

HOUSE BILL 1342

E1, J1, E2

2lr2449

By: **Delegate Acevero**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Legalization and Regulation**
3 **(Cannabis Legalization and Equity Act)**

4 FOR the purpose of legalizing the possession and use of a certain amount of cannabis by a
5 person of at least a certain age; providing for expungement of records, dismissal of
6 charges, and commutation of sentences in certain cases involving cannabis–related
7 charges; providing for a system of regulation of the sale of cannabis by the Maryland
8 Department of Health and local jurisdictions; providing for the taxation of the sale
9 of cannabis in the State; and generally relating to cannabis.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 5–101(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2021 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 5–101(e–1) and (u), 5–601.2, and 5–629
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 5–101(p), (s), (t), and (u), 5–601(a), (c), and (d), 5–601.1, 5–612, 5–614,
23 5–619(c), and 5–620; and 10–113, 10–116, and 10–117 to be under the
24 amended part “Part II. Alcoholic Beverages and Cannabis Violations”
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2021 Supplement)

27 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law
2 Section 5–101(r)
3 Annotated Code of Maryland
4 (2021 Replacement Volume and 2021 Supplement)

5 BY adding to
6 Article – Criminal Procedure
7 Section 10–105.3, 10–105.4, and 10–105.5
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2021 Supplement)

10 BY adding to
11 Article – Health – General
12 Section 23–101 through 23–602 to be under the new title “Title 23. Cannabis”
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2021 Supplement)

15 BY adding to
16 Article – Tax – General
17 Section 12.5–101 through 12.5–105 to be under the new title “Title 12.5. Cannabis
18 Tax”
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2021 Supplement)

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

23 **Article – Criminal Law**

24 5–101.

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

26 **(E–1) (1) “CANNABIS” MEANS ALL PARTS OF THE PLANT OF THE GENUS**
27 **CANNABIS, THE SEEDS OF THE PLANT OF THE GENUS CANNABIS, THE RESIN**
28 **EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND,**
29 **MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS**
30 **SEEDS, OR ITS RESIN, INCLUDING CANNABIS CONCENTRATE AND HASHISH.**

31 **(2) “CANNABIS” DOES NOT INCLUDE INDUSTRIAL HEMP, FIBER**
32 **PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT,**
33 **STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION, OR THE**
34 **WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH CANNABIS TO PREPARE**
35 **TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.**

36 (p) (1) “Drug paraphernalia” means equipment, a product, or material that is

1 used, intended for use, or designed for use, in:

2 (i) planting, propagating, cultivating, growing, harvesting,
3 manufacturing, compounding, converting, producing, processing, preparing, packaging,
4 repackaging, storing, containing, or concealing a controlled dangerous substance in
5 violation of this title; or

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

8 (2) "Drug paraphernalia" includes:

9 (i) a kit used, intended for use, or designed for use in planting,
10 propagating, cultivating, growing, or harvesting any species of plant that is a controlled
11 dangerous substance **OTHER THAN CANNABIS** or from which a controlled dangerous
12 substance can be derived;

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

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

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

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

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

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

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

33 (ix) a capsule, balloon, envelope, or other container used, intended
34 for use, or designed for use in packaging small quantities of a controlled dangerous

1 substance **OTHER THAN CANNABIS**;

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

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

7 (xii) an object used, intended for use, or designed for use in ingesting,
8 inhaling, or otherwise introducing [marijuana,] cocaine[, hashish, or hashish oil] into the
9 human body [such as:

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

12 2. a water pipe;

13 3. a carburetion tube or device;

14 4. a smoking or carburetion mask;

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

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

19 7. a chamber pipe;

20 8. a carburetor pipe;

21 9. an electric pipe;

22 10. an air-driven pipe;

23 11. a chillum;

24 12. a bong; and

25 13. an ice pipe or chiller].

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

28 [(r) (1) “Marijuana” means:

- 1 (i) all parts of any plant of the genus Cannabis, whether or not the
2 plant is growing;
- 3 (ii) the seeds of the plant;
- 4 (iii) the resin extracted from the plant; and
- 5 (iv) each compound, manufactured product, salt, derivative, mixture,
6 or preparation of the plant, its seeds, or its resin.

7 (2) "Marijuana" does not include:

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

16 [(s)] (R) (1) "Narcotic drug" means a substance:

- 17 (i) that has been found to present an extreme danger to the health
18 and welfare of the community because of addiction-forming and addiction-sustaining
19 qualities;
- 20 (ii) that is:
- 21 1. an opiate;
- 22 2. a compound, manufactured substance, salt, derivative, or
23 preparation of opium, coca leaf, or an opiate; or
- 24 3. a substance and any compound, manufactured substance,
25 salt, derivative, or preparation that is chemically identical with a substance listed in items
26 1 and 2 of this item; and
- 27 (iii) that is produced:
- 28 1. directly or indirectly by extraction from substances of

1 vegetable origin;

2 2. independently by chemical synthesis; or

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

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

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

8 **[(u)] (T)** (1) “Opiate” means a substance that has an addiction–forming or
9 addiction–sustaining quality similar to morphine or that can be converted into a drug that
10 has this addiction–forming or addiction–sustaining quality.

11 (2) “Opiate” includes:

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

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

15 (iii) the poppy straw consisting of the opium poppy after mowing
16 except the seeds; and

17 (iv) coca leaf.

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

21 **(U) “PERSONAL USE AMOUNT” MEANS:**

22 **(1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 224 GRAMS;**
23 **OR**

24 **(2) 24 OR FEWER MATURE CANNABIS PLANTS AND THE CANNABIS**
25 **PRODUCED BY THOSE PLANTS ON THE PREMISES WHERE THE PLANTS ARE GROWN.**

26 5–601.

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

28 (1) possess or administer to another a controlled dangerous substance,
29 unless:

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

3 (II) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS,
4 THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED DOES
5 NOT EXCEED A PERSONAL USE AMOUNT; OR

6 (III) THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS
7 AND POSSESSION IS LEGAL UNDER TITLE 13, SUBTITLE 33 OR TITLE 23 OF THE
8 HEALTH – GENERAL ARTICLE; OR

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

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

12 (ii) the counterfeiting or alteration of a prescription or a written
13 order;

14 (iii) the concealment of a material fact;

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

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

18 (vi) making, issuing, or presenting a false or counterfeit prescription
19 or written order.

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

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

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

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

28 (2) (i) Except as provided in [subparagraph (ii)] **SUBPARAGRAPHS (II)**
29 **AND (III)** of this paragraph **AND TITLE 23 OF THE HEALTH – GENERAL ARTICLE**, a
30 person whose violation of this section involves the use or possession of [marijuana] **AN**
31 **AMOUNT OF CANNABIS GREATER THAN THE PERSONAL USE AMOUNT** is guilty of a

1 [misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 6
2 months or a fine not exceeding \$1,000 or both] **CIVIL OFFENSE PUNISHABLE BY A FINE**
3 **OF NOT LESS THAN \$100 AND NOT MORE THAN \$200.**

4 (ii) 1. A [first] finding of guilt under this section involving the
5 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
6 **EXCEEDING THE PERSONAL USE AMOUNT BY AN INDIVIDUAL UNDER THE AGE OF 21**
7 **YEARS** is a civil offense punishable by [a fine not exceeding \$100] **COMPLETION OF UP TO**
8 **4 HOURS OF INSTRUCTION IN A DRUG AWARENESS PROGRAM ESTABLISHED BY THE**
9 **MARYLAND DEPARTMENT OF HEALTH.**

10 2. [A second finding of guilt under this section involving the
11 use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine
12 not exceeding \$250] **THE PARENTS OR LEGAL GUARDIAN OF A PERSON UNDER THE**
13 **AGE OF 18 YEARS WHO IS FOUND TO HAVE VIOLATED THIS SUBPARAGRAPH SHALL**
14 **BE NOTIFIED OF THE OFFENSE AND OF THE REQUIREMENT FOR COMPLETION OF**
15 **THE DRUG AWARENESS PROGRAM.**

16 3. [A third or subsequent finding of guilt under this section
17 involving the use or possession of less than 10 grams of marijuana is a civil offense
18 punishable by a fine not exceeding \$500] **THE MARYLAND DEPARTMENT OF HEALTH**
19 **SHALL SET FEES FOR THE DRUG AWARENESS PROGRAM SUFFICIENT TO COVER THE**
20 **COSTS OF ADMINISTERING THE PROGRAM, WHICH SHALL NOT EXCEED \$300.**

21 4. [A. In addition to a fine, a court shall order a person
22 under the age of 21 years who commits a violation punishable under subparagraph 1,
23 2, or 3 of this subparagraph to attend a drug education program approved by the Maryland
24 Department of Health, refer the person to an assessment for substance abuse disorder, and
25 refer the person to substance abuse treatment, if necessary.

26 B. In addition to a fine, a court shall order a person at least
27 21 years old who commits a violation punishable under subparagraph 3 of this
28 subparagraph to attend a drug education program approved by the Maryland Department
29 of Health, refer the person to an assessment for substance abuse disorder, and refer the
30 person to substance abuse treatment, if necessary.

31 C. A court that orders a person to a drug education program
32 or substance abuse assessment or treatment under this subparagraph may hold the
33 case sub curia pending receipt of proof of completion of the program, assessment, or
34 treatment] **AN OFFENDER UNDER THE AGE OF 21 YEARS WHO FAILS TO COMPLETE**
35 **THE DRUG AWARENESS PROGRAM WITHIN 1 YEAR IS GUILTY OF A CIVIL OFFENSE**
36 **PUNISHABLE BY A FINE NOT EXCEEDING \$300 OR UP TO 40 HOURS OF COMMUNITY**
37 **SERVICE, OR BOTH.**

38 (iii) **THE USE OR POSSESSION OF AN AMOUNT NOT EXCEEDING**

1 **THE PERSONAL USE AMOUNT OF CANNABIS BY AN INDIVIDUAL AT LEAST 21 YEARS**
2 **OLD DOES NOT CONSTITUTE A VIOLATION OF THIS SECTION.**

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

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

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

11 A. is a resident of the State;

12 B. is at least 21 years old;

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

15 D. has not been convicted of a crime of violence as defined in
16 § 14–101 of this article;

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

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

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

22 H. is the only individual designated by the patient to serve as
23 caregiver; and

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

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

29 A. cachexia or wasting syndrome;

30 B. severe or chronic pain;

31 C. severe nausea;

- 1 D. seizures;
- 2 E. severe and persistent muscle spasms; or
- 3 F. any other condition that is severe and resistant to
4 conventional medicine.

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

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

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

14 A. the defendant has a debilitating medical condition that
15 has been diagnosed by a physician with whom the defendant has a bona fide
16 physician–patient relationship;

17 B. the debilitating medical condition is severe and resistant
18 to conventional medicine; and

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

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

26 B. A defendant may not assert the affirmative defense under
27 this subparagraph unless the defendant notifies the State’s Attorney of the defendant’s
28 intention to assert the affirmative defense and provides the State’s Attorney with all
29 documentation in support of the affirmative defense in accordance with the rules of
30 discovery provided in Maryland Rules 4–262 and 4–263.

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

33 A. using [marijuana] CANNABIS in a public place or

1 assisting the individual for whom the defendant is a caregiver in using the [marijuana]
2 CANNABIS in a public place; or

3 B. in possession of more than 1 ounce of [marijuana]
4 CANNABIS.

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

7 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
8 [marijuana] CANNABIS a civil offense **FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS**
9 **AND THE PROVISIONS OF TITLE 23 OF THE HEALTH – GENERAL ARTICLE MAKING**
10 **THE POSSESSION OF CANNABIS LEGAL FOR INDIVIDUALS AT LEAST 21 YEARS OLD**
11 may not be construed to affect the laws relating to[

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

14 (2) seizure and forfeiture].

15 5–601.1.

16 (a) A police officer shall issue a citation to a person who the police officer has
17 probable cause to believe has committed a violation of § 5–601 of this part involving the use
18 or possession of [less than 10 grams of marijuana] CANNABIS.

19 (b) (1) A violation of § 5–601 of this part involving the use or possession of [less
20 than 10 grams of marijuana] CANNABIS is a civil offense.

21 (2) Adjudication of a violation under § 5–601 of this part involving the use
22 or possession of [less than 10 grams of marijuana] CANNABIS:

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

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

26 (c) (1) A citation issued for a violation of § 5–601 of this part involving the use
27 or possession of [less than 10 grams of marijuana] CANNABIS shall be signed by the police
28 officer who issues the citation and shall contain:

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

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

- 1 (iii) the location at which the violation occurred;
- 2 (iv) the [fine] PENALTY that may be imposed;
- 3 (v) a notice stating that prepayment of [the] ANY fine is allowed[,
4 except as provided in paragraph (2) of this subsection]; and
- 5 (vi) a notice in boldface type that states that the person shall:

- 6 1. pay the full amount of [the] ANY preset fine; or
- 7 2. 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] CANNABIS is issued to a person
11 under the age of 21 years, the court shall summon the person for trial.

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

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

18 (e) (1) The Chief Judge of the District Court shall establish a schedule for the
19 prepayment of [the] A fine.

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

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

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

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

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

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

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

7 (i) In any proceeding for a Code violation under § 5–601 of this part involving the
8 use or possession of [less than 10 grams of marijuana] CANNABIS:

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

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

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

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

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

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

22 (i) guilty of a Code violation;

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

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

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

28 (2) The court costs in a Code violation case under § 5–601 of this part
29 involving the use or possession of [less than 10 grams of marijuana] CANNABIS in which
30 costs are imposed are \$5.

31 (k) (1) The State's Attorney for any county may prosecute a Code violation
32 under § 5–601 of this part involving the use or possession of [less than 10 grams of

1 marijuana] CANNABIS in the same manner as prosecution of a violation of the criminal
2 laws of the State.

3 (2) In a Code violation case under § 5–601 of this part involving the use or
4 possession of [less than 10 grams of marijuana] CANNABIS, the State’s Attorney may:

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

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

9 (l) A person issued a citation for a violation of § 5–601 of this part involving the
10 use or possession of [less than 10 grams of marijuana] CANNABIS who is under the age of
11 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A
12 of the Courts Article.

13 (m) A citation for a violation of § 5–601 of this part involving the use or possession
14 of [less than 10 grams of marijuana] CANNABIS and the official record of a court regarding
15 the citation are not subject to public inspection and may not be included on the public
16 website maintained by the Maryland Judiciary if:

17 (1) the defendant has prepaid [the] ANY fine;

18 (2) the defendant has pled guilty to or been found guilty of the Code
19 violation and has fully paid [the] ANY fine **OR COMPLETED THE DRUG AWARENESS**
20 **PROGRAM** and **PAID THE** costs imposed for the violation;

21 (3) the defendant has received a probation before judgment and has fully
22 paid [the] ANY fine **OR COMPLETED THE DRUG AWARENESS PROGRAM** and completed
23 any terms imposed by the court;

24 (4) the case has been removed from the stet docket after the defendant fully
25 paid [the] ANY fine **OR COMPLETED THE DRUG AWARENESS PROGRAM** and completed
26 any terms imposed by the court;

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

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

29 (7) the charge has been dismissed.

30 **5–601.2.**

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

1 **(B) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN**
2 **POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN**
3 **LAWFUL POSSESSION OF THE PROPERTY.**

4 **(C) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT CULTIVATE CANNABIS**
5 **PLANTS.**

6 **(D) A PERSON MAY NOT CULTIVATE MORE THAN 24 CANNABIS PLANTS.**

7 **(E) SUBJECT TO THE PROVISIONS OF § 5-602 OF THIS SUBTITLE, A PERSON**
8 **WHO VIOLATES SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IS GUILTY OF A**
9 **CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$750.**

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

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

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

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

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

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

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

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

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

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

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

27 **(VI) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE**

1 PERSON SHALL:

2 1. PAY THE FULL AMOUNT OF THE PRESET FINE; OR

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

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

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

10 (J) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A
11 SCHEDULE FOR THE PREPAYMENT OF THE FINE.

12 (2) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF
13 GUILTY TO A CODE VIOLATION.

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

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

19 (2) IF A PERSON DOES NOT REQUEST A TRIAL OR PREPAY THE FINE
20 WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE
21 THE MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON
22 GUILTY OF A CODE VIOLATION.

23 (L) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION
24 AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING
25 VENUE.

26 (M) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS
27 DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION SHALL BE GOVERNED BY §
28 5-212 OF THE CRIMINAL PROCEDURE ARTICLE.

29 (2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER
30 HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE OR
31 COMMUNITY SERVICE AND COSTS AGAINST THE PERSON AND FIND THE PERSON

1 GUILTY OF A CODE VIOLATION.

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

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

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

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

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

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

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

18 (I) GUILTY OF A CODE VIOLATION;

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

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

23 (O) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE
24 PROCEEDINGS IN THE DISTRICT COURT.

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

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

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

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

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

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

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

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

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

18 **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**
19 **JUDGMENT AND HAS FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED**
20 **BY THE COURT;**

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

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

25 **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**
26 **OR**

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

28 5-612.

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

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

2 (2) 448 grams or more of cocaine;

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

5 (4) 448 grams or more of cocaine base, commonly known as “crack”;

6 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,
7 or salt of an isomer of morphine or opium;

8 (6) 28 grams or more of any mixture containing a detectable amount, as
9 scientifically measured using representative sampling methodology, of morphine or opium
10 or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

11 (7) 5 grams or more of fentanyl or any structural variation of fentanyl that
12 is scheduled by the United States Drug Enforcement Administration;

13 (8) 28 grams or more of any mixture containing a detectable amount, as
14 scientifically measured using representative sampling methodology, of fentanyl or any
15 structural variation of fentanyl that is scheduled by the United States Drug Enforcement
16 Administration;

17 (9) 1,000 dosage units or more of lysergic acid diethylamide;

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

20 (11) 16 ounces or more of phencyclidine in liquid form;

21 (12) 448 grams or more of any mixture containing a detectable amount, as
22 scientifically measured using representative sampling methodology, of phencyclidine;

23 (13) 448 grams or more of methamphetamine; or

24 (14) 448 grams or more of any mixture containing a detectable amount, as
25 scientifically measured using representative sampling methodology, of methamphetamine.

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

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

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

3 (3) Except as provided in § 4–305 of the Correctional Services Article, the
4 person is not eligible for parole during the mandatory minimum sentence.
5 5–614.

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

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

9 (ii) 28 grams or more of cocaine;

10 (iii) any mixture containing 28 grams or more of cocaine;

11 (iv) 4 grams or more of morphine or opium or any derivative, salt,
12 isomer, or salt of an isomer of morphine or opium;

13 (v) 1,000 dosage units of lysergic acid diethylamide;

14 (vi) any mixture containing the equivalent of 1,000 dosage units of
15 lysergic acid diethylamide;

16 (vii) 28 grams or more of phencyclidine in liquid or powder form;

17 (viii) 112 grams or more of any mixture containing phencyclidine;

18 (ix) 1,000 dosage units or more of methaqualone;

19 (x) 28 grams or more of methamphetamine;

20 (xi) any mixture containing 28 grams or more of methamphetamine;
21 or

22 (xii) 4 grams or more of fentanyl or a fentanyl analogue.

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

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

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

4 5–619.

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

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

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

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

14 **[(3) (2)]** A person who violates this subsection is guilty of a misdemeanor
15 and on conviction is subject to:

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

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

19 **[(4) (3)]** A person who is convicted of violating this subsection for the first
20 time and who previously has been convicted of violating subsection (d)(4) of this section is
21 subject to the penalty specified under paragraph **[(3)(ii) (2)(II)]** of this subsection.

22 5–620.

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

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

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

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

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

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

30 (v) making or issuing a false or counterfeit prescription or written

1 order; or

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

5 (b) Evidence of circumstances that reasonably indicate an intent to use controlled
6 paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous
7 substance unlawfully include the close proximity of the controlled paraphernalia to an
8 adulterant, diluent, or equipment commonly used to illegally manufacture, administer,
9 distribute, or dispense controlled dangerous substances, including:

- 10 (1) a scale;
- 11 (2) a sieve;
- 12 (3) a strainer;
- 13 (4) a measuring spoon;
- 14 (5) staples;
- 15 (6) a stapler;
- 16 (7) a glassine envelope;
- 17 (8) a gelatin capsule;
- 18 (9) procaine hydrochloride;
- 19 (10) mannitol;
- 20 (11) lactose;
- 21 (12) quinine; and
- 22 (13) a controlled dangerous substance.

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

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

29 [(2) A person who violates this section involving the use or possession of

1 marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
2 or both.]

3 **5-629.**

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

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

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

9 Part II. Alcoholic Beverages AND CANNABIS Violations.

10 10-113.

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

16 10-116.

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

21 10-117.

22 (a) Except as provided in [subsection (c)] **SUBSECTIONS (C) AND (D)** of this
23 section, a person may not furnish an alcoholic beverage **OR CANNABIS** to an individual if:

24 (1) the person furnishing the alcoholic beverage **OR CANNABIS** knows that
25 the individual is under the age of 21 years; and

26 (2) the alcoholic beverage **OR CANNABIS** is furnished for the purpose of
27 consumption by the individual under the age of 21 years.

28 (b) Except as provided in subsection (c) of this section, an adult may not
29 knowingly and willfully allow an individual under the age of 21 years actually to possess
30 or consume an alcoholic beverage **OR CANNABIS** at a residence, or within the curtilage of
31 a residence that the adult owns or leases and in which the adult resides.

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

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

7 (ii) are participants in a religious ceremony.

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

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

14 (ii) are participants in a religious ceremony.

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

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

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

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

26 Article – Criminal Procedure

27 10–105.3.

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

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

1 SUBJECT OF THE RECORDS TO BE EXPUNGED.

2 (3) "PERSONAL USE AMOUNT" HAS THE MEANING STATED IN § 5-101
3 OF THE CRIMINAL LAW ARTICLE.

4 (B) THIS SECTION DOES NOT APPLY TO A CASE INVOLVING A CONVICTION
5 OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

6 (C) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY
7 DISPOSITION OF A CHARGE OF POSSESSION OF CANNABIS UNDER § 5-601 OF THE
8 CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF CANNABIS THAT DID NOT
9 EXCEED THE PERSONAL USE AMOUNT ENTERED BEFORE OCTOBER 1, 2022, WHERE
10 POSSESSION OF CANNABIS IS THE ONLY CHARGE IN THE CASE, SHALL BE
11 AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2023.

12 (D) NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS
13 AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION
14 OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A
15 QUANTITY OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT
16 ENTERED BEFORE OCTOBER 1, 2022, WHERE THE DEFENDANT WAS ALSO CHARGED
17 WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE
18 DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY
19 EXPUNGED ON OR BEFORE OCTOBER 1, 2024.

20 (E) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF
21 CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY
22 OF CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED ON OR
23 AFTER OCTOBER 1, 2022, OR A CIVIL CHARGE UNDER § 5-601.2 OF THE CRIMINAL
24 LAW ARTICLE, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:

25 (1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE
26 EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE
27 RECORDS RELATING TO THE CHARGE 1 YEAR AFTER DISPOSITION OF THE CHARGE;
28 AND

29 (2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS
30 RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 1 YEAR AND 90
31 DAYS AFTER DISPOSITION.

32 10-105.4.

33 (A) A PERSON AGAINST WHOM ONE OR MORE CHARGES RELATING TO USE,
34 POSSESSION, DISTRIBUTION, OR CULTIVATION OF CANNABIS ARE PENDING ON

1 **OCTOBER 1, 2022, MAY APPLY TO THE RELEVANT STATE'S ATTORNEY FOR**
2 **DISMISSAL OF THE CHARGES.**

3 **(B) AFTER REVIEWING THE PERSON'S CRIMINAL RECORD, THE STATE'S**
4 **ATTORNEY MAY DISMISS THE CHARGE OR CHARGES.**

5 **10-105.5.**

6 **(A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND PAROLE**
7 **COMMISSION.**

8 **(B) THIS SECTION DOES NOT APPLY TO A CASE INVOLVING A CONVICTION**
9 **FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW**
10 **ARTICLE.**

11 **(C) A PERSON INCARCERATED OR UNDER PAROLE, PROBATION, OR**
12 **MANDATORY SUPERVISION ON OR AFTER OCTOBER 1, 2022, FOR AN OFFENSE**
13 **INVOLVING THE USE, POSSESSION, DISTRIBUTION, OR CULTIVATION OF CANNABIS,**
14 **OR A PERSON WHO IS INCARCERATED AFTER HAVING VIOLATED THE TERMS OF THE**
15 **PERSON'S PAROLE, PROBATION, OR MANDATORY SUPERVISION DUE TO TESTING**
16 **POSITIVE FOR CANNABIS, MAY FILE AN EXPEDITED PETITION FOR COMMUTATION OF**
17 **THE PERSON'S SENTENCE WITH THE COMMISSION.**

18 **(D) THE PETITION SHALL:**

19 **(1) BE IN WRITING AND SIGNED BY THE PETITIONER OR A PERSON ON**
20 **THE PETITIONER'S BEHALF;**

21 **(2) BE ADDRESSED TO THE GOVERNOR; AND**

22 **(3) CONTAIN A BRIEF HISTORY OF THE CASE, THE REASONS FOR**
23 **SEEKING EXECUTIVE CLEMENCY, AND ANY OTHER RELEVANT INFORMATION THAT**
24 **THE COMMISSION MAY REQUIRE.**

25 **(E) THE COMMISSION SHALL GIVE NOTICE OF THE PETITION TO THE**
26 **SENTENCING COURT AND THE RELEVANT STATE'S ATTORNEY.**

27 **(F) THE COMMISSION SHALL DECIDE THE PETITION WITHIN 30 DAYS AFTER**
28 **THE DATE THAT IT IS FILED.**

29 **(G) IF THE COMMISSION FINDS THAT PUBLIC SAFETY WILL NOT BE**
30 **JEOPARDIZED BY THE RELEASE OF THE PETITIONER, THE COMMISSION SHALL**
31 **RECOMMEND TO THE GOVERNOR THAT THE PETITIONER BE RELEASED.**

1 (H) IF THE GOVERNOR DENIES THE RECOMMENDATION OF THE
2 COMMISSION TO RELEASE THE PETITIONER OR FAILS TO ISSUE A DECISION ON THE
3 PETITION WITHIN 60 DAYS AFTER THE COMMISSION TRANSMITS ITS
4 RECOMMENDATION TO THE GOVERNOR, THE PETITIONER MAY APPEAL THE MATTER
5 TO THE CIRCUIT COURT WHERE THE PETITIONER WAS CONVICTED.

6 (I) IF THE COURT DETERMINES THAT IN THE INTEREST OF JUSTICE THE
7 PETITIONER SHOULD BE RELEASED FROM INCARCERATION, THE COURT SHALL
8 ORDER THE RELEASE OF THE PETITIONER.

9 Article – Health – General

10 TITLE 23. CANNABIS.

11 SUBTITLE 1. DEFINITIONS.

12 23–101.

13 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “CANNABIS” HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL
16 LAW ARTICLE.

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

24 (D) (1) “CANNABIS CULTIVATION FACILITY” MEANS AN ENTITY
25 REGISTERED TO CULTIVATE, PREPARE, AND PACKAGE CANNABIS AND SELL
26 CANNABIS TO RETAIL CANNABIS STORES, TO CANNABIS PRODUCT MANUFACTURING
27 FACILITIES, AND TO OTHER CANNABIS CULTIVATION FACILITIES, BUT NOT TO
28 CONSUMERS.

29 (2) A CANNABIS CULTIVATION FACILITY MAY PRODUCE CANNABIS
30 CONCENTRATES, TINCTURES, EXTRACTS, OR OTHER CANNABIS PRODUCTS.

31 (E) “CANNABIS ESTABLISHMENT” MEANS A CANNABIS CULTIVATION
32 FACILITY, A CANNABIS TESTING FACILITY, A CANNABIS PRODUCT MANUFACTURING

1 FACILITY, OR A RETAIL CANNABIS STORE.

2 (F) "CANNABIS PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY
3 REGISTERED TO:

4 (1) PURCHASE CANNABIS;

5 (2) MANUFACTURE, PREPARE, AND PACKAGE CANNABIS PRODUCTS;
6 AND

7 (3) SELL CANNABIS AND CANNABIS PRODUCTS TO OTHER CANNABIS
8 PRODUCT MANUFACTURING FACILITIES AND TO RETAIL CANNABIS STORES, BUT
9 NOT TO CONSUMERS.

10 (G) "CANNABIS PRODUCTS" MEANS CONCENTRATED CANNABIS PRODUCTS
11 AND CANNABIS PRODUCTS THAT ARE COMPOSED OF CANNABIS AND OTHER
12 INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE
13 PRODUCTS, OINTMENTS, AND TINCTURES.

14 (H) "CANNABIS TESTING FACILITY" MEANS AN ENTITY REGISTERED TO
15 ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF CANNABIS.

16 (I) "CONSUMER" MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO
17 PURCHASES CANNABIS OR CANNABIS PRODUCTS FOR PERSONAL USE BY
18 INDIVIDUALS AT LEAST 21 YEARS OLD, BUT NOT FOR RESALE TO OTHERS.

19 (J) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.

20 (K) "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND
21 ANY PART OF THE PLANT, WHETHER GROWING OR NOT, WITH A
22 DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED
23 0.3% ON A DRY WEIGHT BASIS.

24 (L) "LOCAL REGULATORY AUTHORITY" MEANS THE OFFICE OR ENTITY
25 DESIGNATED TO PROCESS CANNABIS ESTABLISHMENT APPLICATIONS BY A
26 LOCALITY.

27 (M) "LOCALITY" MEANS A COUNTY, A MUNICIPAL CORPORATION, OR
28 ANOTHER POLITICAL SUBDIVISION OF THE STATE.

29 (N) "PERSONAL USE AMOUNT" HAS THE MEANING STATED IN § 5-101 OF
30 THE CRIMINAL LAW ARTICLE.

1 (O) "RETAIL CANNABIS STORE" MEANS AN ENTITY REGISTERED TO:

2 (1) PURCHASE CANNABIS FROM CANNABIS CULTIVATION FACILITIES;

3 (2) PURCHASE CANNABIS AND CANNABIS PRODUCTS FROM CANNABIS
4 PRODUCT MANUFACTURING FACILITIES; AND

5 (3) SELL CANNABIS AND CANNABIS PRODUCTS TO CONSUMERS.

6 SUBTITLE 2. CANNABIS REGULATION.

7 23-201.

8 (A) (1) ON OR BEFORE APRIL 1, 2023, THE DEPARTMENT, IN
9 CONSULTATION WITH THE MARYLAND DEPARTMENT OF AGRICULTURE, SHALL
10 ADOPT REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS TITLE.

11 (2) THE REGULATIONS MAY NOT PROHIBIT THE OPERATION OF
12 CANNABIS ESTABLISHMENTS:

13 (I) EXPRESSLY; OR

14 (II) BY BEING DRAFTED IN SUCH A WAY THAT THE MEASURES
15 NECESSARY TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH
16 INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE OR ASSET THAT THE
17 OPERATION OF A CANNABIS ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED
18 OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESS PERSON.

19 (3) THE REGULATIONS SHALL INCLUDE:

20 (I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION,
21 AND REVOCATION OF A REGISTRATION TO OPERATE A CANNABIS ESTABLISHMENT;

22 (II) A SCHEDULE OF APPLICATION, REGISTRATION, AND
23 RENEWAL FEES, UNDER WHICH APPLICATION FEES MAY NOT EXCEED \$5,000,
24 ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT AND THE
25 MARYLAND DEPARTMENT OF AGRICULTURE DETERMINE THAT A GREATER FEE IS
26 NECESSARY TO CARRY OUT THEIR RESPONSIBILITIES UNDER THIS TITLE;

27 (III) QUALIFICATIONS FOR REGISTRATION THAT ARE DIRECTLY
28 AND DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS
29 ESTABLISHMENT;

1 (IV) SECURITY REQUIREMENTS FOR CANNABIS
2 ESTABLISHMENTS, INCLUDING FOR THE TRANSPORTATION OF CANNABIS BY
3 CANNABIS ESTABLISHMENTS;

4 (V) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF
5 CANNABIS AND CANNABIS PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 21
6 YEARS;

7 (VI) LABELING REQUIREMENTS FOR CANNABIS AND CANNABIS
8 PRODUCTS SOLD OR DISTRIBUTED BY A CANNABIS ESTABLISHMENT;

9 (VII) HEALTH AND SAFETY RULES AND STANDARDS FOR THE
10 MANUFACTURE OF CANNABIS PRODUCTS AND THE INDOOR AND OUTDOOR
11 CULTIVATION OF CANNABIS BY CANNABIS ESTABLISHMENTS;

12 (VIII) RESTRICTIONS ON THE ADVERTISING AND DISPLAY OF
13 CANNABIS AND CANNABIS PRODUCTS;

14 (IX) PROHIBITIONS AGAINST:

15 1. REQUIRING A CONSUMER TO PROVIDE A RETAIL
16 CANNABIS STORE WITH PERSONAL INFORMATION OTHER THAN
17 GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE; AND

18 2. REQUIRING A RETAIL CANNABIS STORE TO ACQUIRE
19 AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS; AND

20 (X) CIVIL VIOLATIONS FOR THE FAILURE TO COMPLY WITH
21 REGULATIONS ADOPTED UNDER THIS TITLE.

22 (B) ON OR BEFORE APRIL 1, 2023, THE COMPTROLLER SHALL ADOPT
23 REGULATIONS FOR COLLECTING TAXES LEVIED ON CANNABIS CULTIVATION
24 FACILITIES.

25 SUBTITLE 3. CANNABIS LICENSING.

26 23-301.

27 (A) (1) EACH APPLICATION OR RENEWAL APPLICATION FOR AN ANNUAL
28 REGISTRATION TO OPERATE A CANNABIS ESTABLISHMENT SHALL BE SUBMITTED TO
29 THE DEPARTMENT.

30 (2) A RENEWAL APPLICATION MAY BE SUBMITTED UP TO 90 DAYS

1 BEFORE THE EXPIRATION OF THE CANNABIS ESTABLISHMENT'S REGISTRATION.

2 (B) THE DEPARTMENT SHALL BEGIN ACCEPTING AND PROCESSING
3 APPLICATIONS TO OPERATE CANNABIS ESTABLISHMENTS ON OCTOBER 1, 2023.

4 (C) ON RECEIVING AN APPLICATION OR A RENEWAL APPLICATION FOR A
5 CANNABIS ESTABLISHMENT, THE DEPARTMENT SHALL IMMEDIATELY FORWARD A
6 COPY OF THE APPLICATION AND HALF OF THE APPLICATION FEE TO THE LOCAL
7 REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES
8 TO OPERATE THE CANNABIS ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT
9 DESIGNATED A LOCAL REGULATORY AUTHORITY.

10 (D) WITHIN 90 DAYS AFTER RECEIVING AN APPLICATION OR A RENEWAL
11 APPLICATION, THE DEPARTMENT SHALL ISSUE AN ANNUAL REGISTRATION TO THE
12 APPLICANT, UNLESS:

13 (1) THE DEPARTMENT FINDS THAT THE APPLICANT IS NOT IN
14 COMPLIANCE WITH REGULATIONS ADOPTED UNDER SUBTITLE 2 OF THIS TITLE; OR

15 (2) THE DEPARTMENT IS NOTIFIED BY THE RELEVANT LOCALITY
16 THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND RULES MADE
17 UNDER SUBTITLE 4 OF THIS TITLE AND IN EFFECT AT THE TIME OF APPLICATION.

18 (E) IF A LOCALITY HAS ESTABLISHED A LIMIT ON THE NUMBER OF
19 CANNABIS ESTABLISHMENTS AND A GREATER NUMBER OF APPLICANTS SEEK
20 REGISTRATION, THE DEPARTMENT SHALL SOLICIT AND CONSIDER INPUT FROM THE
21 LOCAL REGULATORY AUTHORITY AS TO THE LOCALITY'S PREFERENCE OR
22 PREFERENCES FOR REGISTRATION.

23 (F) ON DENIAL OF AN APPLICATION, THE DEPARTMENT SHALL NOTIFY THE
24 APPLICANT IN WRITING OF THE SPECIFIC REASON FOR ITS DENIAL.

25 (G) (1) EVERY CANNABIS ESTABLISHMENT REGISTRATION SHALL
26 SPECIFY THE LOCATION WHERE THE CANNABIS ESTABLISHMENT WILL OPERATE.

27 (2) A SEPARATE REGISTRATION IS REQUIRED FOR EACH LOCATION
28 AT WHICH A CANNABIS ESTABLISHMENT OPERATES.

29 (H) CANNABIS ESTABLISHMENTS, AND THE BOOKS AND RECORDS
30 MAINTAINED AND CREATED BY CANNABIS ESTABLISHMENTS, ARE SUBJECT TO
31 INSPECTION BY THE DEPARTMENT.

32 (I) (1) UNTIL THE DEPARTMENT ADOPTS REGULATIONS UNDER THIS

1 TITLE FOR THE ISSUANCE OF LICENSES FOR CANNABIS CULTIVATION FACILITIES
2 AND RETAIL CANNABIS STORES, A MEDICAL CANNABIS GROWER OR MEDICAL
3 CANNABIS DISPENSARY LICENSED BY THE NATALIE M. LAPRADE MEDICAL
4 CANNABIS COMMISSION SHALL BE CONSIDERED A LICENSED CANNABIS
5 CULTIVATION FACILITY OR RETAIL CANNABIS STORE UNDER THIS TITLE.

6 (2) AFTER THE DEPARTMENT ADOPTS REGULATIONS FOR THE
7 ISSUANCE OF LICENSES FOR CANNABIS CULTIVATION FACILITIES OR RETAIL
8 CANNABIS STORES UNDER THIS TITLE, THE FACILITY OR STORE MUST OBTAIN A
9 LICENSE UNDER THIS TITLE.

10 **23-302.**

11 (A) IN THIS SECTION, "COMMUNITY DISPROPORTIONATELY HARMED BY
12 THE WAR ON DRUGS" MEANS A CENSUS TRACT OR TRACTS IN WHICH A MAJORITY OF
13 THE POPULATION IS:

14 (1) BLACK OR AFRICAN AMERICAN;

15 (2) AMERICAN INDIAN OR ALASKA NATIVE; OR

16 (3) HISPANIC OR LATINO.

17 (B) AT LEAST 51% OF THE LICENSES ISSUED BY THE DEPARTMENT FOR
18 CANNABIS CULTIVATION FACILITIES AND RETAIL CANNABIS STORES SHALL BE IN
19 COMMUNITIES DISPROPORTIONATELY HARMED BY THE WAR ON DRUGS.

20 (C) THE DEPARTMENT MAY NOT DENY A LICENSE FOR THE OPERATION OF
21 A CANNABIS CULTIVATION FACILITY OR RETAIL CANNABIS STORE TO BE LOCATED
22 IN A COMMUNITY DISPROPORTIONATELY HARMED BY THE WAR ON DRUGS BECAUSE
23 THE APPLICANT HAS PREVIOUSLY BEEN CONVICTED OF A MISDEMEANOR OR
24 FELONY RELATING TO CONTROLLED DANGEROUS SUBSTANCES.

25 **SUBTITLE 4. LOCAL REGULATIONS.**

26 **23-401.**

27 (A) (1) A LOCALITY MAY PROHIBIT THE OPERATION OF ANY OR ALL
28 TYPES OF CANNABIS ESTABLISHMENTS WITHIN ITS JURISDICTION THROUGH THE
29 ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED
30 MEASURE.

31 (2) AN INITIATED OR REFERRED MEASURE TO PROHIBIT THE

1 OPERATION OF CANNABIS ESTABLISHMENTS MUST APPEAR ON A GENERAL
2 ELECTION BALLOT.

3 (B) (1) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS NOT IN
4 CONFLICT WITH THIS TITLE, OR WITH REGULATIONS ADOPTED UNDER THIS TITLE,
5 GOVERNING THE TIME, PLACE, MANNER, AND NUMBER OF CANNABIS
6 ESTABLISHMENT OPERATIONS.

7 (2) A LOCALITY MAY PUNISH A VIOLATION OF AN ORDINANCE OR A
8 REGULATION GOVERNING THE TIME, PLACE, AND MANNER OF OPERATIONS OF A
9 CANNABIS ESTABLISHMENT AS A CIVIL OFFENSE.

10 (C) (1) A LOCALITY MAY DESIGNATE A LOCAL REGULATORY AUTHORITY
11 THAT IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A
12 REGISTRATION TO OPERATE A CANNABIS ESTABLISHMENT WITHIN THE
13 BOUNDARIES OF THE LOCALITY.

14 (2) THE LOCALITY MAY PROVIDE THAT THE LOCAL REGULATORY
15 AUTHORITY MAY ISSUE THE REGISTRATIONS IF THE ISSUANCE BY THE LOCALITY
16 BECOMES NECESSARY BECAUSE OF A FAILURE BY THE DEPARTMENT TO ADOPT
17 REGULATIONS UNDER SUBTITLE 2 OF THIS TITLE OR TO ACCEPT OR PROCESS
18 APPLICATIONS UNDER SUBTITLE 3 OF THIS TITLE.

19 (D) (1) A LOCALITY MAY ESTABLISH PROCEDURES FOR THE ISSUANCE,
20 SUSPENSION, OR REVOCATION OF A REGISTRATION ISSUED BY THE LOCALITY
21 UNDER SUBSECTION (F) OR (G) OF THIS SECTION.

22 (2) ANY PROCEDURES ESTABLISHED BY A LOCALITY UNDER
23 PARAGRAPH (1) OF THIS SUBSECTION ARE SUBJECT TO THE ADMINISTRATIVE
24 PROCEDURE ACT.

25 (E) A LOCALITY MAY ESTABLISH A SCHEDULE OF ANNUAL OPERATING,
26 REGISTRATION, AND APPLICATION FEES FOR CANNABIS ESTABLISHMENTS.

27 (F) (1) IF THE DEPARTMENT DOES NOT ISSUE A REGISTRATION TO AN
28 APPLICANT WITHIN 90 DAYS AFTER RECEIPT OF THE APPLICATION FILED UNDER
29 SUBTITLE 3 OF THIS TITLE AND DOES NOT, IN WRITING AND WITHIN THE
30 APPLICABLE TIME PERIOD, NOTIFY THE APPLICANT OF THE SPECIFIC, PERMISSIBLE
31 REASON FOR ITS DENIAL, OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS
32 UNDER SUBTITLE 2 OF THIS TITLE AND HAS ACCEPTED APPLICATIONS UNDER
33 SUBTITLE 3 OF THIS TITLE BUT HAS NOT ISSUED ANY REGISTRATIONS ON OR
34 BEFORE JANUARY 1, 2024, THE APPLICANT MAY RESUBMIT ITS APPLICATION
35 DIRECTLY TO THE LOCAL REGULATORY AUTHORITY UNDER SUBSECTION (C) OF THIS

1 SECTION AND THE LOCAL REGULATORY AUTHORITY MAY ISSUE AN ANNUAL
2 REGISTRATION TO THE APPLICANT.

3 (2) IF AN APPLICATION IS SUBMITTED TO A LOCAL REGULATORY
4 AUTHORITY UNDER THIS SUBSECTION, THE DEPARTMENT SHALL FORWARD TO THE
5 LOCAL REGULATORY AUTHORITY THE APPLICATION FEE PAID BY THE APPLICANT
6 TO THE DEPARTMENT ON REQUEST OF THE LOCAL REGULATORY AUTHORITY.

7 (G) IF THE DEPARTMENT DOES NOT ADOPT RULES REQUIRED UNDER
8 SUBTITLE 3 OF THIS TITLE, AN APPLICANT MAY SUBMIT AN APPLICATION DIRECTLY
9 TO A LOCAL REGULATORY AUTHORITY ON OR AFTER OCTOBER 1, 2023, AND THE
10 LOCAL REGULATORY AUTHORITY MAY ISSUE AN ANNUAL REGISTRATION TO THE
11 APPLICANT.

12 (H) (1) A LOCAL REGULATORY AUTHORITY ISSUING A REGISTRATION TO
13 AN APPLICANT SHALL DO SO WITHIN 90 DAYS AFTER RECEIPT OF THE SUBMITTED
14 OR RESUBMITTED APPLICATION, UNLESS THE LOCAL REGULATORY AUTHORITY
15 FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE
16 WITH ORDINANCES AND REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS
17 SECTION IN EFFECT AT THE TIME THE APPLICATION IS SUBMITTED TO THE LOCAL
18 REGULATORY AUTHORITY.

19 (2) THE LOCALITY SHALL NOTIFY THE DEPARTMENT IF AN ANNUAL
20 REGISTRATION HAS BEEN ISSUED TO AN APPLICANT.

21 (I) (1) A REGISTRATION ISSUED BY A LOCALITY UNDER SUBSECTION (F)
22 OR (G) OF THIS SECTION HAS THE SAME FORCE AND EFFECT AS A REGISTRATION
23 ISSUED BY THE DEPARTMENT UNDER SUBTITLE 3 OF THIS TITLE.

24 (2) THE HOLDER OF THE REGISTRATION IS NOT SUBJECT TO
25 REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THE
26 REGISTRATION.

27 (J) A SUBSEQUENT OR RENEWED REGISTRATION MAY BE ISSUED UNDER
28 SUBSECTION (F) OF THIS SECTION ON AN ANNUAL BASIS ONLY ON RESUBMISSION TO
29 THE LOCALITY OF A NEW APPLICATION SUBMITTED TO THE DEPARTMENT UNDER
30 SUBTITLE 3 OF THIS TITLE.

31 (K) A SUBSEQUENT OR RENEWED REGISTRATION MAY BE ISSUED UNDER
32 SUBSECTION (G) OF THIS SECTION ON AN ANNUAL BASIS IF THE DEPARTMENT:

33 (1) HAS NOT ADOPTED REGULATIONS REQUIRED UNDER SUBTITLE 2
34 OF THIS TITLE AT LEAST 90 DAYS BEFORE THE SUBSEQUENT OR RENEWED

1 REGISTRATION WOULD BE EFFECTIVE; OR

2 (2) HAS ADOPTED REGULATIONS UNDER SUBTITLE 2 OF THIS TITLE
3 BUT HAS NOT, AT LEAST 90 DAYS AFTER THE ADOPTION OF THOSE REGULATIONS,
4 ISSUED REGISTRATIONS UNDER SUBTITLE 3 OF THIS TITLE.

5 (L) A LOCALITY MAY CREATE A LICENSE FOR OR PROHIBIT ON-SITE
6 CONSUMPTION OF CANNABIS BY INDIVIDUALS WHO ARE LEGALLY ABLE TO
7 PURCHASE CANNABIS AT A RETAIL CANNABIS STORE.

8 (M) THIS SECTION DOES NOT LIMIT THE RELIEF AVAILABLE TO AN
9 AGGRIEVED PARTY UNDER THE ADMINISTRATIVE PROCEDURE ACT.

10 (N) A LOCALITY MAY NOT REGULATE THE POSSESSION, SALE, TRANSFER, OR
11 CULTIVATION OF CANNABIS IN A MANNER THAT IS LESS RESTRICTIVE THAN THE
12 REGULATION BY THE STATE OF THE POSSESSION, SALE, TRANSFER, OR
13 CULTIVATION OF CANNABIS UNDER THIS TITLE.

14 SUBTITLE 5. CRIMINAL AND CIVIL IMMUNITIES AND LIABILITIES.

15 23-501.

16 NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS
17 OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING ACTS ARE NOT
18 UNLAWFUL UNDER STATE LAW OR THE LAW OF ANY POLITICAL SUBDIVISION OF THE
19 STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER STATE LAW FOR
20 INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD:

21 (1) POSSESSING, CONSUMING, USING, DISPLAYING, PURCHASING, OR
22 TRANSPORTING CANNABIS ACCESSORIES;

23 (2) POSSESSING, GROWING, PROCESSING, OR TRANSPORTING ON
24 ONE'S OWN PREMISES NOT MORE THAN 24 MATURE CANNABIS PLANTS AND
25 POSSESSION OF THE CANNABIS PRODUCED BY THE PLANTS ON THE PREMISES
26 WHERE THE PLANTS WERE GROWN;

27 (3) POSSESSING OUTSIDE ONE'S OWN PREMISES NOT MORE THAN 224
28 GRAMS OF CANNABIS; OR

29 (4) ASSISTING ANOTHER INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD
30 IN AN ACT DESCRIBED IN ITEMS (1) THROUGH (3) OF THIS SECTION.

31 23-502.

1 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS NOT
2 UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION OF THE
3 STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS FOR AN INDIVIDUAL
4 WHO IS AT LEAST 21 YEARS OLD TO MANUFACTURE, POSSESS, OR PURCHASE
5 CANNABIS ACCESSORIES OR TO DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO AN
6 INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD.

7 (B) EXCEPT AS PROVIDED IN THIS SECTION, AN INDIVIDUAL WHO IS AT
8 LEAST 21 YEARS OLD MAY MANUFACTURE, POSSESS, AND PURCHASE CANNABIS
9 ACCESSORIES AND DISTRIBUTE OR SELL CANNABIS ACCESSORIES TO A PERSON WHO
10 IS AT LEAST 21 YEARS OLD.

11 **23-503.**

12 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS,
13 WHEN PERFORMED BY A RETAIL CANNABIS STORE WITH A CURRENT, VALID
14 REGISTRATION, OR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD ACTING IN THE
15 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A RETAIL CANNABIS STORE, ARE
16 NOT UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION OF
17 THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS:

18 (1) POSSESSING, DISPLAYING, STORING, OR TRANSPORTING
19 CANNABIS OR CANNABIS PRODUCTS, IF THE CANNABIS OR CANNABIS PRODUCTS ARE
20 NOT DISPLAYED IN A MANNER THAT IS VISIBLE TO THE GENERAL PUBLIC FROM A
21 PUBLIC RIGHT-OF-WAY;

22 (2) PURCHASING CANNABIS FROM A CANNABIS CULTIVATION
23 FACILITY;

24 (3) PURCHASING CANNABIS OR CANNABIS PRODUCTS FROM A
25 CANNABIS PRODUCT MANUFACTURING FACILITY; AND

26 (4) DELIVERING, DISTRIBUTING, OR SELLING CANNABIS OR
27 CANNABIS PRODUCTS TO CONSUMERS.

28 **23-504.**

29 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS,
30 WHEN PERFORMED BY A CANNABIS CULTIVATION FACILITY WITH A CURRENT, VALID
31 REGISTRATION, OR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD ACTING IN THE
32 CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A CANNABIS CULTIVATION
33 FACILITY, ARE NOT UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL

1 SUBDIVISION OF THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS:

2 (1) CULTIVATING, HARVESTING, PROCESSING, PACKAGING,
3 TRANSPORTING, DISPLAYING, STORING, OR POSSESSING CANNABIS;

4 (2) DELIVERING OR TRANSFERRING CANNABIS TO A CANNABIS
5 TESTING FACILITY;

6 (3) DELIVERING, DISTRIBUTING, OR SELLING CANNABIS TO A
7 CANNABIS CULTIVATION FACILITY, A CANNABIS PRODUCT MANUFACTURING
8 FACILITY, OR A RETAIL CANNABIS STORE;

9 (4) RECEIVING OR PURCHASING CANNABIS FROM A CANNABIS
10 CULTIVATION FACILITY; AND

11 (5) RECEIVING CANNABIS SEEDS OR IMMATURE CANNABIS PLANTS
12 FROM AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD.

13 **23-505.**

14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS,
15 WHEN PERFORMED BY A CANNABIS PRODUCT MANUFACTURING FACILITY WITH A
16 CURRENT, VALID REGISTRATION, OR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD
17 ACTING IN THE CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A CANNABIS
18 PRODUCT MANUFACTURING FACILITY, ARE NOT UNLAWFUL UNDER STATE LAW OR
19 THE LAW OF A POLITICAL SUBDIVISION OF THE STATE OR A BASIS FOR SEIZURE OR
20 FORFEITURE OF ASSETS:

21 (1) PACKAGING, PROCESSING, TRANSPORTING, MANUFACTURING,
22 DISPLAYING, OR POSSESSING CANNABIS OR CANNABIS PRODUCTS;

23 (2) DELIVERING OR TRANSFERRING CANNABIS OR CANNABIS
24 PRODUCTS TO A CANNABIS TESTING FACILITY;

25 (3) DELIVERING OR SELLING CANNABIS OR CANNABIS PRODUCTS TO
26 A RETAIL CANNABIS STORE OR A CANNABIS PRODUCT MANUFACTURING FACILITY;

27 (4) PURCHASING CANNABIS FROM A CANNABIS CULTIVATION
28 FACILITY;

29 (5) PURCHASING CANNABIS OR CANNABIS PRODUCTS FROM A
30 CANNABIS PRODUCT MANUFACTURING FACILITY; AND

1 **(6) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY**
2 **OWNED, OCCUPIED, OR CONTROLLED BY ANY PERSON FOR ANY OF THE ACTIVITIES**
3 **CONDUCTED LAWFULLY UNDER ITEMS (1) THROUGH (5) OF THIS SECTION.**

4 **23-506.**

5 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS,**
6 **WHEN PERFORMED BY A CANNABIS TESTING FACILITY WITH A CURRENT, VALID**
7 **REGISTRATION, OR AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD ACTING IN THE**
8 **CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A CANNABIS TESTING FACILITY,**
9 **ARE NOT UNLAWFUL UNDER STATE LAW OR THE LAW OF A POLITICAL SUBDIVISION**
10 **OF THE STATE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS:**

11 **(1) POSSESSING, CULTIVATING, PROCESSING, REPACKAGING,**
12 **STORING, TRANSPORTING, OR DISPLAYING CANNABIS;**

13 **(2) RECEIVING CANNABIS FROM A CANNABIS CULTIVATION FACILITY,**
14 **A CANNABIS RETAIL STORE, A CANNABIS PRODUCTS MANUFACTURER, OR AN**
15 **INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD;**

16 **(3) RETURNING CANNABIS TO A CANNABIS CULTIVATION FACILITY,**
17 **CANNABIS RETAIL STORE, CANNABIS PRODUCTS MANUFACTURER, OR AN**
18 **INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

19 **(4) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY**
20 **OWNED, OCCUPIED, OR CONTROLLED BY ANY PERSON FOR ANY OF THE ACTIVITIES**
21 **CONDUCTED LAWFULLY UNDER ITEMS (1) THROUGH (3) OF THIS SECTION.**

22 **23-507.**

23 **THIS TITLE DOES NOT:**

24 **(1) REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE USE,**
25 **CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE, OR**
26 **GROWING OF CANNABIS IN THE WORKPLACE; OR**

27 **(2) AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES**
28 **RESTRICTING THE USE OF CANNABIS BY EMPLOYEES OR TO DISCIPLINE EMPLOYEES**
29 **WHO ARE UNDER THE INFLUENCE OF CANNABIS IN THE WORKPLACE.**

30 **23-508.**

31 **THIS TITLE DOES NOT AUTHORIZE THE TRANSFER OF CANNABIS, WITH OR**

1 WITHOUT REMUNERATION, TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS OR TO
2 ALLOW A PERSON UNDER THE AGE OF 21 YEARS TO PURCHASE, POSSESS, USE,
3 TRANSPORT, GROW, OR CONSUME CANNABIS.

4 **23-509.**

5 THIS TITLE DOES NOT PROHIBIT A PERSON, AN EMPLOYER, A SCHOOL, A
6 HOSPITAL, A CORRECTIONAL FACILITY, A CORPORATION, OR ANY OTHER ENTITY
7 THAT OCCUPIES, OWNS, OR CONTROLS PROPERTY FROM PROHIBITING OR
8 OTHERWISE LIMITING THE POSSESSION, CONSUMPTION, USE, DISPLAY, TRANSFER,
9 DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF CANNABIS ON OR IN THAT
10 PROPERTY.

11 **23-510.**

12 (A) SCIENTIFIC AND MEDICAL RESEARCHERS WHO HAVE PREVIOUSLY
13 PUBLISHED MAY PURCHASE, POSSESS, AND SECURELY STORE CANNABIS FOR
14 PURPOSES OF CONDUCTING RESEARCH.

15 (B) SCIENTIFIC AND MEDICAL RESEARCHERS MAY ADMINISTER AND
16 DISTRIBUTE CANNABIS TO PARTICIPANTS IN RESEARCH WHO ARE AT LEAST 21
17 YEARS OLD AFTER RECEIVING INFORMED CONSENT FROM THE SUBJECTS.

18 **23-511.**

19 THE ATTORNEY GENERAL SHALL ZEALOUSLY AND IN GOOD FAITH ADVOCATE
20 TO QUASH ANY FEDERAL SUBPOENA FOR RECORDS INVOLVING CANNABIS
21 ESTABLISHMENTS.

22 **SUBTITLE 6. CONSTRUCTION OF TITLE.**

23 **23-601.**

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

27 (1) UNDERTAKING A TASK WHILE UNDER THE INFLUENCE OF
28 CANNABIS, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
29 MALPRACTICE;

30 (2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL
31 CONTROL OF A MOTOR VEHICLE, AN AIRCRAFT, OR A BOAT WHILE UNDER THE

1 INFLUENCE OF CANNABIS;

2 (3) SMOKING CANNABIS IN A PUBLIC PLACE; OR

3 (4) POSSESSING CANNABIS, INCLUDING CANNABIS PRODUCTS, IN A
4 LOCAL DETENTION FACILITY, COUNTY JAIL, STATE PRISON, REFORMATORY, OR
5 OTHER CORRECTIONAL FACILITY, INCLUDING A FACILITY FOR THE DETENTION OF
6 JUVENILE OFFENDERS.

7 23-602.

8 THIS TITLE MAY NOT BE CONSTRUED TO LIMIT ANY PRIVILEGES OR RIGHTS OF
9 A MEDICAL CANNABIS-QUALIFYING PATIENT, CAREGIVER, DISPENSARY,
10 DISPENSARY AGENT, GROWER, MEDICAL CANNABIS GROWER AGENT, PROCESSOR,
11 OR PROCESSOR AGENT UNDER TITLE 13, SUBTITLE 33 OF THIS ARTICLE.

12 Article – Tax – General

13 TITLE 12.5. CANNABIS TAX.

14 12.5-101.

15 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “CANNABIS CULTIVATION FACILITY” HAS THE MEANING STATED IN §
18 23-101 OF THE HEALTH – GENERAL ARTICLE.

19 (C) “CANNABIS PRODUCT MANUFACTURING FACILITY” HAS THE MEANING
20 STATED IN § 23-101 OF THE HEALTH – GENERAL ARTICLE.

21 (D) “RETAIL CANNABIS STORE” HAS THE MEANING STATED IN § 23-101 OF
22 THE HEALTH – GENERAL ARTICLE.

23 12.5-102.

24 (A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS SOLD UNDER
25 TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.

26 (B) A 10% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS
27 FROM A CANNABIS CULTIVATION FACILITY TO A RETAIL CANNABIS STORE OR
28 CANNABIS PRODUCT MANUFACTURING FACILITY.

1 **(C) (1) THE COMPTROLLER SHALL ADJUST THE EXCISE TAX RATE SET**
2 **FORTH IN SUBSECTION (B) OF THIS SECTION ANNUALLY TO ACCOUNT FOR**
3 **INFLATION OR DEFLATION BASED ON THE CONSUMER PRICE INDEX FOR ALL**
4 **URBAN CONSUMERS ISSUED BY THE UNITED STATES DEPARTMENT OF LABOR.**

5 **(2) IF THE EXCISE TAX RATE IS CHANGED UNDER THIS SUBSECTION,**
6 **THE COMPTROLLER SHALL PUBLISH THE ADJUSTED RATE ON THE COMPTROLLER'S**
7 **WEBSITE AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE STATE NOT LESS**
8 **THAN 60 DAYS BEFORE THE EFFECTIVE DATE OF THE RATE ADJUSTMENT.**

9 **(D) (1) ON OR BEFORE THE 15TH DAY OF EACH MONTH, EACH CANNABIS**
10 **CULTIVATION FACILITY SHALL PAY TO THE COMPTROLLER THE EXCISE TAX DUE**
11 **UNDER THIS SECTION ON SALES AND TRANSFERS OF CANNABIS MADE BY THAT**
12 **CANNABIS CULTIVATION FACILITY IN THE IMMEDIATELY PRECEDING CALENDAR**
13 **MONTH.**

14 **(2) PAYMENT SHALL BE ACCOMPANIED BY A RETURN FILED IN THE**
15 **FORM AND MANNER PRESCRIBED BY THE COMPTROLLER AND CONTAINING THE**
16 **INFORMATION THAT THE COMPTROLLER REQUIRES.**

17 **(3) THE RETURN SHALL BE ACCOMPANIED BY APPROPRIATE**
18 **COMPUTER-GENERATED MAGNETIC MEDIA SUPPORTING SCHEDULE DATA IN THE**
19 **FORMAT REQUIRED BY THE COMPTROLLER, UNLESS, AS PROVIDED BY**
20 **REGULATION, THE COMPTROLLER GRANTS AN EXCEPTION ON PETITION OF A**
21 **TAXPAYER.**

22 **12.5-103.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

25 **(2) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF**
26 **LABOR.**

27 **(3) "FUND" MEANS THE CANNABIS REGULATION FUND.**

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

29 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO BE DISTRIBUTED**
30 **AND USED IN ACCORDANCE WITH SUBSECTION (L) OF THIS SECTION.**

31 **(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

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

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

5 **(F) THE FUND CONSISTS OF:**

6 **(1) ALL APPLICATION AND LICENSING FEES PAID BY CANNABIS**
7 **ESTABLISHMENTS UNDER TITLE 23, SUBTITLE 3 OF THE HEALTH – GENERAL**
8 **ARTICLE;**

9 **(2) ALL TAXES COLLECTED UNDER § 12.5-102 OF THIS TITLE; AND**

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

13 **(G) THE FUND MAY BE USED ONLY FOR CARRYING OUT THIS TITLE.**

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

16 **(I) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS**
17 **DIRECTED BY THE DEPARTMENT.**

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

20 **(K) ON OR BEFORE MARCH 15 EACH YEAR, THE DEPARTMENT SHALL**
21 **PRODUCE AND PUBLISH ON ITS WEBSITE A DETAILED REPORT ON REVENUES AND**
22 **EXPENDITURES FROM THE FUND, INCLUDING A DETAILED REPORTING OF MONEY**
23 **RETAINED AND SPENT TO DEFRAY THE COST OF ADMINISTRATION OF THIS TITLE.**

24 **(L) THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:**

25 **(1) THE DEPARTMENT SHALL RETAIN SUFFICIENT MONEY TO DEFRAY**
26 **THE ENTIRE COST OF ADMINISTRATION OF THIS TITLE; AND**

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

1 **(I) 30% TO THE STATE DEPARTMENT OF EDUCATION TO BE**
2 **USED AT THE DISCRETION OF THE STATE BOARD OF EDUCATION FOR ITS DUTIES**
3 **PRESCRIBED BY LAW;**

4 **(II) 5% TO THE MARYLAND DEPARTMENT OF HEALTH FOR USE**
5 **IN VOLUNTARY PROGRAMS FOR THE TREATMENT OF ALCOHOL, TOBACCO, AND**
6 **CANNABIS ABUSE;**

7 **(III) 5% TO THE MARYLAND DEPARTMENT OF HEALTH FOR A**
8 **SCIENTIFICALLY AND MEDICALLY ACCURATE PUBLIC EDUCATION CAMPAIGN TO**
9 **EDUCATE YOUTH AND ADULTS ABOUT THE HEALTH AND SAFETY RISKS OF ALCOHOL,**
10 **TOBACCO, AND CANNABIS;**

11 **(IV) 7.5% TO THE MARYLAND STATE RETIREMENT AND**
12 **PENSION SYSTEM;**

13 **(V) 2.5% TO THE DEPARTMENT OF STATE POLICE FOR THE**
14 **EMPLOYMENT AND TRAINING OF DRUG RECOGNITION EXPERTS; AND**

15 **(VI) 50% TO THE GENERAL FUND OF THE STATE.**

16 **12.5–104.**

17 **NOTWITHSTANDING ANY FEDERAL TAX LAW TO THE CONTRARY, IN**
18 **COMPUTING NET INCOME FOR BUSINESSES EXEMPTED FROM CRIMINAL PENALTIES**
19 **UNDER STATE LAW, THERE SHALL BE ALLOWED AS A DEDUCTION FROM STATE**
20 **TAXES ALL THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING**
21 **THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A CANNABIS**
22 **ESTABLISHMENT AS DEFINED BY § 23–101 OF THE HEALTH – GENERAL ARTICLE, OR**
23 **AN ENTITY LICENSED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL**
24 **ARTICLE, INCLUDING REASONABLE ALLOWANCE FOR SALARIES OR OTHER**
25 **COMPENSATION FOR PERSONAL SERVICES ACTUALLY RENDERED.**

26 **12.5–105.**

27 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
28 **IN THIS SECTION, “LOCAL COMMUNITY” MEANS AN AREA LOCATED WITHIN A 5–MILE**
29 **RADIUS OF A FACILITY’S OR STORE’S LOCATION.**

30 **(2) IN A REGION WITH A POPULATION OF MORE THAN 10,000 PEOPLE**
31 **PER SQUARE MILE AND A TOTAL POPULATION OF OVER 75,000, “LOCAL**
32 **COMMUNITY” MEANS AN AREA LOCATED WITHIN A 1–MILE RADIUS OF A FACILITY’S**
33 **OR STORE’S LOCATION.**

1 **(B) AT LEAST 10% OF THE NET INCOME FROM A CANNABIS CULTIVATION**
2 **FACILITY, RETAIL CANNABIS STORE, OR AN ON-SITE CONSUMPTION FACILITY SHALL**
3 **BE REINVESTED IN THE LOCAL COMMUNITY WHERE THE FACILITY OR STORE**
4 **OPERATES.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2022.