A35lr0081 CF HB 12 (PRE-FILED)

By: Chair, Finance Committee (By Request - Departmental - Alcohol, Tobacco, and Cannabis Commission)

Requested: September 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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Cannabis - Sale and Distribution - Tetrahydrocannabinol Offenses

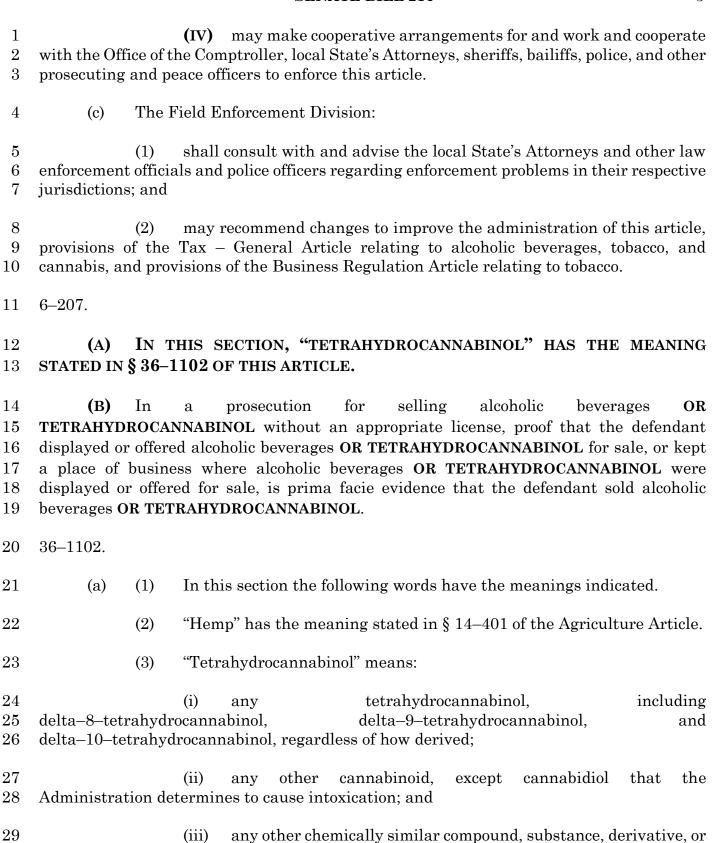
- 3 FOR the purpose of authorizing the officers and employees of the Field Enforcement 4 Division of the Alcohol, Tobacco, and Cannabis Commission to issue a citation for a 5 certain violation; providing that the display or offering of tetrahydrocannabinol for 6 sale is prima facie evidence of selling tetrahydrocannabinol; prohibiting the sale or 7 distribution of certain products that contain tetrahydrocannabinol or are advertised 8 as containing tetrahydrocannabinol; authorizing the Executive Director of the 9 Commission to seize, destroy, or confiscate a certain unlawful product; and generally 10 relating to the sale and distribution of tetrahydrocannabinol and related offenses.
- 11 BY repealing and reenacting, with amendments,
- 12 Article – Alcoholic Beverages and Cannabis
- 13 Section 1-313 and 6-207
- 14 Annotated Code of Maryland
- 15 (2024 Replacement Volume)
- 16 BY repealing and reenacting, without amendments,
- 17 Article – Alcoholic Beverages and Cannabis
- 18 Section 36–1102(a) through (d)
- Annotated Code of Maryland 19
- 20 (2024 Replacement Volume)
- 21BY adding to
- 22Article – Alcoholic Beverages and Cannabis
- 23 Section 36–1104
- Annotated Code of Maryland 24
- 25 (2024 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2 3	BY repealing and reenacting, without amendments, Article – Criminal Law Section 10–108
4 5	Annotated Code of Maryland (2021 Replacement Volume and 2024 Supplement)
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
8	Article - Alcoholic Beverages and Cannabis
9	1–313.
10	(a) There is a Field Enforcement Division in the Office of the Executive Director.
11 12	(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.
13	(2) The officers and employees of the Field Enforcement Division:
14	(i) shall be sworn police officers;
15 16	(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:
17 18	1. the unlawful importation of alcoholic beverages, tobacco, and cannabis into the State;
19 20	2. the unlawful manufacture of alcoholic beverages, tobacco, and cannabis in the State;
21 22 23 24	3. the transportation and distribution throughout the State of alcoholic beverages, tobacco, and cannabis that are manufactured illegally and on which any alcoholic beverages taxes, tobacco taxes, or cannabis taxes imposed by the State are due and unpaid; and
25 26 27 28 29	4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages, tobacco, or cannabis by any person not licensed or authorized under this article, provisions of the Tax – General Article relating to alcoholic beverages, tobacco, or cannabis, or provisions of the Business Regulation Article relating to alcoholic beverages, tobacco, or cannabis; [and]
30 31 32	(iii) MAY ISSUE A CITATION OR OTHER CHARGING DOCUMENT TO A PERSON WHO HAS COMMITTED A VIOLATION OF § 10–108 OF THE CRIMINAL LAW ARTICLE; AND



31 (4) "Tincture" means a solution that is:

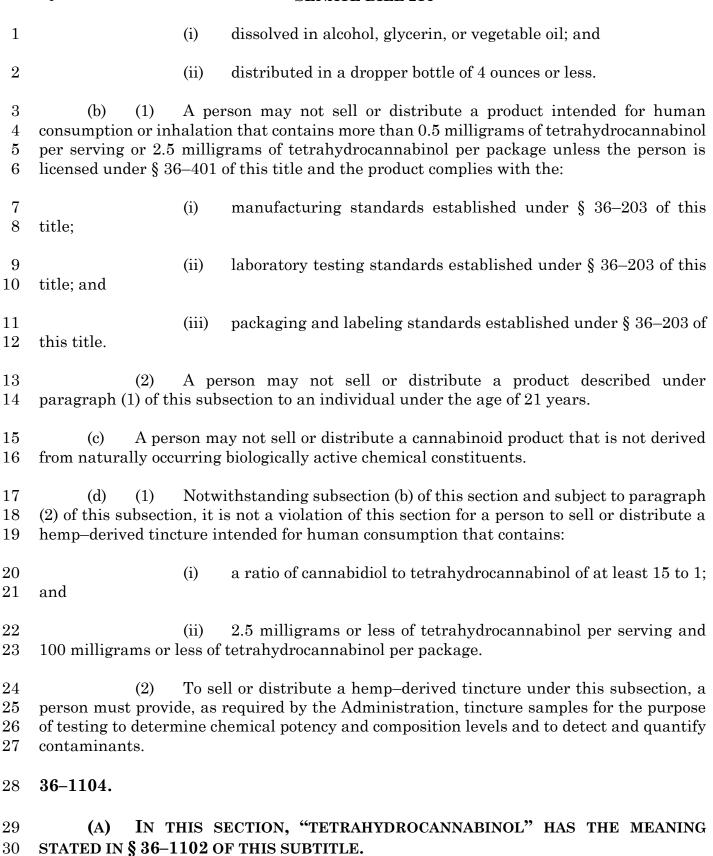
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isomer of tetrahydrocannabinol, as identified by the Administration.

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(B)



A PERSON MAY NOT SELL OR DISTRIBUTE A PRODUCT CONTAINING

TETRAHYDROCANNABINOL THAT VIOLATES THE POTENCY, PACKAGING, OR

- 1 LABELING REQUIREMENTS UNDER § 36–203 OR § 36–203.1 OF THIS TITLE OR ANY
- 2 REGULATIONS ADOPTED UNDER THOSE SECTIONS.
- 3 (C) (1) A PERSON MAY NOT SELL OR DISTRIBUTE A PRODUCT THAT IS
- 4 ADVERTISED AS CONTAINING AN AMOUNT OF TETRAHYDROCANNABINOL THAT
- 5 VIOLATES § 36–1102 OF THIS SUBTITLE.
- 6 (2) ADVERTISING UNDER PARAGRAPH (1) OF THIS SUBSECTION 7 INCLUDES PACKAGING, LABELING, OR ELECTRONIC COMMUNICATION.
- 8 (D) THE EXECUTIVE DIRECTOR MAY SEIZE, DESTROY, OR CONFISCATE A 9 PRODUCT THAT IS:
- 10 (1) OFFERED OR DISPLAYED FOR SALE TO A CONSUMER IN A
- 11 LOCATION THAT IS NOT APPROPRIATELY LICENSED UNDER SUBTITLE 4 OF THIS
- 12 TITLE; AND
- 13 (2) THE SUBJECT OF A VIOLATION UNDER SUBSECTION (B) OR (C) OF
- 14 THIS SECTION.
- 15 (E) (1) IF A PERSON WHO IS NOT A CANNABIS LICENSEE VIOLATES
- 16 SUBSECTION (B) OR (C) OF THIS SECTION, THE PERSON:
- 17 (I) MAY BE CHARGED BY A CITATION; AND
- 18 (II) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
- 19 SUBJECT TO A FINE NOT EXCEEDING \$5,000.
- 20 (2) If a cannabis licensee violates subsection (b) or (c) of
- 21 THIS SECTION, THE LICENSEE IS SUBJECT TO DISCIPLINARY ACTION BY THE
- 22 ADMINISTRATION IN ACCORDANCE WITH § 36–202 OF THIS TITLE.
- 23 Article Criminal Law
- 24 10–108.
- 25 (a) A person who distributes products containing delta-8- or
- 26 delta–10–tetrahydrocannabinol, including a person licensed under Title 16, Title 16.5, Title
- 27 16.7, Title 16.9, or Title 17 of the Business Regulation Article, may not distribute, purchase
- 28 for sale, or sell a product containing delta-8- or delta-10-tetrahydrocannabinol to an
- 29 individual under the age of 21 years.
- 30 (b) In a prosecution for a violation of this section, it is a defense that the defendant
- 31 examined the purchaser's or recipient's driver's license, or other valid identification issued

- by a governmental unit, that positively identified the purchaser or recipient as being at least 21 years old.
- 3 (c) Any website owned, managed, or operated by a person who distributes or sells a product containing delta-8— or delta-10—tetrahydrocannabinol 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.
- 7 (d) A person who violates this section is guilty of a misdemeanor and on conviction 8 is subject to a fine not exceeding:
- 9 (1) \$300 for a first violation;
- 10 (2) \$1,000 for a second violation occurring within 2 years after the first 11 violation; and
- 12 (3) \$3,000 for each subsequent violation occurring within 2 years after the 13 preceding violation.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.