

SENATE BILL 158

A3

4lr1190

(PRE-FILED)

By: **Senator Bailey**

Requested: October 26, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis Licensing – Zoning Requirements – Alteration**

3 FOR the purpose of repealing a provision of law that exempts the use of a facility by a
4 cannabis licensee from certain county or municipal zoning requirements if the
5 facility is used by a grower, processor, or dispensary that held a certain Stage One
6 Preapproval for a license before a certain date and was not operational before a
7 certain date; and generally relating to cannabis licensing and zoning requirements.

8 BY repealing and reenacting, with amendments,
9 Article – Alcoholic Beverages and Cannabis
10 Section 36–405
11 Annotated Code of Maryland
12 (2016 Volume and 2023 Supplement)

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

15 **Article – Alcoholic Beverages and Cannabis**

16 36–405.

17 (a) A political subdivision may:

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

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

21 (b) A political subdivision may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

(d) A political subdivision or special taxing district may not impose a tax on cannabis.

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