

HOUSE BILL 837

E1, E2, J1

2lr1616

By: **Delegate Clippinger**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2022

CHAPTER _____

1 AN ACT concerning

2 **Cannabis Reform**

3 FOR the purpose of requiring the Natalie M. LaPrade Medical Cannabis Commission, in
4 consultation with certain stakeholders, to conduct a certain baseline study of
5 cannabis use in the State; establishing the Cannabis Business Assistance Fund in
6 the Department of Commerce as a special, nonlapsing fund to provide assistance to
7 small, minority, and women-owned businesses entering the adult-use cannabis
8 industry; altering certain provisions relating to penalties, charging procedures,
9 expungement, shielding, and sentencing for certain offenses involving marijuana;
10 legalizing the use and possession of a certain quantity of marijuana by a person who
11 is at least a certain age; establishing the Cannabis Public Health Advisory Council;
12 establishing the Cannabis Public Health Fund; adding the smoking of cannabis and
13 hemp to certain provisions of law prohibiting smoking in certain indoor areas; and
14 generally relating to cannabis.

15 BY adding to

16 Article – Health – General

17 Section 13–4401 to be under the new subtitle “Subtitle 44. Cannabis Use Baseline
18 Study”; and 13–4501 through 13–4506 to be under the new subtitle “Subtitle
19 45. Cannabis Public Health Advisory Council”

20 Annotated Code of Maryland

21 (2019 Replacement Volume and 2021 Supplement)

22 BY adding to

23 Article – Economic Development

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.



Section 5–1901 to be under the new subtitle “Subtitle 19. Cannabis Business Assistance Fund”
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)144. and 145.
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)146. and 147.
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–101(a) and 5–601(a) and (c)(1)
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–101(p) and (s) through (u), 5–601(a), (c)(2) and (4), and (d), 5–601.1, 5–602, 5–603, and 5–607 5–607, 5–619(c), and 5–620
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–01(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–01(dd) and 3–8A–33(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

- 1 BY repealing
2 Article – Criminal Law
3 Section 5–101(r)
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2021 Supplement)
- 6 BY adding to
7 Article – Criminal Law
8 Section ~~5–101(e)~~ 5–101(e–1), (e–2), and (u), 5–601.2, and 5–602(c)
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2021 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 4–101(c), 10–101(e), 10–105(a)(12) and (c)(8), 10–107, 10–110(a) and (c), and
14 10–111
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)
- 17 BY repealing and reenacting, without amendments,
18 Article – Criminal Procedure
19 Section 10–101(a) and (d)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2021 Supplement)
- 22 BY adding to
23 Article – Criminal Procedure
24 Section 10–105.3 and 10–112
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2021 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Health – General
29 Section 24–501 through 24–503, 24–507, and 24–510
30 Annotated Code of Maryland
31 (2019 Replacement Volume and 2021 Supplement)
- 32 BY repealing and reenacting, without amendments,
33 Article – Health – General
34 Section 24–504, 24–505, and 24–508
35 Annotated Code of Maryland
36 (2019 Replacement Volume and 2021 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – Criminal Law
39 Section 5–101(e–2) and (u)

Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)
(As enacted by Section 4 of this Act)

BY repealing

Article – Criminal Law
Section 5–601.2
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)
(As enacted by Section 4 of this Act)

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

Article – Health – General

SUBTITLE 44. CANNABIS USE BASELINE STUDY.

13–4401.

(A) THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES, THE MARYLAND POISON CENTER, THE STATE’S DESIGNATED HEALTH INFORMATION EXCHANGE, AND THE MARYLAND HOSPITAL ASSOCIATION, SHALL CONDUCT, OR CONTRACT WITH AN INSTITUTION OF HIGHER EDUCATION OR A PRIVATE RESEARCH ENTITY TO CONDUCT, A COMPREHENSIVE BASELINE STUDY OF CANNABIS USE IN THE STATE THAT INCLUDES A SURVEY OF:

(1) PATTERNS OF USE, INCLUDING FREQUENCY OF USE AND DOSING, METHODS OF CONSUMPTION, AND GENERAL PERCEPTIONS OF CANNABIS AMONG:

(I) INDIVIDUALS UNDER THE AGE OF ~~21~~ 18 YEARS;

(II) INDIVIDUALS AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 21 YEARS;

~~(III)~~ (III) INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE OF ~~55~~ YEARS;

~~(IV)~~ (IV) INDIVIDUALS AT LEAST 55 YEARS OLD;

~~(V)~~ (V) PREGNANT WOMEN; AND

~~(VI)~~ (VI) BREASTFEEDING WOMEN;

(2) INCIDENTS OF IMPAIRED DRIVING, INCLUDING ARRESTS, ACCIDENTS, AND FATALITIES, RELATED TO CANNABIS USE;

(3) HOSPITALIZATIONS RELATED TO CANNABIS USE;

(4) CALLS TO POISON CONTROL CENTERS RELATED TO CANNABIS USE, INCLUDING DATA ON CALLS RELATED TO INDIVIDUALS UNDER THE AGE OF 21 YEARS; AND

(5) DIAGNOSES OF CANNABIS USE DISORDER AND PROBLEM CANNABIS USE.

(B) ON OR BEFORE ~~JANUARY~~ MARCH 1, 2023, THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION SHALL SUBMIT A REPORT OF THE FINDINGS OF THE BASELINE STUDY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(C) ON OR BEFORE ~~JANUARY~~ MARCH 1, 2025, AND EVERY OTHER YEAR THEREAFTER, THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION SHALL:

(1) SURVEY THE SAME FACTORS THAT ARE SET FORTH IN SUBSECTION (A) OF THIS SECTION;

(2) USE THE SAME METHODOLOGY OR MODEL THAT IS USED TO CONDUCT THE SURVEY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

(3) SUBMIT A REPORT OF THE FINDINGS OF THE SURVEY REQUIRED UNDER THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

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

Article – Economic Development

SUBTITLE 19. CANNABIS BUSINESS ASSISTANCE FUND.

1 **5-1901.**

2 (A) IN THIS SECTION, "FUND" MEANS THE CANNABIS BUSINESS
3 ASSISTANCE FUND.

4 (B) THERE IS A CANNABIS BUSINESS ASSISTANCE FUND.

5 (C) THE PURPOSE OF THE FUND IS TO ASSIST SMALL, MINORITY-OWNED,
6 AND WOMEN-OWNED BUSINESSES ENTERING THE ADULT-USE CANNABIS INDUSTRY.

7 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

10 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
11 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

12 (F) THE FUND CONSISTS OF:

13 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

14 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
15 THE BENEFIT OF THE FUND.

16 (G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FUND
17 MAY BE USED ONLY FOR:

18 (I) GRANTS OR LOANS TO SMALL, MINORITY-OWNED, OR
19 WOMEN-OWNED BUSINESSES FOR:

20 1. LICENSE APPLICATION ASSISTANCE FOR
21 PARTICIPATION IN THE ADULT-USE CANNABIS INDUSTRY;

22 2. ASSISTANCE WITH THE OPERATING OR CAPITAL
23 EXPENSES OF A BUSINESS PARTICIPATING IN THE ADULT-USE CANNABIS INDUSTRY;
24 OR

25 3. TARGETED TRAINING TO SUPPORT PARTICIPATION IN
26 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.

(2) THE DEPARTMENT:

(I) SHALL PRIORITIZE AWARDING GRANTS AND LOANS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO POPULATIONS THAT HAVE BEEN HISTORICALLY DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF LAWS CRIMINALIZING THE USE OF CANNABIS;

(II) MAY AWARD GRANTS OR LOANS TO INDIVIDUALS WHO HAVE BEEN CONVICTED OF A VIOLATION OF A LAW CRIMINALIZING THE USE OF CANNABIS; AND

(III) MAY NOT AWARD GRANTS OR LOANS TO SMALL, MINORITY, AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS WITH ~~HIGH~~ A PERSONAL NET WORTH EXCEEDING \$1,700,000.

(3) IN ORDER TO AWARD GRANTS AND LOANS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP PARTNERSHIPS WITH:

(I) TRADITIONAL MINORITY-SERVING INSTITUTIONS IN THE STATE AND SURROUNDING JURISDICTIONS, INCLUDING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES;

(II) TRADE ASSOCIATIONS REPRESENTING MINORITY AND WOMEN-OWNED BUSINESSES; AND

(III) THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

144. the Health Equity Resource Community Reserve Fund;

[and]

145. the Access to Counsel in Evictions Special Fund;

146. THE CANNABIS BUSINESS ASSISTANCE FUND; AND

147. THE CANNABIS PUBLIC HEALTH FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

5–101.

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

(E–2) “CIVIL USE AMOUNT” MEANS:

(1) AN AMOUNT OF USABLE CANNABIS THAT EXCEEDS 1.5 OUNCES BUT DOES NOT EXCEED 2.5 OUNCES;

(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT EXCEEDS 12 GRAMS BUT DOES NOT EXCEED 20 GRAMS; OR

(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA–9–TETRAHYDROCANNABINOL THAT EXCEEDS 750 MILLIGRAMS BUT DOES NOT EXCEED 1,250 MILLIGRAMS.

(U) "PERSONAL USE AMOUNT" MEANS:

(1) AN AMOUNT OF USABLE CANNABIS THAT DOES NOT EXCEED 1.5 OUNCES;

(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT EXCEED 12 GRAMS; OR

(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING DELTA-9-TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 750 MILLIGRAMS.

5-601.

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

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

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

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

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

(iii) the concealment of a material fact;

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

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

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

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

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

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

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

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

(ii) 1. A [first] finding of guilt under this section involving the use or possession of [less than 10 grams of marijuana] ~~1.5 OUNCES OR LESS OF CANNABIS~~ THE PERSONAL USE AMOUNT OF CANNABIS is a civil offense punishable by a fine not exceeding \$100.

2. A [second] finding of guilt under this section involving the use or possession of [less than 10 grams of marijuana] ~~MORE THAN 1.5 OUNCES BUT NOT MORE THAN 2.5 OUNCES OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS is a civil offense punishable by a fine not exceeding \$250.

3. [A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

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

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

C.] A court that orders a person to a drug education program or substance abuse assessment or treatment under this subsubparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

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

(I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING \$50; AND

1 **(II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE**
2 **NOT EXCEEDING \$150.**

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

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

7 (2) seizure and forfeiture.

8 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
9 as follows:

10 **Article – Criminal Law**

11 **5–101.**

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

13 **(E–2) “CIVIL USE AMOUNT” MEANS:**

14 **(1) AN AMOUNT OF USABLE CANNABIS THAT EXCEEDS 1.5 OUNCES**
15 **BUT DOES NOT EXCEED 2.5 OUNCES;**

16 **(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT EXCEEDS 12**
17 **GRAMS BUT DOES NOT EXCEED 20 GRAMS;**

18 **(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING**
19 **DELTA–9–TETRAHYDROCANNABINOL THAT EXCEEDS 750 MILLIGRAMS BUT DOES**
20 **NOT EXCEED 1,250 MILLIGRAMS; OR**

21 **(4) TWO OR FEWER CANNABIS PLANTS.**

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

23 **(1) AN AMOUNT OF USABLE CANNABIS THAT DOES NOT EXCEED 1.5**
24 **OUNCES;**

25 **(2) AN AMOUNT OF CONCENTRATED CANNABIS THAT DOES NOT**
26 **EXCEED 12 GRAMS;**

27 **(3) AN AMOUNT OF CANNABIS PRODUCTS CONTAINING**
28 **DELTA–9–TETRAHYDROCANNABINOL THAT DOES NOT EXCEED 750 MILLIGRAMS; OR**

(4) TWO OR FEWER CANNABIS PLANTS.

5–601.

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

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

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

(II) **THE CONTROLLED DANGEROUS SUBSTANCE IS CANNABIS, THE INDIVIDUAL IS AT LEAST 21 YEARS OLD, AND THE AMOUNT POSSESSED IS 1.5 OUNCES OR LESS IS THE PERSONAL USE AMOUNT; OR**

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

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

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

(iii) the concealment of a material fact;

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

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

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

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

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

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

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

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

(ii) 1. A [first] finding of guilt under this section involving the use or possession of [less than 10 grams of marijuana] ~~1.5 OUNCES OR LESS OF CANNABIS~~ THE PERSONAL USE AMOUNT OF CANNABIS BY A PERSON UNDER THE AGE OF 21 YEARS is a civil offense punishable by a fine not exceeding \$100.

2. A [second] finding of guilt under this section involving the use or possession of [less than 10 grams of marijuana] ~~MORE THAN 1.5 OUNCES BUT NOT MORE THAN 2.5 OUNCES OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS is a civil offense punishable by a fine not exceeding \$250.

3. [A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.

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

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

C.] A court that orders a person to a drug education program or substance abuse assessment or treatment under this subparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

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

(I) FOR A FIRST FINDING OF GUILT, A FINE NOT EXCEEDING \$50; AND

(II) FOR A SECOND OR SUBSEQUENT FINDING OF GUILT, A FINE NOT EXCEEDING \$150.

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

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

(2) seizure and forfeiture.

5-601.2.

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

(B) CANNABIS PLANTS MAY NOT BE CULTIVATED IN A LOCATION WHERE THE PLANTS ARE SUBJECT TO PUBLIC VIEW, INCLUDING A VIEW FROM ANOTHER PRIVATE PROPERTY, WITHOUT THE USE OF BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS.

(C) (1) IN THIS SUBSECTION, “REASONABLE PRECAUTIONS” INCLUDES CULTIVATING CANNABIS IN AN ENCLOSED LOCKED SPACE TO WHICH PERSONS UNDER THE AGE OF 21 YEARS DO NOT POSSESS A KEY.

(2) A PERSON WHO CULTIVATES CANNABIS SHALL TAKE REASONABLE PRECAUTIONS TO ENSURE THE PLANTS ARE SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON UNDER THE AGE OF 21 YEARS.

(D) CANNABIS CULTIVATION MAY OCCUR ONLY ON PROPERTY LAWFULLY IN POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON IN LAWFUL POSSESSION OF THE PROPERTY.

(E) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT CULTIVATE CANNABIS PLANTS.

(F) (1) A PERSON MAY NOT CULTIVATE MORE THAN TWO CANNABIS PLANTS.

(2) IF TWO OR MORE PERSONS AT LEAST 21 YEARS OLD RESIDE AT THE SAME RESIDENCE, NO MORE THAN TWO CANNABIS PLANTS MAY BE CULTIVATED AT THAT RESIDENCE.

(G) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

1 5-602.

2 (C) (1) (I) IN THIS SUBSECTION, “ADULT SHARING” MEANS
3 TRANSFERRING CANNABIS BETWEEN PERSONS WHO ARE 21 YEARS OF AGE OR
4 OLDER WITHOUT REMUNERATION.

5 (II) “ADULT SHARING” DOES NOT INCLUDE INSTANCES IN
6 WHICH:

7 1. CANNABIS IS GIVEN AWAY CONTEMPORANEOUSLY
8 WITH ANOTHER RECIPROCAL TRANSACTION BETWEEN THE SAME PARTIES;

9 2. A GIFT OF CANNABIS IS OFFERED OR ADVERTISED IN
10 CONJUNCTION WITH AN OFFER FOR THE SALE OF GOODS OR SERVICES; OR

11 3. A GIFT OF CANNABIS IS CONTINGENT ON A SEPARATE
12 RECIPROCAL TRANSACTION FOR GOODS OR SERVICES.

13 (2) THIS SECTION DOES NOT PROHIBIT, AND NO CIVIL OR CRIMINAL
14 PENALTY MAY BE IMPOSED FOR, ADULT SHARING OF THE PERSONAL USE AMOUNT
15 OF CANNABIS.

16 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
17 as follows:

18 **Article – Courts and Judicial Proceedings**

19 3-8A-01.

20 (a) In this subtitle the following words have the meanings indicated, unless the
21 context of their use indicates otherwise.

22 (dd) “Violation” means a violation for which a citation is issued under:

23 (1) § 5-601 of the Criminal Law Article involving the use or possession of
24 [less than 10 grams of marijuana] CANNABIS;

25 (2) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

26 (3) § 10-132 of the Criminal Law Article;

27 (4) § 10-136 of the Criminal Law Article; or

28 (5) § 26-103 of the Education Article.

3–8A–33.

(a) A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

(1) § 5–601 of the Criminal Law Article involving the use or possession of [less than 10 grams of marijuana] CANNABIS;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) § 10–132 of the Criminal Law Article;

(4) § 10–136 of the Criminal Law Article; or

(5) § 26–103 of the Education Article.

Article – Criminal Law

5–101.

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

(E–1) (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.

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

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in 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 **OTHER THAN CANNABIS** 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 **OTHER THAN CANNABIS**;

(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 **OTHER THAN CANNABIS**;

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

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

(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 **OTHER THAN CANNABIS**;

(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] **A CONTROLLED DANGEROUS SUBSTANCE OTHER THAN CANNABIS**;

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

(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 **OTHER THAN CANNABIS**;

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

(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 human body [such as:

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

3 2. a water pipe;

4 3. a carburetion tube or device;

5 4. a smoking or carburetion mask;

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

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

10 7. a chamber pipe;

11 8. a carburetor pipe;

12 9. an electric pipe;

13 10. an air-driven pipe;

14 11. a chillum;

15 12. a bong; and

16 13. an ice pipe or chiller].

17 [(r) (1) “Marijuana” means:

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

20 (ii) the seeds of the plant;

21 (iii) the resin extracted from the plant; and

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

24 (2) “Marijuana” does not include:

25 (i) the mature stalks of the plant;

26 (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.]

~~(R) (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” DOES NOT INCLUDE HEMP AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE.~~

~~[(s)] (R)~~ (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)]~~ (S) “Noncontrolled substance” means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

~~[(u)]~~ (T) (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).

5-601.1.

(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS.

(b) (1) A violation of § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS is a civil offense.

(2) Adjudication of a violation under § 5-601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS:

(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.

(c) (1) A citation issued for a violation of § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS 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 date 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 § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS 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 § 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the court shall summon the person for trial.]

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

(e) (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 guilty to a Code violation.

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

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

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

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

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

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

(i) In any proceeding for a Code violation under § 5–601 of this part involving the use or possession of [less than 10 grams of marijuana] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS:

(1) the State has the burden to prove the guilt of the defendant by a 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] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS 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] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS 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] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS, 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] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS 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] ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public 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.

5-602.

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

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance **OTHER THAN CANNABIS** in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT POSSESS CANNABIS IN SUFFICIENT QUANTITY REASONABLY TO INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE CANNABIS.

(2) POSSESSION OF ~~2.5 OUNCES OR LESS OF CANNABIS~~ THE CIVIL USE AMOUNT OF CANNABIS OR THE PERSONAL USE AMOUNT OF CANNABIS WITHOUT OTHER EVIDENCE OF AN INTENT TO DISTRIBUTE OR DISPENSE DOES NOT CONSTITUTE A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.

5-603.

(A) Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance **OTHER THAN CANNABIS**, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance **OTHER THAN CANNABIS** under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance **OTHER THAN CANNABIS** in violation of this title.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT CULTIVATE OR GROW CANNABIS OR MANUFACTURE A CANNABIS PRODUCT, OR

1 MANUFACTURE, DISTRIBUTE, OR POSSESS A MACHINE, EQUIPMENT, AN
2 INSTRUMENT, AN IMPLEMENT, A DEVICE, OR A COMBINATION OF THEM THAT IS
3 ADAPTED TO PRODUCE CANNABIS OR A CANNABIS PRODUCT UNDER
4 CIRCUMSTANCES THAT REASONABLY INDICATE AN INTENT TO USE IT TO PRODUCE,
5 SELL, OR DISPENSE CANNABIS OR A CANNABIS PRODUCT IN VIOLATION OF THIS
6 TITLE.

7 5-607.

8 (a) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION AND §§
9 5-608 and 5-609 of this subtitle, a person who violates a provision of §§ 5-602 through
10 5-606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not
11 exceeding 5 years or a fine not exceeding \$15,000 or both.

12 (2) A PERSON WHO VIOLATES § 5-602(B)(1) OR § 5-603(B) OF THIS
13 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
14 IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
15 BOTH.

16 (b) A person convicted under this section is not prohibited from participating in a
17 drug treatment program under § 8-507 of the Health – General Article because of the
18 length of the sentence.

19 5-619.

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

22 (2) Unless authorized under this title, a person may not use or possess with
23 intent to use drug paraphernalia to:

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

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

29 [(3)] (2) A person who violates this subsection is guilty of a misdemeanor
30 and on conviction is subject to:

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

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

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

5-620.

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

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

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

(ii) counterfeiting a prescription or a written order;

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

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

(v) making or issuing a false or counterfeit prescription or written order; or

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

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

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

(6) a stapler;

(7) a glassine envelope;

(8) a gelatin capsule;

(9) procaine hydrochloride;

(10) mannitol;

(11) lactose;

(12) quinine; and

(13) a controlled dangerous substance.

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

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

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

Article – Criminal Procedure

4–101.

(c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3–1508 of the Courts Article;

B. failure to comply with a protective order under § 4–509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release under § 5–213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or

3. possession of [marijuana] CANNABIS under § 5–601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages Article;

2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than \$500;

3. misdemeanor theft under § 7–104(g)(2) of the Criminal Law Article; [or]

4. possession of a controlled dangerous substance other than [marijuana] CANNABIS under § 5–601 of the Criminal Law Article;

5. POSSESSION WITH INTENT TO DISTRIBUTE CANNABIS UNDER § 5–602(B)(1) OF THE CRIMINAL LAW ARTICLE; OR

6. GROWING OR MANUFACTURING CANNABIS OR A CANNABIS PRODUCT UNDER § 5–603(B) OF THE CRIMINAL LAW ARTICLE.

(2) A police officer may charge a defendant by citation only if:

(i) the officer is satisfied with the defendant's evidence of identity;

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

(iv) the defendant is not subject to arrest:

1 1. for an alleged misdemeanor involving serious injury or
2 immediate health risk or an alleged felony arising out of the same incident; or

3 2. based on an outstanding arrest warrant; and

4 (v) the defendant complies with all lawful orders by the officer.

5 (3) A police officer who has grounds to make a warrantless arrest for an
6 offense that may be charged by citation under this subsection may:

7 (i) issue a citation in lieu of making the arrest; or

8 (ii) make the arrest and subsequently issue a citation in lieu of
9 continued custody.

10 10–101.

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

12 (d) “Expunge” means to remove information from public inspection in accordance
13 with this subtitle.

14 (e) [“Expungement”] **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE,**
15 **“EXPUNGEMENT”** with respect to a court record or a police record means removal from
16 public inspection:

17 (1) by obliteration;

18 (2) by removal to a separate secure area to which persons who do not have
19 a legitimate reason for access are denied access; or

20 (3) if access to a court record or police record can be obtained only by
21 reference to another court record or police record, by the expungement of it or the part of it
22 that provides access.

23 10–105.

24 (a) A person who has been charged with the commission of a crime, including a
25 violation of the Transportation Article for which a term of imprisonment may be imposed,
26 or who has been charged with a civil offense or infraction, except a juvenile offense, may
27 file a petition listing relevant facts for expungement of a police record, court record, or other
28 record maintained by the State or a political subdivision of the State if:

29 (12) the person was convicted of possession of [marijuana] **CANNABIS** under
30 § 5–601 of the Criminal Law Article; or

(c) (8) A petition for expungement based on the conviction of a crime under subsection (a)(12) of this section may not be filed [within 4 years after the conviction or] **BEFORE** satisfactory completion of the sentence, including probation, that was imposed for the conviction[, whichever is later].

10-105.3.

(A) A PERSON INCARCERATED AFTER HAVING BEEN CONVICTED OF POSSESSION OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE MAY PRESENT AN APPLICATION FOR RESENTENCING TO THE COURT THAT SENTENCED THE PERSON.

(B) THE COURT SHALL GRANT THE APPLICATION AND RESENTENCE THE PERSON TO TIME SERVED.

(C) IF THE PERSON IS NOT SERVING A CONCURRENT OR CONSECUTIVE SENTENCE FOR ANOTHER CRIME, THE PERSON SHALL BE RELEASED FROM INCARCERATION.

10-107.

(a) (1) In this subtitle, if two or more charges, other than one for a minor traffic violation **OR POSSESSION OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE**, arise from the same incident, transaction, or set of facts, they are considered to be a unit.

(2) A charge for a minor traffic violation **OR POSSESSION OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE** that arises from the same incident, transaction, or set of facts as a charge in the unit is not a part of the unit.

(b) (1) If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge or conviction in the unit.

10-110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

- 1 (i) § 6–320 of the Alcoholic Beverages Article;
- 2 (ii) an offense listed in § 17–613(a) of the Business Occupations and
3 Professions Article;
- 4 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
5 the Business Regulation Article;
- 6 (iv) § 3–1508 or § 10–402 of the Courts Article;
- 7 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
8 Article;
- 9 (vi) § 5–211 of this article;
- 10 (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 11 (viii) § 5–601 not involving the use or possession of [marijuana]
12 **CANNABIS, § 5–602(B) 5–602(B)(1)**, § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or §
13 5–902 of the Criminal Law Article;
- 14 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
15 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 16 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
17 Criminal Law Article;
- 18 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
19 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 20 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 21 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
22 Criminal Law Article;
- 23 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 24 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
25 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 26 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 27 (xvii) § 4–509 of the Family Law Article;
- 28 (xviii) § 18–215 of the Health – General Article;

(xix) § 4–411 or § 4–2005 of the Housing and Community Development Article;

(xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, § 27–407.1, or § 27–407.2 of the Insurance Article;

(xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, § 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed limits for personal watercraft;

(xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public Safety Article;

(xxiii) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;

(xxiv) § 9–124 of the State Government Article;

(xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article;

(xxvi) § 16–303 of the Transportation Article; or

(xxvii) the common law offenses of affray, rioting, criminal contempt, battery, or hindering;

(2) a felony that is a violation of:

(i) § 7–104 of the Criminal Law Article;

(ii) the prohibition against possession with intent to distribute a controlled dangerous substance under [§ 5–602(2)] **§ 5–602** of the Criminal Law Article; or

(iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

(c) (1) Except as provided in paragraphs (2) [and], (3), **AND (4)** of this subsection, a petition for expungement under this section may not be filed earlier than 10 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(2) A petition for expungement for a violation of § 3–203 of the Criminal Law Article, common law battery, or for an offense classified as a domestically related crime under § 6–233 of this article may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(3) [A] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A petition for expungement of a felony may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(4) A PETITION FOR EXPUNGEMENT OF A CONVICTION OF POSSESSION WITH INTENT TO DISTRIBUTE CANNABIS UNDER § 5-602 OF THE CRIMINAL LAW ARTICLE MAY NOT BE FILED EARLIER THAN ~~4~~ 3 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

10-111.

The Maryland Judiciary Case Search may not in any way refer to the existence of a [District Court] criminal case in which:

(1) possession of [marijuana] CANNABIS under § 5-601 of the Criminal Law Article is the only charge in the case; and

(2) the charge was disposed of before [October 1, 2014] JULY 1, 2023.

10-112.

(A) IN THIS SECTION, “EXPUNGE” MEANS TO REMOVE ALL REFERENCES TO A SPECIFIED CRIMINAL CASE FROM THE CENTRAL REPOSITORY.

(B) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL EXPUNGE ALL CASES IN WHICH:

(1) POSSESSION OF CANNABIS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE IS THE ONLY CHARGE IN THE CASE; AND

(2) THE CHARGE WAS ISSUED BEFORE JULY 1, 2023.

Article – Health – General

SUBTITLE 45. CANNABIS PUBLIC HEALTH ADVISORY COUNCIL.

13-4501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 **(B) “ADVISORY COUNCIL” MEANS THE CANNABIS PUBLIC HEALTH**
2 **ADVISORY COUNCIL.**

3 **(C) “FUND” MEANS THE CANNABIS PUBLIC HEALTH FUND.**
4 **13-4502.**

5 **(A) THERE IS A CANNABIS PUBLIC HEALTH ADVISORY COUNCIL.**

6 **(B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

7 **(1) THE SECRETARY, OR THE SECRETARY’S DESIGNEE;**

8 **(2) THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH, OR THE**
9 **DEPUTY SECRETARY’S DESIGNEE;**

10 **(3) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY’S**
11 **DESIGNEE;**

12 **(4) THE EXECUTIVE DIRECTOR OF THE NATALIE M. LAPRADE**
13 **MEDICAL CANNABIS COMMISSION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

14 **(5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE**
15 **SUPERINTENDENT’S DESIGNEE; AND**

16 **(6) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:**

17 **(I) ONE REPRESENTATIVE FROM THE GOVERNOR’S OFFICE OF**
18 **CRIME PREVENTION, YOUTH, AND VICTIM SERVICES;**

19 **(II) ONE REPRESENTATIVE FROM A HISTORICALLY BLACK**
20 **COLLEGE OR UNIVERSITY;**

21 **(III) ONE HEALTH CARE PROVIDER WITH EXPERIENCE IN**
22 **CANNABIS;**

23 **(IV) ONE PHARMACIST LICENSED IN THE STATE;**

24 **(V) ONE HEALTH CARE PROVIDER WITH EXPERTISE IN**
25 **SUBSTANCE USE DISORDER TREATMENT AND RECOVERY;**

1 (VI) ONE INDIVIDUAL WITH EXPERTISE IN CANNABIS USE
2 DISORDER;

3 (VII) ONE ACADEMIC RESEARCHER WITH EXPERTISE IN
4 CANNABIS LAW AND POLICY;

5 (VIII) ONE INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE
6 IN HEALTH OR SOCIAL EQUITY;

7 (IX) ONE PUBLIC HEALTH PROFESSIONAL WITH CANNABIS
8 EXPERIENCE; AND

9 (X) ONE REPRESENTATIVE OF A LABORATORY THAT TESTS
10 CANNABIS.

11 (C) (1) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL
12 AND STATE LAW, THE MEMBERSHIP OF THE ADVISORY COUNCIL SHALL REFLECT
13 THE GENDER, ETHNIC, AND RACIAL DIVERSITY OF THE STATE.

14 (2) THE MEMBERSHIP OF THE ADVISORY COUNCIL SHALL INCLUDE
15 RESIDENTS OF RURAL AND URBAN REGIONS OF THE STATE.

16 (D) A MEMBER OF THE ADVISORY COUNCIL SHALL FILE A FINANCIAL
17 DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE
18 WITH TITLE 5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE.

19 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

20 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
21 REQUIRED BY THE TERMS PROVIDED FOR THE APPOINTED MEMBERS OF THE
22 ADVISORY COUNCIL ON JANUARY 1, 2023.

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

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

28 (5) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO
29 CONSECUTIVE FULL TERMS.

30 13-4503.

1 **(A) THE CHAIR OF THE ADVISORY COUNCIL SHALL BE ELECTED BY THE**
2 **MEMBERS OF THE ADVISORY COUNCIL.**

3 **(B) A MAJORITY OF THE MEMBERS THEN SERVING ON THE ADVISORY**
4 **COUNCIL IS A QUORUM.**

5 **(C) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH**
6 **YEAR, AT THE TIMES AND PLACES THAT THE ADVISORY COUNCIL DETERMINES.**

7 **(D) THE ADVISORY COUNCIL MAY FORM WORKGROUPS TO ASSIST IN THE**
8 **WORK OF THE ADVISORY COUNCIL.**

9 **(E) A MEMBER OF THE ADVISORY COUNCIL:**

10 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
11 **ADVISORY COUNCIL; BUT**

12 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
13 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

14 **(F) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT AND TECHNICAL**
15 **ASSISTANCE FOR THE ADVISORY COUNCIL.**

16 **13-4504.**

17 **(A) THE ADVISORY COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS**
18 **REGARDING:**

19 **(1) THE PROMOTION OF PUBLIC HEALTH AND MITIGATION OF YOUTH**
20 **USE OF, MISUSE OF, AND ADDICTION TO CANNABIS;**

21 **(2) DATA COLLECTION AND REPORTING OF DATA THAT MEASURES**
22 **THE IMPACT OF CANNABIS CONSUMPTION AND LEGALIZATION;**

23 **(3) THE IMPACT OF CANNABIS LEGALIZATION ON THE EDUCATION,**
24 **BEHAVIORAL HEALTH, AND SOMATIC HEALTH OF INDIVIDUALS UNDER THE AGE OF**
25 **21 YEARS;**

26 **(4) INITIATIVES TO PREVENT CANNABIS USE BY INDIVIDUALS UNDER**
27 **THE AGE OF 21 YEARS, INCLUDING EDUCATIONAL PROGRAMS FOR USE IN SCHOOLS;**

28 **(5) PUBLIC HEALTH CAMPAIGNS ON CANNABIS;**

1 (6) ADVERTISING, LABELING, PRODUCT TESTING, AND QUALITY
2 CONTROL REQUIREMENTS;

3 (7) TRAINING FOR HEALTH CARE PROVIDERS RELATED TO CANNABIS
4 USE; ~~AND~~

5 (8) BEST PRACTICES REGARDING REQUIREMENTS TO REDUCE THE
6 APPEAL OF CANNABIS TO MINORS, INCLUDING ADVERTISING, POTENCY,
7 PACKAGING, AND LABELING STANDARDS; AND

8 ~~(8)~~ (9) ANY OTHER ISSUES THAT ADVANCE PUBLIC HEALTH
9 RELATED TO CANNABIS USE AND LEGALIZATION.

10 (B) TO THE EXTENT PRACTICABLE, THE ADVISORY COUNCIL SHALL
11 CONSIDER ANY DATA COLLECTED BY THE STATE RELATED TO CANNABIS USE WHEN
12 MAKING RECOMMENDATIONS, INCLUDING DATA COLLECTED UNDER § 13-4401 OF
13 THIS TITLE.

14 13-4505.

15 (A) THERE IS A CANNABIS PUBLIC HEALTH FUND.

16 (B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO ADDRESS THE
17 HEALTH EFFECTS ASSOCIATED WITH THE LEGALIZATION OF ADULT-USE CANNABIS.

18 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

21 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
22 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

23 (E) THE FUND CONSISTS OF:

24 (1) REVENUE DISTRIBUTED TO THE FUND BASED ON REVENUES
25 FROM ADULT-USE CANNABIS;

26 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
27 AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) SUPPORTING THE ADVISORY COUNCIL IN PERFORMING ITS DUTIES;

(2) SUPPORTING DATA COLLECTION AND RESEARCH ON THE EFFECTS OF CANNABIS LEGALIZATION IN THE STATE;

(3) PROVIDING FUNDING FOR EDUCATION AND PUBLIC AWARENESS CAMPAIGNS RELATED TO CANNABIS USE, INCLUDING FUNDING FOR EDUCATIONAL PROGRAMS TO BE USED IN SCHOOLS;

(4) SUPPORTING SUBSTANCE USE DISORDER COUNSELING AND TREATMENT FOR INDIVIDUALS; AND

(5) TRAINING FOR LAW ENFORCEMENT TO RECOGNIZE IMPAIRMENTS DUE TO CANNABIS.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

13-4506.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADVISORY COUNCIL SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

24-501.

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

(B) ~~“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 HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.~~

[(b)] (C) “Employee” has the meaning stated in § 5-101 of the Labor and Employment Article.

[(c)] (D) “Employer” has the meaning stated in § 5-101 of the Labor and Employment Article.

[(d)] (E) “Environmental [tobacco] smoke” means the complex mixture formed from the escaping smoke of a burning tobacco, **CANNABIS, OR HEMP** product or smoke exhaled by the smoker.

[(e)] (F) “Indoor area open to the public” means:

(1) An indoor area or a portion of an indoor area accessible to the public by either invitation or permission; or

(2) An indoor area of any establishment licensed or permitted under the Alcoholic Beverages Article for the sale or possession of alcoholic beverages.

[(f)] (G) “Place of employment” has the meaning stated in § 5-101 of the Labor and Employment Article.

[(g)] (H) “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance [that contains tobacco] **CONTAINING, WHOLLY OR IN PART, TOBACCO, CANNABIS, OR HEMP.**

24-502.

It is the intent of the General Assembly that the State protect the public and employees from involuntary exposure to environmental [tobacco] smoke in indoor areas open to the public, indoor places of employment, and certain designated private areas.

24-503.

The purpose of this subtitle is to preserve and improve the health, comfort, and environment of the people of the State by limiting exposure to environmental [tobacco] smoke.

24-504.

Except as provided in § 24-505 of this subtitle, beginning on February 1, 2008, a person may not smoke in:

(1) An indoor area open to the public;

(2) An indoor place in which meetings are open to the public in accordance with Title 3 of the General Provisions Article;

(3) A government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or

(4) An indoor place of employment.

24–505.

This subtitle does not apply to:

(1) Private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered under Title 5, Subtitle 5 of the Family Law Article to provide child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or child care transportation;

(2) A hotel or motel room rented to one or more guests as long as the total percent of hotel or motel rooms being so used does not exceed 25%;

(3) A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(i) The primary activity is the retail sale of tobacco products and accessories; and

(ii) The sale of other products is incidental;

(4) Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; or

(5) A research or educational laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke.

24–507.

(a) The Department shall adopt regulations that prohibit environmental [tobacco] smoke in indoor areas open to the public.

(b) On or before September 30 of each year, the Department shall report, in accordance with § 2–1257 of the State Government Article, to the General Assembly on:

(1) The enforcement efforts of the Department to eliminate environmental [tobacco] smoke in indoor areas open to the public during the prior year; and

(2) The results of these enforcement efforts.

24–508.

(a) Subject to subsection (c) of this section and except as provided in subsection (d) of this section, a person who violates a provision of this subtitle or a regulation adopted under § 24–507(a) of this subtitle:

(1) For a first violation, shall be issued a written reprimand by the Secretary or the Secretary’s designee;

(2) For a second violation, is subject to a civil penalty of \$100; and

(3) For each subsequent violation, is subject to a civil penalty not less than \$250.

(b) The Secretary may waive a penalty established under subsection (a) of this section, giving consideration to factors that include:

(1) The seriousness of the violation; and

(2) Any demonstrated good faith measures to comply with the provisions of this subtitle.

(c) (1) This subsection does not apply to an alleged violation of subsection (d) of this section.

(2) It is an affirmative defense to a complaint brought against a person for a violation of a provision of this subtitle or a regulation adopted under this subtitle that the person or an employee of the person:

(i) Posted a “No Smoking” sign as required under § 24–506 of this subtitle;

(ii) Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited; and

(iii) If the violation occurred in a bar, tavern, or restaurant:

1. Refused to seat or serve any individual who was smoking in a prohibited area; and

2. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

(d) An employer who discharges or discriminates against an employee because that employee has made a complaint, has given information to the Department in accordance with this subtitle, has caused to be instituted or is about to cause to be instituted a proceeding under this subtitle, or has testified or is about to testify in a proceeding under this subtitle, shall be deemed in violation of this subtitle and shall be subject to a civil penalty of at least \$2,000 but not more than \$10,000 for each violation.

(e) (1) An employee may not:

(i) Make a groundless or malicious complaint under this subtitle to the Secretary or an authorized representative of the Secretary;

(ii) In bad faith, bring an action under this subtitle; or

(iii) In bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(2) The Secretary may bring an action for injunctive relief and damages against a person who violates the provisions of paragraph (1) of this subsection.

(f) A penalty collected by the Secretary under this section shall be paid to the Cigarette Restitution Fund established under § 7-317 of the State Finance and Procurement Article.

24-510.

Nothing in this subtitle shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to reduce involuntary exposure to environmental [tobacco] smoke.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

5-101.

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

(e-2) “Civil use amount” means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; OR

(3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams; or

(4) two or fewer cannabis plants].

(u) “Personal use amount” means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams; OR

(3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 milligrams; or

(4) two or fewer cannabis plants].

[5-601.2.

(a) A person may not cultivate cannabis plants in a manner that is contrary to this section.

(b) Cannabis plants may not be cultivated in a location where the plants are subject to public view, including a view from another private property, without the use of binoculars, aircraft, or other optical aids.

(c) (1) In this subsection, “reasonable precautions” includes cultivating cannabis in an enclosed locked space to which persons under the age of 21 years do not possess a key.

(2) A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from unauthorized access and access by a person under the age of 21 years.

(d) Cannabis cultivation may occur only on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(e) A person under the age of 21 years may not cultivate cannabis plants.

(f) (1) A person may not cultivate more than two cannabis plants.

(2) If two or more persons at least 21 years old reside at the same residence, no more than two cannabis plants may be cultivated at that residence.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.]

~~SECTION 6.~~ 7. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Cannabis Public Health Advisory Council shall expire as follows:

(1) three members in 2025;

(2) three members in 2026; and

(3) four members in 2027.

~~SECTION 7.~~ 8. AND BE IT FURTHER ENACTED, That:

(a) The certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, in consultation with the Governor’s Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, shall review the Business Disparities in the Maryland Market Area study completed on February 8, 2017, the Analysis of the Maryland Medical Cannabis Industry report completed on December 8, 2017, and the analysis of the industry report completed on January 17, 2018, to evaluate whether the data and analyses in the study and reports are sufficient to determine whether the enactment of remedial measures to assist minorities and women in the adult–use cannabis industry and market would comply with the requirements of *City of Richmond v. J. A. Croson Co.*, 488 U.S. 469, and any subsequent federal or constitutional requirements.

(b) (1) If a determination is made that the data and analyses in the study and reports reviewed under subsection (a) of this section are sufficient to determine whether the enactment of remedial measures to assist minorities and women in the adult–use cannabis industry and market would comply with the requirements of the Croson decision and any subsequent federal or constitutional requirements, the certification agency shall submit the findings of the review to the Legislative Policy Committee, in accordance with § 2–1257 of the State Government Article, on or before July 1, 2022, so that the General Assembly may review the findings before the 2023 legislative session.

(2) (i) If a determination is made that the data and analyses in the study and reports reviewed under subsection (a) of this section are insufficient to determine whether the enactment of remedial measures to assist minorities and women in the adult–use cannabis industry and market would comply with the requirements of the Croson decision and any subsequent federal or constitutional requirements, the certification agency and the Department of Legislative Services, in consultation with the Governor’s Office of Small, Minority, and Women Business Affairs, the General Assembly, and the Office of the Attorney General, shall initiate a study of the cannabis industry to evaluate whether the enactment of remedial measures to assist minorities and women in the adult–use cannabis industry and market would comply with the requirements of the Croson decision and any subsequent federal or constitutional requirements.

(ii) The certification agency shall submit the findings of the study initiated in accordance with subparagraph (i) of this paragraph to the Legislative Policy Committee, in accordance with § 2–1257 of the State Government Article, on or before November 1, 2022, so that the General Assembly may review the findings before the 2023 legislative session.

(c) (1) The Natalie M. LaPrade Medical Cannabis Commission shall require licensed growers, processors, and dispensaries and preapproved applicants for licensure under Title 13, Subtitle 33 of the Health – General Article to provide to the Commission any information determined to be necessary to continue to assess the need for remedial measures in the cannabis industry and market that may include the following data broken down by State fiscal year for the period beginning July 1, 2016, and ending June 30, 2022:

(i) a list of the licensee’s or applicant’s expenditures for each State fiscal year; and

(ii) for each expenditure, a description of the work performed, the dollar value of the expenditure, whether the work was performed by the licensee or a contractor or subcontractor, and, if performed by a contractor or subcontractor, the name of the entity that performed the work.

(2) Each licensed grower, processor, and dispensary and preapproved applicant for licensure under Title 13, Subtitle 33 of the Health – General Article shall provide the data requested under paragraph (1) of this subsection to the Commission on or before July 1, 2022.

(3) The Commission shall provide the data collected under paragraph (1) of this subsection to the certification agency on or before July 15, 2022.

(4) All data provided by each licensed grower, processor, and dispensary and preapproved applicant for licensure under Title 13, Subtitle 33 of the Health – General Article under this subsection:

(i) shall constitute confidential commercial information and confidential financial information and be treated as confidential by the Commission and the State; and

(ii) may be used only for purposes authorized under this section and be disclosed to the public only in an anonymized or aggregated format.

(d) The Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the certification agency and the Office of the Attorney General, shall develop race– and gender–neutral approaches to address the needs of minority and women applicants and minority– and women–owned businesses seeking to participate in the adult–use cannabis industry and submit a report of its findings to the Legislative Policy Committee, in accordance with § 2–1257 of the State Government Article, on or before October 15, 2022, so that the General Assembly may review, consider, and adopt race– and

gender-neutral alternatives in any legislation adopted concerning the adult-use cannabis industry.

SECTION ~~8~~ 9. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Cannabis Commission shall study and make recommendations on:

(1) a home grow program to authorize qualifying patients to grow cannabis plants for personal use, ~~including best practices implemented in other states;~~

(2) the establishment of on-site cannabis consumption facilities; and

(3) methods to reduce the use of cannabis by minors, including best practices regarding requirements related to advertising, potency, packaging, labeling, and other methods to reduce the appeal of cannabis to minors.

(b) The study required under subsection (a) of this section shall identify methods adopted by the Natalie M. LaPrade Medical Cannabis Commission through regulations as well as best practices implemented in other states.

~~(b)~~ (c) On or before November 1, 2022, the Natalie M. LaPrade Medical Cannabis Commission shall report its findings and recommendations for the program to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Finance Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Health and Government Operations Committee.

SECTION ~~9~~ 10. AND BE IT FURTHER ENACTED, That the publishers 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 this Act. References to the term “marijuana” shall be replaced with references to the term “cannabis”. The publishers shall adequately describe any correction that is made in an editor’s note following the section affected.

SECTION ~~10~~ 11. AND BE IT FURTHER ENACTED, That Sections 2, 3, 4, 5, ~~and 6~~ 6, and 7 of this Act are contingent on the passage of Chapter ____ (H.B. 1) of the Acts of the General Assembly of 2022, a constitutional amendment, and its ratification by the voters of the State.

SECTION ~~11~~ 12. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section ~~10~~ 11 of this Act, Section 3 of this Act shall take effect January 1, 2023. Section 3 of this Act shall remain effective for a period of 6 months and, at the end of June 30, 2023, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

1 SECTION ~~12~~ 13. AND BE IT FURTHER ENACTED, That, subject to the provisions
2 of Section ~~10~~ 11 of this Act, Section 4 of this Act shall take effect July 1, 2023.

3 SECTION 14. AND BE IT FURTHER ENACTED, That, subject to the provisions of
4 Section 11 of this Act, Section 6 of this Act shall take effect July 1, 2028.

5 SECTION ~~13~~ 15. AND BE IT FURTHER ENACTED, That, subject to the provisions
6 of Section ~~10~~ 11 of this Act, Sections 2, 5, and ~~6~~ 7 of this Act shall take effect January 1,
7 2023.

8 SECTION ~~14~~ 16. AND BE IT FURTHER ENACTED, That, except as provided in
9 Sections ~~11, 12, and 13~~ 12, 13, 14, and 15 of this Act, this Act shall take effect June 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.