

# HOUSE BILL 805

A3, L1

4lr2602  
CF SB 537

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By: **Delegate Wilson**

Introduced and read first time: January 31, 2024

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Licensee Locations – Restrictions**

3 FOR the purpose of altering the distance restrictions applicable to a licensed cannabis  
4 dispensary; prohibiting a political subdivision from establishing certain zoning  
5 requirements for licensed cannabis dispensaries and certain licensed cannabis  
6 growers that are more restrictive than certain zoning restrictions applicable to  
7 certain other entities; clarifying the authority of a political subdivision to alter  
8 certain distance requirements; and generally relating to cannabis licensees and  
9 zoning restrictions.

10 BY repealing and reenacting, without amendments,  
11 Article – Alcoholic Beverages and Cannabis  
12 Section 1–101(a) and (dd)  
13 Annotated Code of Maryland  
14 (2016 Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Alcoholic Beverages and Cannabis  
17 Section 36–405 and 36–410  
18 Annotated Code of Maryland  
19 (2016 Volume and 2023 Supplement)

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

22 **Article – Alcoholic Beverages and Cannabis**

23 1–101.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (dd) (1) “Retail dealer” means a person that sells an alcoholic beverage to any  
2 person other than a license holder.

3 (2) “Retail dealer” includes a county dispensary.

4 36–405.

5 (a) **IN THIS SECTION, “UNDULY BURDEN” INCLUDES IMPOSING A ZONING**  
6 **REQUIREMENT OR RESTRICTION ON THE USE OF PROPERTY BY A CANNABIS**  
7 **LICENSEE THAT IS MORE RESTRICTIVE THAN THE REQUIREMENTS ESTABLISHED**  
8 **UNDER § 36–410 OF THIS SUBTITLE.**

9 **(B)** A political subdivision may:

10 (1) establish reasonable zoning requirements for cannabis businesses; and

11 (2) decide how to distribute its allocation of revenue under § 2–1302.2 of  
12 the Tax – General Article.

13 **[(b)] (C)** A political subdivision may not:

14 (1) establish zoning or other requirements that unduly burden a cannabis  
15 licensee;

16 (2) impose licensing, operating, or other fees or requirements on a cannabis  
17 licensee that are disproportionately greater or more burdensome than those imposed on  
18 other businesses with a similar impact on the area where the cannabis licensee is located;

19 (3) prohibit transportation through or deliveries within the political  
20 subdivision by cannabis businesses located in other political subdivisions;

21 (4) prevent an entity whose license may be converted under §  
22 36–401(b)(1)(ii) of this subtitle and that is in compliance with all relevant medical cannabis  
23 regulations from being granted the license conversion; or

24 (5) negotiate or enter into an agreement with a cannabis licensee or an  
25 applicant for a cannabis license requiring that the cannabis licensee or applicant provide  
26 money, donations, in-kind contributions, services, or anything of value to the political  
27 subdivision.

28 **[(c)] (D)** The use of a facility by a cannabis licensee is not required to be  
29 submitted to, or approved by, a county or municipal zoning board, authority, or unit if the  
30 facility:

31 (1) was properly zoned and operating on or before January 1, 2023; or

1 (2) is used by a grower, processor, or dispensary that:

2 (i) held a Stage One Preapproval for a license before October 1,  
3 2022; and

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

5 **[(d)] (E)** A political subdivision or special taxing district may not impose a tax  
6 on cannabis.

7 36–410.

8 (a) Beginning July 1, 2023, a cannabis licensee that is operating a dispensary  
9 shall:

10 (1) ensure that it has adequate supply for qualifying patients and  
11 caregivers;

12 (2) set aside operating hours or dedicated service lines to serve only  
13 qualifying patients and caregivers; and

14 (3) ensure that at least 25% of cannabis and cannabis products in the  
15 dispensary are from social equity licensees and growers and processors that do not share  
16 common ownership with the dispensary.

17 (b) Except as provided in subsection (d) of this section, a licensed dispensary may  
18 not locate within:

19 (1) 500 feet of:

20 (i) a pre-existing primary or secondary school in the State, or a  
21 licensed child care center or registered family child care home under Title 9.5 of the  
22 Education Article; or

23 (ii) a **PRE-EXISTING** playground, recreation center, library, **[or]**  
24 public park, **OR PLACE OF WORSHIP**; or

25 (2) 1,000 feet of another dispensary under this title.

26 (c) A political subdivision may adopt an ordinance reducing, **BUT NOT**  
27 **INCREASING**, the distance requirements under subsection (b) of this section.

28 (d) The distance requirements under subsection (b) of this section do not apply to  
29 a dispensary license that was:

30 (1) converted under § 36–401(b)(1)(ii) of this subtitle; and

1           (2)     properly zoned and operating before July 1, 2023.

2           **(E) A POLITICAL SUBDIVISION MAY NOT ADOPT AN ORDINANCE**  
3 **ESTABLISHING ZONING REQUIREMENTS FOR LICENSED DISPENSARIES THAT ARE**  
4 **MORE RESTRICTIVE THAN ZONING REQUIREMENTS FOR A RETAIL DEALER LICENSED**  
5 **UNDER THIS ARTICLE.**

6           **(F) A POLITICAL SUBDIVISION MAY NOT ADOPT AN ORDINANCE**  
7 **ESTABLISHING A ZONING REQUIREMENT FOR A LICENSED GROWER CULTIVATING**  
8 **CANNABIS OUTDOORS THAT IS MORE RESTRICTIVE THAN ANY ZONING**  
9 **REQUIREMENTS THAT EXISTED ON JUNE 30, 2023, GOVERNING A HEMP FARM**  
10 **REGISTERED UNDER TITLE 14 OF THE AGRICULTURE ARTICLE IN THE POLITICAL**  
11 **SUBDIVISION.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
13 1, 2024.