

HOUSE BILL 253

A3

EMERGENCY BILL
(PRE-FILED)

4lr4578
CF 4lr4579

By: **Chair, Economic Matters Committee (By Request – Maryland Cannabis Administration)**

Requested: October 19, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

2 **Cannabis Reform – Alterations**

3 FOR the purpose of altering the best practices that the Alcohol, Tobacco, and Cannabis
4 Commission is required to develop; altering the membership of the Commission;
5 making alterations and clarifications related to the duties of the Commission, the
6 Office of Social Equity, the Advisory Board on Medical and Adult-Use Cannabis, and
7 the Maryland Cannabis Administration; altering the composition of the Advisory
8 Board; requiring the ~~Governor to appoint the chair of the~~ Advisory Board to elect a
9 chair and removing the Director of the Administration as chair; authorizing
10 processors to provide cannabis to cannabis licensees; requiring the Administration
11 to register and regulate cannabis nurseries; authorizing the Administration to
12 impose certain penalties on a cannabis license or registration for the violation of
13 certain laws and regulations; requiring the Administration rather than the
14 Comptroller to administer the Cannabis Regulation and Enforcement Fund; altering
15 the amount of cannabis that a qualifying patient may possess; altering the amount
16 of cannabis that processors may process; altering certain provisions of law related to
17 the registration of cannabis agents; providing for the temporary registration of
18 cannabis agents; altering certain provisions of law related to advertising and
19 cannabis; providing that certain violations may be charged by a citation; authorizing
20 the use of the Cannabis Business Assistance Fund for the administrative costs of the
21 Fund; authorizing the sharing of certain tax information with the Administration;
22 extending the period of time that the Administration is exempt from procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



requirements under certain circumstances; and generally relating to medical and adult-use cannabis.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages and Cannabis
Section 1-101(a), 1-322(a)(1) and (8), 36-101(a) and (h), and 36-206(b)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 1-101(d), 1-202, 1-303(a)(1) and (3), 1-308(8) and (9), 1-309.1(d)(5) ~~and~~
~~(f)(2)~~, (e), and (f), 1-309.2, 1-322(a)(7) and (b)(2), 36-101(j), (aa), and (dd),
36-202, 36-206(d) and (j)(1), 36-302(g), 36-401(c)(1) and (2), (e), and (g),
~~36-402(d)(1)(vi)~~ 36-402(b)(2)(i) and (d)(1)(vi), 36-404(i)(3), 36-407(a)(3) and
(b), 36-409(a), 36-501(a) and (d), 36-505, ~~and~~ 36-903(a), and 36-1102(e) and
(f)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY repealing
Article – Alcoholic Beverages and Cannabis
Section 1-308(10) and (11)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY adding to
Article – Alcoholic Beverages and Cannabis
Section 36-101(h-1)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 5-1901(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5-1901(g)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10-208(bb)(1), 10-308(b)(6), and 13-203(c)(10), (14), and (15)

Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY adding to
Article – Tax – General
Section 13–203(c)(16)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Chapter 254 of the Acts of the General Assembly of 2023
Section 10

BY repealing and reenacting, with amendments,
Chapter 255 of the Acts of the General Assembly of 2023
Section 10

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

Article – Alcoholic Beverages and Cannabis

1–101.

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

(d) (1) “Cannabis” means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, 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” includes cannabis products, **SEEDS, SEEDLINGS, IMMATURE PLANTS, AND CLONES.**

(3) “Cannabis” does not include hemp or hemp products, as defined in § 14–101 of the Agriculture Article.

1–202.

(a) To the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification prevails.

(b) A provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.

(c) A provision in Division III of this article prevails over a conflicting or inconsistent provision in Division I OR DIVISION II of this article or a provision in the Tax – General Article relating to cannabis.

1–303.

(a) (1) The Commission consists of [seven] FIVE members to be appointed by the Governor with the advice and consent of the Senate.

(3) Of the Commission members:

(i) one shall be knowledgeable and experienced in public health matters;

(ii) one shall be knowledgeable and experienced in law enforcement matters;

(iii) one shall be knowledgeable and experienced in the alcoholic beverages industry; AND

(iv) [one shall have expertise in cannabis research and policy;

(v) one shall have expertise in alcohol and tobacco policy; and

(vi) two shall be members of the public who are knowledgeable and experienced in fiscal matters and shall have substantial experience:

1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;

2. in an academic field relating to finance or economics; or

3. as an accountant, an economist, or a financial analyst.

1–308.

The Commission shall develop best practices for:

(8) the development of a public health impact statement for all changes to the State alcoholic beverages laws; AND

(9) ensuring that:

(i) all license holders, managers, and servers receive certification from an approved alcohol awareness program; and

(ii) at least one employee who is certified in an alcohol awareness program be on the licensed premises at all times when alcoholic beverages are served[;

(10) regulating the cannabis industry and implementing public health measures relating to cannabis; and

(11) regulating, to the extent possible, medical and adult-use cannabis in a similar manner].

1-309.1.

(d) The Office of Social Equity shall:

(5) provide recommendations to the [Commission] MARYLAND CANNABIS ADMINISTRATION on regulations related to:

(i) diversity; and

(ii) social equity applications;

(e) (1) On or before March 1 each year, the Office of Social Equity shall produce and make publicly available a report on how the funds in the Community Reinvestment and Repair Fund under § 1-322 of this subtitle were allocated during the immediately preceding calendar year.

(2) The report shall also be submitted to the General Assembly in accordance with § 2-1257 of the State Government Article.

(3) THE OFFICE MAY REQUEST INFORMATION FROM POLITICAL SUBDIVISIONS AND ENTITIES RECEIVING DISTRIBUTIONS FROM THE FUND TO ASSIST WITH THE COMPLETION OF THE REPORT.

(f) (1) On or before November 1 [each year] EVERY 2 YEARS, BEGINNING IN 2024, the Office of Social Equity shall solicit public input on the uses of the funds in the Community Reinvestment and Repair Fund under § 1-322 of this subtitle.

~~(f)~~ (2) On or before December 15 ~~each year~~ EVERY 2 YEARS, BEGINNING IN 2024, the Office of Social Equity shall publish a review of the input received under paragraph (1) of this subsection on a publicly accessible part of the [Commission's] OFFICE'S website.

(3) THE OFFICE SHALL INCLUDE IN THE REVIEW INFORMATION ON HOW THE FUNDS RECEIVED FROM THE FUND WERE SPENT DURING THE IMMEDIATELY PRECEDING 2 CALENDAR YEARS.

1-309.2.

(a) In this section, "Advisory Board" means the Advisory Board on Medical and Adult-Use Cannabis.

(b) There is an Advisory Board on Medical and Adult-Use Cannabis.

(c) The Advisory Board shall:

(1) consider all matters submitted to it by the [Commission] **OFFICE OF SOCIAL EQUITY**, the Governor, the Maryland Cannabis Administration, or the General Assembly; and

(2) ~~on its own initiative, provide recommendations to the [Commission] OFFICE OF SOCIAL EQUITY or the Maryland Cannabis Administration established under § 36-201 of this article regarding guidelines, rules, and regulations that the Advisory Board considers important or necessary for review and consideration by the [Commission] OFFICE OF SOCIAL EQUITY or the Maryland Cannabis Administration.~~ **STUDY AND MAKE RECOMMENDATIONS ON:**

(I) THE IMPACT ON THE LEGAL MEDICAL AND ADULT-USE CANNABIS INDUSTRY IN THE STATE IF THE FEDERAL GOVERNMENT:

1. RESCHEDULES CANNABIS FROM SCHEDULE I TO SCHEDULE III UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT; OR

2. REMOVES CANNABIS FROM THE LIST OF CONTROLLED SUBSTANCES UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT;

(II) MEASURES TO PROTECT AND PROMOTE THE LEGAL MEDICAL AND ADULT-USE CANNABIS INDUSTRY IN THE STATE IF CANNABIS IS:

1. RESCHEDULED FROM SCHEDULE I TO SCHEDULE III;
OR

2. REMOVED FROM THE FEDERAL CONTROLLED SUBSTANCES ACT;

(III) MEASURES TO ENABLE STANDARD AND MICRO CANNABIS LICENSEES AND SMALL BUSINESSES TO COMPETE IN INTERSTATE COMMERCE RELATED TO THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND TESTING OF CANNABIS AND CANNABIS PRODUCTS;

(IV) METHODS TO ENSURE THAT THERE IS AN ADEQUATE SUPPLY OF AFFORDABLE CANNABIS AND CANNABIS PRODUCTS FOR QUALIFYING

PATIENTS, INCLUDING CANNABIS AND CANNABIS PRODUCTS CONTAINING VARYING
LEVELS OF POTENCY; AND

(V) METHODS TO ASSIST SOCIAL EQUITY APPLICANTS, SOCIAL
EQUITY LICENSEES, AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES TO:

1. ACCESS FUNDS FOR OPERATING OR CAPITAL
EXPENSES ASSOCIATED WITH A BUSINESS PARTICIPATING IN THE MEDICAL AND
ADULT-USE CANNABIS INDUSTRY;

2. OBTAIN FINANCING FROM A LENDER, AS DEFINED IN §
36-1401 OF THIS ARTICLE; AND

3. PARTNER WITH OPERATIONAL CANNABIS LICENSEES
IN WAYS THAT THE SOCIAL EQUITY APPLICANTS OR LICENSEES OR SMALL,
MINORITY, OR WOMEN-OWNED BUSINESSES RETAIN OWNERSHIP AND CONTROL OF
THE LICENSES AND BUSINESSES.

(d) (1) The Advisory Board consists of[:

(1) the Director of the Maryland Cannabis Administration, who shall serve
as Chair of the Advisory Board; and

(2)] the following members, appointed by the Governor with the advice and
consent of the Senate:

(i) three members that have substantial experience in one or more
of the following:

1. cannabis law, science, or policy;

2. public health or health care;

3. agriculture;

4. finance; or

5. addiction treatment;

(ii) one academic researcher with at least 5 years of experience in
social or health equity;

(iii) one representative of an independent testing laboratory
registered under § 36-408 of this article;

(iv) two representatives who hold a standard grower license under § 36–401 of this article;

(v) two representatives who hold a standard processor license under § 36–401 of this article;

(vi) two representatives who hold a standard dispensary license under § 36–401 of this article;

(vii) two representatives who hold a micro grower license under § 36–401 of this article;

(viii) two representatives who hold a micro processor license under § 36–401 of this article;

(ix) two representatives who hold a micro dispensary license under § 36–401 of this article;

(x) one representative who holds an incubator space license under § 36–401 of this article;

(xi) one representative who holds an on–site consumption license under § 36–401 of this article;

(xii) one representative of an organization that advocates on behalf of patients who engage in the medical use of cannabis;

(xiii) one representative of an organization that advocates on behalf of consumers who engage in the adult use of cannabis; and

(xiv) one health care provider who is registered to certify patients to obtain medical cannabis under § 36–301 of this article.

(2) ~~FROM AMONG THE MEMBERS OF THE~~ THE ADVISORY BOARD, THE GOVERNOR SHALL APPOINT ELECT A CHAIR FROM AMONG ITS MEMBERS.

(e) The President of the Senate and the Speaker of the House may recommend to the Governor a list of individuals for appointment to the Advisory Board.

(f) (1) The term of a member of the Advisory Board is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) An appointed member may not serve more than two full terms.

(4) The positions for members appointed under subsection [(d)(2)(vii) through (xi)] **(D)(1)(VII) THROUGH (XI)** of this section become effective when the first licenses are issued under those respective license types.

(g) An appointed member of the Advisory Board must be:

(1) at least 25 years old;

(2) a resident of the State who has resided in the State for at least the immediately preceding 5 years before the appointment; and

(3) a registered voter of the State.

(h) The Advisory Board shall establish at least two subcommittees to focus on medical and adult-use cannabis.

(i) To the extent practicable and consistent with federal and State law, the membership of the Advisory Board shall reflect the racial, ethnic, and gender diversity of the State.

(J) THE MARYLAND CANNABIS ADMINISTRATION SHALL PROVIDE STAFF FOR THE ADVISORY BOARD.

1-322.

(a) (1) There is a Community Reinvestment and Repair Fund.

(7) **(I)** The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(8) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) any other special fund of the State.

(b) (2) **[(i)]** Subject to the limitations under subsection (a)(6) of this section, each county shall adopt a law establishing the purpose for which money received from the Fund may be used.

[(ii)] On or before December 1 every 2 years, beginning in 2024, each political subdivision that receives funds from the Fund under paragraph (1) of this subsection shall submit a report to the Governor and, in accordance with § 2-1257 of the

State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee on how funds received from the Fund were spent during the immediately preceding 2 fiscal years.]

36–101.

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

(h) “Cannabis licensee” means a business licensed by the Administration to operate in the cannabis industry.

(H–1) “CANNABIS NURSERY” MEANS A BUSINESS THAT PROVIDES CANNABIS SEEDS, SEEDLINGS, IMMATURE PLANTS, OR CLONES TO A CANNABIS BUSINESS.

(j) “Cannabis registrant” means an independent testing laboratory, a transporter, a security guard company, a waste disposal company, **A CANNABIS NURSERY**, and any other type of cannabis business registered under this title and authorized by the Administration.

(aa) “Ownership interest” means a direct or indirect equity interest in a cannabis licensee, including in its **PROFITS, REVENUES**, shares, or stock.

(dd) “Processor” means an entity licensed under this title that:

(1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and

(2) is authorized by the Administration to provide cannabis to [licensed dispensaries] **CANNABIS LICENSEES** and registered independent testing laboratories.

36–202.

(a) The Administration shall:

(1) develop and maintain a seed–to–sale tracking system that tracks cannabis from either the seed or immature plant stage until the cannabis is sold to a patient, caregiver, or consumer;

(2) conduct financial and criminal background investigations of any person who submits an application for a cannabis license or a cannabis licensee, as required under this title;

(3) develop a process for consumers and qualifying patients to purchase clones and seeds, seedlings, stalks, roots, and stems of the cannabis plant for cultivation in accordance with § 5–601.2 of the Criminal Law Article;

(4) solicit, evaluate, and issue or deny applications for cannabis licenses and cannabis registrations, including:

(i) licenses to operate a cannabis business in accordance with this title; and

(ii) registration for independent testing laboratories, transporters, security guard companies, [and] waste disposal companies, **AND CANNABIS NURSERIES**;

(5) award or deny:

(i) a license to operate a cannabis business in accordance with this title; and

(ii) registration to independent testing laboratories, transporters, security guard companies, waste disposal companies, **CANNABIS NURSERIES**, and any other type of cannabis business authorized by the Administration;

(6) conduct announced and unannounced inspections of any business licensed or registered under this title to ensure compliance with this title;

(7) after a determination that a violation of this title or a regulation adopted under this title has occurred, suspend, fine, restrict, or revoke cannabis licenses and cannabis registrations, whether active, expired, or surrendered, or impose any other penalty authorized by this title or any regulation adopted under this title;

(8) (i) give notice and hold a hearing in accordance with Title 10, Subtitle 2 of the State Government Article, for any:

1. contested cannabis license or registration denial; or

2. violation of this title or any regulation adopted under this title;

(ii) administer oaths in a proceeding under this section; and

(iii) subject to subsection (b)(3) of this section, allow the person against whom the action is contemplated to be represented at the hearing by counsel;

(9) adopt regulations necessary to carry out its duties under this title; and

(10) perform any other power authorized or duty required under this title or any other provision of State law.

(b) The Administration may:

(1) issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under this title; or

(ii) any investigation or proceeding initiated for an alleged violation of this title;

(2) delegate the hearing authority authorized under subsection (a)(8) of this section to an employee within the Administration; [and]

(3) if, after due notice, the person against whom a disciplinary action is contemplated does not appear at a hearing, hear and determine the matter; **AND**

(4) AFTER A HEARING UNDER THIS SUBSECTION, FINE A CANNABIS LICENSEE OR SUSPEND, RESTRICT, OR REVOKE A CANNABIS LICENSE OR A CANNABIS REGISTRATION FOR A VIOLATION OF:

**(I) THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE;
OR**

(II) ANY OTHER STATE LAW OR REGULATION RELATED TO CANNABIS OR THE OPERATIONS OF A CANNABIS BUSINESS OR REGISTRANT.

36–206.

(b) There is a Cannabis Regulation and Enforcement Fund.

(d) The [Comptroller] **ADMINISTRATION** shall administer the Fund [at the direction of the Administration].

(j) (1) On or before March 15 each year, the [Comptroller] **ADMINISTRATION** shall publish on its website a detailed report on revenue distributed to and expenditures from the Fund.

36–302.

(g) A qualifying patient may **NOT** possess [up to:

(1) 120 grams of usable cannabis; or

(2) 36 grams of delta–9–tetrahydrocannabinol (THC) in the case of a cannabis–infused product] **MORE THAN THE AMOUNT OF CANNABIS OR CANNABIS–INFUSED PRODUCT THAT IS AUTHORIZED IN THE WRITTEN CERTIFICATION OF THE PATIENT.**

1 36–401.

2 (c) (1) A standard license authorizes the holder of the license:

3 (i) for growers, to operate more than 10,000 square feet, but not
4 more than 300,000 square feet, of indoor canopy or its equivalent, as calculated by the
5 Administration;

6 (ii) for processors, to process more than [1,000] **2,000** pounds of
7 cannabis per year, as calculated by the Administration; and

8 (iii) for dispensaries, to operate a store at a physical location that
9 sells cannabis or cannabis products.

10 (2) A micro license authorizes the holder of the license:

11 (i) for growers, to operate not more than 10,000 square feet of indoor
12 canopy or its equivalent, as calculated by the Administration;

13 (ii) for processors, to process not more than [1,000] **2,000** pounds of
14 cannabis per year, as calculated by the Administration; and

15 (iii) for dispensaries, to operate a delivery service that sells cannabis
16 or cannabis products without a physical storefront, provided that the licensee employs not
17 more than 10 employees.

18 (e) (1) This subsection applies to all licenses, including licenses converted
19 under subsection (b)(1)(ii) of this section.

20 (2) Subject to paragraph (3) of this subsection, a person may have an
21 ownership interest in or control of, including the power to manage and operate:

22 (i) for standard licenses and micro licenses:

23 1. one grower licensee;

24 2. one processor licensee; and

25 3. not more than four dispensary licensees;

26 (ii) for incubator space licenses, not more than two licensees; and

27 (iii) for on–site consumption licenses, not more than two licensees.

28 (3) (i) A person who owns or controls an incubator space licensee or an
29 on–site consumption licensee may not own or control any [other] cannabis licensee LISTED
30 UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

(ii) The Administration shall adopt regulations limiting a person or fund from acquiring a nonmajority ownership interest in multiple cannabis businesses beyond the limitations established under this subsection.

(4) The restrictions in paragraph (2) of this subsection do not apply to a person or an entity who holds an ownership interest only as a passive investor.

(g) Notwithstanding any provisions of this title, the holder of a dispensary license issued by the Natalie M. LaPrade Medical Cannabis Commission who converts the license or a registrant with the Natalie M. LaPrade Medical Cannabis Commission may continue to deliver medical cannabis until July 1, [2024] 2025.

36–402.

(b) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, on or before January 1, [2026] 2027, an operational business that holds a grower license issued before December 31, 2022, may expand the canopy of its operations as it existed on December 31, 2022, and based on facility square footage of indoor canopy space or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, only as follows:

1. if the canopy is under 25,000 square feet, to 25,000 square feet or by 20%, whichever is greater;

2. if the canopy is at or above 25,000 square feet, by 20%; or

3. if the cannabis licensee has a square footage expansion that was preapproved before December 31, 2022, the preapproved expansion or 20%, whichever is greater.

(d) (1) (vi) If the amount of square feet of production for a licensed grower exceeds the canopy authorized under this section and § 36–401 of this subtitle, the [Commission] **ADMINISTRATION** may:

1. reduce the canopy of the licensed grower by the same percentage as it exceeds the authorized canopy; and

2. seize, destroy, confiscate, or place an administrative hold on any flowering cannabis plants produced in excess of the canopy.

36–404.

(i) (3) On or before 6 months after the issuance of a cannabis license under § 36–401 of this subtitle, the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the Office of Social Equity within the [Alcohol, Tobacco, and Cannabis Commission] **ADMINISTRATION** and

the cannabis licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to cannabis, including the cultivation, manufacturing, and dispensing of cannabis.

36-407.

(a) (3) An on-site consumption establishment may operate only if the [county and, if applicable, the municipality,] POLITICAL SUBDIVISION where the business is located [have] HAS issued a permit or license that expressly allows the operation of the on-site consumption establishment.

(b) Subject to the limitations in § 36-405 of this subtitle, a [county and, if applicable, a municipality] POLITICAL SUBDIVISION may:

(1) prohibit the operation of on-site consumption establishments;

(2) prohibit or restrict the smoking or vaping of cannabis at on-site consumption establishments; or

(3) adopt zoning and planning requirements for on-site consumption establishments.

36-409.

(a) The following businesses shall register with the Administration in order to provide services to a cannabis licensee:

(1) a transporter;

(2) a security guard agency;

(3) a waste disposal company; [and]

(4) A CANNABIS NURSERY; AND

(5) any other type of cannabis business that is authorized by the Administration to provide plant or product-touching services to cannabis licensees.

36-501.

(a) A cannabis agent [shall] **MUST** be registered with the Administration before the agent may volunteer or work for a cannabis licensee or cannabis registrant.

(d) (1) The Administration may not register as a cannabis agent an individual who[

(1)] does not meet the criteria established under subsection (c) of this section[; or].

(2) **THE ADMINISTRATION MAY DISQUALIFY AN INDIVIDUAL FROM REGISTERING AS A CANNABIS AGENT IF THE INDIVIDUAL** has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

36–505.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) the processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the Administration and to the applicant the applicant’s criminal history record information.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Administration may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) confidential and may not be disseminated; and

(2) used only for the purpose of registration under this title.

(f) **(1) THE ADMINISTRATION MAY ISSUE A TEMPORARY CANNABIS AGENT REGISTRATION IF:**

1 **(I) AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS**
2 **CHECK, AS AUTHORIZED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
3 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, IS USED; AND**

4 **(II) THE APPLICANT HAS SUBMITTED AN APPLICATION TO THE**
5 **CENTRAL REPOSITORY, AS REQUIRED IN SUBSECTION (B) OF THIS SECTION.**

6 **(2) THE PERIOD OF A TEMPORARY CANNABIS AGENT REGISTRATION**
7 **ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 60**
8 **CALENDAR DAYS.**

9 **(G)** The subject of a criminal history records check under this section may contest
10 the criminal history record information disseminated by the Central Repository, as
11 provided in § 10–223 of the Criminal Procedure Article.

12 36–903.

13 (a) (1) [This subsection does not apply to an advertisement placed on property
14 owned or leased by a dispensary, grower, or processor.

15 (2)] An advertisement for a cannabis licensee, cannabis product, or
16 cannabis–related service may not:

17 (i) violate Title 13, Subtitle 3 of the Commercial Law Article;
18 (ii) directly or indirectly target individuals under the age of 21 years;
19 (iii) contain a design, an illustration, a picture, or a representation
20 that:

21 1. targets or is attractive to minors, including a cartoon
22 character, a mascot, or any other depiction that is commonly used to market products to
23 minors;

24 2. displays the use of cannabis, including the consumption,
25 smoking, or vaping of cannabis;

26 3. encourages or promotes cannabis for use as an intoxicant;
27 or

28 4. is obscene;

29 (iv) engage in advertising by means of television, radio, Internet,
30 mobile application, social media, or other electronic communication, **EVENT**
31 **SPONSORSHIP**, or print publication, unless at least 85% of the audience is reasonably

expected to be at least 21 years old as determined by reliable and current audience composition data; or

(v) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, engage in advertising by means of placing an advertisement on the side of a building or another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.

(2) A CANNABIS BUSINESS MAY PLACE EXTERIOR SIGNAGE ON THE PREMISES OF THE BUSINESS FOR THE LIMITED PURPOSE OF IDENTIFYING THE BUSINESS TO THE PUBLIC.

36-1102.

(e) A person who violates subsection (b) of this section:

(1) MAY BE CHARGED BY A CITATION; AND

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000.

(f) A person who violates subsection (c) of this section:

(1) MAY BE CHARGED BY A CITATION; AND

(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000.

Article – Economic Development

5-1901.

(b) There is a Cannabis Business Assistance Fund.

(g) (1) Subject to paragraph (2) of this subsection, the Fund may be used only for:

(i) grants or loans to small, minority-owned, or women-owned businesses for:

1. license application assistance for participation in the adult-use cannabis industry;

2. assistance with the operating or capital expenses of a business participating in the adult-use cannabis industry; or

3. targeted training to support participation in the adult-use cannabis industry; [and]

(ii) grants to historically black colleges and universities for cannabis-related programs and business development organizations, including incubators, to train and assist small, minority, and women business owners and entrepreneurs seeking to become licensed to participate in the adult-use cannabis industry; AND

(III) THE ADMINISTRATIVE COSTS OF THE FUND.

Article – Tax – General

10–208.

(bb) (1) The subtraction under subsection (a) of this section includes the amount of ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or a business as a [medical] cannabis grower, processor, dispensary, or any other cannabis establishment licensed OR REGISTERED by the State, if the deduction for ordinary and necessary expenses is disallowed under § 280E of the Internal Revenue Code.

10–308.

(b) The subtraction under subsection (a) of this section includes the amounts allowed to be subtracted for an individual under:

(6) § 10–208(bb) of this title (Trade or business expenses of [medical] A LICENSED OR REGISTERED cannabis grower, processor, dispensary, or any other cannabis establishment).

13–203.

(c) Tax information may be disclosed to:

(10) the Alcohol [and], Tobacco, AND CANNABIS Commission;

(14) a hospital, the Health Services Cost Review Commission, the Department of Human Services, the Maryland Department of Health, and the State Department of Education, to the extent necessary to administer § 19–214.4 of the Health – General Article; [and]

(15) subject to subsection (e) of this section, the Maryland Small Business Retirement Savings Board and its authorized contractors for the purpose of administering the Maryland Small Business Retirement Savings Program and Trust as authorized under Title 12 of the Labor and Employment Article; AND

(16) THE MARYLAND CANNABIS ADMINISTRATION.

Chapter 254 of the Acts of 2023

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the date this Act takes effect to December 31, [2023] **2024**, both inclusive, the Maryland Cannabis Administration is exempt from procurement requirements under the State Finance and Procurement Article if the procurement is for:

- (1) banking services for the Administration to collect fees and tax revenue;
- (2) banking services to help support cannabis businesses to transition from an all cash system;
- (3) a consultant to support the Administration in the process for cannabis licensure, including services related to investigations and the financial or criminal history review of applicants;
- (4) a consultant to provide technical assistance to social equity applicants;
- (5) communication services for public and consumer education campaigns on cannabis laws and regulations and potential health and safety risks associated with cannabis use; and
- (6) establishing a State cannabis testing laboratory at a preexisting site.

Chapter 255 of the Acts of 2023

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the date this Act takes effect to December 31, [2023] **2024**, both inclusive, the Maryland Cannabis Administration is exempt from procurement requirements under the State Finance and Procurement Article if the procurement is for:

- (1) banking services for the Administration to collect fees and tax revenue;
- (2) banking services to help support cannabis businesses to transition from an all cash system;
- (3) a consultant to support the Administration in the process for cannabis licensure, including services related to investigations and the financial or criminal history review of applicants;
- (4) a consultant to provide technical assistance to social equity applicants;
- (5) communication services for public and consumer education campaigns on cannabis laws and regulations and potential health and safety risks associated with cannabis use; and

(6) establishing a State cannabis testing laboratory at a preexisting site.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.