

## Chapter 471

**(House Bill 922)**

AN ACT concerning

**Economic Development – Program Participation – Cannabis Business Establishments**

FOR the purpose of prohibiting the Department of Commerce from denying certain cannabis business entities conducting business in the State certain economic development program benefits under certain circumstances; clarifying the eligibility of certain cannabis business entities conducting business in the State under the Job Creation and One Maryland programs; prohibiting the Department from refusing to certify certain cannabis business entities conducting business in the State to participate in the More Jobs for Marylanders Program under certain circumstances; authorizing certain cannabis business entities to reapply for benefits under certain economic development programs; and generally relating to the ability of cannabis business entities to participate in economic development programs in the State.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–101, 6–303(b)(1)(ii)12., and 6–402(b)(3)(xii) and (xiii)

Annotated Code of Maryland

(2018 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 6–303(b)(1)(ii)13.

Annotated Code of Maryland

(2018 Replacement Volume and 2022 Supplement)

BY adding to

Article – Economic Development

Section 6–303(b)(1)(ii)14., 6–402(b)(3)(xiv), and 6–803(a–1)

Annotated Code of Maryland

(2018 Replacement Volume and 2022 Supplement)

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

**Article – Economic Development**

5–101.

(a) The Department shall administer the State's economic development and growth funds to facilitate the attraction, creation, expansion, and retention of businesses and jobs in the State.

(b) The Department shall encourage local governments to develop, and assist local governments in developing, strategic plans for economic development.

**(c) (1) THE DEPARTMENT MAY NOT DENY A BUSINESS ENTITY CONDUCTING A TRADE OR A BUSINESS AS A MEDICAL CANNABIS GROWER, PROCESSOR, OR DISPENSARY OR ANY OTHER CANNABIS ESTABLISHMENT LICENSED BY THE STATE A PROGRAM BENEFIT UNDER THIS TITLE SOLELY BECAUSE THE BUSINESS ENTITY IS A CANNABIS ESTABLISHMENT, IF THE BUSINESS ENTITY OTHERWISE SATISFIES THE REQUIREMENTS OF THE PROGRAM, INCLUDING ANY INDUSTRY SECTOR SPECIFIC REQUIREMENTS.**

**(2) IF, BEFORE JULY 1, 2023, A BUSINESS ENTITY DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS DENIED A PROGRAM BENEFIT UNDER THIS TITLE SOLELY BECAUSE THE BUSINESS ENTITY WAS A CANNABIS ESTABLISHMENT, THE BUSINESS ENTITY MAY REAPPLY FOR THE PROGRAM.**

6-303.

(b) To be eligible for a tax credit under this subtitle:

(1) a person shall establish or expand a business facility in the State that:

(ii) is primarily engaged in:

12. business services, if the business facility established or expanded is located in a State priority funding area; [or]

13. entertainment, recreation, cultural, or tourism-related activities in a multi-use facility located within a revitalization area if the facility:

A. generates a minimum of 1,000 new full-time equivalent filled positions in a 24-month period; and

B. is not primarily used by a professional sports franchise or for gaming; or

**14. THE GROWTH, PROCESSING, OR DISPENSING OF CANNABIS IN ACCORDANCE WITH THE LAWS OF THE STATE; OR**

6-402.

(b) To be eligible for a project tax credit, a person shall:

(3) be primarily engaged at the new or expanded business facility in any combination of:

(xii) warehousing; [or]

(xiii) other business services; OR

**(XIV) THE GROWTH, PROCESSING, OR DISPENSING OF CANNABIS IN ACCORDANCE WITH THE LAWS OF THE STATE.**

6-803.

**(A-1) (1) THE DEPARTMENT MAY NOT REFUSE TO CERTIFY A BUSINESS ENTITY CONDUCTING A TRADE OR A BUSINESS AS A MEDICAL CANNABIS GROWER, PROCESSOR, OR DISPENSARY OR ANY OTHER CANNABIS ESTABLISHMENT LICENSED BY THE STATE SOLELY BECAUSE THE BUSINESS ENTITY IS A CANNABIS ESTABLISHMENT, IF THE BUSINESS ENTITY OTHERWISE SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**

**(2) IF, BEFORE JULY 1, 2023, A BUSINESS ENTITY DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS DENIED CERTIFICATION UNDER THIS SUBTITLE SOLELY BECAUSE THE BUSINESS ENTITY WAS A CANNABIS ESTABLISHMENT, THE BUSINESS ENTITY MAY REAPPLY TO THE DEPARTMENT FOR CERTIFICATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

**Approved by the Governor, May 8, 2023.**