



# ATCC

Alcohol, Tobacco, and Cannabis Commission

Wes Moore  
Governor

Aruna K. Miller  
Lt. Governor

Jeffrey A. Kelly  
Executive Director

February 23, 2024

**BILL: HB253 – Cannabis Reform - Alterations**  
**COMMITTEE: Economic Matters**  
**POSITION: Favorable, With Amendments**

Hon. C.T. Wilson, Chair and Members of the Economic Matters Committee:

I write on behalf of the Alcohol, Tobacco, and Cannabis Commission (ATCC) to request a **Favorable Report, with Amendments on HB253 – Cannabis Reform – Alterations.**

HB253 clarifies the roles and authority of the Maryland Cannabis Administration (MCA) and ATCC in the regulation and enforcement of the State's Cannabis laws. Generally, this bill removes the ATCC's responsibility for issuing best practices related to the regulation of the cannabis industry; requires the Office of Social Equity (OSE) to provide the MCA, and not the ATCC, with recommendations concerning diversity and the application process; requires the Advisory Board on Medical and Adult Use Cannabis (Advisory Board) to report to the OSE; amends the composition of the Advisory Board; provides authority to the MCA to regulate Cannabis Nurseries; enhances the MCA's ability to suspend, restrict, or revoke a licensee for certain violations; and provides enhanced administrative authority to the MCA over its registrants, advertising signage of its licensees, and procurement.

The ATCC believes the passage of HB253 will improve upon the efficient and effective administration of the Cannabis regulatory framework created by the State with the passage of the Cannabis Reform Act (Chapter 254/255, Laws of 2023). As such, we were happy to work with the MCA to draft amendments to HB253, that address two technical issues regarding ATCC authorities and the composition of its Commission.

First, the ATCC recommends amending the Alcoholic Beverages and Cannabis Article (ABCA) § 36-1102 to expressly allow for its agents to charge violations of this section of the code by citation. Under current law ATCC officers may be required to charge violations of ABCA § 36-1102, which include prohibition on selling or distributing intoxicating THC products without a license, selling to individuals under 21, selling synthetic products, and selling products not approved by the MCA by a statement of charges or criminal complaint.

By passing this technical amendment, the legislature would do the following three things: (1) Improve the efficiency of notice to defendants as to the violation of the ABCA; and (2) Reduce the likelihood of a Court Commissioner to issue an arrest

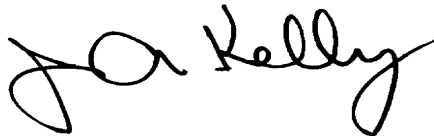
warrant for the inability to serve process of the criminal summons; and (3) Provide parity in the manner with which the ATCC charges misdemeanor alcohol and tobacco violations.

Second, HB253 nullifies the need for the ATCC to add two members to its Commission, which were required by the Cannabis Reform Act. Specifically, the Cannabis Reform Act required that the ATCC add two additional Commission members, one of which “shall have expertise in cannabis research and policy” and the other shall have “expertise in alcohol and tobacco policy.”<sup>1</sup> These positions were created in anticipation of the extra duties and responsibilities assigned to the ATCC in its oversight role of the Advisory Board. With the passage of HB253, the ATCC no longer has an oversight role of the Advisory Board, and thus would request that these prospective Commission members – which as of this date have yet to be filled – be eliminated.

With these friendly amendments added to the bill, which have been previously submitted by the MCA to the Economic Matters Committee, **the ATCC requests the Economic Matters Committee to issue Favorable Report, with Amendments on HB253 – Cannabis Reform – Alterations.**

I look forward to answering any questions or concerns that you have regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "JA Kelly". The signature is written in a cursive, flowing style.

Jeffrey A. Kelly  
Executive Director

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<sup>1</sup> ABCA § 1-303(a)(3)(iv) and (v).