

SENATE BILL 1075

Q4, E1, J1

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By: **Senator Feldman**

Introduced and read first time: February 28, 2020

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Adult-Use Cannabis – Legalization**

3 FOR the purpose of renaming the Alcohol and Tobacco Commission to be the Alcohol,
4 Cannabis, and Tobacco Commission; providing that a member of the Alcohol,
5 Cannabis, and Tobacco Commission may not have a certain interest, ownership, or
6 management in the cannabis industry, have an official relationship to a person who
7 holds a certain license, receive or share in certain receipts or proceeds, or accept
8 certain contributions of money or property; requiring the Alcohol, Cannabis, and
9 Tobacco Commission to educate the public on cannabis; requiring the Alcohol,
10 Cannabis, and Tobacco Commission, in consultation with the Natalie M. LaPrade
11 Medical Cannabis Commission, to determine, license, and regulate the entities that
12 may provide cannabis in the State; establishing the Advisory Committee on
13 Adult-Use Cannabis; providing for the purpose and membership of the Advisory
14 Committee; requiring the Governor to designate the chair of the Advisory
15 Committee; providing for the terms of the members of the Advisory Committee;
16 providing for the staggering of terms of the members of the Advisory Committee;
17 providing that certain entities may not provide more than a certain amount of
18 cannabis in a single transaction; requiring the Alcohol, Cannabis, and Tobacco
19 Commission to adopt certain regulations; repealing provisions of law providing that
20 the Natalie M. LaPrade Medical Cannabis Commission is an independent
21 commission that functions within the Maryland Department of Health and requiring
22 the Alcohol, Cannabis, and Tobacco Commission to consult with the Maryland
23 Department of Health when adopting certain regulations; substituting the term
24 “cannabis” for the term “marijuana” in certain provisions of law; altering a certain
25 quantity threshold and establishing a certain age limit applicable to a certain civil
26 offense of use or possession of cannabis; establishing an exception to the existing
27 prohibition on obtaining or attempting to obtain a controlled dangerous substance or
28 procuring or attempting to procure the administration of a controlled dangerous
29 substance under certain circumstances; establishing a civil offense for use or
30 possession of a certain amount of cannabis for a person at least a certain age;
31 repealing provisions of law requiring a court to summon a certain person for trial

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



under certain circumstances; repealing a certain provision of law authorizing a court to impose a certain fine and costs against a certain person and find the person guilty of a Code violation for a certain purpose; prohibiting a person from smoking cannabis in a public place; providing that a violation of the prohibition is a civil offense and providing for a fine for a violation of the prohibition; providing that adjudication of a violation of the prohibition is not a criminal conviction for any purpose and does not impose certain civil disabilities; providing for the form and issuance of a citation for a violation of the prohibition; providing that a court shall summon a certain person for trial under certain circumstances; requiring the Chief Judge of the District Court to establish a certain prepayment schedule; providing for payment of a civil citation issued for a violation of the prohibition; providing for a procedure for the prosecution of the civil offense; providing for discovery, trial, and disposition in a case involving the violation of the prohibition; providing that a defendant may be represented by a certain attorney subject to a certain requirement; providing that a certain defendant is liable for certain costs; providing that a State's Attorney may enter a nolle prosequi, move to place a certain case on a stet docket, and exercise authority in a certain manner under certain circumstances; providing for procedures for a minor issued a citation for a violation of the prohibition established by this Act; providing that a certain citation and official record regarding the citation are not subject to public inspection and may not be included on a certain public website maintained by the Maryland Judiciary under certain circumstances; providing for the expungement of certain offenses relating to cannabis; altering and establishing certain advertising requirements related to cannabis; prohibiting a certain person under the age of 21 years from presenting or offering certain false or fraudulent evidence for the purpose of purchasing or otherwise procuring cannabis; establishing a certain penalty for a violation of the prohibition; providing that a certain individual who is at least 21 years old and in possession of a certain amount of cannabis is not subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty; imposing a certain excise tax on the sale or transfer of cannabis under certain circumstances; imposing a certain sales and use tax on the sale of cannabis by certain persons; authorizing a county, municipal corporation, special taxing district, or other political subdivision of the State to impose a certain sales and use tax under certain circumstances; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; defining certain terms; making conforming changes; making stylistic changes; repealing a certain obsolete provision; requiring the Natalie M. LaPrade Medical Cannabis Commission to issue a certain request for proposals to conduct a certain assessment; requiring the Natalie M. LaPrade Medical Cannabis Commission, on or before a certain date, to report on a certain assessment and make certain recommendations to the Governor and the General Assembly; providing for a delayed effective date for certain provisions of this Act; making certain provisions of this Act subject to a certain contingency; and generally relating to cannabis.

Article – Health – General

Section 13–3301, 13–3301.1, 13–3302, 13–3303, 13–3303.1, 13–3304, 13–3304.1, 13–3305, 13–3305.1 through 13–3305.3, 13–3306 through 13–3311, 13–3311.1, 13–3312, 13–3313, 13–3313.1, and 13–3314 through 13–3316, respectively, and the subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission”

Annotated Code of Maryland
(2019 Replacement Volume)

to be

Article – Alcoholic Beverages

Section 1–501 through 1–524, respectively, and the subtitle “Subtitle 5. Natalie M. LaPrade Medical Cannabis Commission”

Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 1–101, 1–302, 1–304, and 1–307
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)
(As enacted by Chapter 12 of the Acts of the General Assembly of 2019)

BY adding to

Article – Alcoholic Beverages
Section 1–310.1 through 1–310.4
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 1–503 and 1–515
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–101
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)
(As enacted by Chapter 228 of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–601, 5–601.1, 5–612(a)(1), 5–614(a)(1)(i) and (b)(1), 5–619(c), and 5–620(d)(2)
Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Criminal Law

Section 5–601.2

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Criminal Procedure

Section 10–105.1

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Tax – General

Section 12.5–101 and 12.5–102 to be under the new title “Title 12.5. Cannabis Tax”

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–3301, 13–3301.1, 13–3302, 13–3303, 13–3303.1, 13–3304, 13–3304.1, 13–3305, 13–3305.1 through 13–3305.3, 13–3306 through 13–3311, 13–3311.1, 13–3312, 13–3313, 13–3313.1, and 13–3314 through 13–3316, respectively, and the subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission” of Article – Health – General of the Annotated Code of Maryland be transferred to be Section(s) 1–501 through 1–524, respectively, and the subtitle “Subtitle 5. Natalie M. LaPrade Medical Cannabis Commission” of Article – Alcoholic Beverages of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

1–101.

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

(b) (1) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

(i) contains at least one-half of 1% of alcohol by volume; and

(ii) is suitable for beverage purposes.

(2) “Alcoholic beverage” includes alcohol, brandy, whiskey, rum, gin,

1 cordial, beer, and wine.

2 (3) "Alcoholic beverage" does not include a confectionery food product that
3 contains up to 5% of alcohol by volume and is regulated by the Maryland Department of
4 Health under § 21–209 of the Health – General Article.

5 (c) (1) "Beer" means a brewed alcoholic beverage.

6 (2) "Beer" includes:

7 (i) ale;

8 (ii) porter;

9 (iii) stout;

10 (iv) hard cider that:

11 1. is derived primarily from apples, apple concentrate and
12 water, pears, or pear concentrate and water; and

13 2. contains no other fruit product but contains at least
14 one-half of 1% and less than 8.5% of alcohol by volume;

15 (v) an alcoholic beverage that contains:

16 1. 6% or less alcohol by volume, derived primarily from the
17 fermentation of grain, with not more than 49% of the alcoholic beverage's overall alcohol
18 content by volume obtained from flavors and other added nonbeverage ingredients
19 containing alcohol; or

20 2. more than 6% alcohol by volume, derived primarily from
21 the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall
22 alcohol content by volume obtained from flavors and other added nonbeverage ingredients
23 containing alcohol; and

24 (vi) mead.

25 **(D) (1) "CANNABIS" MEANS THE PLANT CANNABIS SATIVA L. AND ANY**
26 **PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**
27 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**
28 **A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A**
29 **DRY WEIGHT BASIS.**

30 **(2) "CANNABIS" DOES NOT INCLUDE HEMP, AS DEFINED IN § 14-101**
31 **OF THE AGRICULTURE ARTICLE.**

1 **[(d)] (E)** “Central Repository” means the Criminal Justice Information System
2 Central Repository of the Department of Public Safety and Correctional Services.

3 **[(e)] (F)** “Club” means an association or a corporation that is:

4 (1) organized and operated exclusively for educational, social, fraternal,
5 patriotic, political, or athletic purposes; and

6 (2) nonprofit.

7 **[(f)] (G)** “Commission” means the Alcohol, **CANNABIS**, and Tobacco
8 Commission.

9 **[(g)] (H)** (1) “Comptroller” means the Comptroller of the State.

10 (2) “Comptroller” includes a deputy, an inspector, a clerk, or any other
11 individual authorized to act by the Comptroller.

12 **[(h)] (I)** “Consumer” means an individual at least 21 years old or a corporation
13 not otherwise prohibited by this article or any other State law, that buys, possesses, keeps,
14 or transports alcoholic beverages on which the taxes under Title 5 of the Tax – General
15 Article have been paid, for the individual’s or corporation’s own use and not for sale.

16 **[(i)] (J)** “County” means a county of the State or Baltimore City.

17 **[(j)] (K)** (1) “Executive Director” means the Executive Director of the
18 Commission.

19 (2) “Executive Director” includes a deputy, an inspector, a clerk, or any
20 other individual authorized to act by the Executive Director.

21 **[(k)] (L)** (1) “Family beer” means homemade beer produced for home
22 consumption and not for sale.

23 (2) “Family beer” includes beer produced at a family beer and wine facility
24 that has been granted a permit under § 2–138 of this article.

25 **[(l)] (M)** (1) “Family wine” means homemade wine produced for home
26 consumption and not for sale.

27 (2) “Family wine” includes wine produced at a family beer and wine facility
28 that has been granted a permit under § 2–138 of this article.

29 **[(m)] (N)** (1) Subject to paragraph (2) of this subsection, “hotel” means an
30 establishment that:

1 (i) accommodates the public;

2 (ii) is equipped with at least 10 bedrooms and a dining room with
3 facilities for preparing and serving regular meals; and

4 (iii) has average daily receipts from the rental of rooms and sale of
5 food that exceed the average daily receipts from the sale of alcoholic beverages.

6 (2) By regulation, a local licensing board may set a different standard as to
7 what constitutes a hotel.

8 **[(n)] (O)** “Illicit alcoholic beverage” means an alcoholic beverage that has been
9 manufactured, bottled, or rectified:

10 (1) in the State at a location not licensed under this article; or

11 (2) outside the State at a location not licensed under the United States
12 Internal Revenue Code or the laws of a foreign country.

13 **[(o)] (P)** “Jurisdiction” means a county or the City of Annapolis.

14 **[(p)] (Q)** “License” means an alcoholic beverages license issued under this
15 article.

16 **[(q)] (R)** (1) “License holder” means the holder of a license issued or a permit
17 granted under this article.

18 (2) “License holder” includes:

19 (i) a county liquor control board and a county dispensary; and

20 (ii) for the delivery and billing purposes of Title 2, Subtitle 3 and §§
21 2–213 and 2–314 of this article, a corporation on behalf of which an individual has obtained
22 a license.

23 **[(r)] (S)** “Liquor” has the same meaning as “distilled spirits” under § 5–101(g) of
24 the Tax – General Article.

25 **[(s)] (T)** (1) “Local collecting agent” means:

26 (i) in the City of Annapolis, the city clerk;

27 (ii) in Allegany County, Baltimore County, Howard County, Prince
28 George’s County, or Wicomico County, the director of finance;

(iii) in Calvert County, Dorchester County, St. Mary's County, or Somerset County, the treasurer of the county; or

(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.

(2) "Local collecting agent" does not include a clerk of a circuit court.

[(t)] (U) "Local licensing board" means a board of license commissioners or other governmental unit of a jurisdiction that issues licenses.

[(u)] (V) "Manufacturer's license" means a license issued under Title 2, Subtitle 2 of this article that is:

(1) a Class 1 distillery license;

(2) a Class 2 rectifying license;

(3) a Class 3 winery license;

(4) a Class 4 limited winery license;

(5) a Class 5 brewery license;

(6) a Class 6 pub-brewery license;

(7) a Class 7 micro-brewery license;

(8) a Class 8 farm brewery license; or

(9) a Class 9 limited distillery license.

[(v)] (W) "Mead" means a fermented alcoholic beverage consisting primarily of honey and water.

[(w)] (X) "Off-sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

[(x)] (Y) "On-sale" means the sale of alcoholic beverages that are to be consumed on the licensed premises.

[(y)] (Z) "Person" means:

(1) an individual;

(2) an association, a partnership, a corporation, a trust, or any other entity,

1 and the officers, directors, and other individuals in active control of the activities of the
2 association, partnership, corporation, trust, or other entity; or

3 (3) (i) the State or a political subdivision of the State, or a unit or an
4 instrumentality of the State or a political subdivision of the State; or

5 (ii) another state or a political subdivision of that state.

6 [(z)] (AA) “Pomace brandy” means brandy that is distilled from the pulpy residue
7 of wine pressing, including the skins, pips, and stalks of grapes.

8 [(aa)] (BB) (1) Subject to paragraph (2) of this subsection, “restaurant” means
9 an establishment that:

10 (i) accommodates the public;

11 (ii) is equipped with a dining room with facilities for preparing and
12 serving regular meals; and

13 (iii) has average daily receipts from the sale of food that exceed the
14 average daily receipts from the sale of alcoholic beverages.

15 (2) By regulation, a local licensing board may set a different standard as to
16 what constitutes a restaurant.

17 [(bb)] (CC) (1) “Retail dealer” means a person that sells an alcoholic beverage to
18 any person other than a license holder.

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

20 [(cc)] (DD) “7-day license” means a license that is in effect every day of the week.

21 [(dd)] (EE) “6-day license” means a license that is in effect Monday through
22 Saturday.

23 [(ee)] (FF) (1) Except as provided in paragraph (2) of this subsection, “state”
24 means:

25 (i) a state, possession, territory, or commonwealth of the United
26 States; or

27 (ii) the District of Columbia.

28 (2) When capitalized, “State” means Maryland.

29 [(ff)] (GG) “Tobacco” includes cigarettes regulated under Title 16 of the Business

1 Regulation Article and other tobacco and related products regulated under Titles 16.5 and
2 16.7 of the Business Regulation Article.

3 **[(gg)] (HH)** (1) “Wholesaler” means:

4 (i) a person that purchases or imports an alcoholic beverage for sale
5 to wholesale dealers or retail dealers only; or

6 (ii) a limited winery that sells wine to retail dealers.

7 (2) “Wholesaler” includes:

8 (i) a county liquor control board; and

9 (ii) a county wholesale dispensary.

10 **[(hh)] (II)** “Wholesaler’s license” means a license issued under Title 2, Subtitle 3
11 of this article that is:

12 (1) a Class 1 beer, wine, and liquor license;

13 (2) a Class 2 wine and liquor license;

14 (3) a Class 3 beer and wine license;

15 (4) a Class 4 beer license;

16 (5) a Class 5 wine license;

17 (6) a Class 6 limited wine license; or

18 (7) a Class 7 limited beer license.

19 **[(ii)] (JJ)** (1) “Wine” means a fermented beverage.

20 (2) “Wine” includes:

21 (i) light wine;

22 (ii) sparkling wine that is naturally or artificially carbonated; and

23 (iii) fortified wine to which alcohol, spirits, or other ingredients are
24 added.

25 1–302.

26 There is an Alcohol, **CANNABIS**, and Tobacco Commission.

1 1–304.

2 (a) A member of the Commission may not:

3 (1) have a direct or indirect financial interest, ownership, or management,
4 including holding any stocks, bonds, or other similar financial interests, in the alcohol,
5 tobacco, CANNABIS, or motor fuel industries;

6 (2) have an official relationship to a person who holds a license or permit
7 under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

8 **(3) HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A**
9 **LICENSE AS A GROWER, PROCESSOR, OR DISPENSARY WITH THE NATALIE M.**
10 **LAPRADE MEDICAL CANNABIS COMMISSION;**

11 **[(3)] (4)** be an elected official;

12 **[(4)] (5)** receive or share in, directly or indirectly, the receipts or proceeds
13 of any activities conducted in the alcohol, CANNABIS, or tobacco industries;

14 **[(5)] (6)** have a beneficial interest in any contract for the manufacture or
15 sale of any device or product or the provision of any independent consulting services in
16 connection with a holder of a license or permit issued under this article or Title 16, Title
17 16.5, or Title 16.7 of the Business Regulation Article; or

18 **[(6)] (7)** accept a contribution of money or property worth at least \$100
19 from an entity or individual associated with the alcohol, CANNABIS, or tobacco industries
20 with respect to the regulation of alcohol, CANNABIS, or tobacco.

21 (b) A member of the Commission shall file a financial disclosure statement with
22 the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General
23 Provisions Article.

24 1–307.

25 (a) The Commission has the powers and duties set forth in this section.

26 (b) The Commission shall:

27 (1) educate the public, by resource sharing and serving as an information
28 clearinghouse, on such topics as:

29 (i) recent increases in alcohol content for popular beer and other
30 beverages;

(ii) the proper limits of drinking for adults;

(iii) the adverse consequences of surpassing those limits;

(iv) parental or adult responsibility for serving alcohol to underage individuals; and

(v) comparable topics relating to smoking, vaping, tobacco, other tobacco products, [and] electronic nicotine delivery systems, **AND CANNABIS; [and]**

(2) subject to federal approval, ensure that all alcoholic beverages sold in the State with an alcohol content exceeding 4.5% by volume bear a large and conspicuous label stating the percentage of alcohol content; **AND**

(3) IN CONSULTATION WITH THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, DETERMINE, LICENSE, AND REGULATE THE ENTITIES THAT MAY PROVIDE CANNABIS IN THE STATE.

(c) (1) The Commission shall conduct studies of:

(i) the operation and administration of similar laws in other states or countries; and

(ii) federal laws that may affect the operation of the alcohol, **CANNABIS**, or tobacco industries, the literature on those industries, and the reaction of residents of the State to existing and potential features of those industries.

(2) The Commission shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the studies required under this subsection.

1–310.1.

(A) IN THIS SECTION, “ADVISORY COMMITTEE” MEANS THE ADVISORY COMMITTEE ON ADULT–USE CANNABIS.

(B) THERE IS AN ADVISORY COMMITTEE ON ADULT–USE CANNABIS.

(C) THE PURPOSE OF THE ADVISORY COMMITTEE IS TO ADVISE AND MAKE RECOMMENDATIONS TO THE COMMISSION ON ISSUES RELATED TO THE USE OF CANNABIS BY ADULTS AND TO MONITOR THE ADMINISTRATION OF THE CANNABIS INDUSTRY INCLUDING:

(1) PUBLIC HEALTH IMPACTS;

1 **(2) CRIMINAL JUSTICE;**

2 **(3) SOCIAL EQUITY;**

3 **(4) LICENSING AND REGULATION;**

4 **(5) TAXATION;**

5 **(6) ADVERTISING AND LABELING;**

6 **(7) THE REGULATION OF CANNABIS IN COORDINATION WITH THE**
7 **STATE'S MEDICAL CANNABIS PROGRAM; AND**

8 **(8) ANY OTHER ISSUE RELATED TO THE REGULATION OF ADULT-USE**
9 **CANNABIS AS DEEMED NECESSARY BY THE ADVISORY COMMITTEE.**

10 **(D) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:**

11 **(1) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;**

12 **(2) THE EXECUTIVE DIRECTOR OF THE NATALIE M. LAPRADE**
13 **MEDICAL CANNABIS COMMISSION; AND**

14 **(3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:**

15 **(I) ONE REPRESENTATIVE OF THE JUDICIARY;**

16 **(II) TWO REPRESENTATIVES OF LAW ENFORCEMENT;**

17 **(III) TWO REPRESENTATIVES WITH HEALTH CARE EXPERTISE;**

18 **(IV) ONE REPRESENTATIVE OF AN ORGANIZATION FOCUSING ON**
19 **CANNABIS-RELATED POLICY; AND**

20 **(V) ONE REPRESENTATIVE WITH EXPERTISE IN TAX POLICY.**

21 **(E) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE ADVISORY**
22 **COMMITTEE.**

23 **(F) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE ADVISORY**
24 **COMMITTEE SHALL REFLECT THE RACIAL, ETHNIC, AND GEOGRAPHICAL DIVERSITY**
25 **OF THE STATE.**

(G) (1) THE TERM OF A MEMBER OF THE ADVISORY COMMITTEE IS 4 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COMMITTEE ON JANUARY 1, 2021.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO FULL TERMS.
1-310.2.

(A) AN ENTITY LICENSED BY THE COMMISSION TO PROVIDE CANNABIS TO ADULTS MAY NOT SELL, GIVE, OR OTHERWISE DISTRIBUTE TO AN INDIVIDUAL MORE THAN THE FOLLOWING AMOUNTS OF CANNABIS, CANNABIS PRODUCTS, OR EDIBLE CANNABIS PRODUCTS FOR ADULT USE IN A SINGLE TRANSACTION:

(1) 1 OUNCE OF CANNABIS;

(2) 5 GRAMS OF CONCENTRATED CANNABIS; OR

(3) AN AMOUNT OF CANNABIS PRODUCTS OR ADULT-USE CANNABIS PRODUCTS WITH AN AGGREGATE AMOUNT OF DELTA-9-TETRAHYDROCANNABINOL EXCEEDING 500 MILLIGRAMS.

(B) THE COMMISSION SHALL ADOPT REGULATIONS PROVIDING FOR THE SALE OF CANNABIS FOR ADULT USE BY ADULTS WHO ARE AT LEAST 21 YEARS OLD.

1-310.3.

(A) A PERSON WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PRESENT OR OFFER WRITTEN OR ORAL EVIDENCE OF AGE THAT IS FALSE, FRAUDULENT, OR NOT ACTUALLY THE PERSON'S OWN FOR THE PURPOSE OF PURCHASING, ATTEMPTING TO PURCHASE, OR OTHERWISE PROCURING OR ATTEMPTING TO PROCURE ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, OR EDIBLE CANNABIS PRODUCTS FOR ADULT USE.

(B) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$150 OR COMMUNITY SERVICE NOT EXCEEDING 10 HOURS OR BOTH.

1-310.4.

(A) AN ADVERTISEMENT, INCLUDING AN ADVERTISEMENT PLACED ON SOCIAL MEDIA OR A MOBILE APPLICATION, FOR AN ENTITY ADVERTISING ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR ADULT-USE CANNABIS-RELATED SERVICES:

(1) SHALL INCLUDE:

(I) NOTIFICATION THAT ADULT-USE CANNABIS IS FOR USE BY ADULTS WHO ARE AT LEAST 21 YEARS OLD; AND

(II) INFORMATION ON THE MOST SIGNIFICANT SIDE EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS; AND

(2) MAY NOT:

(I) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320 OF THE COMMERCIAL LAW ARTICLE; OR

(II) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A REPRESENTATION THAT:

1. ENCOURAGES THE RECREATIONAL USE OF CANNABIS;

2. TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING A CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY USED TO MARKET PRODUCTS TO MINORS; OR

3. DISPLAYS THE USE OF CANNABIS, INCLUDING THE CONSUMPTION, SMOKING, OR VAPING OF CANNABIS.

(B) A WEBSITE OWNED, MANAGED, OR OPERATED BY AN ENTITY DEPICTING OR ADVERTISING ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR ADULT-USE CANNABIS-RELATED SERVICES SHALL EMPLOY A NEUTRAL AGE-SCREENING MECHANISM THAT VERIFIES THAT THE USER IS AT LEAST 21 YEARS OLD, INCLUDING BY USING AN AGE-GATE, AGE-SCREEN, OR AGE VERIFICATION MECHANISM.

(C) AN ADVERTISEMENT FOR ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR ADULT-USE CANNABIS-RELATED SERVICES MAY NOT BE PLACED ON A BILLBOARD.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN ADVERTISEMENT PLACED ON PROPERTY OWNED OR LEASED BY A DISPENSARY, GROWER, OR PROCESSOR.

(2) AN ADVERTISEMENT FOR ADULT-USE CANNABIS, ADULT-USE CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS FOR ADULT USE, OR ADULT-USE CANNABIS-RELATED SERVICES MAY NOT BE PLACED WITHIN 500 FEET OF:

(I) A SUBSTANCE USE DISORDER OR TREATMENT FACILITY;

(II) A PRIMARY OR SECONDARY SCHOOL OR A CHILD CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR

(III) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR PUBLIC PARK.

1-503.

(a) There is a Natalie M. LaPrade Medical Cannabis Commission.

(b) [The Commission is an independent commission that functions within the Department.

(c) The purpose of the Commission is to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner.

[(d)] (C) (1) The Commission shall develop identification cards for qualifying patients and caregivers.

(2) (i) The Department shall adopt regulations that establish the requirements for identification cards provided by the Commission.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall include:

1. the information to be included on an identification card;

2. the method through which the Commission will distribute identification cards; and

3. the method through which the Commission will track identification cards.

[(e)] (D) The Commission shall develop and maintain a website that:

(1) provides information on how an individual can obtain medical cannabis in the State;

(2) provides contact information for licensed dispensaries;

(3) provides information concerning the collateral consequences, with respect to federal law, of registering as a qualifying patient or caregiver; and

(4) discloses, with the exception of any confidential or proprietary information:

(i) the methodology for the ranking of applicants for licensure under this subtitle; and

(ii) the results of any rankings of applicants for licensure under this subtitle.

[(f)] (E) (1) The Commission shall:

(i) conduct ongoing, thorough, and comprehensive outreach to small, minority, and women business owners and entrepreneurs who may have an interest in applying for medical cannabis grower, processor, or dispensary licenses; and

(ii) make grants to appropriate educational and business development organizations to train and assist small, minority, and women business owners and entrepreneurs seeking to become licensed as medical cannabis growers, processors, or dispensaries.

(2) The outreach required under paragraph (1)(i) of this subsection shall include:

- (i) developing partnerships with:

1. traditional minority-serving institutions in the State and surrounding jurisdictions, including historically black colleges and universities;

2. trade associations representing minority and women-owned businesses; and

1 (1) an application fee in an amount to be determined by the Commission in
2 accordance with this subtitle; and

3 (2) an application that includes:

4 (i) the legal name and physical address of the proposed processor;

5 (ii) the name, address, and date of birth of each principal officer and
6 director, none of whom may have served as a principal officer or director for a licensee under
7 this subtitle that has had its license revoked; and

8 (iii) operating procedures that the processor will use, consistent with
9 Commission regulations for oversight, including storage of cannabis, extracts, and products
10 containing cannabis only in enclosed and locked facilities.

11 (c) (1) (i) Subject to subparagraph (ii) of this paragraph, the Commission
12 may license no more than 28 processors.

13 (ii) 1. If an applicant for licensure that received Stage One
14 preapproval in calendar year 2016 for a medical cannabis processor license fails to satisfy
15 the requirements for licensure established by the Commission, the Commission shall
16 rescind the applicant's Stage One preapproval.

17 2. If the Commission rescinds the Stage One preapproval for
18 a license of an applicant under subparagraph 1 of this subparagraph, the maximum
19 number of medical cannabis processor licenses authorized under subparagraph (i) of this
20 paragraph shall be reduced by the number of medical cannabis processor licenses rescinded
21 by the Commission.

22 (2) (i) Subject to subparagraph (ii) of this paragraph, beginning
23 December 1, 2024, the Commission may report to the General Assembly, in accordance with
24 § 2–1257 of the State Government Article, on the number of licenses necessary to meet the
25 demand for medical cannabis by qualifying patients and caregivers issued identification
26 cards under this subtitle in an affordable, accessible, secure, and efficient manner.

27 (ii) Before the Commission determines to submit the report
28 described under subparagraph (i) of this paragraph, the Commission shall provide the
29 Legislative Policy Committee at least 30 days to submit comments to the Commission.

30 (3) The Commission shall establish an application review process for
31 granting processor licenses in which applications are reviewed, evaluated, and ranked
32 based on criteria established by the Commission.

33 (4) (i) The Commission shall:

34 1. to the extent permitted by federal and State law, actively
35 seek to achieve racial, ethnic, gender, and geographic diversity when licensing processors;

1 and

2 2. encourage applicants who qualify as a minority business
3 enterprise, as defined in § 14–301 of the State Finance and Procurement Article, or who
4 are small, minority, or women–owned business entities to apply for licensure as processors.

5 (ii) Beginning June 1, 2018, a processor licensed under this subtitle
6 shall report annually to the Commission on:

7 1. the number of minority and women owners of the
8 processor;

9 2. the ownership interest of any minority and women owners
10 of the processor; and

11 3. the number of minority and women employees of the
12 processor.

13 (d) A person may not have an ownership interest in or control of, including the
14 power to manage and operate, more than one processor.

15 (e) (1) A processor license is valid for 6 years on initial licensure.

16 (2) A processor license is valid for 4 years on renewal.

17 (f) The Commission shall allow a processor licensed under this section or a
18 processor agent registered under [§ 13–3310] § 1–516 of this subtitle to:

19 (1) acquire, possess, process, package, label, transfer, transport, sell, and
20 distribute to a dispensary edible cannabis products for use by a qualifying patient, a
21 caregiver, or an academic research representative purchasing medical cannabis under [§
22 13–3304.1] § 1–507 of this subtitle; and

23 (2) transport edible cannabis products to an independent testing
24 laboratory.

25 (g) A processor licensed under this section or a processor agent registered under
26 [§ 13–3310] § 1–516 of this subtitle may not be penalized or arrested under State law for:

27 (1) acquiring, possessing, processing, packaging, labeling, transferring,
28 transporting, selling, or distributing medical cannabis or products containing medical
29 cannabis to a dispensary for use by a qualifying patient, a caregiver, or an academic
30 research representative purchasing medical cannabis under [§ 13–3304.1] § 1–507 of this
31 subtitle; or

32 (2) transporting medical cannabis or products containing medical cannabis
33 to an independent testing laboratory.

(h) The Commission shall establish requirements for security and product handling procedures that a processor must meet to obtain a license under this section, including a requirement for a product-tracking system.

(i) The Commission may inspect a processor licensed under this section to ensure compliance with this subtitle.

(j) The Commission[, in consultation with the Department,] shall adopt regulations:

(1) including [but not limited to] the packaging, labeling, marketing, and appearance of edible cannabis products, to ensure the safety of minors; and

(2) to require a processor to meet any additional requirements that the Commission determines are necessary, including requiring a permit, for the processing of edible cannabis products.

(k) The Commission may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the Commission.

(l) A processor licensed under this subtitle is subject to the Maryland Antitrust Act and the Maryland Sales Below Cost Act.

Article – Criminal Law

5–101.

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

(b) “Administer” means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.

(c) (1) “Agent” means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.

(2) “Agent” does not include:

(i) a common carrier, contract carrier, or public warehouseman; or

(ii) an employee of a common carrier, contract carrier, or public warehouseman.

(d) (1) “Authorized provider” means:

(i) a person licensed, registered, or otherwise allowed to administer,

1 distribute, dispense, or conduct research on a controlled dangerous substance in the State
2 in the course of professional practice or research; or

3 (ii) a pharmacy, laboratory, hospital, or other institution licensed,
4 registered, or otherwise allowed to administer, distribute, dispense, or conduct research on
5 a controlled dangerous substance in the State in the course of professional practice or
6 research.

7 (2) "Authorized provider" includes:

8 (i) a scientific investigator;

9 (ii) an individual authorized by the State to practice medicine,
10 dentistry, or veterinary medicine; and

11 (iii) an animal control facility licensed under § 2-305 of the
12 Agriculture Article.

13 (e) (1) "Cannabimimetic agents" means substances that are cannabinoid
14 receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional
15 assays within one of the following structural classes:

16 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
17 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
18 cyclohexyl ring to any extent;

19 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by
20 substitution at the nitrogen atom of the indole ring, whether or not further substituted on
21 the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl
22 ring to any extent;

23 (iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of
24 the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and
25 whether or not substituted on the naphthoyl ring to any extent;

26 (iv) 1-(1-naphthylmethylene)indene by substitution of the
27 3-position of the indene ring, whether or not further substituted in the indene ring to any
28 extent and whether or not substituted on the naphthyl ring to any extent; or

29 (v) 3-phenylacetylindole or 3-benzoylindole by substitution at the
30 nitrogen atom of the indole ring, whether or not further substituted in the indole ring to
31 any extent and whether or not substituted on the phenyl ring to any extent.

32 (2) "Cannabimimetic agents" includes:

33 (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
34 phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

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

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

(G) (1) “Coca leaf” includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) “Coca leaf” does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be

1 synthesized or made.

2 **[(g)] (H)** (1) “Controlled dangerous substance” means:

3 (i) a drug or substance listed in Schedule I through Schedule V; or

4 (ii) an immediate precursor to a drug or substance listed in Schedule
5 I through Schedule V that:

6 1. by regulation the Department designates as being the
7 principal compound commonly used or produced primarily for use to manufacture a drug
8 or substance listed in Schedule I through Schedule V;

9 2. is an immediate chemical intermediary used or likely to be
10 used to manufacture a drug or substance listed in Schedule I through Schedule V; and

11 3. must be controlled to prevent or limit the manufacture of
12 a drug or substance listed in Schedule I through Schedule V.

13 (2) “Controlled dangerous substance” does not include distilled spirits,
14 wine, malt beverages, or tobacco.

15 **[(h)] (I)** “Controlled paraphernalia” means:

16 (1) a hypodermic syringe, needle, or any other object or combination of
17 objects adapted to administer a controlled dangerous substance by hypodermic injection;

18 (2) a gelatin capsule, glassine envelope, or other container suitable for
19 packaging individual quantities of a controlled dangerous substance; or

20 (3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine
21 hydrochloride, or any other substance suitable as a diluent or adulterant.

22 **[(i)] (J)** “Deliver” means to make an actual, constructive, or attempted transfer
23 or exchange from one person to another whether or not remuneration is paid or an agency
24 relationship exists.

25 **[(j)] (K)** “Department” means the Maryland Department of Health.

26 **[(k)] (L)** “Depressant or stimulant drug” means a drug that contains any
27 quantity of a substance that the Attorney General of the United States by regulation
28 designates as having a potential for abuse because of:

29 (1) a depressant or stimulant effect on the central nervous system; or

30 (2) a hallucinogenic effect.

1 **[(l)] (M)** (1) “Dispense” means to deliver to the ultimate user or the human
2 research subject by or in accordance with the lawful order of an authorized provider.

3 (2) “Dispense” includes to prescribe, administer, package, label, or
4 compound a substance for delivery.

5 **[(m)] (N)** “Distribute” means, with respect to a controlled dangerous substance,
6 to deliver other than by dispensing.

7 **[(n)] (O)** (1) “Drug” means:

8 (i) a substance recognized in the official United States
9 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official
10 National Formulary;

11 (ii) a substance intended for use in the diagnosis, cure, mitigation,
12 treatment, or prevention of disease in humans or other animals;

13 (iii) except for food, a substance intended to affect the structure or
14 function of the body of humans or other animals; or

15 (iv) a substance intended for use as a component of any substance
16 specified in item (i), (ii), or (iii) of this paragraph.

17 (2) “Drug” does not include a device or an accessory, part, or component of
18 a device.

19 **[(o)] (P)** “Drug dependent person” means a person who:

20 (1) is using a controlled dangerous substance; and

21 (2) is in a state of psychological or physical dependence, or both, that:

22 (i) arises from administration of that controlled dangerous
23 substance on a continuous basis; and

24 (ii) is characterized by behavioral and other responses that include
25 a strong compulsion to take the substance on a continuous basis in order to experience its
26 psychological effects or to avoid the discomfort of its absence.

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

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

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

(2) "Drug paraphernalia" includes:

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

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

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

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

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

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

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

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

1 human body such as:

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

18 **[(q)] (R)** (1) “Manufacture”, with respect to a controlled dangerous substance,
19 means to produce, prepare, propagate, compound, convert, or process a controlled
20 dangerous substance:

- 21 (i) directly or indirectly by extraction from substances of natural
22 origin;
- 23 (ii) independently by chemical synthesis; or
- 24 (iii) by a combination of extraction and chemical synthesis.

25 (2) “Manufacture” includes to package and repack a controlled
26 dangerous substance and label and relabel its containers.

27 (3) “Manufacture” does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

[(r) (1) "Marijuana" means:

(i) all parts of any plant of the genus *Cannabis*, whether or not the plant is growing;

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) "Marijuana" does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(v) the sterilized seed of the plant that is incapable of germination; or

(vi) hemp as defined in § 14–101 of the Agriculture Article.]

(s) (1) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction-forming and addiction-sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

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

(t) “Noncontrolled substance” means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(u) (1) “Opiate” means a substance that has an addiction-forming or addiction-sustaining quality similar to morphine or that can be converted into a drug that has this addiction-forming or addiction-sustaining quality.

(2) “Opiate” includes:

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

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

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

(iv) coca leaf.

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

(v) **“PERSONAL USE AMOUNT” MEANS:**

(1) AN AMOUNT OF CANNABIS THAT DOES NOT EXCEED 1 OUNCE;

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

(3) AN AMOUNT OF CANNABIS PRODUCT CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 500 MILLIGRAMS.

(W) “Possess” means to exercise actual or constructive dominion or control over a thing by one or more persons.

[(w)] (X) (1) “Prescription drug” means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) “Prescription drug” does not include a controlled dangerous substance.

[(x)] (Y) “Produce”, with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

[(y)] (Z) “Registrant” means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

[(z)] (AA) “Schedule I” means a list of controlled dangerous substances that appears in § 5–402 of this title.

[(aa)] (BB) “Schedule II” means a list of controlled dangerous substances that appears in § 5–403 of this title.

[(bb)] (CC) “Schedule III” means a list of controlled dangerous substances that appears in § 5–404 of this title.

[(cc)] (DD) “Schedule IV” means a list of controlled dangerous substances that appears in § 5–405 of this title.

1 **[(dd)] (EE)** “Schedule V” means a list of controlled dangerous substances that
2 appears in § 5–406 of this title.

3 **[(ee)] (FF)** “Secretary” means the Secretary of the Department.

4 **[(ff)] (GG)** “Ultimate user” means a person who lawfully possesses a controlled
5 dangerous substance for the person’s own use, for the use of a member of the person’s
6 household, or for administration to an animal owned by the person or by a member of the
7 person’s household.

8 5–601.

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

10 (1) possess or administer to another a controlled dangerous substance,
11 unless obtained directly or by prescription or order from an authorized provider acting in
12 the course of professional practice; or

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

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

16 (ii) the counterfeiting or alteration of a prescription or a written
17 order;

18 (iii) the concealment of a material fact;

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

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

22 (vi) making, issuing, or presenting a false or counterfeit prescription
23 or written order.

24 (b) Information that is communicated to a physician in an effort to obtain a
25 controlled dangerous substance in violation of this section is not a privileged
26 communication.

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

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

31 (ii) for a second or third conviction, imprisonment not exceeding 18

1 months or a fine not exceeding \$5,000 or both; or

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

4 (2) (i) Except as provided in [subparagraph (ii)] **SUBPARAGRAPHS (II)**
5 **AND (III)** of this paragraph, a person whose violation of this section involves the use or
6 possession of [marijuana] **CANNABIS** is guilty of [a] **THE** misdemeanor of possession of
7 [marijuana] **CANNABIS** and is subject to imprisonment not exceeding 6 months or a fine
8 not exceeding \$1,000 or both.

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

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

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

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.

35 (III) **A VIOLATION OF THIS SECTION INVOLVING A PERSON AT**
36 **LEAST 21 YEARS OLD USING OR POSSESSING AN AMOUNT OF CANNABIS GREATER**

1 THAN THE PERSONAL USE AMOUNT BUT NOT EXCEEDING DOUBLE THE PERSONAL
2 USE AMOUNT IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250 OR
3 THE PERFORMANCE OF COMMUNITY SERVICE NOT EXCEEDING 20 HOURS OR BOTH.

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

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

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

12 A. is a resident of the State;

13 B. is at least 21 years old;

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

16 D. has not been convicted of a crime of violence as defined in
17 § 14–101 of this article;

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

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

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

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

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

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

30 A. cachexia or wasting syndrome;

31 B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

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

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

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

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

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

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

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

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

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

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

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

4 B. in possession of more than [1 ounce of marijuana] **THE**
5 **PERSONAL USE AMOUNT OF CANNABIS.**

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

8 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
9 [marijuana] CANNABIS a civil offense may not be construed to affect the laws relating to:

10 (1) operating a vehicle or vessel while under the influence of or while
11 impaired by a controlled dangerous substance; or

12 (2) seizure and forfeiture.

13 (e) (1) (i) Before imposing a sentence under subsection (c) of this section,
14 the court may order the Maryland Department of Health or a certified and licensed
15 designee to conduct an assessment of the defendant for substance use disorder and
16 determine whether the defendant is in need of and may benefit from drug treatment.

17 (ii) If an assessment for substance use disorder is requested by the
18 defendant and the court denies the request, the court shall state on the record the basis for
19 the denial.

20 (2) On receiving an order under paragraph (1) of this subsection, the
21 Maryland Department of Health, or the designee, shall conduct an assessment of the
22 defendant for substance use disorder and provide the results to the court, the defendant or
23 the defendant's attorney, and the State identifying the defendant's drug treatment needs.

24 (3) The court shall consider the results of an assessment performed under
25 paragraph (2) of this subsection when imposing the defendant's sentence and:

26 (i) except as provided in subparagraph (ii) of this paragraph, the
27 court shall suspend the execution of the sentence and order probation and, if the
28 assessment shows that the defendant is in need of substance abuse treatment, require the
29 Maryland Department of Health or the designee to provide the medically appropriate level
30 of treatment as identified in the assessment; or

31 (ii) the court may impose a term of imprisonment under subsection
32 (c) of this section and order the Division of Correction or local correctional facility to
33 facilitate the medically appropriate level of treatment for the defendant as identified in the
34 assessment.

1 5–601.1.

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

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

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

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

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

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

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

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

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

22 (iv) the fine that may be imposed;

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

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

26 1. pay the full amount of the preset fine; or

27 2. request a trial date at the date, time, and place established
28 by the District Court by writ or trial notice.

29 (2) (i) If a citation for a violation of § 5–601 of this part involving the
30 use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT**
31 **EXCEEDING THE PERSONAL USE AMOUNT** is issued to a person under the age of 21 years,

1 the court shall summon the person for trial.

2 (ii) If the court finds that a person at least 21 years old who has been
3 issued a citation under this section has at least twice previously been found guilty under §
4 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **AN**
5 **AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT**, the
6 court shall summon the person for trial.

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

9 (e) (1) The Chief Judge of the District Court shall establish a schedule for the
10 prepayment of the fine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

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

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

(2) The court costs in a Code violation case under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] **AN AMOUNT OF CANNABIS NOT EXCEEDING DOUBLE THE PERSONAL USE AMOUNT** in which costs are imposed are \$5.

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

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

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

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

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

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

(1) the defendant has prepaid the fine;

(2) the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine and costs imposed for the violation;

(3) the defendant has received a probation before judgment and has fully paid the fine and completed any terms imposed by the court;

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

(5) the State has entered a nolle prosequi;

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

(7) the charge has been dismissed.

5–601.2.

(A) A PERSON MAY NOT SMOKE CANNABIS IN A PUBLIC PLACE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.

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

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

(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

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

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

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

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

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

(III) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

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

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

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

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

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

(II) IF THE COURT FINDS THAT A PERSON AT LEAST 21 YEARS OLD WHO HAS BEEN ISSUED A CITATION UNDER THIS SECTION HAS AT LEAST TWICE PREVIOUSLY BEEN FOUND GUILTY UNDER THIS SECTION, THE COURT SHALL SUMMON THE PERSON FOR TRIAL.

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

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

(2) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF

1 GUILTY TO A CODE VIOLATION.

2 (3) A PERSON DESCRIBED IN SUBSECTION (E)(2) OF THIS SECTION
3 MAY NOT PREPAY THE FINE.

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

7 (2) IF A PERSON OTHER THAN A PERSON DESCRIBED IN SUBSECTION
8 (E)(2) OF THIS SECTION DOES NOT REQUEST A TRIAL OR PREPAY THE FINE WITHIN
9 30 DAYS AFTER THE ISSUANCE OF THE CITATION, THE COURT MAY IMPOSE THE
10 MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE PERSON GUILTY OF
11 A CODE VIOLATION FOR PURPOSES OF SUBSECTION (E)(2)(II) OF THIS SECTION.

12 (I) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION
13 AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING
14 VENUE.

15 (J) (1) THE FAILURE OF A DEFENDANT TO RESPOND TO A SUMMONS
16 DESCRIBED IN SUBSECTION (E)(2) OF THIS SECTION SHALL BE GOVERNED BY §
17 5-212 OF THE CRIMINAL PROCEDURE ARTICLE.

18 (2) IF A PERSON AT LEAST 21 YEARS OLD FAILS TO APPEAR AFTER
19 HAVING REQUESTED A TRIAL, THE COURT MAY IMPOSE THE MAXIMUM FINE AND
20 COSTS AGAINST THE PERSON AND FIND THE PERSON GUILTY OF A CODE VIOLATION
21 FOR PURPOSES OF SUBSECTION (E)(2)(II) OF THIS SECTION.

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

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

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

27 (3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED
28 A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT
29 UNDERSTANDS THOSE CHARGES;

30 (4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL
31 WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR
32 WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S

1 OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

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

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

6 (I) GUILTY OF A CODE VIOLATION;

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

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

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

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

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

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

20 (I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON
21 THE STET DOCKET; AND

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

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

27 (O) A CITATION FOR A VIOLATION OF THIS SECTION AND THE OFFICIAL
28 RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC
29 INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY
30 THE MARYLAND JUDICIARY IF:

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

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

5 **(3) THE DEFENDANT HAS RECEIVED A PROBATION BEFORE**
6 **JUDGMENT AND HAS FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED**
7 **BY THE COURT;**

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

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

12 **(6) THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE;**
13 **OR**

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

15 5–612.

16 (a) A person may not manufacture, distribute, dispense, or possess:

17 (1) 50 pounds or more of [marijuana] CANNABIS;

18 5–614.

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

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

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

25 5–619.

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

28 (2) Unless authorized under this title, a person may not use or possess with

1 intent to use drug paraphernalia to:

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

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

7 (3) A person who violates this subsection is guilty of a misdemeanor and
8 on conviction is subject to:

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

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

12 (4) A person who is convicted of violating this subsection for the first time
13 and who previously has been convicted of violating subsection (d)(4) of this section is subject
14 to the penalty specified under paragraph (3)(ii) of this subsection.

15 5–620.

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

19 Article – Criminal Procedure

20 10–105.1.

21 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
22 INDICATED.

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

26 (3) “PERSONAL USE AMOUNT” MEANS:

27 (I) AN AMOUNT OF MARIJUANA OR CANNABIS THAT DOES NOT
28 EXCEED 1 OUNCE;

29 (II) AN AMOUNT OF CONCENTRATED MARIJUANA OR CANNABIS
30 THAT DOES NOT EXCEED 5 GRAMS; OR

(III) AN AMOUNT OF MARIJUANA OR CANNABIS PRODUCT CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 500 MILLIGRAMS.

(B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA OR CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF MARIJUANA OR CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED BEFORE OCTOBER 1, 2022, WHERE POSSESSION OF MARIJUANA OR CANNABIS IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2024.

(C) NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA OR CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF MARIJUANA OR CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED BEFORE OCTOBER 1, 2022, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2030.

(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA OR CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE INVOLVING A QUANTITY OF MARIJUANA OR CANNABIS THAT DID NOT EXCEED THE PERSONAL USE AMOUNT ENTERED ON OR AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:

(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE; AND

(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90 DAYS AFTER DISPOSITION.

Article – Tax – General

TITLE 12.5. CANNABIS TAX.

12.5-101.

(A) THIS SECTION IS NOT APPLICABLE TO MEDICAL CANNABIS.

(B) A 30% EXCISE TAX IS IMPOSED ON THE SALE OR TRANSFER OF CANNABIS FROM A CANNABIS GROWER TO A CANNABIS PROCESSOR OR A CANNABIS DISPENSARY LICENSED BY THE ALCOHOL, CANNABIS, AND TOBACCO COMMISSION.

(C) SALES OF CANNABIS BY A CANNABIS GROWER, CANNABIS PROCESSOR, OR CANNABIS DISPENSARY ARE SUBJECT TO A 30% SALES AND USE TAX TO BE COLLECTED IN THE MANNER PROVIDED UNDER TITLE 11 OF THIS ARTICLE.

12.5–102.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE MAY IMPOSE A SALES TAX NOT EXCEEDING 3% ON SALES OF CANNABIS, CANNABIS PRODUCTS, AND EDIBLE CANNABIS PRODUCTS WITHIN ITS JURISDICTION.

(B) A COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE MAY NOT IMPOSE A SALES TAX UNDER SUBSECTION (A) OF THIS SECTION:

(1) IF THE COUNTY, MUNICIPAL CORPORATION, SPECIAL TAXING DISTRICT, OR POLITICAL SUBDIVISION HAS ADOPTED A LOCAL LAW, ORDINANCE, OR REGULATION PROHIBITING THE SITING OF A CANNABIS GROWER, CANNABIS PROCESSOR, OR CANNABIS DISPENSARY ANYWHERE WITHIN ITS JURISDICTION;

(2) ON SALES OF MEDICAL CANNABIS UNDER TITLE 1, SUBTITLE 5 OF THE ALCOHOLIC BEVERAGES ARTICLE; OR

(3) ON SALES TO:

(I) A GROWER LICENSED UNDER THE ALCOHOLIC BEVERAGES ARTICLE;

(II) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING CANNABIS UNDER THE ALCOHOLIC BEVERAGES ARTICLE;

(III) A DISPENSARY LICENSED UNDER THE ALCOHOLIC BEVERAGES ARTICLE;

(IV) A PROCESSOR LICENSED UNDER THE ALCOHOLIC BEVERAGES ARTICLE; OR

(V) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO TEST, TRANSPORT, OR DISPOSE OF MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, OR MEDICAL CANNABIS WASTE UNDER THE PROVISIONS OF TITLE 1, SUBTITLE 5 OF THE ALCOHOLIC BEVERAGES ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Advisory Committee on Adult-Use Cannabis shall expire as follows:

- (1) two members in 2023;
- (2) two members in 2024; and
- (3) three members in 2025.

SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by Section 1 of this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Cannabis Commission shall issue a request for proposals to conduct an assessment of:

- (1) the current and future size of the medical cannabis market in the State;
- (2) the health, public safety, and economic impact of legalizing adult-use cannabis in the State; and
- (3) the impact of the legalization of adult-use cannabis on medical cannabis patients and the Maryland Medical Cannabis Program.

(b) On or before December 1, 2020, the Commission shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on:

- (1) the assessment required under subsection (a) of this section; and
- (2) recommendations, based on the assessment required under subsection (a) of this section, for an Adult-Use Cannabis Health Advisory Committee, including recommendations related to committee membership and duties, public health outreach and education, data collection, and reporting.

1 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 7 of this Act, this Act shall take effect January 1, 2021, the effective date of Chapter 12 of
3 the Acts of the General Assembly of 2019. If the effective date of Chapter 12 is amended,
4 this Act shall take effect on the taking effect of Chapter 12.

5 SECTION 7. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take
6 effect June 1, 2020.