

# HOUSE BILL 32

E1, E4, J1

1lr1276

(PRE-FILED)

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By: **Delegate J. Lewis**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Legalization and Regulation**  
3 **(Inclusion, Restoration, and Rehabilitation Act of 2021)**

4 FOR the purpose of substituting the term “cannabis” for the term “marijuana” in certain  
5 provisions of law; altering a certain quantity threshold and establishing a certain  
6 age limit applicable to a certain civil offense of use or possession of cannabis;  
7 establishing a civil offense for use or possession of a certain amount of cannabis for  
8 a person of at least a certain age; establishing a civil offense for cultivating cannabis  
9 plants in a certain manner; establishing a civil and a criminal offense for  
10 manufacturing or selling certain cannabis accessories that violate certain  
11 regulations under certain circumstances; prohibiting an individual from knowingly  
12 and willfully making a certain misrepresentation or false statement to a certain  
13 person for a certain purpose; prohibiting an individual from obtaining or attempting  
14 to obtain cannabis in a certain manner for consumption by a certain individual;  
15 prohibiting a person from furnishing cannabis or certain cannabis accessories to an  
16 individual under certain circumstances; providing for the expungement of certain  
17 records relating to certain charges of possession of cannabis; providing for the  
18 disposition and expungement of certain charges relating to possession, cultivation,  
19 processing, or sale of cannabis; providing for a certain application for resentencing;  
20 establishing an Office of Social Equity within the Alcohol and Tobacco Commission;  
21 requiring the Governor to appoint an executive director of the Office; requiring that  
22 the executive director have certain experience; specifying the duties of the Office;  
23 establishing the Social Equity Start-Up Fund, the Cannabis Education and Training  
24 Fund, the Community Reinvestment and Repair Fund, and the Cannabis Regulation  
25 Fund; specifying the purposes of the funds; requiring the Office or the Commission  
26 to administer certain funds; requiring the State Treasurer to hold the funds and the  
27 Comptroller to account for the funds; specifying the contents of the funds; specifying  
28 the purposes for which and the manner in which money in the funds may be used;  
29 providing for the investment of money in and expenditures from the funds; providing  
30 that the funds are subject to audit by a certain office; establishing certain duties and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 powers of the Commission in relation to the use of certain funds; authorizing certain  
2 education programs to use hemp instead of cannabis for certain training; requiring  
3 the Commission and the Office to adopt certain regulations; authorizing the  
4 Commission to issue certain dual licenses only for certain types of licenses and  
5 locations; requiring the Commission to develop a certain label, handout, or both after  
6 consulting with certain researchers; requiring that certain materials be available to  
7 each consumer; requiring the Commission to review and update certain materials at  
8 certain intervals and in a certain manner for a certain purpose; prohibiting the  
9 Commission from requiring a consumer to provide or a retailer to acquire certain  
10 information; providing for the licensing of cannabis establishments, including  
11 certain dual licensing; establishing certain powers and duties of and prohibitions on  
12 the Commission regarding the licensing of cannabis establishments; establishing the  
13 terms of certain licenses; prohibiting a person from holding certain interest, directly  
14 or indirectly, in more than a certain number of cultivators or a certain number of  
15 retailers; prohibiting a cultivator from producing certain products except under  
16 certain circumstances; establishing certain licensing fees; requiring that certain  
17 licensing fees be credited to a certain fund; establishing certain requirements for  
18 qualification for a dual license; authorizing an applicant for a certain license to apply  
19 for conditional approval under certain circumstances; authorizing an on-site  
20 consumption establishment to operate only if a certain local regulatory authority  
21 issued a certain permit or license; authorizing a locality to prohibit the operation of  
22 certain cannabis establishments in a certain manner under certain circumstances;  
23 requiring that a person seeking licensure as a cannabis establishment meet certain  
24 requirements; prohibiting a locality from negotiating or entering into a certain  
25 agreement with a cannabis establishment or cannabis establishment applicant;  
26 establishing that certain acts relating to cannabis are not unlawful and are not a  
27 criminal or civil offense under State law or the law of any political subdivision of the  
28 State or a basis for seizure or forfeiture of assets under State law; establishing that  
29 certain acts are not a violation of certain conditions of parole or probation under  
30 certain circumstances; establishing certain criminal and civil immunities and  
31 protections for a person who engages in conduct permitted under this Act; clarifying  
32 that a provision of law is included in this Act to satisfy a certain federal requirement;  
33 prohibiting a certain law enforcement officer from expending certain resources to  
34 take certain actions on a certain basis if the officer has reason to believe that certain  
35 activity is in compliance with this Act; requiring the interest earnings of certain  
36 funds to be credited to the funds; exempting certain funds from a certain provision  
37 of law requiring interest earnings on State money to accrue to the General Fund of  
38 the State; imposing a certain excise tax on the sale or transfer of cannabis from a  
39 certain cannabis establishment to a consumer; providing that sales of cannabis by a  
40 cannabis establishment to a consumer are subject to a certain sales and use tax;  
41 authorizing a political subdivision to impose a sales tax not exceeding a certain  
42 amount on sales of cannabis and cannabis products to certain consumers, subject to  
43 a certain exception; requiring that certain revenues be distributed in a certain  
44 manner; authorizing a certain deduction from State taxes; providing certain  
45 penalties for violating certain provisions of this Act; providing for the application of  
46 certain provisions of this Act; defining certain terms; making conforming changes;  
47 and generally relating to cannabis.

- 1 BY repealing and reenacting, without amendments,  
2 Article – Criminal Law  
3 Section 5–101(a)  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2020 Supplement)
- 6 BY adding to  
7 Article – Criminal Law  
8 Section 5–101(e–1) and (t), 5–601.2, 5–601.3, 5–629, and 5–630  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2020 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 5–101(p), (s), and (t), 5–601(a), (c), and (d), 5–601.1, 5–612, 5–614, 5–619(c),  
14 5–620, 10–113, 10–116, and 10–117  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2020 Supplement)
- 17 BY repealing  
18 Article – Criminal Law  
19 Section 5–101(r)  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2020 Supplement)
- 22 BY adding to  
23 Article – Criminal Procedure  
24 Section 10–105.1 and 10–105.2  
25 Annotated Code of Maryland  
26 (2018 Replacement Volume and 2020 Supplement)
- 27 BY adding to  
28 Article – Health – General  
29 Section 23–101 through 23–702 to be under the new title “Title 23. Cannabis”  
30 Annotated Code of Maryland  
31 (2019 Replacement Volume and 2020 Supplement)
- 32 BY repealing and reenacting, without amendments,  
33 Article – State Finance and Procurement  
34 Section 6–226(a)(2)(i)  
35 Annotated Code of Maryland  
36 (2015 Replacement Volume and 2020 Supplement)
- 37 BY repealing and reenacting, with amendments,  
38 Article – State Finance and Procurement  
39 Section 6–226(a)(2)(ii)122. and 123.

1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2020 Supplement)

3 BY adding to  
4 Article – State Finance and Procurement  
5 Section 6–226(a)(2)(ii)124. through 127.  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2020 Supplement)

8 BY adding to  
9 Article – Tax – General  
10 Section 12.5–101 through 12.5–104 to be under the new title “Title 12.5. Cannabis  
11 Tax”  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 5–101.

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

19 **(E–1) (1) “CANNABIS” MEANS THE PLANT CANNABIS SATIVA L. AND ANY**  
20 **PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**  
21 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**  
22 **A DELTA–9 TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A**  
23 **DRY WEIGHT BASIS.**

24 **(2) “CANNABIS” DOES NOT INCLUDE HEMP AS DEFINED IN § 14–101**  
25 **OF THE AGRICULTURE ARTICLE.**

26 (p) (1) “Drug paraphernalia” means equipment, a product, or material that is  
27 used, intended for use, or designed for use, in:

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

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

34 (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 **OTHER THAN CANNABIS** or from which a controlled dangerous  
4 substance can be derived;

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

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

11 (iv) testing equipment used, intended for use, or designed for use in  
12 analyzing the strength, effectiveness, or purity of a controlled dangerous substance **OTHER**  
13 **THAN CANNABIS**;

14 (v) a scale or balance used, intended for use, or designed for use in  
15 weighing or measuring a controlled dangerous substance **OTHER THAN CANNABIS**;

16 (vi) a diluent or adulterant, such as quinine hydrochloride, mannitol,  
17 mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a  
18 controlled dangerous substance **OTHER THAN CANNABIS**;

19 (vii) a separation gin or sifter used, intended for use, or designed for  
20 use in removing twigs and seeds from, or in otherwise cleaning or refining, [marijuana] **A**  
21 **CONTROLLED DANGEROUS SUBSTANCE OTHER THAN CANNABIS**;

22 (viii) a blender, bowl, container, spoon, or mixing device used,  
23 intended for use, or designed for use in compounding a controlled dangerous substance  
24 **OTHER THAN CANNABIS**;

25 (ix) a capsule, balloon, envelope, or other container used, intended  
26 for use, or designed for use in packaging small quantities of a controlled dangerous  
27 substance **OTHER THAN CANNABIS**;

28 (x) a container or other object used, intended for use, or designed for  
29 use in storing or concealing a controlled dangerous substance **OTHER THAN CANNABIS**;

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

33 (xii) an object used, intended for use, or designed for use in ingesting,  
34 inhaling, or otherwise introducing [marijuana,] cocaine[, hashish, or hashish oil] into the

1 human body [such as:

- 2 1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic  
 3 pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;
- 4 2. a water pipe;
- 5 3. a carburetion tube or device;
- 6 4. a smoking or carburetion mask;
- 7 5. an object known as a roach clip used to hold burning  
 8 material, such as a marijuana cigarette that has become too small or too short to be held in  
 9 the hand;
- 10 6. a miniature spoon used for cocaine and cocaine vials;
- 11 7. a chamber pipe;
- 12 8. a carburetor pipe;
- 13 9. an electric pipe;
- 14 10. an air-driven pipe;
- 15 11. a chillum;
- 16 12. a bong; and
- 17 13. an ice pipe or chiller].

18 **(3) “DRUG PARAPHERNALIA” DOES NOT INCLUDE CANNABIS**  
 19 **ACCESSORIES AS DEFINED IN § 23–101 OF THE HEALTH – GENERAL ARTICLE.**

20 [(r) (1) “Marijuana” means:

- 21 (i) all parts of any plant of the genus Cannabis, whether or not the  
 22 plant is growing;
- 23 (ii) the seeds of the plant;
- 24 (iii) the resin extracted from the plant; and
- 25 (iv) each compound, manufactured product, salt, derivative, mixture,  
 26 or preparation of the plant, its seeds, or its resin.

27 (2) “Marijuana” does not include:

- 1 (i) the mature stalks of the plant;
- 2 (ii) fiber produced from the mature stalks;
- 3 (iii) oil or cake made from the seeds of the plant;
- 4 (iv) except for resin, any other compound, manufactured product,  
5 salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
- 6 (v) the sterilized seed of the plant that is incapable of germination;  
7 or
- 8 (vi) hemp as defined in § 14–101 of the Agriculture Article.]

9 **[(s)] (R)** (1) “Narcotic drug” means a substance:

- 10 (i) that has been found to present an extreme danger to the health  
11 and welfare of the community because of addiction–forming and addiction–sustaining  
12 qualities;
- 13 (ii) that is:
- 14 1. an opiate;
- 15 2. a compound, manufactured substance, salt, derivative, or  
16 preparation of opium, coca leaf, or an opiate; or
- 17 3. a substance and any compound, manufactured substance,  
18 salt, derivative, or preparation that is chemically identical with a substance listed in items  
19 1 and 2 of this item; and
- 20 (iii) that is produced:
- 21 1. directly or indirectly by extraction from substances of  
22 vegetable origin;
- 23 2. independently by chemical synthesis; or
- 24 3. by a combination of extraction and chemical synthesis.

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

27 **[(t)] (S)** “Noncontrolled substance” means a substance that is not classified as a  
28 controlled dangerous substance under Subtitle 4 of this title.

1 (T) "PERSONAL USE AMOUNT" MEANS:

2 (1) (I) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 2  
3 OUNCES;

4 (II) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT  
5 EXCEED 15 GRAMS;

6 (III) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING  
7 DELTA-9 TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 1,500 MILLIGRAMS;  
8 OR

9 (IV) SIX OR FEWER CANNABIS PLANTS; OR

10 (2) ANY ADDITIONAL CANNABIS PRODUCED BY A PERSON'S CANNABIS  
11 PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE AMOUNT LISTED  
12 IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS PROCESSED IN A LOCATION:

13 (I) WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND

14 (II) THAT IS SECURE FROM UNAUTHORIZED ACCESS AND  
15 ACCESS BY A PERSON WHO IS UNDER THE AGE OF 21 YEARS.

16 5-601.

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

18 (1) possess or administer to another a controlled dangerous substance,  
19 unless:

20 (I) obtained directly or by prescription or order from an authorized  
21 provider acting in the course of professional practice; [or]

22 (II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS,  
23 THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER, AND THE AMOUNT POSSESSED DOES  
24 NOT EXCEED A PERSONAL USE AMOUNT; OR

25 (III) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS  
26 AND POSSESSION IS LEGAL UNDER TITLE 13, SUBTITLE 33 OR TITLE 23 OF THE  
27 HEALTH - GENERAL ARTICLE; OR

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



- 1 (i) fraud, deceit, misrepresentation, or subterfuge;
- 2 (ii) the counterfeiting or alteration of a prescription or a written  
3 order;
- 4 (iii) the concealment of a material fact;
- 5 (iv) the use of a false name or address;
- 6 (v) falsely assuming the title of or representing to be a  
7 manufacturer, distributor, or authorized provider; or
- 8 (vi) making, issuing, or presenting a false or counterfeit prescription  
9 or written order.

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

- 12 (i) for a first conviction, imprisonment not exceeding 1 year or a fine  
13 not exceeding \$5,000 or both;
- 14 (ii) for a second or third conviction, imprisonment not exceeding 18  
15 months or a fine not exceeding \$5,000 or both; or
- 16 (iii) for a fourth or subsequent conviction, imprisonment not  
17 exceeding 2 years or a fine not exceeding \$5,000 or both.

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

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

27 **B.** **A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL**  
28 **OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,**  
29 **A PENALTY OF UP TO 6 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

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

1                   **B. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL**  
2 **OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,**  
3 **A PENALTY OF UP TO 16 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

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

8                   **B. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL**  
9 **OFFENSE UNDER THIS SUBSUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED,**  
10 **A PENALTY OF UP TO 32 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

11                   4.     **A.**     In addition to a fine, a court shall order a person  
12 under the age of 21 years who commits a violation punishable under subparagraph 1,  
13 2, or 3 of this subparagraph to attend a drug education program approved by the Maryland  
14 Department of Health, refer the person to an assessment for substance abuse disorder, and  
15 refer the person to substance abuse treatment, if necessary.

16                   **B.**     [In addition to a fine, a court shall order a person at least  
17 21 years old who commits a violation punishable under subparagraph 3 of this  
18 subparagraph to attend a drug education program approved by the Maryland Department  
19 of Health, refer the person to an assessment for substance abuse disorder, and refer the  
20 person to substance abuse treatment, if necessary.

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

25                   **(III) 1. A VIOLATION OF THIS SECTION INVOLVING A PERSON**  
26 **AT LEAST 21 YEARS OLD POSSESSING CANNABIS IN AN AMOUNT GREATER THAN THE**  
27 **PERSONAL USE AMOUNT BUT NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT**  
28 **IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.**

29                   **2. A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL**  
30 **OFFENSE UNDER THIS SUBPARAGRAPH MAY REQUEST, AND SHALL BE GRANTED, A**  
31 **PENALTY OF UP TO 16 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

32                   (3)    (i)    1.     In this paragraph the following words have the meanings  
33 indicated.

34                                   2.     “Bona fide physician–patient relationship” means a  
35 relationship in which the physician has ongoing responsibility for the assessment, care, and

1 treatment of a patient's medical condition.

2 3. "Caregiver" means an individual designated by a patient  
3 with a debilitating medical condition to provide physical or medical assistance to the  
4 patient, including assisting with the medical use of [marijuana] CANNABIS, who:

5 A. is a resident of the State;

6 B. is at least 21 years old;

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

9 D. has not been convicted of a crime of violence as defined in  
10 § 14–101 of this article;

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

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

14 G. has been designated as caregiver by the patient in writing  
15 that has been placed in the patient's medical record prior to arrest;

16 H. is the only individual designated by the patient to serve as  
17 caregiver; and

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

19 4. "Debilitating medical condition" means a chronic or  
20 debilitating disease or medical condition or the treatment of a chronic or debilitating  
21 disease or medical condition that produces one or more of the following, as documented by  
22 a physician with whom the patient has a bona fide physician–patient relationship:

23 A. cachexia or wasting syndrome;

24 B. severe or chronic pain;

25 C. severe nausea;

26 D. seizures;

27 E. severe and persistent muscle spasms; or

28 F. any other condition that is severe and resistant to  
29 conventional medicine.

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

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

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

10 A. the defendant has a debilitating medical condition that  
11 has been diagnosed by a physician with whom the defendant has a bona fide physician-  
12 patient relationship;

13 B. the debilitating medical condition is severe and resistant  
14 to conventional medicine; and

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

17 2. A. In a prosecution for the possession of [marijuana]  
18 CANNABIS under this section, it is an affirmative defense that the defendant possessed  
19 [marijuana] CANNABIS because the [marijuana] CANNABIS was intended for medical use  
20 by an individual with a debilitating medical condition for whom the defendant is a  
21 caregiver.

22 B. A defendant may not assert the affirmative defense under  
23 this subparagraph unless the defendant notifies the State's Attorney of the defendant's  
24 intention to assert the affirmative defense and provides the State's Attorney with all  
25 documentation in support of the affirmative defense in accordance with the rules of  
26 discovery provided in Maryland Rules 4-262 and 4-263.

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

29 A. using [marijuana] CANNABIS in a public place or  
30 assisting the individual for whom the defendant is a caregiver in using the [marijuana]  
31 CANNABIS in a public place; or

32 B. in possession of more than 1 ounce of [marijuana]  
33 CANNABIS.

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

1 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of  
2 **[marijuana] CANNABIS a civil offense FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS**  
3 **AND THE PROVISIONS OF TITLE 23 OF THE HEALTH – GENERAL ARTICLE MAKING**  
4 **THE POSSESSION OF CANNABIS LEGAL FOR INDIVIDUALS 21 YEARS OF AGE OR**  
5 **OLDER** may not be construed to affect the laws relating to[:

6 (1)] operating a vehicle or vessel while under the influence of or while  
7 impaired by a controlled dangerous substance[; or

8 (2) seizure and forfeiture].

9 5–601.1.

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

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

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

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

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

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

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

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

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

30 (iv) the fine **OR AMOUNT OF COMMUNITY SERVICE** that may be  
31 imposed;

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

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

4 1. pay the full amount of the preset fine; [or]

5 2. **REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;**

6 **OR**

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

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

13 [(ii)] If the court finds that a person at least 21 years old who has been  
14 issued a citation under this section has at least twice previously been found guilty under §  
15 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the  
16 court shall summon the person for trial.]

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

19 (e) (1) The Chief Judge of the District Court shall establish a schedule for the  
20 prepayment of the fine **AND PROCEDURES FOR INDIVIDUALS TO REQUEST AND BE**  
21 **GRANTED COMMUNITY SERVICE IN LIEU OF A FINE.**

22 (2) Prepayment of a fine **OR ACCEPTANCE OF COMMUNITY SERVICE IN**  
23 **LIEU OF A FINE** shall be considered a plea of guilty to a Code violation.

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

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

29 (2) If a person other than a person described in subsection (c)(2) of this  
30 section does not request a trial [or], prepay the fine, **OR REQUEST COMMUNITY SERVICE**  
31 **IN LIEU OF A FINE** within 30 days of the issuance of the citation, the court may impose the  
32 maximum fine and costs against the person and find the person is guilty of a Code violation  
33 for purposes of subsection (c)(2)(ii) of this section.

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

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

6 (2) If a person at least 21 years old fails to appear after having requested  
7 a trial, the court may impose the maximum fine **OR COMMUNITY SERVICE** and costs  
8 against the person and find the person is guilty of a Code violation [for purposes of  
9 subsection (c)(2)(ii) of this section].

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

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

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

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

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

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

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

26 (i) guilty of a Code violation;

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

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

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

32 (2) The court costs in a Code violation case under § 5–601 of this part

1 involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF**  
2 **CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT** in which costs are  
3 imposed are \$5.

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

8 (2) In a Code violation case under § 5-601 of this part involving the use or  
9 possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**  
10 **EXCEEDING DOUBLE THE PERSONAL USE AMOUNT**, the State's Attorney may:

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

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

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

20 (m) A citation for a violation of § 5-601 of this part involving the use or possession  
21 of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING**  
22 **DOUBLE THE PERSONAL USE AMOUNT** and the official record of a court regarding the  
23 citation are not subject to public inspection and may not be included on the public website  
24 maintained by the Maryland Judiciary if:

25 (1) the defendant has prepaid the fine **OR PERFORMED THE COMMUNITY**  
26 **SERVICE**;

27 (2) the defendant has pled guilty to or been found guilty of the Code  
28 violation and has fully paid the fine **OR PERFORMED THE COMMUNITY SERVICE** and  
29 **PAID THE** costs imposed for the violation;

30 (3) the defendant has received a probation before judgment and has fully  
31 paid the fine **OR PERFORMED THE COMMUNITY SERVICE** and completed any terms  
32 imposed by the court;

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

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



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

2 (7) the charge has been dismissed.

3 **5-601.2.**

4 (A) A PERSON MAY NOT SMOKE CANNABIS IN A PUBLIC PLACE, AS DEFINED  
5 IN § 23-101 OF THE HEALTH - GENERAL ARTICLE.

6 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL  
7 OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$50.

8 (2) A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE  
9 UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO  
10 5 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.

11 (C) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE  
12 POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION  
13 OF THIS SECTION.

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

15 (2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

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

17 (II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT  
18 MAY RESULT FROM A CRIMINAL CONVICTION.

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

21 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON  
22 CHARGED;

23 (II) THE DATE AND TIME THAT THE VIOLATION OCCURRED;

24 (III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

25 (IV) THE FINE OR AMOUNT OF COMMUNITY SERVICE THAT MAY  
26 BE IMPOSED;

27 (V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS

1 ALLOWED, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND

2 (VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE  
3 PERSON SHALL:

4 1. PAY THE FULL AMOUNT OF THE PRESET FINE;

5 2. REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;

6 OR

7 3. REQUEST A TRIAL AT THE DATE, TIME, AND PLACE  
8 ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.

9 (2) IF A CITATION FOR A VIOLATION OF THIS SECTION IS ISSUED TO A  
10 PERSON UNDER THE AGE OF 21 YEARS, THE COURT SHALL SUMMON THE PERSON  
11 FOR TRIAL.

12 (F) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE  
13 STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

14 (G) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A  
15 SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR  
16 INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A  
17 FINE.

18 (2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY  
19 SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE  
20 VIOLATION.

21 (3) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT PREPAY THE  
22 FINE.

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

26 (2) IF A PERSON DOES NOT REQUEST A TRIAL, PREPAY THE FINE, OR  
27 REQUEST COMMUNITY SERVICE IN LIEU OF A FINE WITHIN 30 DAYS AFTER THE  
28 ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE OR  
29 COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON  
30 GUILTY OF A CODE VIOLATION.

31 (I) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION

1 AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING  
2 VENUE.

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

6 (2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER  
7 HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE OR  
8 COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON  
9 GUILTY OF A CODE VIOLATION.

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

11 (1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE  
12 DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

13 (2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS  
14 PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

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

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

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

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

26 (I) GUILTY OF A CODE VIOLATION;

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

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

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

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

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

8           **(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S**  
9 **ATTORNEY MAY:**

10           **(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON**  
11 **THE STET DOCKET; AND**

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

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

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

21           **(1) THE DEFENDANT HAS PREPAID THE FINE OR PERFORMED THE**  
22 **COMMUNITY SERVICE;**

23           **(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY**  
24 **OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE OR PERFORMED THE**  
25 **COMMUNITY SERVICE AND COSTS IMPOSED FOR THE VIOLATION;**

26           **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**  
27 **JUDGMENT AND HAS FULLY PAID THE FINE OR PERFORMED THE COMMUNITY**  
28 **SERVICE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;**

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

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

2           **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**

3 **OR**

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

5 **5-601.3.**

6           **(A) A PERSON MAY NOT CULTIVATE CANNABIS PLANTS IN A MANNER THAT**  
7 **IS CONTRARY TO THIS SECTION.**

8           **(B) CANNABIS PLANTS MAY NOT BE CULTIVATED IN A LOCATION WHERE**  
9 **THE PLANTS ARE SUBJECT TO PUBLIC VIEW, INCLUDING A VIEW FROM ANOTHER**  
10 **PRIVATE PROPERTY, WITHOUT THE USE OF BINOCULARS, AIRCRAFT, OR OTHER**  
11 **OPTICAL AIDS.**

12           **(C) (1) IN THIS SUBSECTION, “REASONABLE PRECAUTIONS” INCLUDES**  
13 **CULTIVATING CANNABIS IN AN ENCLOSED LOCKED SPACE TO WHICH PERSONS**  
14 **UNDER THE AGE OF 21 YEARS DO NOT POSSESS A KEY.**

15           **(2) A PERSON WHO CULTIVATES CANNABIS SHALL TAKE REASONABLE**  
16 **PRECAUTIONS TO ENSURE THE PLANTS ARE SECURE FROM UNAUTHORIZED ACCESS**  
17 **AND ACCESS BY A PERSON UNDER THE AGE OF 21 YEARS.**

18           **(D) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN**  
19 **POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN**  
20 **LAWFUL POSSESSION OF THE PROPERTY.**

21           **(E) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL**  
22 **OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$750.**

23           **(2) A PERSON WHO IS FOUND RESPONSIBLE FOR A CIVIL OFFENSE**  
24 **UNDER THIS SECTION MAY REQUEST, AND SHALL BE GRANTED, A PENALTY OF UP TO**  
25 **50 HOURS OF COMMUNITY SERVICE IN LIEU OF A FINE.**

26           **(F) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE**  
27 **POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION**  
28 **OF THIS SECTION.**

29           **(G) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.**

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

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

2                   (II)   DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT  
3 MAY RESULT FROM A CRIMINAL CONVICTION.

4           (H)   (1)   A CITATION ISSUED FOR A VIOLATION OF THIS SECTION SHALL BE  
5 SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:

6                   (I)    THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON  
7 CHARGED;

8                   (II)   THE DATE AND TIME THAT THE VIOLATION OCCURRED;

9                   (III)   THE LOCATION AT WHICH THE VIOLATION OCCURRED;

10                  (IV)   THE FINE OR AMOUNT OF COMMUNITY SERVICE THAT MAY  
11 BE IMPOSED;

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

14                  (VI)   A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE  
15 PERSON SHALL:

16                           1.    PAY THE FULL AMOUNT OF THE PRESET FINE;

17                           2.    REQUEST COMMUNITY SERVICE IN LIEU OF THE FINE;  
18 OR

19                           3.    REQUEST A TRIAL AT THE DATE, TIME, AND PLACE  
20 ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.

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

24           (I)    THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE  
25 STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

26           (J)   (1)   THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A  
27 SCHEDULE FOR THE PREPAYMENT OF THE FINE AND PROCEDURES FOR  
28 INDIVIDUALS TO REQUEST AND BE GRANTED COMMUNITY SERVICE IN LIEU OF A

1 FINE.

2 (2) PREPAYMENT OF A FINE OR ACCEPTANCE OF COMMUNITY  
3 SERVICE IN LIEU OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CODE  
4 VIOLATION.

5 (3) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT PREPAY THE  
6 FINE.

7 (K) (1) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR  
8 TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS  
9 ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.

10 (2) IF A PERSON DOES NOT REQUEST A TRIAL, PREPAY THE FINE, OR  
11 REQUEST COMMUNITY SERVICE IN LIEU OF A FINE WITHIN 30 DAYS AFTER THE  
12 ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE MAXIMUM FINE OR  
13 COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON  
14 GUILTY OF A CODE VIOLATION.

15 (L) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION  
16 AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING  
17 VENUE.

18 (M) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS  
19 DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION SHALL BE GOVERNED BY §  
20 5-212 OF THE CRIMINAL PROCEDURE ARTICLE.

21 (2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER  
22 HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE OR  
23 COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON  
24 GUILTY OF A CODE VIOLATION.

25 (N) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:

26 (1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE  
27 DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

28 (2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS  
29 PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

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

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

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

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

9                   **(I) GUILTY OF A CODE VIOLATION;**

10                   **(II) NOT GUILTY OF A CODE VIOLATION; OR**

11                   **(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT**  
12 **IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE**  
13 **TRIAL OF A CRIMINAL CASE.**

14           **(O) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE**  
15 **PROCEEDINGS IN THE DISTRICT COURT.**

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

18           **(P) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**  
19 **CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION**  
20 **FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

21           **(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S**  
22 **ATTORNEY MAY:**

23                   **(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON**  
24 **THE STET DOCKET; AND**

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

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



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

5           **(1) THE DEFENDANT HAS PREPAID THE FINE OR PERFORMED THE**  
6 **COMMUNITY SERVICE;**

7           **(2) THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY**  
8 **OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE OR PERFORMED THE**  
9 **COMMUNITY SERVICE AND COSTS IMPOSED FOR THE VIOLATION;**

10           **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**  
11 **JUDGMENT AND HAS FULLY PAID THE FINE OR PERFORMED THE COMMUNITY**  
12 **SERVICE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;**

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

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

17           **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**  
18 **OR**

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

20 5-612.

21           **(a) [A] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A person may not**  
22 **manufacture, distribute, dispense, or possess:**

23           **(1) 50 pounds or more of [marijuana] CANNABIS;**

24           **(2) 448 grams or more of cocaine;**

25           **(3) 448 grams or more of any mixture containing a detectable amount, as**  
26 **scientifically measured using representative sampling methodology, of cocaine;**

27           **(4) 448 grams or more of cocaine base, commonly known as “crack”;**

28           **(5) 28 grams or more of morphine or opium or any derivative, salt, isomer,**  
29 **or salt of an isomer of morphine or opium;**

30           **(6) 28 grams or more of any mixture containing a detectable amount, as**

1 scientifically measured using representative sampling methodology, of morphine or opium  
2 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

3 (7) 5 grams or more of fentanyl or any structural variation of fentanyl that  
4 is scheduled by the United States Drug Enforcement Administration;

5 (8) 28 grams or more of any mixture containing a detectable amount, as  
6 scientifically measured using representative sampling methodology, of fentanyl or any  
7 structural variation of fentanyl that is scheduled by the United States Drug Enforcement  
8 Administration;

9 (9) 1,000 dosage units or more of lysergic acid diethylamide;

10 (10) any mixture containing the equivalent of 1,000 dosage units of lysergic  
11 acid diethylamide;

12 (11) 16 ounces or more of phencyclidine in liquid form;

13 (12) 448 grams or more of any mixture containing a detectable amount, as  
14 scientifically measured using representative sampling methodology, of phencyclidine;

15 (13) 448 grams or more of methamphetamine; or

16 (14) 448 grams or more of any mixture containing a detectable amount, as  
17 scientifically measured using representative sampling methodology, of methamphetamine.

18 (b) For the purpose of determining the quantity of a controlled dangerous  
19 substance involved in individual acts of manufacturing, distributing, dispensing, or  
20 possessing under subsection (a) of this section, the acts may be aggregated if each of the  
21 acts occurred within a 90-day period.

22 (c) (1) A person who is convicted of a violation of subsection (a) of this section  
23 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not  
24 exceeding \$100,000.

25 (2) The court may not suspend any part of the mandatory minimum  
26 sentence of 5 years.

27 (3) Except as provided in § 4-305 of the Correctional Services Article, the  
28 person is not eligible for parole during the mandatory minimum sentence.

29 5-614.

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

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

- 1 (ii) 28 grams or more of cocaine;
- 2 (iii) any mixture containing 28 grams or more of cocaine;
- 3 (iv) 4 grams or more of morphine or opium or any derivative, salt,  
4 isomer, or salt of an isomer of morphine or opium;
- 5 (v) 1,000 dosage units of lysergic acid diethylamide;
- 6 (vi) any mixture containing the equivalent of 1,000 dosage units of  
7 lysergic acid diethylamide;
- 8 (vii) 28 grams or more of phencyclidine in liquid or powder form;
- 9 (viii) 112 grams or more of any mixture containing phencyclidine;
- 10 (ix) 1,000 dosage units or more of methaqualone;
- 11 (x) 28 grams or more of methamphetamine;
- 12 (xi) any mixture containing 28 grams or more of methamphetamine;  
13 or
- 14 (xii) 4 grams or more of fentanyl or a fentanyl analogue.

15 (2) A person who violates this subsection is guilty of a felony and on  
16 conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$50,000  
17 or both.

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

21 (2) A person who violates this subsection is guilty of a felony and on  
22 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000  
23 or both.

24 5-619.

25 (c) (1) [This subsection does not apply to the use or possession of drug  
26 paraphernalia involving the use or possession of marijuana.

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

29 (i) plant, propagate, cultivate, grow, harvest, manufacture,

1 compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a  
2 controlled dangerous substance; or

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

5 **[(3)] (2)** A person who violates this subsection is guilty of a misdemeanor  
6 and on conviction is subject to:

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

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

10 **[(4)](3)** A person who is convicted of violating this subsection for the first  
11 time and who previously has been convicted of violating subsection (d)(4) of this section is  
12 subject to the penalty specified under paragraph **[(3)(ii)] (2)(II)** of this subsection.

13 5-620.

14 (a) Unless authorized under this title, a person may not:

15 (1) obtain or attempt to obtain controlled paraphernalia by:

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

17 (ii) counterfeiting a prescription or a written order;

18 (iii) concealing a material fact or the use of a false name or address;

19 (iv) falsely assuming the title of or representing to be a  
20 manufacturer, distributor, or authorized provider; or

21 (v) making or issuing a false or counterfeit prescription or written  
22 order; or

23 (2) possess or distribute controlled paraphernalia under circumstances  
24 which reasonably indicate an intention to use the controlled paraphernalia for purposes of  
25 illegally administering a controlled dangerous substance.

26 (b) Evidence of circumstances that reasonably indicate an intent to use controlled  
27 paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous  
28 substance unlawfully include the close proximity of the controlled paraphernalia to an  
29 adulterant, diluent, or equipment commonly used to illegally manufacture, administer,  
30 distribute, or dispense controlled dangerous substances, including:

31 (1) a scale;

- 1 (2) a sieve;
- 2 (3) a strainer;
- 3 (4) a measuring spoon;
- 4 (5) staples;
- 5 (6) a stapler;
- 6 (7) a glassine envelope;
- 7 (8) a gelatin capsule;
- 8 (9) procaine hydrochloride;
- 9 (10) mannitol;
- 10 (11) lactose;
- 11 (12) quinine; and
- 12 (13) a controlled dangerous substance.

13 (c) Information that is communicated to a physician to obtain controlled  
14 paraphernalia from the physician in violation of this subtitle is not a privileged  
15 communication.

16 (d) [(1) Except as provided in paragraph (2) of this subsection, a] **A** person who  
17 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
18 not exceeding 4 years or a fine not exceeding \$25,000 or both.

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

22 **5-629.**

23 **(A) A PERSON MAY NOT MANUFACTURE OR SELL CANNABIS ACCESSORIES**  
24 **THAT VIOLATE HEALTH AND SAFETY REGULATIONS ADOPTED BY THE ALCOHOL AND**  
25 **TOBACCO COMMISSION UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

26 **(B) A PERSON WHO VIOLATES THIS SECTION:**

27 **(1) FOR A FIRST VIOLATION, IS GUILTY OF A CIVIL OFFENSE AND ON**

1 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000; AND

2 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, IS GUILTY OF A  
3 MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 180 DAYS OR A  
4 FINE NOT EXCEEDING \$5,000 OR BOTH.

5 5-630.

6 THE OFFENSES AND PENALTIES IN THIS SUBTITLE DO NOT APPLY TO  
7 ACTIVITIES RELATED TO CANNABIS OR CANNABIS ACCESSORIES THAT ARE LEGAL  
8 UNDER:

9 (1) TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE; OR

10 (2) TITLE 23 OF THE HEALTH – GENERAL ARTICLE.

11 10-113.

12 An individual may not knowingly and willfully make a misrepresentation or false  
13 statement as to the age of that individual or another to any person licensed to sell alcoholic  
14 beverages OR CANNABIS or engaged in the sale of alcoholic beverages OR CANNABIS, for  
15 the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic  
16 beverage OR CANNABIS to an individual.

17 10-116.

18 An individual may not obtain, or attempt to obtain by purchase or otherwise, an  
19 alcoholic beverage OR CANNABIS from any person licensed to sell alcoholic beverages OR  
20 CANNABIS for consumption by another who the individual obtaining or attempting to  
21 obtain the beverage OR CANNABIS knows is under the age of 21 years.

22 10-117.

23 (a) Except as provided in [subsection (c)] SUBSECTIONS (C) AND (D) of this  
24 section, a person may not furnish an alcoholic beverage, CANNABIS, OR CANNABIS  
25 ACCESSORIES AS DEFINED IN § 23-101 OF THE HEALTH – GENERAL ARTICLE to an  
26 individual if:

27 (1) the person furnishing the alcoholic beverage, CANNABIS, OR  
28 CANNABIS ACCESSORIES knows that the individual is under the age of 21 years; and

29 (2) the alcoholic beverage, CANNABIS, OR CANNABIS ACCESSORIES is  
30 furnished for the purpose of consumption by the individual under the age of 21 years.

31 (b) Except as provided in subsection (c) of this section, an adult may not

1 knowingly and willfully allow an individual under the age of 21 years actually to possess  
2 or consume an alcoholic beverage **OR CANNABIS** at a residence, or within the curtilage of  
3 a residence that the adult owns or leases and in which the adult resides.

4 (c) (1) The prohibition set forth in subsection (a) of this section does not apply  
5 if [the] A person furnishing [the] AN alcoholic beverage and the individual to whom the  
6 alcoholic beverage is furnished:

7 (i) are members of the same immediate family, and the alcoholic  
8 beverage is furnished and consumed in a private residence or within the curtilage of the  
9 residence; or

10 (ii) are participants in a religious ceremony.

11 (2) The prohibition set forth in subsection (b) of this section does not apply  
12 if [the] AN adult allowing the possession or consumption of [the] AN alcoholic beverage and  
13 the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

14 (i) are members of the same immediate family, and the alcoholic  
15 beverage is possessed and consumed in a private residence, or within the curtilage of the  
16 residence, of the adult; or

17 (ii) are participants in a religious ceremony.

18 (d) **THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS**  
19 **SECTION DO NOT APPLY IN THE CASE OF AN INDIVIDUAL UNDER THE AGE OF 21**  
20 **YEARS WHO IS ALLOWED TO POSSESS CANNABIS AND CANNABIS ACCESSORIES**  
21 **UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.**

22 (E) A person may not violate subsection (a) or (b) of this section if the violation  
23 involves an individual under the age of 21 years who:

24 (1) the person knew or reasonably should have known would operate a  
25 motor vehicle after consuming the alcoholic beverage **OR CANNABIS**; and

26 (2) as a result of operating a motor vehicle while under the influence of  
27 alcohol or while impaired by alcohol **OR CANNABIS**, causes serious physical injury or death  
28 to the individual or another.

29 **Article – Criminal Procedure**

30 **10–105.1.**

31 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
32 **INDICATED.**

1           **(2) “AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT WITHOUT**  
2 **THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS THE**  
3 **SUBJECT OF THE RECORDS TO BE EXPUNGED.**

4           **(3) “PERSONAL USE AMOUNT” MEANS:**

5                   **(I) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 2**  
6 **OUNCES;**

7                   **(II) AN AMOUNT OF CONCENTRATED CANNABIS OR HASHISH**  
8 **THAT DOES NOT EXCEED 15 GRAMS; OR**

9                   **(III) SIX OR FEWER CANNABIS PLANTS.**

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

16           **(C) NOTWITHSTANDING § 10–107 OF THIS SUBTITLE, ALL COURT RECORDS**  
17 **AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION**  
18 **OF CANNABIS UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE INVOLVING A**  
19 **QUANTITY OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT**  
20 **ENTERED BEFORE OCTOBER 1, 2022, WHERE THE DEFENDANT WAS ALSO CHARGED**  
21 **WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE**  
22 **DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY**  
23 **EXPUNGED ON OR BEFORE OCTOBER 1, 2023.**

24           **(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF**  
25 **CANNABIS UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY**  
26 **OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED ON OR**  
27 **AFTER OCTOBER 1, 2021, OR A CIVIL CHARGE UNDER § 5–601.1 OR § 5–601.2 OF THE**  
28 **CRIMINAL LAW ARTICLE, NOTWITHSTANDING § 10–107 OF THIS SUBTITLE:**

29                   **(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE**  
30 **EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE**  
31 **RECORDS RELATING TO THE CHARGE 1 YEAR AFTER DISPOSITION OF THE CHARGE;**  
32 **AND**

33                   **(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS**  
34 **RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 1 YEAR AND 90**



1 DAYS AFTER DISPOSITION.

2 **10-105.2.**

3 (A) IN THIS SECTION, “PERSONAL USE AMOUNT” MEANS:

4 (1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 2 OUNCES;

5 (2) AN AMOUNT OF CONCENTRATED CANNABIS OR HASHISH THAT  
6 DOES NOT EXCEED 15 GRAMS; OR

7 (3) SIX OR FEWER CANNABIS PLANTS.

8 (B) (1) THE LEGALIZATION OF POSSESSION AND CULTIVATION OF A  
9 PERSONAL USE AMOUNT OF CANNABIS BY PERSONS 21 YEARS OF AGE OR OLDER  
10 UNDER TITLE 23 OF THE HEALTH – GENERAL ARTICLE IS RETROACTIVE.

11 (2) ALL CHARGES PENDING ON OCTOBER 1, 2021, FOR POSSESSION  
12 OR CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS BY A PERSON WHO IS  
13 21 YEARS OF AGE OR OLDER SHALL BE DISMISSED.

14 (3) (I) A PERSON INCARCERATED OR UNDER SUPERVISION ON OR  
15 AFTER OCTOBER 1, 2021, FOR AN OFFENSE INVOLVING THE POSSESSION OR  
16 CULTIVATION OF A PERSONAL USE AMOUNT OF CANNABIS MAY PRESENT AN  
17 APPLICATION FOR RELEASE TO THE COURT THAT SENTENCED THE PERSON.

18 (II) 1. THE COURT SHALL GRANT THE PETITION AND  
19 VACATE THE CONVICTION.

20 2. IF THE PERSON IS NOT SERVING A CONCURRENT OR  
21 CONSECUTIVE SENTENCE FOR ANOTHER OFFENSE, THE PERSON SHALL BE  
22 RELEASED FROM INCARCERATION OR SUPERVISION.

23 (C) (1) A PERSON INCARCERATED OR UNDER SUPERVISION ON OCTOBER  
24 1, 2021, FOR AN OFFENSE INVOLVING THE POSSESSION, CULTIVATION, PROCESSING,  
25 OR SALE OF CANNABIS MAY PRESENT AN APPLICATION FOR RESENTENCING TO THE  
26 COURT THAT SENTENCED THE PERSON REGARDLESS OF WHETHER THE PERSON HAS  
27 PREVIOUSLY FILED A PETITION FOR RESENTENCING.

28 (2) THE COURT SHALL CONSIDER THE INDIVIDUAL CIRCUMSTANCES  
29 OF EACH CASE AND SHALL REDUCE THE APPLICANT’S SENTENCE IF THE COURT  
30 FINDS THAT DOING SO WOULD BE IN THE INTERESTS OF JUSTICE, IN LIGHT OF THE  
31 ELIMINATION AND REDUCTION IN PENALTIES ASSOCIATED WITH

1 CANNABIS-RELATED CONDUCT AND PAST RACIAL DISPARITIES IN THE  
2 ENFORCEMENT OF CANNABIS LAWS.

3 (3) THE SENTENCE OF THE APPLICANT MAY NOT BE INCREASED AT A  
4 PROCEEDING DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.

5 (D) (1) A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE INVOLVING  
6 THE POSSESSION, CULTIVATION, PROCESSING, OR SALE OF CANNABIS NOT LISTED  
7 IN § 10-105.1 OF THIS SUBTITLE WHO IS NOT INCARCERATED OR UNDER  
8 SUPERVISION AT THE TIME OF THE PETITION MAY PRESENT AN APPLICATION FOR  
9 EXPUNGEMENT TO THE COURT.

10 (2) THE COURT SHALL CONSIDER THE INDIVIDUAL CIRCUMSTANCES  
11 OF A CASE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AND SHALL  
12 EXPUNGE THE APPLICANT'S RECORD IF THE COURT FINDS THAT DOING SO WOULD  
13 BE IN THE INTERESTS OF JUSTICE, IN LIGHT OF THE ELIMINATION AND REDUCTION  
14 IN PENALTIES ASSOCIATED WITH CANNABIS-RELATED CONDUCT AND PAST RACIAL  
15 DISPARITIES IN THE ENFORCEMENT OF CANNABIS LAWS.

16 (E) (1) ANY INDIVIDUAL PETITIONING FOR RELEASE OR RESENTENCING  
17 IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION IS ELIGIBLE FOR  
18 REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.

19 (2) ON AND AFTER JANUARY 1, 2023, ANY INDIVIDUAL PETITIONING  
20 FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION IS ELIGIBLE FOR  
21 REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.

22 (F) (1) IN A PROCEEDING BROUGHT UNDER THIS SECTION, THE STATE'S  
23 ATTORNEY SHALL RECEIVE NOTICE AND MAY BE HEARD.

24 (2) IN A FACTUAL DISPUTE WITHIN A PROCEEDING UNDER THIS  
25 SECTION, THE PROSECUTION SHALL BEAR THE BURDEN OF PROOF BY A  
26 PREPONDERANCE OF THE EVIDENCE.

27 (3) IF THE STATE'S ATTORNEY DOES NOT REQUEST TO BE HEARD IN  
28 A PROCEEDING UNDER THIS SECTION, THE COURT SHALL MAKE ALL FACTUAL  
29 DETERMINATIONS BASED ON A PREPONDERANCE OF THE EVIDENCE.

30 (G) FUNDS SHALL BE ALLOCATED BY THE COMMISSION FROM THE  
31 CANNABIS REGULATION FUND TO COVER THE COST TO THE OFFICE OF THE PUBLIC  
32 DEFENDER, STATE'S ATTORNEY'S OFFICES, AND COURTS, AS PART OF THE COST OF  
33 ADMINISTERING TITLE 23 OF THE HEALTH - GENERAL ARTICLE.

1 (H) IF A NONCITIZEN REQUESTS IN WRITING TO THE CLERK'S OFFICE  
2 RECORDS RELATED TO AN OFFENSE LISTED IN SUBSECTION (B), (C), OR (D) OF THIS  
3 SECTION FOR IMMIGRATION PURPOSES, THOSE RECORDS SHALL BE PROVIDED IF  
4 AVAILABLE, OR A STATEMENT SHALL BE PROVIDED THAT NO RECORDS CAN BE  
5 FOUND, WITHIN 30 DAYS AFTER THE REQUEST.

6 Article – Health – General

7 TITLE 23. CANNABIS.

8 SUBTITLE 1. DEFINITIONS.

9 23–101.

10 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) “AFRICAN AMERICAN” MEANS AN INDIVIDUAL WHO HAS ORIGIN IN ANY  
13 OF THE BLACK RACIAL GROUPS OF AFRICA.

14 (C) (1) “AMERICAN INDIAN/NATIVE AMERICAN” MEANS AN INDIVIDUAL  
15 WHO:

16 (I) HAS ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH  
17 AMERICA; AND

18 (II) IS A DOCUMENTED MEMBER OF A NORTH AMERICAN TRIBE,  
19 BAND, OR OTHER ENTITY HAVING A SPECIAL RELATIONSHIP WITH THE UNITED  
20 STATES OR A STATE THROUGH TREATY, AGREEMENT, OR SOME OTHER FORM OF  
21 RECOGNITION.

22 (2) “AMERICAN INDIAN/NATIVE AMERICAN” INCLUDES AN  
23 INDIVIDUAL WHO:

24 (I) CLAIMS TO BE AN AMERICAN INDIAN/NATIVE AMERICAN;  
25 AND

26 (II) IS REGARDED AS AN AMERICAN INDIAN/NATIVE AMERICAN  
27 BY THE AMERICAN INDIAN/NATIVE AMERICAN COMMUNITY OF WHICH THE  
28 INDIVIDUAL CLAIMS TO BE A PART.

29 (3) “AMERICAN INDIAN/NATIVE AMERICAN” DOES NOT INCLUDE AN  
30 INDIVIDUAL OF ESKIMO OR ALEUTIAN ORIGIN.

1 (D) "ASIAN" MEANS AN INDIVIDUAL WHO:

2 (1) HAS ORIGINS IN THE FAR EAST, SOUTHEAST ASIA, OR THE  
3 INDIAN SUBCONTINENT; AND

4 (2) IS REGARDED AS ASIAN BY THE COMMUNITY OF WHICH THE  
5 INDIVIDUAL CLAIMS TO BE A PART.

6 (E) (1) "CANNABIS" MEANS THE PLANT CANNABIS SATIVA L. AND ANY  
7 PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOID, ISOMERS,  
8 ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH  
9 A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A  
10 DRY WEIGHT BASIS.

11 (2) "CANNABIS" DOES NOT INCLUDE HEMP AS DEFINED IN § 14-101  
12 OF THE AGRICULTURE ARTICLE.

13 (F) "CANNABIS ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR  
14 MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE, OR DESIGNED FOR  
15 USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING,  
16 COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,  
17 PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING,  
18 STORING, VAPORIZING, OR CONTAINING CANNABIS, OR FOR INGESTING, INHALING,  
19 OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY.

20 (G) "CANNABIS EDUCATION AND TRAINING FUND" MEANS THE CANNABIS  
21 EDUCATION AND TRAINING FUND ESTABLISHED UNDER § 23-203 OF THIS TITLE.

22 (H) "CANNABIS ESTABLISHMENT" MEANS A CULTIVATOR, A DELIVERY  
23 SERVICE, A PROCESSOR, A RETAILER, AN INDEPENDENT TESTING LABORATORY, A  
24 TRANSPORTER, A DUAL LICENSE HOLDER, AN ON-SITE CONSUMPTION  
25 ESTABLISHMENT, OR ANY OTHER TYPE OF CANNABIS BUSINESS LICENSED UNDER  
26 THIS TITLE AND AUTHORIZED BY THE COMMISSION.

27 (I) "CANNABIS ESTABLISHMENT AGENT" OR "AGENT" MEANS AN  
28 EMPLOYEE OR OTHER AUTHORIZED PERSON WHO ACTS FOR OR AT THE DIRECTION  
29 OF A CANNABIS ESTABLISHMENT.

30 (J) "CANNABIS PRODUCTS" MEANS PRODUCTS THAT ARE COMPOSED OF  
31 CANNABIS, CANNABIS CONCENTRATE, OR CANNABIS EXTRACT AND OTHER  
32 INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE  
33 PRODUCTS, OINTMENTS, AND TINCTURES.

1           **(K) “COMMISSION” MEANS THE ALCOHOL AND TOBACCO COMMISSION OR**  
2 **ITS SUCCESSOR AGENCY.**

3           **(L) “COMMUNITY REINVESTMENT AND REPAIR FUND” MEANS THE**  
4 **COMMUNITY REINVESTMENT AND REPAIR FUND ESTABLISHED UNDER § 23–204 OF**  
5 **THIS TITLE.**

6           **(M) “CONSUMER” MEANS AN INDIVIDUAL 21 YEARS OF AGE OR OLDER WHO**  
7 **PURCHASES CANNABIS OR CANNABIS PRODUCTS FOR PERSONAL USE BY**  
8 **INDIVIDUALS 21 YEARS OF AGE OR OLDER.**

9           **(N) “CULTIVATOR” MEANS AN ENTITY LICENSED UNDER THIS TITLE THAT:**

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

11                   **(2) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO**  
12 **OTHER CANNABIS ESTABLISHMENTS.**

13           **(O) “DELIVERY SERVICE” MEANS AN ENTITY LICENSED UNDER THIS TITLE**  
14 **THAT IS AUTHORIZED BY THE COMMISSION TO DELIVER CANNABIS TO CONSUMERS.**

15           **(P) “DISADVANTAGED EQUITY APPLICANT” MEANS AN APPLICANT WHO:**

16                   **(1) IS A MEMBER OF ANY OF THE FOLLOWING MINORITY GROUPS:**

17                           **(I) AFRICAN AMERICAN;**

18                           **(II) AMERICAN INDIAN/NATIVE AMERICAN;**

19                           **(III) ASIAN;**

20                           **(IV) HISPANIC; OR**

21                           **(V) WOMEN, REGARDLESS OF RACE OR ETHNICITY; AND**

22                   **(2) MEETS ONE OF THE FOLLOWING REQUIREMENTS:**

23                           **(I) HAS A PERSONAL NET WORTH THAT DOES NOT EXCEED**  
24 **\$1,713,333, AS ADJUSTED ANNUALLY FOR INFLATION ACCORDING TO THE**  
25 **CONSUMER PRICE INDEX; OR**

26                           **(II) IS A DISADVANTAGED OWNER OF A CERTIFIED MINORITY**  
27 **BUSINESS ENTERPRISE, AS DEFINED IN §14–301 OF THE STATE FINANCE AND**

1 **PROCUREMENT ARTICLE.**

2 **(Q) “DISPROPORTIONATELY IMPACTED AREA” MEANS A GEOGRAPHIC**  
3 **AREA, AS IDENTIFIED BY THE OFFICE OF SOCIAL EQUITY, THAT:**

4 **(1) MEETS THREE OR MORE OF THE FOLLOWING CRITERIA:**

5 **(I) HAS A MEDIAN INCOME THAT IS 80% OR LESS OF THE**  
6 **AVERAGE MEDIAN HOUSEHOLD INCOME IN THE STATE;**

7 **(II) HAS AN UNEMPLOYMENT RATE THAT IS AT LEAST 150% OF**  
8 **THE UNEMPLOYMENT RATE IN THE STATE;**

9 **(III) HAS A HEALTH UNINSURED RATE THAT IS AT LEAST 150%**  
10 **OF THE HEALTH UNINSURED RATE IN THE STATE;**

11 **(IV) HAS A FOOD STAMP OR SUPPLEMENTAL NUTRITION**  
12 **ASSISTANCE PLAN RATE THAT IS AT LEAST 150% OF THE FOOD STAMP OR**  
13 **SUPPLEMENTAL NUTRITION ASSISTANCE PLAN RATE IN THE STATE; OR**

14 **(V) HAS A POVERTY RATE THAT IS AT LEAST 150% OF THE**  
15 **POVERTY RATE IN THE STATE; AND**

16 **(2) HAS BEEN IMPACTED BY HIGH RATES OF ARREST, CONVICTION,**  
17 **AND INCARCERATION FOR CANNABIS POSSESSION.**

18 **(R) “DUAL LICENSE” MEANS A LICENSE ISSUED BY THE COMMISSION TO AN**  
19 **ENTITY THAT IS ALSO LICENSED AS A MEDICAL CANNABIS DISPENSARY, MEDICAL**  
20 **CANNABIS PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY,**  
21 **OR MEDICAL CANNABIS GROWER.**

22 **(S) “HISPANIC” MEANS AN INDIVIDUAL WHO**

23 **(1) HAS ORIGINS IN MEXICO, PUERTO RICO, CUBA, CENTRAL OR**  
24 **SOUTH AMERICA, OR ANOTHER SPANISH CULTURE OR ORIGIN, REGARDLESS OF**  
25 **RACE; AND**

26 **(2) IS REGARDED AS HISPANIC BY THE COMMUNITY OF WHICH THE**  
27 **INDIVIDUAL CLAIMS TO BE A PART.**

28 **(T) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY,**  
29 **OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND**  
30 **TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.**

1 (U) "LOCALITY" MEANS A COUNTY, MUNICIPAL CORPORATION, OR  
2 ANOTHER POLITICAL SUBDIVISION OF THE STATE.

3 (V) "MEDICAL CANNABIS DISPENSARY" MEANS A DISPENSARY LICENSED  
4 UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

5 (W) "MEDICAL CANNABIS GROWER" MEANS A GROWER LICENSED UNDER  
6 TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

7 (X) "MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY" MEANS AN  
8 INDEPENDENT TESTING LABORATORY LICENSED UNDER TITLE 13, SUBTITLE 33 OF  
9 THIS ARTICLE.

10 (Y) "MEDICAL CANNABIS PROCESSOR" MEANS A PROCESSOR LICENSED  
11 UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

12 (Z) "ON-SITE CONSUMPTION ESTABLISHMENT" MEANS:

13 (1) AN ENTITY LICENSED UNDER THIS TITLE AND AUTHORIZED BY  
14 THE COMMISSION AND THE LOCALITY IN WHICH IT IS LOCATED TO SELL CANNABIS  
15 OR CANNABIS PRODUCTS FOR ON-SITE CONSUMPTION; OR

16 (2) AN ENTITY LICENSED TO ALLOW CONSUMERS TO BRING  
17 PERSONALLY OWNED CANNABIS OR CANNABIS PRODUCTS FOR ON-SITE  
18 CONSUMPTION.

19 (AA) "PERSONAL USE AMOUNT" MEANS:

20 (1) (I) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 2  
21 OUNCES;

22 (II) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT  
23 EXCEED 15 GRAMS;

24 (III) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING  
25 DELTA-9 TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 1,500 MILLIGRAMS;  
26 OR

27 (IV) SIX OR FEWER CANNABIS PLANTS; OR

28 (2) ANY ADDITIONAL CANNABIS PRODUCED BY AN INDIVIDUAL'S  
29 CANNABIS PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE

1 AMOUNTS LISTED IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS POSSESSED IN  
2 A LOCATION:

3 (I) WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND

4 (II) THAT IS SECURE FROM UNAUTHORIZED ACCESS AND  
5 ACCESS BY AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS.

6 (BB) "PROCESSOR" MEANS AN ENTITY LICENSED UNDER THIS TITLE AND  
7 AUTHORIZED BY THE COMMISSION TO:

8 (1) TRANSFORM CANNABIS INTO ANOTHER PRODUCT OR EXTRACT;  
9 AND

10 (2) PACKAGE AND LABEL CANNABIS.

11 (CC) (1) "PUBLIC PLACE" MEANS ANY PLACE TO WHICH THE GENERAL  
12 PUBLIC HAS ACCESS.

13 (2) "PUBLIC PLACE" DOES NOT INCLUDE AN ON-SITE CONSUMPTION  
14 ESTABLISHMENT.

15 (DD) "REMUNERATION" MEANS A THING OF VALUE, INCLUDING MONETARY  
16 PAYMENT, A DONATION, THE PROVISION OF A SERVICE, THE PURCHASE OF AN ITEM  
17 AT ABOVE FAIR MARKET VALUE, OR THE TRADE OF A PHYSICAL ITEM OF VALUE.

18 (EE) "RETAILER" MEANS AN ENTITY LICENSED TO:

19 (1) PURCHASE CANNABIS FROM CANNABIS ESTABLISHMENTS; AND

20 (2) SELL CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS.

21 (FF) "SOCIAL EQUITY APPLICANT" MEANS AN APPLICANT FOR A CANNABIS  
22 ESTABLISHMENT LICENSE THAT HAS:

23 (1) AT LEAST 51% OWNERSHIP AND CONTROL BY ONE OR MORE  
24 STATE RESIDENTS WHO HAVE RESIDED FOR AT LEAST 5 OF THE IMMEDIATELY  
25 PRECEDING 10 YEARS IN A DISPROPORTIONATELY IMPACTED AREA;

26 (2) AT LEAST 51% OWNERSHIP AND CONTROL BY ONE OR MORE  
27 STATE RESIDENTS WHO HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND  
28 RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR  
29 EXPUNGEMENT UNDER § 10-105.1 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE



1 MEMBERS OF IMPACTED FAMILIES;

2 (3) A MINIMUM OF 10 FULL-TIME EMPLOYEES, WITH AT LEAST 60%  
3 OF EMPLOYEES WHO:

4 (I) AT THE TIME OF APPLICATION, RESIDE IN A  
5 DISPROPORTIONATELY IMPACTED AREA; OR

6 (II) HAVE BEEN ARRESTED FOR, CONVICTED OF, OR FOUND  
7 RESPONSIBLE IN JUVENILE COURT FOR ANY OFFENSE THAT IS ELIGIBLE FOR  
8 EXPUNGEMENT UNDER § 10-105.1 OF THE CRIMINAL PROCEDURE ARTICLE, OR ARE  
9 MEMBERS OF IMPACTED FAMILIES; OR

10 (4) AT LEAST 51% OWNERSHIP AND CONTROL OF ONE OR MORE  
11 DISADVANTAGED EQUITY APPLICANTS.

12 (GG) "SOCIAL EQUITY START-UP FUND" MEANS THE SOCIAL EQUITY  
13 START-UP FUND ESTABLISHED UNDER § 23-202 OF THIS TITLE.

14 (HH) "TRANSPORTER" MEANS AN ENTITY LICENSED UNDER THIS TITLE AND  
15 AUTHORIZED BY THE COMMISSION TO TRANSPORT CANNABIS BETWEEN CANNABIS  
16 ESTABLISHMENTS.

17 SUBTITLE 2. OFFICE OF SOCIAL EQUITY.

18 23-201.

19 (A) THERE IS AN OFFICE OF SOCIAL EQUITY WITHIN THE COMMISSION.

20 (B) (1) THE GOVERNOR SHALL APPOINT AN EXECUTIVE DIRECTOR OF  
21 THE OFFICE OF SOCIAL EQUITY.

22 (2) THE EXECUTIVE DIRECTOR SHALL HAVE AT LEAST 5 YEARS OF  
23 EXPERIENCE IN CIVIL RIGHTS ADVOCACY, CIVIL RIGHTS LITIGATION, OR SOCIAL  
24 JUSTICE.

25 (C) THE OFFICE OF SOCIAL EQUITY SHALL:

26 (1) PROMOTE AND ENCOURAGE FULL PARTICIPATION IN THE  
27 REGULATED CANNABIS INDUSTRY BY PEOPLE FROM COMMUNITIES THAT HAVE  
28 PREVIOUSLY BEEN DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION  
29 AND ENFORCEMENT IN ORDER TO POSITIVELY IMPACT THOSE COMMUNITIES;

1           **(2) ADMINISTER THE COMMUNITY REINVESTMENT AND REPAIR**  
2 **FUND;**

3           **(3) ADMINISTER THE SOCIAL EQUITY START-UP FUND;**

4           **(4) ADVISE THE COMMISSION ON THE ADMINISTRATION OF THE**  
5 **CANNABIS EDUCATION AND TRAINING FUND;**

6           **(5) ADVISE THE COMMISSION REGARDING REGULATIONS,**  
7 **INCLUDING:**

8                   **(I) ADVISING AGAINST IMPLEMENTING REGULATIONS AND**  
9 **FINANCIAL REQUIREMENTS THAT UNNECESSARILY IMPOSE FINANCIAL BURDENS**  
10 **THAT UNDERMINE THE PURPOSES OF THIS SECTION; AND**

11                   **(II) PROVIDING RECOMMENDATIONS ON REGULATIONS**  
12 **RELATED TO:**

13                           **1. DIVERSITY;**

14                           **2. SOCIAL EQUITY APPLICATIONS; AND**

15                           **3. THE RACE TO THE TOP SCORING SYSTEM;**

16           **(6) WORK WITH THE COMMISSION TO IMPLEMENT FREE TECHNICAL**  
17 **ASSISTANCE FOR SOCIAL EQUITY AND MINORITY BUSINESS APPLICANTS;**

18           **(7) PRODUCE REPORTS AND RECOMMENDATIONS ON DIVERSITY AND**  
19 **EQUITY IN OWNERSHIP, MANAGEMENT, AND EMPLOYMENT IN THE LEGAL CANNABIS**  
20 **ECONOMY; AND**

21           **(8) INVESTIGATE WHETHER BUSINESSES ARE ADHERING TO THEIR**  
22 **OBLIGATIONS, INCLUDING THOSE UNDERTAKEN AS PART OF THE RACE TO THE TOP**  
23 **SCORING SYSTEM, AND RECOMMEND CORRECTIVE ACTION OR DISCIPLINE IF THEY**  
24 **FAIL TO DO SO, WHICH MAY INCLUDE A SUSPENSION OR REVOCATION OF LICENSES.**

25           **(D) ON OR BEFORE MARCH 1 EACH YEAR, THE OFFICE OF SOCIAL EQUITY**  
26 **SHALL PRODUCE AND MAKE PUBLICLY AVAILABLE A REPORT ON HOW THE**  
27 **COMMUNITY REINVESTMENT AND REPAIR FUND, SOCIAL EQUITY START-UP**  
28 **FUND, AND CANNABIS EDUCATION AND TRAINING FUND WERE ALLOCATED DURING**  
29 **THE IMMEDIATELY PRECEDING YEAR.**

30           **(E) (1) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE OFFICE OF SOCIAL**

1 EQUITY SHALL SOLICIT PUBLIC INPUT ON THE USES OF THE COMMUNITY  
2 REINVESTMENT AND REPAIR FUND, SOCIAL EQUITY START-UP FUND, AND  
3 CANNABIS EDUCATION AND TRAINING FUND.

4 (2) ON OR BEFORE DECEMBER 15 EACH YEAR, THE OFFICE OF  
5 SOCIAL EQUITY SHALL PUBLISH A REVIEW OF INPUT RECEIVED UNDER PARAGRAPH  
6 (1) OF THIS SUBSECTION.

7 23-202.

8 (A) (1) THERE IS A SOCIAL EQUITY START-UP FUND.

9 (2) THE PURPOSE OF THE SOCIAL EQUITY START-UP FUND IS TO  
10 PROVIDE NO-INTEREST LOANS AND GRANTS TO SUPPORT BUSINESSES IN THE  
11 LEGAL CANNABIS INDUSTRY THAT ARE SOCIAL EQUITY APPLICANTS.

12 (3) THE OFFICE OF SOCIAL EQUITY SHALL ADMINISTER THE FUND.

13 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
14 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (II) THE STATE TREASURER SHALL HOLD THE FUND  
16 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

17 (5) THE FUND CONSISTS OF:

18 (I) ALL LICENSING FEES PAID BY DUAL LICENSES UNDER §  
19 23-403 OF THIS TITLE;

20 (II) ALL LICENSING FEES PAID BY RETAILERS UNDER § 23-405  
21 OF THIS TITLE;

22 (III) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103  
23 OF THE TAX - GENERAL ARTICLE;

24 (IV) INTEREST EARNINGS; AND

25 (V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
26 FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED  
27 BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.

28 (6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PROGRAM  
29 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING FOR ANY

1 ADMINISTRATIVE EXPENSES RELATED TO THE PROGRAM.

2 (7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE  
3 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

4 (II) ANY INTEREST EARNINGS OF THE FUND SHALL BE  
5 CREDITED TO THE FUND.

6 (8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

7 (I) THE GENERAL FUND OF THE STATE; OR

8 (II) ANY OTHER SPECIAL FUND OF THE STATE.

9 (9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS  
10 DIRECTED BY THE COMMISSION.

11 (10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE  
12 AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

13 (B) (1) THE OFFICE OF SOCIAL EQUITY SHALL ESTABLISH A PROGRAM  
14 TO ALLOW APPLICANTS FOR LICENSES UNDER SUBTITLE 4 OF THIS TITLE THAT  
15 QUALIFY AS A SOCIAL EQUITY APPLICANT TO APPLY FOR LOANS OR GRANTS FROM  
16 THE SOCIAL EQUITY START-UP FUND.

17 (2) THE OFFICE OF SOCIAL EQUITY SHALL DEVELOP A PROCESS FOR  
18 SELECTING APPLICANTS TO RECEIVE LOANS OR GRANTS FROM THE PROGRAM  
19 ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

20 (3) THE OFFICE OF SOCIAL EQUITY SHALL ADOPT REGULATIONS TO  
21 IMPLEMENT THIS SUBSECTION.

22 ~~23-203.~~

23 (A) (1) THERE IS A CANNABIS EDUCATION AND TRAINING FUND.

24 (2) THE PURPOSE OF THE CANNABIS EDUCATION AND TRAINING  
25 FUND IS TO PROVIDE FREE OR LOW-COST TRAINING AND EDUCATION FOR ALL  
26 SECTORS OF THE CANNABIS ECONOMY IN THE STATE.

27 (3) THE COMMISSION SHALL ADMINISTER THE FUND, WITH INPUT  
28 FROM THE OFFICE OF SOCIAL EQUITY AND THE MARYLAND DEPARTMENT OF  
29 LABOR.

1           (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
2 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3           (II) THE STATE TREASURER SHALL HOLD THE FUND  
4 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5           (5) THE FUND CONSISTS OF:

6           (I) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103  
7 OF THE TAX - GENERAL ARTICLE;

8           (II) INTEREST EARNINGS; AND

9           (III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
10 FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED  
11 BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.

12          (6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE  
13 OF THE FUND, INCLUDING FOR ANY RELATED ADMINISTRATIVE EXPENSES.

14          (7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE  
15 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

16          (II) ANY INTEREST EARNINGS OF THE FUND SHALL BE  
17 CREDITED TO THE FUND.

18          (8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

19               (I) THE GENERAL FUND OF THE STATE; OR

20               (II) ANY OTHER SPECIAL FUND OF THE STATE.

21          (9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS  
22 DIRECTED BY THE COMMISSION.

23          (10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE  
24 AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

25          (B) THE FUND SHALL PROVIDE FUNDING FOR:

26               (1) HIGH SCHOOL CAREER AND TECHNICAL EDUCATION PROGRAMS;

1           **(2) COMMUNITY COLLEGE PROGRAMS;**

2           **(3) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND**

3           **(4) ADULT EDUCATION PROGRAMS.**

4           **(C) IN ADMINISTERING THE CANNABIS EDUCATION AND TRAINING FUND,**  
5 **THE COMMISSION SHALL:**

6           **(1) DURING THE FIRST YEAR, ALLOCATE AT LEAST 5% OF THE FUNDS**  
7 **TO CONDUCTING AND FUNDING OUTREACH TO THE ELIGIBLE COMMUNITIES,**  
8 **EDUCATIONAL INSTITUTIONS, GOVERNMENT PROGRAMS, AND INDIVIDUALS TO**  
9 **NOTIFY THEM OF THE CANNABIS EDUCATION AND TRAINING FUND GRANT**  
10 **OPPORTUNITIES AND GIVE PRIORITY TO ORGANIZATIONS WITH A TRADITION OF**  
11 **OUTREACH TO STAKEHOLDERS IN DISPROPORTIONATELY IMPACTED AREAS;**

12           **(2) PRIORITIZE WORK-BASED LEARNING PROGRAMS;**

13           **(3) ALLOCATE NOT LESS THAN 25% OF THE FUNDS EACH YEAR TO**  
14 **CAREER TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS;**

15           **(4) ALLOCATE NOT LESS THAN 25% OF THE FUNDS EACH YEAR TO**  
16 **CAREER TRAINING FOR INDIVIDUALS WHO RESIDE IN DISPROPORTIONATELY**  
17 **IMPACTED AREAS;**

18           **(5) PROVIDE FUNDING TO THE CAREER AND TECHNOLOGY**  
19 **EDUCATION INNOVATION GRANT PROGRAM ESTABLISHED UNDER § 21-205 OF THE**  
20 **EDUCATION ARTICLE TO DEVELOP A CTE CURRICULUM THAT INCLUDES**  
21 **HANDS-ON CANNABIS CAREER TRAINING;**

22           **(6) PROVIDE FUNDING TO INCLUDE CANNABIS TRAINING ON CAREER**  
23 **DEVELOPMENT PROVIDED BY LOCAL WORKFORCE DEVELOPMENT BOARDS; AND**

24           **(7) PROVIDE FUNDING FOR TRAINING IN A BROAD RANGE OF**  
25 **CAREERS IN THE LEGAL CANNABIS INDUSTRY, INCLUDING POTENTIAL BUSINESS**  
26 **OWNERS AND EMPLOYEES AND FOR WORK IN THE GROWING, PROCESSING, AND**  
27 **RETAIL SECTORS.**

28           **(D) EDUCATIONAL PROGRAMS FUNDED BY THE FUND MAY USE HEMP**  
29 **INSTEAD OF CANNABIS FOR HANDS-ON TRAINING.**

30           **(E) (1) THE COMMISSION MAY USE THE FUND TO PROVIDE GRANTS TO**  
31 **ANY ORGANIZATION CAPABLE OF PROVIDING TRAINING RELEVANT TO THE LEGAL**

1 CANNABIS INDUSTRY, WHICH MAY INCLUDE EDUCATIONAL INSTITUTIONS,  
2 NONPROFIT ORGANIZATIONS, PRIVATE BUSINESSES, COMMUNITY GROUPS, UNITS  
3 OF LOCAL GOVERNMENT, PROGRAMS OPERATED BY STATE AGENCIES, OR  
4 PARTNERSHIPS BETWEEN DIFFERENT TYPES OF ORGANIZATIONS.

5 (2) THE COMMISSION SHALL CONSIDER THE DIVERSITY OF  
6 APPLICANTS' BOARDS OF DIRECTORS AND OWNERSHIP WHEN ISSUING GRANTS.

7 (F) (1) THE COMMISSION MAY CREATE A PROGRAM TO ISSUE GRANTS TO  
8 ELIGIBLE INDIVIDUALS TO PURSUE A TRAINING PROGRAM RELEVANT TO A CAREER  
9 IN THE LEGAL CANNABIS INDUSTRY.

10 (2) GRANT FUNDS AWARDED TO ELIGIBLE INDIVIDUALS:

11 (I) SHALL BE USED TO PAY THE COSTS OF ENROLLING IN A  
12 TRAINING PROGRAM RELEVANT TO THE LEGAL CANNABIS INDUSTRY, INCLUDING  
13 TUITION, FEES, AND MATERIALS COSTS; AND

14 (II) MAY BE USED TO REMOVE EXTERNAL BARRIERS TO  
15 ATTENDING A TRAINING PROGRAM, INCLUDING THE COST OF CHILD CARE,  
16 TRANSPORTATION, OR OTHER EXPENSES APPROVED BY THE COMMISSION.

17 23-204.

18 (A) (1) THERE IS A COMMUNITY REINVESTMENT AND REPAIR FUND.

19 (2) THE PURPOSE OF THE FUND IS TO IMPROVE THE WELL-BEING OF  
20 INDIVIDUALS AND COMMUNITIES THAT HAVE EXPERIENCED A DISPROPORTIONATE  
21 NEGATIVE IMPACT FROM POVERTY, UNEMPLOYMENT, CANNABIS PROHIBITION AND  
22 ENFORCEMENT, MASS INCARCERATION, SYSTEMIC RACISM, OR A COMBINATION OF  
23 THOSE FACTORS.

24 (3) THE OFFICE OF SOCIAL EQUITY SHALL ADMINISTER THE FUND.

25 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
26 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

27 (II) THE STATE TREASURER SHALL HOLD THE FUND  
28 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

29 (5) THE FUND CONSISTS OF:

30 (I) ANY MONEY ALLOCATED TO THE FUND UNDER § 12.5-103

1 **OF THE TAX – GENERAL ARTICLE;**

2 **(II) INTEREST EARNINGS; AND**

3 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
4 **FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED**  
5 **BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.**

6 **(6) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE**  
7 **OF THE FUND, INCLUDING FOR ANY RELATED ADMINISTRATIVE EXPENSES.**

8 **(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
9 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

10 **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**  
11 **CREDITED TO THE FUND.**

12 **(8) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

13 **(I) THE GENERAL FUND OF THE STATE; OR**

14 **(II) ANY OTHER SPECIAL FUND OF THE STATE.**

15 **(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS**  
16 **DIRECTED BY THE OFFICE OF SOCIAL EQUITY.**

17 **(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**  
18 **AUDITS AS PROVIDED FOR IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.**

19 **(B) BEFORE DETERMINING HOW FUNDS FROM THE COMMUNITY**  
20 **REINVESTMENT AND REPAIR FUND WILL BE ALLOCATED, THE OFFICE OF SOCIAL**  
21 **EQUITY SHALL PROMOTE AND HOLD PUBLIC MEETINGS IN AT LEAST 10 OF THE**  
22 **CENSUS TRACT AREAS THAT HAVE BEEN SIGNIFICANTLY IMPACTED BY POVERTY,**  
23 **UNEMPLOYMENT, CANNABIS PROHIBITION, MASS INCARCERATION, OR SYSTEMIC**  
24 **RACISM TO SEEK INPUT ON THE COMMUNITIES’ NEEDS AND PRIORITIES FOR THE**  
25 **COMMUNITY REINVESTMENT AND REPAIR FUND.**

26 **(C) (1) THE OFFICE OF SOCIAL EQUITY SHALL DISTRIBUTE FUNDS FROM**  
27 **THE COMMUNITY REINVESTMENT AND REPAIR FUND IN A MANNER THAT IMPROVES**  
28 **THE WELL-BEING OF COMMUNITIES AND INDIVIDUALS THAT HAVE BEEN**  
29 **SIGNIFICANTLY IMPACTED BY POVERTY, UNEMPLOYMENT, CANNABIS PROHIBITION,**  
30 **MASS INCARCERATION, OR SYSTEMIC RACISM.**



1           **(2) THE OFFICE OF SOCIAL EQUITY MAY USE THE FUND TO AWARD**  
2 **GRANTS TO NONPROFIT ORGANIZATIONS OR ALLOCATIONS TO GOVERNMENT**  
3 **AGENCIES FOR:**

4           **(I) HOUSING ASSISTANCE, INCLUDING TO PROMOTE HOME**  
5 **OWNERSHIP AMONG MEMBERS OF MINORITY GROUPS THAT ARE**  
6 **UNDERREPRESENTED IN HOME OWNERSHIP DUE TO REDLINING OR**  
7 **DISCRIMINATION;**

8           **(II) RE-ENTRY SERVICES, INCLUDING JOB TRAINING AND**  
9 **PLACEMENT;**

10           **(III) SCHOLARSHIP ASSISTANCE FOR LOW-INCOME STUDENTS;**

11           **(IV) GRANTS TO COMMUNITY-BASED ORGANIZATIONS TO**  
12 **PROVIDE SERVICES TO PREVENT VIOLENCE, SUPPORT YOUTH DEVELOPMENT,**  
13 **PROVIDE EARLY INTERVENTION FOR YOUTH AND FAMILIES, AND PROMOTE**  
14 **COMMUNITY STABILITY AND SAFETY;**

15           **(V) SMALL BUSINESS LOANS FOR RESIDENTS OF THE**  
16 **COMMUNITIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND**

17           **(VI) LEGAL OR CIVIC AID.**

18                           **SUBTITLE 3. CANNABIS REGULATION.**

19           **23-301.**

20           **(A) (1) ON OR BEFORE MARCH 1, 2022, THE COMMISSION SHALL ADOPT**  
21 **REGULATIONS NECESSARY TO ISSUE AND REGULATE DUAL LICENSES ON AN**  
22 **EXPEDITED BASIS.**

23           **(2) THE REGULATIONS SHALL:**

24           **(I) INCLUDE PROCEDURES TO ALLOW MEDICAL CANNABIS**  
25 **DISPENSARIES, MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS**  
26 **INDEPENDENT TESTING LABORATORIES, OR MEDICAL CANNABIS GROWERS TO**  
27 **APPLY FOR A DUAL LICENSE BY:**

28                           **1. PAYING AN APPLICATION AND LICENSING FEE IN AN**  
29 **AMOUNT ESTABLISHED BY THE DEPARTMENT, IN ADDITION TO THE FEE PAYABLE**  
30 **TO THE SOCIAL EQUITY START-UP FUND UNDER § 23-403 OF THIS TITLE;**

1                                   **2. A. SUBMITTING A DOCUMENT FROM THE NATALIE**  
2 **M. LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT**  
3 **HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE**  
4 **NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION'S RULES AND**  
5 **REGULATIONS AND IS IN COMPLIANCE WITH THOSE RULES AND REGULATIONS; OR**

6                                   **B. IF THE NATALIE M. LAPRADE MEDICAL CANNABIS**  
7 **COMMISSION FAILS TO RESPOND TO A REQUEST FOR THE DOCUMENTATION**  
8 **DESCRIBED IN ITEM A OF THIS ITEM WITHIN 30 DAYS AFTER RECEIVING THE**  
9 **WRITTEN REQUEST, SUBMITTING AN AFFIDAVIT FROM THE CHIEF EXECUTIVE**  
10 **OFFICER OR BOARD PRESIDENT OF THE APPLICANT STATING THAT THE APPLICANT**  
11 **HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE**  
12 **COMMISSION'S RULES AND REGULATIONS AND IS IN COMPLIANCE WITH THOSE**  
13 **RULES AND REGULATIONS; AND**

14                                   **3. SUBMITTING A PLAN EXPLAINING HOW THE**  
15 **APPLICANT INTENDS TO CONTINUE SERVING PATIENTS REGISTERED WITH THE**  
16 **NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, WITHOUT INCREASING**  
17 **PRICES OR REDUCING PRODUCT AVAILABILITY;**

18                                   **(II) INCLUDE PROCEDURES FOR SUSPENDING A DUAL LICENSE**  
19 **FOR A MEDICAL CANNABIS BUSINESS THAT HAS FAILED TO MAINTAIN REASONABLE**  
20 **PRICES AND PRODUCT AVAILABILITY FOR QUALIFYING PATIENTS DURING THE**  
21 **PERIOD OF EXPEDITED LICENSING;**

22                                   **(III) ADDRESS CANNABIS SOLD FOR ADULT USE, INCLUDING**  
23 **WARNING LABELS; AND**

24                                   **(IV) PROVIDE THAT LICENSES ISSUED UNDER THIS SUBSECTION**  
25 **ARE VALID FOR 7 YEARS.**

26                                   **(3) THE COMMISSION MAY ISSUE DUAL LICENSES UNDER THIS**  
27 **SUBSECTION ONLY FOR THE TYPE OR TYPES OF LICENSES ISSUED AND LOCATIONS**  
28 **WHERE THE APPLICANT IS AUTHORIZED TO OPERATE UNDER TITLE 13, SUBTITLE**  
29 **33 OF THIS ARTICLE.**

30                                   **(B) (1) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION, IN**  
31 **CONSULTATION WITH THE OFFICE OF SOCIAL EQUITY, SHALL ADOPT REGULATIONS**  
32 **NECESSARY FOR IMPLEMENTATION OF THE REMAINDER OF THIS TITLE.**

33                                   **(2) THE REGULATIONS MAY NOT:**

34                                   **(I) PROHIBIT THE OPERATION OF CANNABIS**

1 ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH THE APPLICATION OF THE  
2 REGULATIONS; OR

3 (II) REQUIRE A HIGH INVESTMENT OF RISK, MONEY, TIME, OR  
4 ANY OTHER RESOURCE OR ASSET THAT WOULD RESULT IN THE OPERATION OF A  
5 CANNABIS ESTABLISHMENT BEING CONSIDERED NOT WORTHY OF BEING CARRIED  
6 OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.

7 (3) THE REGULATIONS SHALL INCLUDE:

8 (I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION,  
9 AND REVOCATION OF A LICENSE TO OPERATE A CANNABIS ESTABLISHMENT;

10 (II) RULES, PROCEDURES, AND POLICIES TO PROMOTE AND  
11 ENCOURAGE FULL PARTICIPATION IN THE REGULATED CANNABIS INDUSTRY BY  
12 PEOPLE FROM COMMUNITIES THAT HAVE PREVIOUSLY BEEN  
13 DISPROPORTIONATELY HARMED BY CANNABIS PROHIBITION AND ENFORCEMENT  
14 AND TO POSITIVELY IMPACT THOSE COMMUNITIES, AND THAT REFLECT INPUT FROM  
15 THE OFFICE OF SOCIAL EQUITY, INCLUDING:

16 1. CONDUCTING NECESSARY AND APPROPRIATE  
17 OUTREACH TO DIVERSE GROUPS THAT MAY QUALIFY FOR PARTICIPATION IN  
18 ACTIVITIES UNDER THIS TITLE;

19 2. REQUIRING EACH CANNABIS ESTABLISHMENT TO  
20 ESTABLISH AND ADHERE TO POLICIES THAT ENCOURAGE DIVERSITY IN  
21 EMPLOYMENT, CONTRACTING, AND OTHER PROFESSIONAL OPPORTUNITIES;

22 3. REQUIRING ANY CANNABIS ESTABLISHMENT WITH 25  
23 OR MORE EMPLOYEES TO RETAIN A DIVERSITY OFFICER;

24 4. REQUIRING EACH CANNABIS ESTABLISHMENT TO  
25 REPORT ON THE DIVERSITY OF ITS WORKFORCE, MANAGEMENT, CONTRACTS, AND  
26 OWNERSHIP ON OR BEFORE JANUARY 1 EACH YEAR;

27 5. ISSUING REGULATIONS ALLOWING SOCIAL EQUITY  
28 APPLICANTS TO APPLY FOR, AND BE LICENSED FOR, CULTIVATOR AND PROCESSOR  
29 LICENSES NOT LESS THAN 180 DAYS BEFORE APPLICANTS THAT ARE NOT SOCIAL  
30 EQUITY APPLICANTS OR THAT DO NOT HOLD DUAL LICENSES; AND

31 6. PROVIDING THAT DELIVERY AND TRANSPORTATION  
32 LICENSES ARE AVAILABLE EXCLUSIVELY TO SOCIAL EQUITY APPLICANTS;

1                   **(III) AN APPLICATION REVIEW PROCESS FOR GRANTING**  
2 **RETAILER LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND**  
3 **RANKED IN ACCORDANCE WITH THE CRITERIA SET FORTH IN § 23-405 OF THIS**  
4 **TITLE;**

5                   **(IV) A “RACE TO THE TOP” SCORING SYSTEM THAT:**

6                   1. **MAKES THE EXPANSION OF A CANNABIS**  
7 **ESTABLISHMENT TO MORE THAN TWO LOCATIONS CONTINGENT ON THE CANNABIS**  
8 **ESTABLISHMENT’S CONTRIBUTIONS TO EQUITY AND BENEFITING THE COMMUNITY;**

9                   2. **REFLECTS INPUT FROM THE OFFICE OF SOCIAL**  
10 **EQUITY; AND**

11                   3. **INCLUDES CONSIDERATIONS OF DIVERSITY IN THE**  
12 **CANNABIS ESTABLISHMENT’S OWNERSHIP AND WORKFORCE, INCLUDING:**

13                   A. **IN MANAGEMENT;**

14                   B. **EMPLOYMENT OF REENTERING CITIZENS WITH PRIOR**  
15 **CONVICTIONS;**

16                   C. **MINORITY OWNERSHIP;**

17                   D. **COMPENSATION PACKAGES AND BENEFITS FOR**  
18 **WORKERS;**

19                   E. **INVESTING IN ECONOMICALLY DISADVANTAGED**  
20 **AREAS;**

21                   F. **WHETHER THE CANNABIS ESTABLISHMENT**  
22 **INCORPORATES PRINCIPLES OF ENVIRONMENTAL RESILIENCY OR SUSTAINABILITY,**  
23 **INCLUDING ENERGY EFFICIENCY; AND**

24                   G. **WHETHER THE PRINCIPALS ARE SOCIAL EQUITY**  
25 **APPLICANTS;**

26                   **(V) A LIMIT ON THE NUMBER OF CANNABIS ESTABLISHMENTS A**  
27 **MAJOR INVESTOR MAY INVEST IN, UNLESS EACH ADDITIONAL ESTABLISHMENT IS**  
28 **OWNED AND OPERATED BY A SOCIAL EQUITY APPLICANT;**

29                   **(VI) A SCHEDULE OF REASONABLE APPLICATION, LICENSE, AND**  
30 **RENEWAL FEES THAT:**

1                   1.     **ESTABLISHES APPLICATION FEES IN AN AMOUNT NOT**  
2 **EXCEEDING \$5,000, AS ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE**  
3 **COMMISSION DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS**  
4 **RESPONSIBILITIES UNDER THIS TITLE OR ANOTHER FEE AMOUNT IS REQUIRED**  
5 **UNDER THIS TITLE; AND**

6                   2.     **REDUCES APPLICATION, LICENSING, AND RENEWAL**  
7 **FEES BY 50% FOR SOCIAL EQUITY APPLICANTS OR LICENSEES THAT QUALIFY AS A**  
8 **SOCIAL EQUITY APPLICANT;**

9                   (VII) **QUALIFICATIONS FOR A LICENSE THAT ARE DIRECTLY AND**  
10 **DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS ESTABLISHMENT**  
11 **AND THAT DO NOT DISQUALIFY APPLICANTS FOR CANNABIS OFFENSES OCCURRING**  
12 **BEFORE OCTOBER 1, 2021;**

13                   (VIII) **SECURITY REQUIREMENTS;**

14                   (IX) **REQUIREMENTS FOR THE SECURE TRANSPORTATION AND**  
15 **STORAGE OF CANNABIS AND CANNABIS PRODUCTS BY CANNABIS ESTABLISHMENTS;**

16                   (X) **REQUIREMENTS FOR DELIVERY SERVICES INCLUDING:**

17                   1.     **SECURITY REQUIREMENTS;**

18                   2.     **A PROHIBITION ON BUSINESS NAMES, LOGOS, AND**  
19 **OTHER IDENTIFYING LANGUAGE OR IMAGES ON DELIVERY VEHICLES; AND**

20                   3.     **A PROHIBITION ON DELIVERING TO ANY ADDRESS**  
21 **LOCATED ON LAND OWNED BY THE FEDERAL GOVERNMENT OR ANY ADDRESS ON**  
22 **LAND OR IN A BUILDING LEASED BY THE FEDERAL GOVERNMENT;**

23                   (XI) **EMPLOYMENT AND TRAINING REQUIREMENTS THAT DO**  
24 **NOT DISQUALIFY APPLICANTS BASED ON CANNABIS OFFENSES OCCURRING BEFORE**  
25 **OCTOBER 1, 2021, INCLUDING A REQUIREMENT THAT EACH CANNABIS**  
26 **ESTABLISHMENT CREATE AN IDENTIFICATION BADGE FOR EACH AGENT;**

27                   (XII) **REQUIREMENTS DESIGNED TO PREVENT THE SALE OR**  
28 **DIVERSION OF CANNABIS AND CANNABIS PRODUCTS TO INDIVIDUALS UNDER THE**  
29 **AGE OF 21;**

30                   (XIII) **REQUIREMENTS FOR CANNABIS AND CANNABIS PRODUCTS**  
31 **SOLD OR DISTRIBUTED BY A CANNABIS ESTABLISHMENT, INCLUDING:**

- 1                                   1.    **A REQUIREMENT THAT LABELS BE ACCURATE AND**  
2 **NOT MISLEADING;**
- 3                                   2.    **A REQUIREMENT THAT CANNABIS PRODUCT LABELS**  
4 **INCLUDE:**
- 5                                   A.    **THE LENGTH OF TIME IT TYPICALLY TAKES FOR THE**  
6 **PRODUCT TO TAKE EFFECT;**
- 7                                   B.    **A DISCLOSURE OF INGREDIENTS AND POSSIBLE**  
8 **ALLERGENS; AND**
- 9                                   C.    **A NUTRITIONAL FACT PANEL;**
- 10                                  3.    **A REQUIREMENT THAT CANNABIS PRODUCTS HAVE**  
11 **OPAQUE, CHILD-RESISTANT PACKAGING THAT IS DESIGNED OR CONSTRUCTED TO**  
12 **BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER 5 YEARS OF AGE TO OPEN AND**  
13 **NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY AS DEFINED BY 16 C.F.R.**  
14 **1700.20 (1995); AND**
- 15                                  4.    **A REQUIREMENT THAT EDIBLE CANNABIS PRODUCTS**  
16 **BE CLEARLY IDENTIFIABLE, WHEN PRACTICABLE, WITH A STANDARD SYMBOL**  
17 **INDICATING THAT IT CONTAINS CANNABIS;**
- 18                                  **(XIV) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR**  
19 **THE MANUFACTURE OF CANNABIS PRODUCTS AND BOTH THE INDOOR AND OUTDOOR**  
20 **CULTIVATION OF CANNABIS BY CANNABIS ESTABLISHMENTS;**
- 21                                  **(XV) RESTRICTIONS ON ADVERTISING, MARKETING, AND**  
22 **SIGNAGE INCLUDING A PROHIBITION ON MASS-MARKET CAMPAIGNS THAT HAVE A**  
23 **HIGH LIKELIHOOD OF REACHING MINORS;**
- 24                                  **(XVI) CREATION OF A LICENSURE CLASS SYSTEM FOR**  
25 **CULTIVATORS THAT MAY BE BASED ON:**
- 26                                   1.    **SQUARE FOOTAGE OF THE FACILITY;**
- 27                                   2.    **LIGHTS, LUMENS, OR WATTAGE;**
- 28                                   3.    **LIT CANOPY;**
- 29                                   4.    **THE NUMBER OF CULTIVATING PLANTS;**

1                   5.     **WHETHER CULTIVATION IS INDOORS OR OUTDOORS;**  
2 **OR**

3                   6.     **OTHER REASONABLE METRICS;**

4                   **(XVII) AN AUTHORIZATION FOR THE COMMISSION TO ESTABLISH**  
5 **LIMITS ON CANNABIS CULTIVATION BY PLACING OR MODIFYING A LIMIT ON THE**  
6 **AMOUNT OF PRODUCTION AUTHORIZED FOR A CULTIVATOR LICENSE OR CLASS OF**  
7 **LICENSES;**

8                   **(XVIII)     RESTRICTIONS OR PROHIBITIONS ON ADDITIVES TO**  
9 **CANNABIS AND CANNABIS-INFUSED PRODUCTS, INCLUDING ADDITIVES THAT ARE**  
10 **TOXIC OR DESIGNED TO MAKE THE PRODUCT MORE ADDICTIVE;**

11                   **(XIX) PROHIBITIONS ON PRODUCTS THAT ARE DESIGNED TO**  
12 **MAKE THE PRODUCT MORE APPEALING TO CHILDREN, INCLUDING A PROHIBITION**  
13 **ON THE USE OF ANY IMAGES DESIGNED OR LIKELY TO APPEAL TO MINORS,**  
14 **INCLUDING CARTOONS, TOYS, ANIMALS, OR CHILDREN, AND ANY OTHER LIKENESS**  
15 **TO IMAGES, CHARACTERS, OR PHRASES THAT ARE POPULARLY USED TO ADVERTISE**  
16 **TO CHILDREN;**

17                   **(XX) RESTRICTIONS ON THE USE OF PESTICIDES THAT ARE**  
18 **INJURIOUS TO HUMAN HEALTH;**

19                   **(XXI) SPECIFICATIONS GOVERNING VISITS TO CULTIVATORS AND**  
20 **PROCESSORS, INCLUDING A REQUIREMENT THAT THE CANNABIS ESTABLISHMENT**  
21 **LOG VISITORS;**

22                   **(XXII) A DEFINITION OF THE AMOUNT OF DELTA-9**  
23 **TETRAHYDROCANNABINOL THAT CONSTITUTES A SINGLE SERVING IN A CANNABIS**  
24 **PRODUCT;**

25                   **(XXIII)     STANDARDS FOR THE SAFE MANUFACTURE OF**  
26 **CANNABIS EXTRACTS AND CONCENTRATES;**

27                   **(XXIV)     REQUIREMENTS THAT EDUCATIONAL MATERIALS BE**  
28 **DISSEMINATED TO CONSUMERS WHO PURCHASE CANNABIS-INFUSED PRODUCTS;**

29                   **(XXV) REQUIREMENTS FOR RANDOM SAMPLE TESTING TO**  
30 **ENSURE QUALITY CONTROL, INCLUDING:**

31                   1.     **BY ENSURING THAT CANNABIS AND**

1 CANNABIS-INFUSED PRODUCTS ARE ACCURATELY LABELED FOR POTENCY; AND

2                   2. UNLESS THE COMMISSION DETERMINES THAT  
3 REMEDIATION OR TREATMENT IS SUFFICIENT TO ENSURE PRODUCT SAFETY, A  
4 REQUIREMENT THAT TESTING INCLUDE TESTING FOR:

5                   A. RESIDUAL SOLVENTS, POISONS, OR TOXINS;

6                   B. HARMFUL CHEMICALS;

7                   C. DANGEROUS MOLDS OR MILDEW;

8                   D. FILTH; AND

9                   E. HARMFUL MICROBIALS SUCH AS E. COLI OR  
10 SALMONELLA AND PESTICIDES;

11                   (XXVI) STANDARDS FOR THE OPERATION OF INDEPENDENT  
12 TESTING LABORATORIES, INCLUDING REQUIREMENTS FOR EQUIPMENT AND  
13 QUALIFICATIONS FOR PERSONNEL;

14                   (XXVII) CIVIL PENALTIES FOR FAILURE TO COMPLY WITH  
15 REGULATIONS ADOPTED IN ACCORDANCE WITH THIS TITLE;

16                   (XXVIII) PROCEDURES FOR COLLECTING TAXES LEVIED ON  
17 CANNABIS ESTABLISHMENTS; AND

18                   (XXIX) REQUIREMENTS FOR ON-SITE CONSUMPTION  
19 ESTABLISHMENTS, INCLUDING FOR SECURITY, VENTILATION, ODOR CONTROL, AND  
20 CONSUMPTION BY PATRONS, WHICH MAY INCLUDE A PROHIBITION ON SMOKING  
21 INDOORS.

22                   (c) (1) AFTER CONSULTING WITH RESEARCHERS KNOWLEDGEABLE  
23 ABOUT THE RISKS AND BENEFITS OF CANNABIS AND PROVIDING AN OPPORTUNITY  
24 FOR PUBLIC COMMENT, THE COMMISSION SHALL DEVELOP A SCIENTIFICALLY  
25 ACCURATE SAFETY INFORMATION LABEL, HANDOUT, OR BOTH.

26                   (2) THE SAFETY INFORMATION MATERIALS DEVELOPED UNDER  
27 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE TO EACH CONSUMER.

28                   (3) THE SAFETY INFORMATION MATERIALS DEVELOPED UNDER  
29 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:



1                   **(I) ADVICE ABOUT THE POTENTIAL RISKS OF CANNABIS,**  
2 **INCLUDING:**

3                   **1. THE RISKS OF DRIVING UNDER THE INFLUENCE OF**  
4 **CANNABIS, AND THE FACT THAT DOING SO IS ILLEGAL;**

5                   **2. ANY ADVERSE EFFECTS UNIQUE TO YOUNGER**  
6 **ADULTS, INCLUDING EFFECTS RELATED TO THE DEVELOPING MIND;**

7                   **3. POTENTIAL ADVERSE EVENTS AND OTHER RISKS; AND**

8                   **4. RISKS OF USING CANNABIS DURING PREGNANCY OR**  
9 **BREASTFEEDING; AND**

10                   **(II) A WARNING ABOUT THE NEED TO SAFEGUARD ALL**  
11 **CANNABIS AND CANNABIS PRODUCTS FROM CHILDREN AND PETS.**

12                   **(D) (1) THE COMMISSION SHALL REVIEW AND UPDATE THE SAFETY**  
13 **INFORMATION MATERIALS DEVELOPED UNDER SUBSECTION (C)(1) OF THIS**  
14 **SECTION AT LEAST ONCE EVERY 2 YEARS TO ENSURE THE MATERIALS REMAIN**  
15 **ACCURATE.**

16                   **(2) THE REVIEW PERIOD SHALL INCLUDE THE SOLICITATION OF**  
17 **INPUT FROM RESEARCHERS KNOWLEDGEABLE ABOUT THE RISKS AND BENEFITS OF**  
18 **CANNABIS AND AN OPPORTUNITY FOR PUBLIC COMMENT.**

19                   **(E) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED:**

20                   **(1) THE COMMISSION MAY NOT REQUIRE A CONSUMER TO PROVIDE A**  
21 **RETAILER WITH PERSONAL INFORMATION OTHER THAN GOVERNMENT-ISSUED**  
22 **IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE; AND**

23                   **(2) A RETAILER MAY NOT BE REQUIRED TO ACQUIRE AND RECORD**  
24 **PERSONAL INFORMATION ABOUT CONSUMERS.**

25                   **SUBTITLE 4. CANNABIS LICENSING.**

26 **23-401.**

27                   **(A) EACH APPLICATION OR RENEWAL APPLICATION FOR A LICENSE TO**  
28 **OPERATE A CANNABIS ESTABLISHMENT SHALL BE SUBMITTED TO THE COMMISSION.**

29                   **(B) CANNABIS ESTABLISHMENTS, AND THE BOOKS AND RECORDS**

1 MAINTAINED AND CREATED BY CANNABIS ESTABLISHMENTS, ARE SUBJECT TO  
2 INSPECTION BY THE COMMISSION.

3 (C) ON DENIAL OF AN APPLICATION, THE COMMISSION SHALL NOTIFY THE  
4 APPLICANT IN WRITING OF THE SPECIFIC REASON FOR ITS DENIAL.

5 (D) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE  
6 OF A CANNABIS ESTABLISHMENT THAT DOES NOT MEET THE STANDARDS FOR  
7 LICENSURE SET BY THE COMMISSION.

8 (E) EXCEPT AS PROVIDED IN § 23-301(A)(2)(IV) OF THIS TITLE OR §  
9 23-403(E) OF THIS SUBTITLE, A CANNABIS ESTABLISHMENT LICENSE IS VALID FOR:

10 (1) 1 YEAR ON INITIAL LICENSURE; AND

11 (2) 2 YEARS ON RENEWAL.

12 **23-402.**

13 (A) A PERSON MAY NOT HOLD ANY LEGAL, EQUITABLE, OR BENEFICIAL  
14 INTEREST, DIRECTLY OR INDIRECTLY, IN MORE THAN:

15 (1) THREE CULTIVATORS; OR

16 (2) 10 RETAILERS.

17 (B) A CULTIVATOR MAY NOT PRODUCE CANNABIS CONCENTRATES,  
18 TINCTURES, EXTRACTS, OR OTHER CANNABIS PRODUCTS UNLESS THE CULTIVATOR  
19 IS ALSO LICENSED AS A PROCESSOR.

20 **23-403.**

21 (A) THE COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING  
22 APPLICATIONS FOR NONEXPEDITED DUAL LICENSES FROM MEDICAL CANNABIS  
23 DISPENSARIES, MEDICAL CANNABIS PROCESSORS, MEDICAL CANNABIS  
24 INDEPENDENT TESTING LABORATORIES, AND MEDICAL CANNABIS GROWERS NOT  
25 LATER THAN APRIL 1, 2022.

26 (B) WITHIN 45 DAYS AFTER RECEIVING AN APPLICATION AND ALL FEES FOR  
27 A DUAL LICENSE FROM A MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS  
28 PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY, OR  
29 MEDICAL CANNABIS GROWER, THE COMMISSION SHALL ISSUE A DUAL LICENSE TO  
30 THE APPLICANT, UNLESS THE COMMISSION:

1           **(1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH**  
2 **REGULATIONS ADOPTED UNDER § 23-301(A)(2) OF THIS TITLE; OR**

3           **(2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT**  
4 **IS NOT IN COMPLIANCE WITH LOCAL LAW.**

5           **(C) (1) BEFORE BEING ISSUED A DUAL LICENSE UNDER THIS SECTION,**  
6 **EACH APPLICANT SHALL PAY A LICENSING FEE OF:**

7                   **(I) FOR A MEDICAL CANNABIS DISPENSARY OR MEDICAL**  
8 **CANNABIS GROWER:**

9                           **1. THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL**  
10 **SALES BETWEEN JANUARY 1, 2020, AND JANUARY 1, 2021, OR \$500,000; OR**

11                           **2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS**  
12 **ITEM IS LESS THAN \$100,000, \$100,000;**

13                   **(II) \$20,000 FOR A MEDICAL CANNABIS PROCESSOR; OR**

14                   **(III) \$20,000 FOR A MEDICAL CANNABIS INDEPENDENT TESTING**  
15 **LABORATORY.**

16           **(2) ALL FEES PAID IN ACCORDANCE WITH THIS SUBSECTION SHALL**  
17 **BE CREDITED TO THE SOCIAL EQUITY START-UP FUND.**

18           **(D) (1) FOR AN INITIAL RENEWAL, EACH APPLICANT SHALL PAY A**  
19 **LICENSING FEE OF:**

20                   **(I) FOR A MEDICAL CANNABIS DISPENSARY OR MEDICAL**  
21 **CANNABIS GROWER:**

22                           **1. THE LOWER OF 2.5% OF THE BUSINESS'S TOTAL**  
23 **SALES FOR THE 6 MONTHS IMMEDIATELY PRECEDING THE PAYMENT, OR \$500,000;**  
24 **OR**

25                           **2. IF THE AMOUNT TO BE PAID UNDER ITEM 1 OF THIS**  
26 **ITEM IS LESS THAN \$100,000, \$100,000;**

27                   **(II) \$15,000 FOR A MEDICAL CANNABIS PROCESSOR; OR**

28                   **(III) \$15,000 FOR A MEDICAL CANNABIS INDEPENDENT TESTING**

1 LABORATORY.

2 (2) ALL FEES PAID IN ACCORDANCE WITH THIS SUBSECTION SHALL  
3 BE CREDITED TO THE SOCIAL EQUITY START-UP FUND.

4 (3) THE COMMISSION SHALL DETERMINE SUBSEQUENT RENEWAL  
5 FEES.

6 (E) A DUAL LICENSE ISSUED UNDER THIS SECTION IS VALID FOR:

7 (1) 180 DAYS ON INITIAL LICENSURE; AND

8 (2) 2 YEARS ON RENEWAL.

9 (F) EACH MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS  
10 PROCESSOR, MEDICAL CANNABIS INDEPENDENT TESTING LABORATORY, AND  
11 MEDICAL CANNABIS GROWER SHALL BE ELIGIBLE FOR A SINGLE DUAL LICENSE, AT  
12 THE SAME PREMISES AS THE MEDICAL CANNABIS ESTABLISHMENT LICENSE.

13 (G) (1) (I) A MEDICAL CANNABIS PROCESSOR IS ELIGIBLE ONLY FOR A  
14 DUAL LICENSE AS A PROCESSOR.

15 (II) A MEDICAL CANNABIS DISPENSARY IS ELIGIBLE ONLY FOR  
16 A DUAL LICENSE AS A RETAILER.

17 (III) A MEDICAL CANNABIS GROWER IS ELIGIBLE ONLY FOR A  
18 DUAL LICENSE AS A CULTIVATOR.

19 (IV) A MEDICAL CANNABIS INDEPENDENT TESTING  
20 LABORATORY IS ELIGIBLE ONLY FOR A DUAL LICENSE AS AN INDEPENDENT TESTING  
21 LABORATORY.

22 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH, THIS SUBSECTION DOES NOT PREVENT AN ENTITY LICENSED AS TWO  
24 OR MORE TYPES OF MEDICAL CANNABIS ESTABLISHMENTS FROM APPLYING FOR  
25 AND BEING ISSUED AN EQUAL NUMBER AND TYPE OF DUAL LICENSES.

26 (II) A MEDICAL CANNABIS INDEPENDENT TESTING  
27 LABORATORY MAY NOT HOLD ANY OTHER TYPE OF CANNABIS ESTABLISHMENT  
28 LICENSE.

29 23-404.

1 (A) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL:

2 (1) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR  
3 LICENSES TO OPERATE AS A CULTIVATOR, DELIVERY SERVICE, PROCESSOR, OR  
4 TRANSPORTER FROM SOCIAL EQUITY APPLICANTS; AND

5 (2) BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR  
6 LICENSES TO OPERATE AN INDEPENDENT TESTING LABORATORY FROM ALL  
7 APPLICANTS.

8 (B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A  
9 CANNABIS ESTABLISHMENT DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION,  
10 THE COMMISSION SHALL IMMEDIATELY FORWARD A COPY OF EACH APPLICATION  
11 AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCAL REGULATORY  
12 AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE  
13 THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT DESIGNATED A  
14 LOCAL REGULATORY AUTHORITY.

15 (C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL  
16 APPLICATION, THE COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL  
17 LICENSE TO THE APPLICANT, UNLESS THE COMMISSION:

18 (1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH  
19 REGULATIONS ADOPTED UNDER § 23-301 OF THIS TITLE; OR

20 (2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT  
21 IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING REGULATIONS.

22 (D) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE  
23 APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE CANNABIS  
24 ESTABLISHMENT WOULD BE LOCATED.

25 (2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,  
26 THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.

27 (3) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A  
28 COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY  
29 WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION  
30 SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND  
31 APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.

32 23-405.

1           **(A) (1) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL**  
2 **BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR LICENSES TO OPERATE A**  
3 **RETAILER FROM ANY QUALIFIED APPLICANT.**

4           **(2) (I) ON OR BEFORE APRIL 1, 2023, THE COMMISSION SHALL**  
5 **INITIALLY ISSUE 200 RETAILER LICENSES IN A MANNER THAT EQUITABLY**  
6 **DISTRIBUTES THE LICENSES THROUGHOUT THE STATE BASED ON BOTH**  
7 **POPULATION AND GEOGRAPHY.**

8                         **(II) IN DETERMINING WHETHER THE AMOUNT OF RETAILER**  
9 **LICENSES REQUIRED TO BE ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**  
10 **HAS BEEN MET, THE COMMISSION MAY NOT INCLUDE DUAL LICENSES.**

11           **(3) THE COMMISSION MAY REOPEN THE APPLICATION PROCESS AT**  
12 **ANY TIME AND ISSUE ADDITIONAL RETAILER LICENSES TO MEET DEMAND AND**  
13 **DISPLACE THE ILLICIT MARKET.**

14           **(B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A**  
15 **CANNABIS ESTABLISHMENT, THE COMMISSION SHALL PROMPTLY FORWARD A COPY**  
16 **OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCAL**  
17 **REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES**  
18 **TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT**  
19 **DESIGNATED A LOCAL REGULATORY AUTHORITY.**

20           **(C) THE COMMISSION SHALL AWARD UP TO 250 POINTS TO COMPLETE**  
21 **APPLICATIONS BASED ON THE FOLLOWING FACTORS:**

22                         **(1) 65 POINTS AWARDED FOR SECURITY AND RECORD KEEPING**  
23 **BASED ON THE EXTENT TO WHICH THE SECURITY PLAN ACCOUNTS FOR THE**  
24 **PREVENTION OF THEFT OR DIVERSION OF CANNABIS, INCLUDING SAFE STORAGE OF**  
25 **CANNABIS AND CURRENCY, TRACKING PROCEDURES, AND A PLAN FOR THE**  
26 **DESTRUCTION AND DISPOSAL OF CANNABIS;**

27                         **(2) 30 POINTS AWARDED FOR KNOWLEDGE AND EXPERIENCE BASED**  
28 **ON THE APPLICANT'S PRINCIPAL OFFICERS' DEMONSTRATED EXPERIENCE AND**  
29 **QUALIFICATIONS IN BUSINESS MANAGEMENT OR EXPERIENCE WITH THE CANNABIS**  
30 **INDUSTRY, WHICH MAY BE DEMONSTRATED THROUGH EXPERIENCE IN OTHER**  
31 **INDUSTRIES OR TRAINING THAT REFLECTS ON AN APPLICANT'S ABILITY TO**  
32 **OPERATE A CANNABIS BUSINESS ESTABLISHMENT;**

33                         **(3) 65 POINTS AWARDED FOR BUSINESS PLAN, FINANCIALS,**  
34 **OPERATING, AND FLOOR PLANS;**

1           **(4) 50 POINTS AWARDED FOR STATUS AS A SOCIAL EQUITY APPLICANT**  
2 **BASED ON WHETHER THE APPLICANT MEETS THE QUALIFICATIONS FOR A SOCIAL**  
3 **EQUITY APPLICANT AS SET FORTH IN THIS TITLE;**

4           **(5) 15 POINTS AWARDED FOR THE SUITABILITY OF THE EMPLOYEE**  
5 **TRAINING PLAN BASED ON THE EXTENT TO WHICH THE APPLICANT’S TRAINING PLAN**  
6 **WILL ENSURE EMPLOYEES UNDERSTAND THE RULES AND LAWS, ARE**  
7 **KNOWLEDGEABLE ABOUT SECURITY MEASURES AND OPERATING PROCEDURES, AND**  
8 **ARE ABLE TO ADVISE CONSUMERS ON HOW TO SAFELY CONSUME PRODUCTS AND**  
9 **USE INDIVIDUAL PRODUCTS THAT ARE OFFERED;**

10           **(6) 10 POINTS AWARDED FOR A DIVERSITY PLAN BASED ON A**  
11 **NARRATIVE OF NOT MORE THAN 2,500 WORDS THAT ESTABLISHES A GOAL OF**  
12 **DIVERSITY IN OWNERSHIP, MANAGEMENT, EMPLOYMENT, AND CONTRACTING TO**  
13 **ENSURE THAT DIVERSE PARTICIPANTS AND GROUPS ARE AFFORDED EQUALITY OF**  
14 **OPPORTUNITY;**

15           **(7) 5 POINTS AWARDED FOR LABOR AND EMPLOYMENT PRACTICES**  
16 **BASED ON PLANS TO PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL**  
17 **WORKING ENVIRONMENT FOR THE CANNABIS ESTABLISHMENT’S AGENTS,**  
18 **INCLUDING CODES OF CONDUCT, HEALTH CARE BENEFITS, EDUCATIONAL**  
19 **BENEFITS, RETIREMENT BENEFITS, AND LIVING WAGE STANDARDS;**

20           **(8) 5 POINTS AWARDED BASED ON AN ENVIRONMENTAL PLAN OF**  
21 **ACTION TO MINIMIZE THE CARBON FOOTPRINT, ENVIRONMENTAL IMPACT, AND**  
22 **RESOURCE NEEDS FOR THE DISPENSARY;**

23           **(9) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 26%**  
24 **OR MORE CONTROLLED AND OWNED BY AN INDIVIDUAL OR INDIVIDUALS WHO MEET**  
25 **THE QUALIFICATIONS OF A VETERAN AS DEFINED BY § 9-901 OF THE STATE**  
26 **GOVERNMENT ARTICLE; AND**

27           **(10) 5 POINTS AWARDED BASED ON WHETHER THE APPLICANT IS 51%**  
28 **OR MORE OWNED AND CONTROLLED BY STATE RESIDENTS, WHO CAN PROVE**  
29 **RESIDENCY IN EACH OF THE IMMEDIATELY PRECEDING 5 YEARS WITH TAX**  
30 **RECORDS.**

31           **(D) THE COMMISSION MAY AWARD UP TO TWO BONUS POINTS FOR A PLAN**  
32 **TO ENGAGE WITH THE COMMUNITY IN WHICH THE APPLICANT WILL BE LOCATED.**

33           **(E) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**  
34 **COMMISSION MAY NOT PENALIZE OR DENY POINTS TO AN APPLICANT BASED ON NOT**  
35 **YET HAVING A LEASE OR TITLE FOR THE RETAIL LOCATION AT WHICH THE CANNABIS**

1 ESTABLISHMENT WOULD BE LOCATED.

2 (ii) THE COMMISSION MAY REQUIRE AN APPLICANT TO SPECIFY  
3 THE LOCALITY IN WHICH THE CANNABIS ESTABLISHMENT IS INTENDED TO  
4 OPERATE.

5 (2) THE COMMISSION MAY PROVIDE AN APPLICANT WITH  
6 CONDITIONAL LICENSURE UNTIL THE RETAIL SPACE HAS BEEN SECURED AND  
7 INSPECTED.

8 (f) THE COMMISSION MAY PROVIDE THAT ANY APPLICANT THAT SCORES  
9 ABOVE A SPECIFIED NUMBER OF POINTS MUST BE ENTERED INTO A LOTTERY THAT  
10 IS CONDUCTED IN A MANNER THAT ENSURES EQUITABLE DISTRIBUTION OF  
11 RETAILERS THROUGHOUT THE STATE.

12 23-406.

13 (A) NOT EARLIER THAN 6 MONTHS AFTER BEGINNING TO ISSUE LICENSES  
14 TO SOCIAL EQUITY APPLICANTS UNDER § 23-404 OF THIS SUBTITLE, THE  
15 COMMISSION SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR  
16 LICENSES TO OPERATE AS A CULTIVATOR OR PROCESSOR FROM ANY QUALIFIED  
17 APPLICANT.

18 (B) ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A  
19 CANNABIS ESTABLISHMENT DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION,  
20 THE COMMISSION SHALL IMMEDIATELY FORWARD A COPY OF EACH APPLICATION  
21 AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCAL REGULATORY  
22 AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE  
23 THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT DESIGNATED A  
24 LOCAL REGULATORY AUTHORITY.

25 (C) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL  
26 APPLICATION, THE COMMISSION SHALL ISSUE A LICENSE OR A CONDITIONAL  
27 LICENSE TO THE APPLICANT, UNLESS THE COMMISSION:

28 (1) FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH  
29 REGULATIONS ADOPTED UNDER § 23-301 OF THIS TITLE; OR

30 (2) IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT  
31 IS NOT IN COMPLIANCE WITH LOCAL ZONING OR PLANNING LAWS.

32 (D) (1) AN APPLICANT MAY APPLY FOR CONDITIONAL APPROVAL IF THE  
33 APPLICANT HAS NOT PURCHASED OR LEASED THE PROPERTY WHERE THE CANNABIS



1 ESTABLISHMENT WOULD BE LOCATED.

2 (2) IF THE APPLICANT IS OTHERWISE QUALIFIED FOR LICENSURE,  
3 THE COMMISSION SHALL PROVIDE CONDITIONAL APPROVAL.

4 (3) ONCE THE APPLICANT PROVIDES THE COMMISSION WITH A  
5 COMPLETED, SUPPLEMENTAL APPLICATION THAT IDENTIFIES THE PROPERTY  
6 WHERE THE CANNABIS ESTABLISHMENT IS TO BE LOCATED, THE COMMISSION  
7 SHALL FORWARD THE INFORMATION TO THE LOCAL REGULATORY AUTHORITY AND  
8 APPROVE OR REJECT THE FINAL APPLICATION WITHIN 45 DAYS.

9 SUBTITLE 5. LOCAL REGULATIONS.

10 23-501.

11 (A) AN ON-SITE CONSUMPTION ESTABLISHMENT MAY OPERATE ONLY IF  
12 THE LOCAL REGULATORY AUTHORITY IN THE LOCALITY WHERE IT IS LOCATED  
13 ISSUED A PERMIT OR LICENSE THAT EXPRESSLY ALLOWS THE OPERATION OF THE  
14 ON-SITE CONSUMPTION ESTABLISHMENT.

15 (B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A LOCALITY MAY  
16 PROHIBIT THE OPERATION OF ANY OR ALL TYPES OF CANNABIS ESTABLISHMENTS  
17 WITHIN ITS JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR  
18 THROUGH AN INITIATED OR REFERRED MEASURE.

19 (2) AN INITIATED OR REFERRED MEASURE TO PROHIBIT THE  
20 OPERATION OF CANNABIS ESTABLISHMENTS MUST APPEAR ON A GENERAL  
21 ELECTION BALLOT.

22 (3) A LOCALITY MAY NOT PROHIBIT TRANSPORTATION THROUGH THE  
23 LOCALITY OR DELIVERIES WITHIN THE LOCALITY BY CANNABIS ESTABLISHMENTS  
24 LOCATED IN OTHER JURISDICTIONS.

25 (C) A PERSON SEEKING LICENSURE AS A CANNABIS ESTABLISHMENT SHALL  
26 MEET LOCAL ZONING AND PLANNING REQUIREMENTS.

27 (D) A LOCALITY MAY NOT NEGOTIATE OR ENTER INTO AN AGREEMENT WITH  
28 A CANNABIS ESTABLISHMENT OR A CANNABIS ESTABLISHMENT APPLICANT  
29 REQUIRING THAT THE CANNABIS ESTABLISHMENT OR APPLICANT PROVIDE MONEY,  
30 DONATIONS, IN-KIND CONTRIBUTIONS, SERVICES, OR ANYTHING OF VALUE TO THE  
31 LOCALITY.

32 SUBTITLE 6. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.

1 **23-601.**

2 (A) IN THIS SECTION, "PROCESSING" AND "MANUFACTURING" DO NOT  
3 INCLUDE:

4 (1) PERFORMING EXTRactions USING SOLVENTS OTHER THAN  
5 WATER, GLYCERIN, PROPYLENE GLYCOL, VEGETABLE OIL, OR FOOD-GRADE  
6 ETHANOL; OR

7 (2) EXTRACTING COMPOUNDS FROM CANNABIS USING ETHANOL IN  
8 THE PRESENCE OR VICINITY OF OPEN FLAME.

9 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS  
10 OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE NOT  
11 UNLAWFUL UNDER STATE LAW OR THE LAW OF ANY POLITICAL SUBDIVISION OF THE  
12 STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR  
13 INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD:

14 (1) POSSESSING, CONSUMING, GROWING, USING, PROCESSING,  
15 MANUFACTURING, PURCHASING, OR TRANSPORTING AN AMOUNT OF CANNABIS  
16 THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT;

17 (2) TRANSFERRING AN AMOUNT OF CANNABIS THAT DOES NOT  
18 EXCEED THE PERSONAL USE AMOUNT TO AN INDIVIDUAL WHO IS AT LEAST 21 YEARS  
19 OLD WITHOUT REMUNERATION;

20 (3) CONTROLLING PROPERTY WHERE ACTIONS DESCRIBED IN ITEM  
21 (1) OR (2) OF THIS SUBSECTION OCCUR; OR

22 (4) ASSISTING ANOTHER INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD  
23 IN AN ACT DESCRIBED IN ITEM (1) OR (2) OF THIS SUBSECTION.

24 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS THE  
25 COURT OR THE MARYLAND PAROLE COMMISSION MAKES A SPECIFIC FINDING THAT  
26 AN INDIVIDUAL DEFENDANT'S, PAROLEE'S, OR PROBATIONER'S USE OF CANNABIS  
27 COULD CREATE A DANGER TO THE INDIVIDUAL OR OTHER PERSONS, IT IS NOT A  
28 VIOLATION OF CONDITIONS OF PRETRIAL RELEASE, PAROLE, OR PROBATION TO:

29 (1) ENGAGE IN CONDUCT ALLOWED BY THIS SECTION; OR

30 (2) TEST POSITIVE FOR CANNABIS, DELTA-9  
31 TETRAHYDROCANNABINOL, OR ANY OTHER CANNABINOID.

1 **23-602.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT  
3 UNLAWFUL UNDER STATE LAW AND MAY NOT BE A BASIS FOR SEIZURE OR  
4 FORFEITURE OF ASSETS UNDER STATE LAW FOR A CANNABIS ESTABLISHMENT WITH  
5 A VALID LICENSE, OR A PERSON WHO IS ACTING IN THE PERSON'S CAPACITY AS  
6 CANNABIS ESTABLISHMENT AGENT, TO ENGAGE IN ANY ACTIVITIES INVOLVING  
7 CANNABIS, CANNABIS ACCESSORIES, OR CANNABIS PRODUCTS IF THE PERSON  
8 CONDUCTING THE ACTIVITIES POSSESSES A CURRENT, VALID LICENSE TO OPERATE  
9 A CANNABIS ESTABLISHMENT, OR IS ACTING IN THE PERSON'S CAPACITY AS A  
10 CANNABIS ESTABLISHMENT AGENT, AND THE ACTIVITIES ARE WITHIN THE SCOPE OF  
11 ACTIVITIES ALLOWED BY THE COMMISSION FOR THAT TYPE OF CANNABIS  
12 ESTABLISHMENT.

13 (B) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR  
14 VIOLATING THIS TITLE OR REGULATIONS ADOPTED BY THE COMMISSION OR  
15 LOCALITIES IN ACCORDANCE WITH THIS TITLE.

16 **23-603.**

17 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT  
18 UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION OF THE  
19 STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS FOR AN INDIVIDUAL  
20 WHO IS AT LEAST 21 YEARS OLD TO MANUFACTURE, POSSESS, OR PURCHASE  
21 CANNABIS ACCESSORIES, OR TO DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO:

22 (1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; OR

23 (2) AN INDIVIDUAL WHO IS A QUALIFYING PATIENT UNDER TITLE 13,  
24 SUBTITLE 33 OF THIS ARTICLE.

25 (B) (1) EXCEPT AS PROVIDED IN THIS SECTION, AN INDIVIDUAL WHO IS  
26 AT LEAST 21 YEARS OLD MAY MANUFACTURE, POSSESS, AND PURCHASE CANNABIS  
27 ACCESSORIES AND DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO A PERSON WHO  
28 IS AT LEAST 21 YEARS OLD.

29 (2) AN INDIVIDUAL WHO MANUFACTURES AND SELLS CANNABIS  
30 ACCESSORIES IS SUBJECT TO PENALTY UNDER § 5-629 OF THE CRIMINAL LAW  
31 ARTICLE FOR ANY VIOLATION OF REGULATIONS ADOPTED BY THE COMMISSION.

32 (C) THIS SECTION IS INCLUDED TO SATISFY THE REQUIREMENTS OF 21  
33 U.S.C. § 863(F) BY AUTHORIZING, UNDER STATE LAW, A PERSON IN COMPLIANCE

1 WITH THIS SUBTITLE TO MANUFACTURE, POSSESS, OR DISTRIBUTE CANNABIS  
2 ACCESSORIES.

3 **23-604.**

4 (A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE  
5 PROVISIONS OF THIS TITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR  
6 ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR  
7 DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY  
8 RIGHT OR PRIVILEGE, FOR THE USE, POSSESSION, MANUFACTURE,  
9 TRANSPORTATION, OR DISTRIBUTION OF CANNABIS:

10 (1) AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE IN  
11 POSSESSION OF AN AMOUNT OF CANNABIS OR CANNABIS PRODUCT FOR ADULT USE  
12 THAT DOES NOT EXCEED THE PERSONAL USE AMOUNT, AS DEFINED IN § 5-601 OF  
13 THE CRIMINAL LAW ARTICLE;

14 (2) A CANNABIS ESTABLISHMENT LICENSED UNDER THIS TITLE OR  
15 THE CANNABIS ESTABLISHMENT AGENT;

16 (3) A HOSPITAL, MEDICAL FACILITY, OR HOSPICE PROGRAM WHERE  
17 A QUALIFYING PATIENT IS RECEIVING TREATMENT; OR

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

21 (B) (1) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR  
22 ANY OF ITS POLITICAL SUBDIVISIONS MAY IMPOSE ANY PENALTY OR DENY ANY  
23 BENEFIT OR ENTITLEMENT FOR CONDUCT PERMITTED UNDER THIS TITLE OR FOR  
24 THE PRESENCE OF CANNABINOIDS OR CANNABINOID METABOLITES IN THE URINE,  
25 BLOOD, SALIVA, BREATH, HAIR, OR OTHER TISSUE OR FLUID OF AN INDIVIDUAL WHO  
26 IS 21 YEARS OF AGE OR OLDER.

27 (2) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR  
28 ANY OF ITS POLITICAL SUBDIVISIONS MAY DENY A DRIVER'S LICENSE, A  
29 PROFESSIONAL LICENSE, HOUSING ASSISTANCE, SOCIAL SERVICES, OR OTHER  
30 BENEFITS BASED ON CANNABIS USE OR FOR THE PRESENCE OF CANNABINOIDS OR  
31 CANNABINOID METABOLITES IN THE URINE, BLOOD, SALIVA, BREATH, HAIR, OR  
32 OTHER TISSUE OR FLUID OF AN INDIVIDUAL WHO IS 21 YEARS OF AGE OR OLDER.

33 (C) AN INDIVIDUAL MAY NOT BE DENIED CUSTODY OF OR VISITATION WITH  
34 A MINOR FOR ACTING IN ACCORDANCE WITH THIS TITLE, UNLESS THE INDIVIDUAL'S

1 BEHAVIOR IS SUCH THAT IT CREATES AN UNREASONABLE DANGER TO THE MINOR  
2 THAT CAN BE CLEARLY ARTICULATED AND SUBSTANTIATED.

3 (D) EXCEPT AS PROVIDED IN THIS SECTION, NEITHER THE STATE NOR ANY  
4 OF ITS POLITICAL SUBDIVISIONS MAY DENY EMPLOYMENT OR A CONTRACT TO AN  
5 INDIVIDUAL FOR ENGAGING IN CONDUCT AUTHORIZED UNDER THIS TITLE, FOR:

6 (1) A PRIOR CONVICTION FOR A NONVIOLENT CANNABIS OFFENSE  
7 THAT DOES NOT INVOLVE DISTRIBUTION TO MINORS; OR

8 (2) TESTING POSITIVE FOR THE PRESENCE OF CANNABINOIDS OR  
9 CANNABINOID METABOLITES IN THE URINE, BLOOD, SALIVA, BREATH, HAIR, OR  
10 OTHER TISSUE OR FLUID OF THE INDIVIDUAL'S BODY.

11 (E) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN AND TISSUE  
12 TRANSPLANTS:

13 (1) THE USE OF CANNABIS DOES NOT CONSTITUTE THE USE OF AN  
14 ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY AN INDIVIDUAL FROM NEEDED  
15 MEDICAL CARE; AND

16 (2) MAY BE CONSIDERED ONLY WITH RESPECT TO EVIDENCE-BASED  
17 CLINICAL CRITERIA.

18 (F) (1) THIS SECTION DOES NOT PREVENT A GOVERNMENT EMPLOYER  
19 FROM DISCIPLINING AN EMPLOYEE OR CONTRACTOR FOR:

20 (I) INGESTING CANNABIS IN THE WORKPLACE; OR

21 (II) WORKING WHILE IMPAIRED BY CANNABIS.

22 (2) THE PROTECTIONS PROVIDED BY THIS SECTION DO NOT APPLY TO  
23 THE EXTENT THAT THEY CONFLICT WITH A GOVERNMENTAL EMPLOYER'S  
24 OBLIGATIONS UNDER FEDERAL LAW OR TO THE EXTENT THAT THEY WOULD  
25 DISQUALIFY THE ENTITY FROM A MONETARY OR LICENSING-RELATED BENEFIT  
26 UNDER FEDERAL LAW.

27 (3) THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN,  
28 AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, DISCIPLINE, OR  
29 OTHER PENALTIES, INCLUDING DISCIPLINE OR TERMINATION BY A GOVERNMENTAL  
30 EMPLOYER FOR ENGAGING IN, ANY TASK WHILE UNDER THE INFLUENCE OF  
31 CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL  
32 MALPRACTICE.

1 **23-605.**

2 (A) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY NOT  
3 BE SUBJECT TO PROFESSIONAL DISCIPLINE FOR PROVIDING ADVICE OR SERVICES  
4 RELATED TO CANNABIS ESTABLISHMENTS OR APPLICATIONS TO OPERATE  
5 CANNABIS ESTABLISHMENTS ON THE BASIS THAT CANNABIS IS ILLEGAL UNDER  
6 FEDERAL LAW.

7 (B) AN APPLICANT FOR A PROFESSIONAL OR OCCUPATIONAL LICENSE MAY  
8 NOT BE DENIED A LICENSE BASED ON PREVIOUS EMPLOYMENT RELATED TO  
9 CANNABIS ESTABLISHMENTS OPERATING IN ACCORDANCE WITH STATE LAW.

10 **23-606.**

11 (A) FOR THE PURPOSES OF STATE LAW, ACTIONS RELATED TO CANNABIS  
12 ARE CONSIDERED LAWFUL AS LONG AS THEY ARE IN ACCORDANCE WITH THIS TITLE.

13 (B) AN AGENCY OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT RELY  
14 ON A VIOLATION OF FEDERAL LAW RELATED TO CANNABIS AS THE SOLE BASIS FOR  
15 TAKING AN ADVERSE ACTION AGAINST A PERSON.

16 **23-607.**

17 (A) IT IS THE PUBLIC POLICY OF THE STATE THAT CONTRACTS RELATED TO  
18 THE OPERATION OF A CANNABIS ESTABLISHMENT LICENSED IN ACCORDANCE WITH  
19 THIS SUBTITLE ARE ENFORCEABLE.

20 (B) IT IS THE PUBLIC POLICY OF THE STATE THAT NO CONTRACT ENTERED  
21 INTO BY A LICENSED CANNABIS ESTABLISHMENT OR ITS AGENTS AS AUTHORIZED IN  
22 ACCORDANCE WITH A VALID LICENSE, OR BY THOSE WHO ALLOW PROPERTY TO BE  
23 USED BY A CANNABIS ESTABLISHMENT, ITS EMPLOYEES, OR ITS AGENTS AS  
24 AUTHORIZED IN ACCORDANCE WITH A VALID LICENSE, SHALL BE UNENFORCEABLE  
25 ON THE BASIS THAT CULTIVATING, OBTAINING, MANUFACTURING, DISTRIBUTING,  
26 DISPENSING, TRANSPORTING, SELLING, POSSESSING, OR USING CANNABIS IS  
27 PROHIBITED BY FEDERAL LAW.

28 **23-608.**

29 (A) A LAW ENFORCEMENT OFFICER EMPLOYED BY AN AGENCY THAT  
30 RECEIVES STATE OR LOCAL GOVERNMENT FUNDS MAY NOT EXPEND STATE OR  
31 LOCAL RESOURCES, INCLUDING THE OFFICER'S TIME, TO EFFECT ANY ARREST OR  
32 SEIZURE OF CANNABIS, OR CONDUCT ANY INVESTIGATION, ON THE SOLE BASIS OF

1 ACTIVITY THE OFFICER BELIEVES TO CONSTITUTE A VIOLATION OF FEDERAL LAW IF  
2 THE OFFICER HAS REASON TO BELIEVE THAT THE ACTIVITY IS IN COMPLIANCE WITH  
3 THIS TITLE.

4 (B) A LAW ENFORCEMENT OFFICER MAY NOT EXPEND STATE OR LOCAL  
5 RESOURCES, INCLUDING THE OFFICER'S TIME, TO PROVIDE ANY INFORMATION OR  
6 LOGISTICAL SUPPORT RELATED TO ACTIVITY DESCRIBED IN SUBSECTION (A) OF  
7 THIS SECTION TO ANY FEDERAL LAW ENFORCEMENT AUTHORITY OR PROSECUTING  
8 ENTITY.

9 SUBTITLE 7. CONSTRUCTION OF TITLE.

10 23-701.

11 THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE AN INDIVIDUAL TO  
12 ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR  
13 OTHER PENALTIES FOR:

14 (1) UNDERTAKING A TASK WHILE UNDER THE INFLUENCE OF  
15 CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL  
16 MALPRACTICE;

17 (2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL  
18 CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE  
19 OF CANNABIS; OR

20 (3) SMOKING CANNABIS IN A PUBLIC PLACE.

21 23-702.

22 (A) EXCEPT AS PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS TITLE  
23 DO NOT REQUIRE A PERSON, CORPORATION, OR ANY OTHER ENTITY THAT OCCUPIES,  
24 OWNS, OR CONTROLS A PROPERTY TO ALLOW THE CONSUMPTION, CULTIVATION,  
25 DISPLAY, SALE, OR TRANSFER OF CANNABIS ON OR IN THAT PROPERTY.

26 (B) EXCEPT AS PROVIDED IN THIS SECTION, A LANDLORD OR PROPERTY  
27 MANAGER MAY NOT REFUSE TO RENT TO A TENANT, OR OTHERWISE DISCRIMINATE  
28 AGAINST THE TENANT, BASED ON A PAST CONVICTION FOR A CANNABIS OFFENSE.

29 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
30 IN THE CASE OF THE RENTAL OF A RESIDENTIAL DWELLING, A LANDLORD OR  
31 PROPERTY MANAGER MAY NOT PROHIBIT THE POSSESSION OF CANNABIS OR THE  
32 CONSUMPTION OF CANNABIS BY NON-SMOKED MEANS.





1                   **125. THE CANNABIS EDUCATION AND TRAINING FUND;**

2                   **126. THE COMMUNITY REINVESTMENT AND REPAIR**  
3 **FUND; AND**

4                   **127. THE CANNABIS REGULATION FUND.**

5                                   **Article – Tax – General**

6                                   **TITLE 12.5. CANNABIS TAX.**

7 **12.5–101.**

8           **(A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS SOLD UNDER**  
9 **TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

10           **(B) A 20% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS**  
11 **FROM A CANNABIS ESTABLISHMENT LICENSED UNDER TITLE 23 OF THE HEALTH –**  
12 **GENERAL ARTICLE TO A CONSUMER.**

13           **(C) SALES OF CANNABIS BY A CANNABIS ESTABLISHMENT TO A CONSUMER**  
14 **ARE SUBJECT TO A 20% SALES AND USE TAX TO BE COLLECTED IN THE MANNER**  
15 **PROVIDED UNDER TITLE 11 OF THIS ARTICLE.**

16 **12.5–102.**

17           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY,**  
18 **MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL**  
19 **SUBDIVISION OF THE STATE MAY IMPOSE A SALES TAX NOT EXCEEDING 3% ON SALES**  
20 **OF CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS WITHIN ITS 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 ON SALES OF MEDICAL CANNABIS UNDER**  
24 **TITLE 23 OF THE HEALTH – GENERAL ARTICLE.**

25 **12.5–103.**

26           **(A) (1) IN THIS SECTION, “FUND” MEANS THE CANNABIS REGULATION**  
27 **FUND.**

28                   **(2) THERE IS A CANNABIS REGULATION FUND.**

1           **(3) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO BE**  
2 **DISTRIBUTED AND USED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

3           **(4) THE ALCOHOL AND TOBACCO COMMISSION SHALL ADMINISTER**  
4 **THE FUND.**

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

7                   **(II) THE STATE TREASURER SHALL HOLD THE FUND**  
8 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

9           **(6) THE FUND CONSISTS OF:**

10                   **(I) ALL APPLICATION AND LICENSING FEES PAID BY CANNABIS**  
11 **ESTABLISHMENTS UNDER TITLE 23, SUBTITLE 4 OF THE HEALTH – GENERAL**  
12 **ARTICLE, EXCEPT FOR RETAILER AND DUAL LICENSE FEES THAT ARE PAYABLE**  
13 **DIRECTLY TO THE SOCIAL EQUITY START-UP FUND;**

14                   **(II) ALL TAXES COLLECTED UNDER § 12.5-101 OF THIS TITLE;**

15                   **(III) INTEREST EARNINGS; AND**

16                   **(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
17 **FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED**  
18 **BY THE ALCOHOL AND TOBACCO COMMISSION FOR THE ACCEPTANCE OF**  
19 **DONATIONS OR GIFTS TO THE FUND.**

20           **(7) THE FUND MAY BE USED ONLY FOR CARRYING OUT THIS TITLE.**

21           **(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
22 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

23                   **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**  
24 **CREDITED TO THE FUND.**

25           **(9) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS**  
26 **DIRECTED BY THE ALCOHOL AND TOBACCO COMMISSION.**

27           **(10) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**  
28 **AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

29           **(B) ON OR BEFORE MARCH 15 EACH YEAR, THE ALCOHOL AND TOBACCO**

1 COMMISSION SHALL PRODUCE AND PUBLISH ON ITS WEBSITE A DETAILED REPORT  
2 ON REVENUES AND EXPENDITURES FROM THE FUND, INCLUDING A DETAILED  
3 REPORTING OF MONEY RETAINED AND SPENT TO DEFRAY THE COST OF  
4 ADMINISTRATION OF THIS TITLE.

5 (C) THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:

6 (1) THE ALCOHOL AND TOBACCO COMMISSION SHALL RETAIN  
7 SUFFICIENT MONEY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS  
8 TITLE; AND

9 (2) REVENUES GENERATED IN EXCESS OF THE AMOUNT OF THOSE  
10 NECESSARY TO DEFRAY THE ENTIRE COST OF ADMINISTRATION OF THIS TITLE  
11 SHALL BE DISTRIBUTED NOT LESS THAN ONCE EVERY QUARTER AS FOLLOWS:

12 (I) 27% TO THE COMMUNITY REINVESTMENT AND REPAIR  
13 FUND, ESTABLISHED UNDER § 23-204 OF THE HEALTH – GENERAL ARTICLE;

14 (II) 10% TO THE SOCIAL EQUITY START-UP FUND;

15 (III) 3% FOR TECHNICAL ASSISTANCE FOR SOCIAL EQUITY AND  
16 MINORITY BUSINESS CANNABIS ESTABLISHMENT APPLICANTS;

17 (IV) 3% TO THE CANNABIS EDUCATION AND TRAINING FUND,  
18 ESTABLISHED UNDER § 23-203 OF THE HEALTH – GENERAL ARTICLE;

19 (V) 7% TO THE MARYLAND DEPARTMENT OF HEALTH FOR USE  
20 IN EVIDENCE-BASED, VOLUNTARY PROGRAMS FOR THE PREVENTION OR  
21 TREATMENT OF SUBSTANCE ABUSE;

22 (VI) 2% TO THE MARYLAND DEPARTMENT OF HEALTH FOR A  
23 SCIENTIFICALLY AND MEDICALLY ACCURATE PUBLIC EDUCATION CAMPAIGN  
24 EDUCATING YOUTH AND ADULTS ABOUT THE HEALTH AND SAFETY RISKS OF  
25 ALCOHOL, TOBACCO, CANNABIS, AND OTHER SUBSTANCES, INCLUDING THE RISKS  
26 OF DRIVING WHILE IMPAIRED;

27 (VII) 2% TO THE MARYLAND DEPARTMENT OF HEALTH TO FUND  
28 DIVERSE SCIENTIFIC, ACADEMIC, OR MEDICAL RESEARCH ON CANNABIS OR  
29 ENDOCANNABINOIDS, INCLUDING RESEARCH EXPLORING THE BENEFITS OF  
30 CANNABIS, ON THE CONDITION THAT ALL FUNDED RESEARCH DATA, RESULTS, AND  
31 PAPERS MUST BE RELEASED INTO THE PUBLIC DOMAIN AND MUST BE PUBLISHED  
32 FOR FREE AND OPEN ACCESS BY THE PUBLIC AND BY OTHER RESEARCHERS;

1                   **(VIII) 1% TO THE DEPARTMENT OF STATE POLICE FOR**  
2 **ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT AND DRUG**  
3 **RECOGNITION EXPERT (DRE) TRAINING;**

4                   **(IX) 20% TO THE ENDOWMENTS OF THE STATE'S HISTORICALLY**  
5 **BLACK COLLEGES AND UNIVERSITIES; AND**

6                   **(X) 25% TO THE GENERAL FUND OF THE STATE.**

7 **12.5-104.**

8           **NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN**  
9 **COMPUTING NET INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES**  
10 **UNDER STATE LAW, THERE SHALL BE ALLOWED AS A DEDUCTION FROM STATE**  
11 **TAXES ALL THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING**  
12 **THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A CANNABIS**  
13 **ESTABLISHMENT AS DEFINED BY § 23-101 OF THE HEALTH - GENERAL ARTICLE,**  
14 **INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER COMPENSATION**  
15 **FOR PERSONAL SERVICES ACTUALLY RENDERED.**

16           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
17 **October 1, 2021.**