSION TO TEST, TRANSPORT, OR DISPOSE OF MEDICAL CANNABIS, MEDICAL**
12 **CANNABIS PRODUCTS, OR MEDICAL CANNABIS WASTE UNDER THE PROVISIONS OF**
13 **TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

14 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2021,
15 the Natalie M. LaPrade Medical Cannabis Commission shall adopt regulations taking
16 effect on the effective date of Section 2 of this Act and providing for the implementation of
17 Section 2 of this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, on the taking effect of Section
19 2 of this Act, the Natalie M. LaPrade Maryland Cannabis Commission, established by
20 Section 2 of this Act, shall be subject to the regulations adopted under Section 3 of this Act.

21 SECTION 5. AND BE IT FURTHER ENACTED, That, on the taking effect of Section
22 2 of this Act, the license or registration of a qualifying patient, a certifying provider, a
23 caregiver, an academic research representative, a dispensary, a dispensary agent, a
24 processor, and a processor agent licensed or otherwise registered under Title 13, Subtitle
25 33 of the Health – General Article on September 30, 2022, shall continue under and be
26 subject to Title 23 of the Health – General Article, as enacted by Section 2 of this Act.

27 SECTION 6. AND BE IT FURTHER ENACTED, That, on the taking effect of Section
28 2 of this Act, the term of any license continued under Section 5 of this Act shall terminate,
29 unless renewed, on the date that the license would have terminated if Section 2 of this Act
30 had not taken effect.

31 SECTION 7. AND BE IT FURTHER ENACTED, That it is the intention of the
32 General Assembly that the provisions of former Title 13, Subtitle 33 of the Health – General
33 Article are recodified in Title 23 of the Health – General Article under Section 2 of this Act
34 and that, except as otherwise provided by law, all existing laws, regulations, proposed
35 regulations, standards and guidelines, policies, orders, and other directives, forms, plans

1 memberships, contracts, property, investigations, administrative and judicial
2 responsibilities, rights to sue and be sued, and all other duties and responsibilities
3 associated with the Natalie M. LaPrade Medical Cannabis Commission and all funds
4 created under former Title 13, Subtitle 33 of the Health – General Article before the
5 effective date of Section 2 of this Act shall continue under and, as appropriate, are legal
6 and binding on the Natalie M. LaPrade Maryland Cannabis Commission under Title 23 of
7 the Health – General Article.

8 SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act affects the
9 term of office of a member of the Natalie M. LaPrade Medical Cannabis Commission. An
10 individual who is a member of the Commission on the effective date of Section 2 of this Act
11 shall remain for the balance of the term to which appointed unless the member dies,
12 resigns, or is removed under provisions of law.

13 SECTION 9. AND BE IT FURTHER ENACTED, That any transaction or
14 employment status validly entered into under Title 13, Subtitle 33 of the Health – General
15 Article before the effective date of Section 2 of this Act shall remain valid after the effective
16 date of this Act and every right, duty, or interest flowing from the employment or
17 transaction remains valid after the effective date of Section 2 of this Act and may be
18 terminated, completed, consummated, or enforced as required or allowed by any statute
19 amended by this Act as though the amendment had not occurred.

20 SECTION 10. AND BE IT FURTHER ENACTED, That:

21 (a) The continuity of every commission, office, department, agency, or other unit
22 is retained.

23 (b) The personnel, records, files, furniture, fixtures, and other properties and all
24 appropriations, credits, assets, liabilities, and obligations of each retained unit are
25 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,
26 credits, assets, liabilities, and obligations of the unit under the laws enacted by Section 2
27 of this Act.

28 SECTION 11. AND BE IT FURTHER ENACTED, That letterhead, business cards,
29 and other documents reflecting the renaming of the Natalie M. LaPrade Medical Cannabis
30 Commission to be the Natalie M. LaPrade Maryland Cannabis Commission may not be
31 used until all letterhead, business cards, and other documents already in print and
32 reflecting the name of the Commission before the effective date of Section 2 of this Act have
33 been used.

34 SECTION 12. AND BE IT FURTHER ENACTED, That the publisher of the
35 Annotated Code of Maryland, in consultation with and subject to the approval of the
36 Department of Legislative Services, shall correct, with no further action required by the
37 General Assembly, cross-references and terminology rendered incorrect by Section 2 of this
38 Act. The publisher shall adequately describe any correction that is made in an editor's note
39 following the section affected.

1 SECTION 13. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act
2 shall take effect October 1, 2022.

3 SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in
4 Section 13 of this Act, this Act shall take effect October 1, 2020.