

SENATE BILL 928

E1, E4, Q7

7lr1253
CF 7lr3127

By: **Senators Madaleno, Smith, Feldman, and Manno**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Cannabis – Legalization**

3 FOR the purpose of repealing certain civil and criminal prohibitions against the use and
4 possession of marijuana; providing that a violation of a certain prohibition against
5 possessing or administering a controlled dangerous substance involving the
6 vaporization of cannabis in a public place is a civil offense punishable by a certain
7 fine; applying certain procedural provisions relating to the issuance of a citation to
8 the offenses of smoking marijuana in a public place and vaporization of cannabis in
9 a public place; establishing certain exemptions from prosecution for certain persons
10 for using, obtaining, purchasing, transporting, or possessing cannabis under certain
11 circumstances; providing that certain conduct relating to cannabis is lawful;
12 establishing certain exemptions from prosecution for certain retailers, cannabis
13 product manufacturers, cannabis cultivation facilities, craft cannabis cultivators,
14 and safety compliance facilities under certain circumstances; establishing a certain
15 affirmative defense relating to cannabis; prohibiting a certain adult from cultivating
16 cannabis under certain circumstances; providing that this Act does not exempt
17 certain conduct from certain penalties; providing that the use of cannabis or testing
18 positive for past cannabis use may not be grounds for certain adverse employment
19 actions under certain circumstances; providing that employers are not required to
20 accommodate certain conduct; authorizing landlords and innkeepers to prohibit
21 certain behavior in certain locations; prohibiting a person from falsely representing
22 the person's age for certain purposes; providing that this Act, by operation of law,
23 expunges certain convictions; providing that this Act does not repeal or modify
24 certain other statutes; establishing a procedure for a certain retailer, cannabis
25 cultivation facility, craft cannabis cultivator, cannabis product manufacturer, or
26 safety compliance facility to register under this Act; establishing a procedure for a
27 certain retailer or applicant to obtain an on-site consumption registration; requiring
28 the Comptroller to issue certain regulations for cannabis product manufacturer
29 registration; prohibiting a cannabis establishment from operating within a certain
30 distance from a certain school; prohibiting a cannabis establishment from operating
31 if the entity sells alcohol for consumption on the premises; authorizing local

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 governments to enact certain ordinances or regulations not in conflict with this Act;
2 requiring a retailer to include a certain safety insert with the sale of cannabis;
3 requiring a cannabis cultivation facility and a cannabis product manufacturer to
4 create certain packaging; providing for the cultivation of cannabis in certain
5 circumstances; requiring a certain cannabis establishment to have certain
6 documentation at certain times; prohibiting a retailer from selling, giving, or
7 otherwise furnishing cannabis to a person under a certain age; prohibiting a
8 cannabis establishment from allowing a person under a certain age to be present in
9 a certain location under certain circumstances; prohibiting a retailer from selling,
10 giving, or otherwise furnishing more than a certain amount of cannabis to a person
11 in a single transaction, knowingly and willfully selling, giving, or otherwise
12 furnishing a certain amount of cannabis to a person under certain circumstances,
13 purchasing cannabis from a person other than a retailer, cannabis cultivation
14 facility, or cannabis product manufacturer, selling, giving, or otherwise furnishing
15 cannabis to a clearly intoxicated person, or violating certain regulations; prohibiting
16 a cannabis cultivation facility from purchasing, producing, obtaining, selling, giving,
17 or otherwise furnishing cannabis to certain persons; authorizing the Comptroller to
18 suspend or terminate a certain registration under certain circumstances;
19 authorizing a certain court action under certain circumstances; providing that it is
20 not a violation of State or local law for a person to purchase and possess a material
21 or product made, in whole or in part, with industrial hemp; requiring the
22 Department of Agriculture to adopt certain rules and regulations; prohibiting a
23 person under a certain age from possessing cannabis; requiring the Governor to
24 appoint a certain oversight committee; requiring the oversight committee to
25 undertake certain duties; requiring the Comptroller to administer and carry out this
26 Act and to adopt certain regulations; providing certain penalties for a violation of
27 this Act; requiring the Comptroller to develop and implement a certain outreach
28 program and submit a certain report on or before a certain date; defining certain
29 terms; making a certain provision of this Act subject to a certain contingency; and
30 generally relating to cannabis.

31 BY renumbering

32 Article – Criminal Law

33 Section 5–1101 and the subtitle “Subtitle 11. Short Title”

34 to be Section 5–1201 and the subtitle “Subtitle 12. Short Title”

35 Annotated Code of Maryland

36 (2012 Replacement Volume and 2016 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article – Criminal Law

39 Section 5–601(c) and 5–601.1

40 Annotated Code of Maryland

41 (2012 Replacement Volume and 2016 Supplement)

42 BY repealing and reenacting, with amendments,

43 Article – Criminal Law

44 Section 5–601(c)

1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2016 Supplement)
3 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

4 BY repealing
5 Article – Criminal Law
6 Section 5–601(d)
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2016 Supplement)
9 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

10 BY adding to
11 Article – Criminal Law
12 Section 5–1101 through 5–1135 to be under the new subtitle “Subtitle 11. Cannabis”
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 3–8A–19(d)(7)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That Section(s) 5–1101 and the subtitle “Subtitle 11. Short Title” of Article – Criminal Law
22 of the Annotated Code of Maryland be renumbered to be Section(s) 5–1201 and the subtitle
23 “Subtitle 12. Short Title”.

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

26 **Article – Criminal Law**

27 5–601.

28 (c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a
29 person who violates this section is guilty of a misdemeanor and on conviction is subject to
30 imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

31 (2) [(i) Except as provided in subparagraph (ii) of this paragraph, a] **A**
32 person whose violation of this section involves the use or possession of marijuana [in the
33 amount of 10 grams or more is guilty of the misdemeanor of possession of marijuana and is
34 subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both] **IS**
35 **SUBJECT TO THE PROVISIONS RELATING TO THE USE OF CANNABIS UNDER**
36 **SUBTITLE 11 OF THIS TITLE.**

1 (ii) 1. A first finding of guilt under this section involving the use
2 or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
3 exceeding \$100.

4 2. A second finding of guilt under this section involving the
5 use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine
6 not exceeding \$250.

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

10 4. A. In addition to a fine, a court shall order a person
11 under the age of 21 years who commits a violation punishable under subparagraph 1,
12 2, or 3 of this subparagraph to attend a drug education program approved by the
13 Department of Health and Mental Hygiene, refer the person to an assessment for substance
14 abuse disorder, and refer the person to substance abuse treatment, if necessary.

15 B. In addition to a fine, a court shall order a person at least
16 21 years old who commits a violation punishable under subparagraph 3 of this
17 subparagraph to attend a drug education program approved by the Department of Health
18 and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and
19 refer the person to substance abuse treatment, if necessary.

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

24 (3) (i) 1. In this paragraph the following words have the meanings
25 indicated.

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

29 3. “Caregiver” means an individual designated by a patient
30 with a debilitating medical condition to provide physical or medical assistance to the
31 patient, including assisting with the medical use of marijuana, who:

32 A. is a resident of the State;

33 B. is at least 21 years old;

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

1 D. has not been convicted of a crime of violence as defined in
2 § 14–101 of this article;

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

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

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

8 H. is the only individual designated by the patient to serve as
9 caregiver; and

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

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

15 A. cachexia or wasting syndrome;

16 B. severe or chronic pain;

17 C. severe nausea;

18 D. seizures;

19 E. severe and persistent muscle spasms; or

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

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

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

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

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

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

6 C. marijuana is likely to provide the defendant with
7 therapeutic or palliative relief from the debilitating medical condition.

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

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

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

19 A. using marijuana in a public place or assisting the
20 individual for whom the defendant is a caregiver in using the marijuana in a public place;
21 or

22 B. in possession of more than 1 ounce of marijuana.]

23 [(4)] (3) A violation of this section involving the smoking of marijuana in
24 a public place is a civil offense punishable by a fine not exceeding \$500.

25 (4) **A VIOLATION OF THIS SECTION INVOLVING THE VAPORIZATION OF**
26 **CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A PUBLIC PLACE IS A CIVIL**
27 **OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

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

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

32 (2) seizure and forfeiture.]

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

3 **Article – Criminal Law**

4 5–601.

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

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

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

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

13 (2) [(i) Except as provided in subparagraph (ii) of this paragraph, a] **A**
14 person whose violation of this section involves the use or possession of marijuana is [guilty
15 of the misdemeanor of possession of marijuana and is] subject to [imprisonment not
16 exceeding 6 months or a fine not exceeding \$1,000 or both] **THE PROVISIONS RELATING**
17 **TO THE USE OF CANNABIS UNDER SUBTITLE 11 OF THIS TITLE.**

18 [(ii) 1. A first finding of guilt under this section involving the use
19 or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
20 exceeding \$100.

21 2. A second finding of guilt under this section involving the
22 use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine
23 not exceeding \$250.

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

27 4. A. In addition to a fine, a court shall order a person
28 under the age of 21 years who commits a violation punishable under subparagraph 1,
29 2, or 3 of this subparagraph to attend a drug education program approved by the
30 Department of Health and Mental Hygiene, refer the person to an assessment for substance
31 abuse disorder, and refer the person to substance abuse treatment, if necessary.

32 B. In addition to a fine, a court shall order a person at least
33 21 years old who commits a violation punishable under subparagraph 3 of this
34 subparagraph to attend a drug education program approved by the Department of Health

1 and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and
2 refer the person to substance abuse treatment, if necessary.

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

7 (3) (i) 1. In this paragraph the following words have the meanings
8 indicated.

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

12 3. “Caregiver” means an individual designated by a patient
13 with a debilitating medical condition to provide physical or medical assistance to the
14 patient, including assisting with the medical use of marijuana, who:

15 A. is a resident of the State;

16 B. is at least 21 years old;

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

19 D. has not been convicted of a crime of violence as defined in
20 § 14–101 of this article;

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

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

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

26 H. is the only individual designated by the patient to serve as
27 caregiver; and

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

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

- 1 A. cachexia or wasting syndrome;
- 2 B. severe or chronic pain;
- 3 C. severe nausea;
- 4 D. seizures;
- 5 E. severe and persistent muscle spasms; or
- 6 F. any other condition that is severe and resistant to
7 conventional medicine.

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

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

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

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

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

22 C. marijuana is likely to provide the defendant with
23 therapeutic or palliative relief from the debilitating medical condition.

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

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

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

3 A. using marijuana in a public place or assisting the
4 individual for whom the defendant is a caregiver in using the marijuana in a public place;
5 or

6 B. in possession of more than 1 ounce of marijuana.]

7 [(4)] (3) A violation of this section involving the smoking of marijuana in
8 a public place is a civil offense punishable by a fine not exceeding \$500.

9 (4) **A VIOLATION OF THIS SECTION INVOLVING THE VAPORIZATION OF**
10 **CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A PUBLIC PLACE IS A CIVIL**
11 **OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

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

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

16 (2) seizure and forfeiture.]

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

19 **Article – Criminal Law**

20 5–601.1.

21 (a) A police officer shall issue a citation to a person who the police officer has
22 probable cause to believe has committed a violation of § 5–601 of this part involving the
23 [use or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A**
24 **PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF**
25 **THIS TITLE, IN A PUBLIC PLACE.**

26 (b) (1) A violation of § 5–601 of this part involving the [use or possession of
27 less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A PUBLIC PLACE OR**
28 **VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A**
29 **PUBLIC PLACE** is a civil offense.

30 (2) Adjudication of a violation under § 5–601 of this part involving the [use
31 or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A PUBLIC**

1 **PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE,**
2 **IN A PUBLIC PLACE:**

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

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

6 (c) (1) A citation issued for a violation of § 5–601 of this part involving the [use
7 or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A PUBLIC**
8 **PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE,**
9 **IN A PUBLIC PLACE** shall be signed by the police officer who issues the citation and shall
10 contain:

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

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

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

14 (iv) the fine that may be imposed;

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

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

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

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

21 (2) (i) If a citation for a violation of § 5–601 of this part involving the
22 [use or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A**
23 **PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF**
24 **THIS TITLE, IN A PUBLIC PLACE** is issued to a person under the age of 21 years, the court
25 shall summon the person for trial.

26 (ii) If the court finds that a person at least 21 years old who has been
27 issued a citation under this section has at least twice previously been found guilty under §
28 5–601 of this part involving the [use or possession of less than 10 grams of marijuana]
29 **SMOKING OF MARIJUANA IN A PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS**
30 **DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A PUBLIC PLACE**, the court shall summon
31 the person for trial.

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

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

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

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

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

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

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

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

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

24 (i) In any proceeding for a Code violation under § 5–601 of this part involving the
25 [use or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A**
26 **PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF**
27 **THIS TITLE, IN A PUBLIC PLACE:**

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

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

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

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

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

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

8 (i) guilty of a Code violation;

9 (ii) not guilty of a Code violation; or

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

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

14 (2) The court costs in a Code violation case under § 5-601 of this part
15 involving the [use or possession of less than 10 grams of marijuana] **SMOKING OF**
16 **MARIJUANA IN A PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN**
17 **SUBTITLE 11 OF THIS TITLE, IN A PUBLIC PLACE** in which costs are imposed are \$5.

18 (k) (1) The State's Attorney for any county may prosecute a Code violation
19 under § 5-601 of this part involving the [use or possession of less than 10 grams of
20 marijuana] **SMOKING OF MARIJUANA IN A PUBLIC PLACE OR VAPORIZATION OF**
21 **CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A PUBLIC PLACE** in the
22 same manner as prosecution of a violation of the criminal laws of the State.

23 (2) In a Code violation case under § 5-601 of this part involving the [use or
24 possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A PUBLIC**
25 **PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE,**
26 **IN A PUBLIC PLACE**, the State's Attorney may:

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

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

31 (l) A person issued a citation for a violation of § 5-601 of this part involving the
32 [use or possession of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A**
33 **PUBLIC PLACE OR VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF**

1 **THIS TITLE, IN A PUBLIC PLACE** who is under the age of 18 years shall be subject to the
 2 procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

3 (m) A citation for a violation of § 5–601 of this part involving the [use or possession
 4 of less than 10 grams of marijuana] **SMOKING OF MARIJUANA IN A PUBLIC PLACE OR**
 5 **VAPORIZATION OF CANNABIS, AS DEFINED IN SUBTITLE 11 OF THIS TITLE, IN A**
 6 **PUBLIC PLACE** and the official record of a court regarding the citation are not subject to
 7 public inspection and may not be included on the public Web site maintained by the
 8 Maryland Judiciary if:

9 (1) the defendant has prepaid the fine;

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

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

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

16 (5) the State has entered a nolle prosequi;

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

18 (7) the charge has been dismissed.

19 **SUBTITLE 11. CANNABIS.**

20 **5–1101.**

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

23 (B) (1) **“CANNABIS” MEANS:**

24 (I) **ALL PARTS OF THE GENUS CANNABIS, WHETHER GROWING**
 25 **OR NOT;**

26 (II) **THE SEEDS OF THE PLANT;**

27 (III) **THE RESIN EXTRACTED FROM A PART OF THE PLANT; OR**

28 (IV) **EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE,**
 29 **MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN.**

1 **(2) “CANNABIS” DOES NOT INCLUDE:**

2 **(I) THE MATURE STALKS OF THE PLANT;**

3 **(II) FIBER PRODUCED FROM THE STALKS;**

4 **(III) OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT;**

5 **(IV) ANY OTHER COMPOUND, MANUFACTURE, SALT,**
6 **DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS, EXCEPT THE**
7 **EXTRACTED RESIN, FIBER, OR OIL OR CAKE; OR**

8 **(V) THE STERILIZED SEED OF THE PLANT THAT IS INCAPABLE**
9 **OF GERMINATION.**

10 **(3) “CANNABIS” INCLUDES SUBSTANCES DEFINED AS “MARIJUANA”**
11 **UNDER STATE LAW.**

12 **(C) “CANNABIS CULTIVATION FACILITY” MEANS AN ENTITY THAT IS:**

13 **(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE**
14 **EXEMPT FROM STATE PENALTIES FOR CULTIVATING, PREPARING, PACKAGING,**
15 **TRANSPORTING, OR SELLING CANNABIS TO A CANNABIS PRODUCT MANUFACTURER,**
16 **RETAILER, OR ANOTHER CANNABIS CULTIVATION FACILITY; OR**

17 **(2) EXEMPT FROM STATE PENALTIES UNDER § 5-1112 OF THIS**
18 **SUBTITLE DUE TO FAILURE OF THE COMPTROLLER TO ISSUE REGISTRATIONS.**

19 **(D) “CANNABIS ESTABLISHMENT” MEANS A RETAILER, CANNABIS**
20 **CULTIVATION FACILITY, CRAFT CANNABIS CULTIVATOR, CANNABIS PRODUCT**
21 **MANUFACTURER, OR SAFETY COMPLIANCE FACILITY.**

22 **(E) (1) “CANNABIS PRODUCT” MEANS A GOOD COMPOSED OF CANNABIS**
23 **AND OTHER INGREDIENTS THAT IS INTENDED FOR USE OR CONSUMPTION.**

24 **(2) “CANNABIS PRODUCT” INCLUDES A CANNABIS-INFUSED EDIBLE**
25 **PRODUCT.**

26 **(F) “CANNABIS PRODUCT MANUFACTURER” MEANS AN ENTITY THAT IS:**

27 **(1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE**
28 **EXEMPT FROM STATE PENALTIES FOR:**

1 (I) PURCHASING CANNABIS FROM CANNABIS CULTIVATION
2 FACILITIES;

3 (II) MANUFACTURING, PREPARING, AND PACKAGING CANNABIS
4 PRODUCTS; OR

5 (III) SELLING CANNABIS PRODUCTS TO RETAILERS OR ANOTHER
6 CANNABIS PRODUCT MANUFACTURER; OR

7 (2) EXEMPT FROM STATE PENALTIES UNDER § 5-1114 OF THIS
8 SUBTITLE DUE TO FAILURE OF THE COMPTROLLER TO ISSUE REGISTRATIONS.

9 (G) "COMPTROLLER" MEANS THE COMPTROLLER OF MARYLAND OR THE
10 COMPTROLLER'S DESIGNEE.

11 (H) "CRAFT CANNABIS CULTIVATOR" MEANS AN ENTITY THAT IS
12 REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE EXEMPT FROM STATE
13 PENALTIES FOR:

14 (1) CULTIVATING A LIMITED NUMBER OF CANNABIS PLANTS; AND

15 (2) SELLING CANNABIS TO A CANNABIS CULTIVATION FACILITY OR A
16 CANNABIS PRODUCT MANUFACTURER.

17 (I) "ENCLOSED LOCKED FACILITY" INCLUDES A BUILDING, ROOM,
18 GREENHOUSE, FULLY ENCLOSED FENCED-IN AREA, OR ANY OTHER LOCATION
19 ENCLOSED ON ALL SIDES AND EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES
20 THAT PERMIT ACCESS ONLY BY:

21 (1) AN EMPLOYEE, AGENT, OR OWNER OF A CANNABIS CULTIVATION
22 FACILITY PROVIDED THAT THE EMPLOYEE, AGENT, OR OWNER IS AT LEAST 21 YEARS
23 OLD;

24 (2) A GOVERNMENT EMPLOYEE PERFORMING AN OFFICIAL
25 GOVERNMENTAL DUTY OF THE EMPLOYEE;

26 (3) A CONTRACTOR PERFORMING LABOR THAT DOES NOT INCLUDE
27 CANNABIS CULTIVATION, PACKAGING, OR PROCESSING IF THE CONTRACTOR IS
28 ACCOMPANIED BY AN EMPLOYEE, AGENT, OR OWNER OF THE CANNABIS
29 CULTIVATION FACILITY WHEN THE CONTRACTOR IS IN AREAS IN WHICH CANNABIS
30 IS BEING GROWN OR STORED; OR

1 **(4) A MEMBER OF THE MEDIA, AN ELECTED OFFICIAL, OR ANOTHER**
2 **INDIVIDUAL WHO IS TOURING THE CANNABIS CULTIVATION FACILITY IF THE**
3 **INDIVIDUAL IS ACCOMPANIED BY AN EMPLOYEE, AGENT, OR OWNER OF THE**
4 **FACILITY AND IS AT LEAST 21 YEARS OLD.**

5 **(J) “INDUSTRIAL HEMP” HAS THE DEFINITION STATED IN § 14-101 OF THE**
6 **AGRICULTURE ARTICLE.**

7 **(K) “ON-SITE CONSUMPTION” MEANS THE CONSUMPTION OF CANNABIS OR**
8 **CANNABIS PRODUCTS IN A RETAIL STORE THAT HAS AN ADDITIONAL ON-SITE**
9 **CONSUMPTION REGISTRATION.**

10 **(L) “PERSONAL USE AMOUNT OF USABLE CANNABIS” MEANS:**

11 **(1) 1 OUNCE OR LESS OF CANNABIS IN DRIED PLANT FORM;**

12 **(2) 5 GRAMS OR LESS OF HASHISH OIL, GEL, OR SOLID EXTRACTS OR**
13 **CONCENTRATES MADE FROM CANNABIS WHEN INTENDED FOR SMOKING OR**
14 **VAPORIZING;**

15 **(3) 12 SERVINGS OF CANNABIS COMBINED WITH FOOD PRODUCTS**
16 **AND INTENDED FOR EATING;**

17 **(4) 12 SERVINGS OF CANNABIS COMBINED WITH BEVERAGE**
18 **PRODUCTS AND INTENDED FOR DRINKING;**

19 **(5) 72 OUNCES OF CANNABIS IN A CREAM, GEL, OR LIQUID FORM**
20 **WHEN INTENDED FOR TOPICAL APPLICATION; OR**

21 **(6) A COMBINATION OF ANY OF THE ABOVE.**

22 **(M) (1) “PUBLIC PLACE” MEANS A STREET, AN ALLEY, A PARK, A**
23 **SIDEWALK, A PLACE OR BUILDING OF BUSINESS OR ASSEMBLY OPEN TO OR**
24 **FREQUENTED BY THE PUBLIC, OR ANY OTHER PLACE TO WHICH THE PUBLIC HAS**
25 **ACCESS.**

26 **(2) “PUBLIC PLACE” DOES NOT INCLUDE:**

27 **(I) A RETAILER THAT IS REGISTERED BY THE COMPTROLLER**
28 **TO ALLOW ON-SITE CONSUMPTION OF CANNABIS;**

29 **(II) AN INDIVIDUAL DWELLING OR ITS CURTILAGE; OR**

1 (III) A PRIVATE CLUB OR PRIVATE EVENT THAT IS REGISTERED
2 BY THE COMPTROLLER TO ALLOW THE ON-SITE CONSUMPTION OF CANNABIS.

3 (N) "QUALIFIED COMMUNITY-BASED NONPROFIT ORGANIZATION" MEANS A
4 NONPROFIT ORGANIZATION THAT OPERATES IN AND IS LED BY RESIDENTS OF THE
5 FIVE COUNTIES THAT HAVE EXPERIENCED THE GREATEST RATE OF CANNABIS
6 ARRESTS PER CAPITA IN THE 5-YEAR PERIOD FROM JANUARY 1, 2012, THROUGH
7 DECEMBER 31, 2016, INCLUSIVE.

8 (O) "REMUNERATION" MEANS ANYTHING OF VALUE, INCLUDING MONEY,
9 REAL PROPERTY, TANGIBLE AND INTANGIBLE PERSONAL PROPERTY, CONTRACT
10 RIGHTS, CHOSES IN ACTION, SERVICES, AND ANY RIGHTS OF USE OR EMPLOYMENT
11 PROMISES OR AGREEMENTS CONNECTED THEREWITH.

12 (P) "RETAILER" MEANS AN ENTITY THAT IS:

13 (1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE
14 EXEMPT FROM STATE PENALTIES FOR PURCHASING CANNABIS FROM A CANNABIS
15 CULTIVATION FACILITY OR CANNABIS PRODUCT MANUFACTURER AND SELLING
16 CANNABIS TO CUSTOMERS WHO ARE AT LEAST 21 YEARS OLD; OR

17 (2) EXEMPT FROM STATE PENALTIES UNDER § 5-1110 OF THIS
18 SUBTITLE DUE TO THE COMPTROLLER NOT ISSUING REGISTRATIONS.

19 (Q) "SAFETY COMPLIANCE FACILITY" MEANS AN ENTITY THAT IS:

20 (1) REGISTERED IN ACCORDANCE WITH THIS SUBTITLE TO BE
21 EXEMPT FROM STATE PENALTIES FOR TESTING CANNABIS, INCLUDING CANNABIS
22 PRODUCTS, FOR POTENCY AND CONTAMINANTS; OR

23 (2) EXEMPT FROM STATE PENALTIES UNDER § 5-1116 OF THIS
24 SUBTITLE DUE TO THE COMPTROLLER NOT ISSUING REGISTRATIONS.

25 (R) (1) "SMOKING" MEANS HEATING TO AT LEAST THE POINT OF
26 COMBUSTION, CAUSING PLANT MATERIAL TO BURN.

27 (2) "SMOKING" DOES NOT INCLUDE VAPORIZING.

28 (S) "STATE PROSECUTION" MEANS CRIMINAL PROSECUTION INITIATED OR
29 MAINTAINED BY THE STATE OR AN AGENCY OR A POLITICAL SUBDIVISION OF THE
30 STATE.

1 **(T) “UNREASONABLY IMPRACTICABLE” MEANS THAT THE MEASURES**
2 **NECESSARY TO COMPLY WITH RULES OR ORDINANCES ADOPTED UNDER THIS**
3 **SUBTITLE SUBJECT LICENSEES TO UNREASONABLE FINANCIAL OR OTHER RISK OR**
4 **REQUIRE SUCH A SIGNIFICANT INVESTMENT OF MONEY, TIME, OR ANY OTHER**
5 **RESOURCE OR ASSET THAT THE OPERATION OR ACQUISITION OF A CANNABIS**
6 **ESTABLISHMENT IS NOT WORTH BEING CARRIED OUT BY A REASONABLY PRUDENT**
7 **BUSINESSPERSON.**

8 **5-1102.**

9 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE FOLLOWING**
10 **ACTS ARE LAWFUL AND A PERSON WHO IS AT LEAST 21 YEARS OLD IS EXEMPT FROM**
11 **ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS BY OR**
12 **TO THE STATE OR AN AGENT OF THE STATE, DISCIPLINE BY A STATE OR LOCAL**
13 **LICENSING BOARD, OR STATE PROSECUTION FOR:**

14 **(1) ACTUALLY OR CONSTRUCTIVELY USING, OBTAINING,**
15 **PURCHASING, TRANSPORTING, OR POSSESSING A PERSONAL USE AMOUNT OF**
16 **USABLE CANNABIS;**

17 **(2) CONTROLLING THE PREMISES OR A VEHICLE WHERE AMOUNTS OF**
18 **CANNABIS THAT ARE LAWFUL UNDER THIS SUBTITLE ARE POSSESSED, PROCESSED,**
19 **OR STORED BY PERSONS WHO ARE AT LEAST 21 YEARS OLD PROVIDED THAT THE**
20 **TOTAL NUMBER OF PLANTS MAY NOT EXCEED 18 IN AN INDIVIDUAL RESIDENCE;**

21 **(3) SELLING CANNABIS SEEDS TO A CANNABIS ESTABLISHMENT OR TO**
22 **PERSONS WHO ARE AT LEAST 21 YEARS OLD;**

23 **(4) TRANSFERRING A PERSONAL USE AMOUNT OF USABLE CANNABIS**
24 **AND THREE OR FEWER CANNABIS SEEDLINGS OR CUTTINGS WITHOUT**
25 **REMUNERATION TO A PERSON WHO IS AT LEAST 21 YEARS OLD;**

26 **(5) TRANSFERRING AN AMOUNT OF CANNABIS OR CANNABIS**
27 **PRODUCTS THAT A PERSON IS ALLOWED TO POSSESS UNDER THIS SUBTITLE TO A**
28 **SAFETY COMPLIANCE FACILITY;**

29 **(6) AIDING AND ABETTING ANOTHER PERSON WHO IS AT LEAST 21**
30 **YEARS OLD IN ACTIONS THAT ARE ALLOWED UNDER THIS SUBTITLE;**

31 **(7) CULTIVATING SIX OR FEWER CANNABIS PLANTS, NO MORE THAN**
32 **THREE OF WHICH MAY BE MATURE, FLOWERING PLANTS, AND POSSESSING THE**
33 **CANNABIS PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE PLANTS WERE**
34 **GROWN; OR**

1 **(8) ASSISTING WITH THE CULTIVATION OF CANNABIS PLANTS THAT**
2 **ARE CULTIVATED AT THE SAME LOCATION BY ADULTS AT LEAST 21 YEARS OLD, WITH**
3 **THE TOTAL NUMBER OF MATURE, FLOWERING PLANTS NOT EXCEEDING 18 IN A**
4 **DWELLING UNIT.**

5 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A RETAILER OR**
6 **ANY OTHER PERSON THAT IS AT LEAST 21 YEARS OLD AND ACTING IN A CAPACITY AS**
7 **AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD MEMBER, AN EMPLOYEE,**
8 **OR AN AGENT OF A RETAILER IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL**
9 **PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL**
10 **LICENSING BOARD, OR STATE PROSECUTION FOR:**

11 **(1) TRANSPORTING OR POSSESSING, ACTUALLY OR**
12 **CONSTRUCTIVELY, CANNABIS, INCLUDING SEEDLINGS OR CUTTINGS, THAT WAS**
13 **PURCHASED FROM A CANNABIS CULTIVATION FACILITY, A CRAFT CANNABIS**
14 **CULTIVATOR, OR ANOTHER RETAILER;**

15 **(2) TRANSPORTING OR POSSESSING, ACTUALLY OR**
16 **CONSTRUCTIVELY, CANNABIS PRODUCTS THAT WERE PURCHASED FROM A**
17 **CANNABIS PRODUCT MANUFACTURER OR A RETAILER;**

18 **(3) OBTAINING OR PURCHASING CANNABIS FROM A CANNABIS**
19 **CULTIVATION FACILITY, A CRAFT CANNABIS CULTIVATOR, OR A RETAILER;**

20 **(4) OBTAINING OR PURCHASING CANNABIS FROM A CANNABIS**
21 **PRODUCT MANUFACTURER OR A RETAILER;**

22 **(5) SELLING, TRANSFERRING, OR DELIVERING CANNABIS, SEEDLINGS**
23 **AND CUTTINGS OF CANNABIS PLANTS, OR CANNABIS PRODUCTS TO A PERSON WHO**
24 **IS AT LEAST 21 YEARS OLD OR TO ANOTHER CANNABIS RETAILER;**

25 **(6) TRANSFERRING OR DELIVERING CANNABIS TO A SAFETY**
26 **COMPLIANCE FACILITY; OR**

27 **(7) CONTROLLING THE PREMISES OR A VEHICLE WHERE CANNABIS**
28 **OR CANNABIS PRODUCTS ARE POSSESSED, SOLD, OR DEPOSITED.**

29 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A CANNABIS**
30 **CULTIVATION FACILITY OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND**
31 **ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD**
32 **MEMBER, AN EMPLOYEE, OR AN AGENT OF A CANNABIS CULTIVATION FACILITY IS**
33 **EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF**

1 ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE
2 PROSECUTION FOR:

3 (1) CULTIVATING, PACKING, POSSESSING, PROCESSING,
4 TRANSPORTING, OR MANUFACTURING CANNABIS;

5 (2) SELLING, TRANSFERRING, OR DELIVERING CANNABIS TO A
6 RETAILER, A CANNABIS PRODUCT MANUFACTURER, OR A CANNABIS CULTIVATION
7 FACILITY;

8 (3) TRANSFERRING OR DELIVERING CANNABIS TO A SAFETY
9 COMPLIANCE FACILITY;

10 (4) PURCHASING OR OBTAINING CANNABIS, INCLUDING PLANTS,
11 FROM A CANNABIS CULTIVATION FACILITY;

12 (5) PURCHASING CANNABIS SEEDS FROM A PERSON WHO IS AT LEAST
13 21 YEARS OLD; OR

14 (6) CONTROLLING THE PREMISES OR A VEHICLE WHERE CANNABIS IS
15 POSSESSED, MANUFACTURED, SOLD, OR DEPOSITED.

16 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A CRAFT
17 CANNABIS CULTIVATOR OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND
18 ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD
19 MEMBER, AN EMPLOYEE, OR AN AGENT OF A CRAFT CANNABIS CULTIVATOR IS
20 EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF
21 ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE
22 PROSECUTION FOR:

23 (1) CULTIVATING, POSSESSING, PROCESSING, TRANSPORTING, OR
24 MANUFACTURING A LIMITED NUMBER OF CANNABIS PLANTS;

25 (2) SELLING, TRANSFERRING, OR DELIVERING CANNABIS TO A
26 CANNABIS PRODUCT MANUFACTURER OR A CANNABIS CULTIVATION FACILITY;

27 (3) PURCHASING OR OBTAINING CANNABIS, INCLUDING PLANTS,
28 FROM A CANNABIS CULTIVATION FACILITY;

29 (4) PURCHASING CANNABIS SEEDS FROM A PERSON WHO IS AT LEAST
30 21 YEARS OLD; OR

1 **(5) CONTROLLING THE PREMISES OR A VEHICLE WHERE CANNABIS IS**
2 **POSSESSED, MANUFACTURED, SOLD, OR DEPOSITED.**

3 **(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A CANNABIS**
4 **PRODUCT MANUFACTURER OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD**
5 **AND ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A**
6 **BOARD MEMBER, AN EMPLOYEE, OR AN AGENT OF A CANNABIS PRODUCT**
7 **MANUFACTURER IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE**
8 **OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD,**
9 **OR STATE PROSECUTION FOR:**

10 **(1) PACKING, POSSESSING, PROCESSING, OR TRANSPORTING**
11 **CANNABIS AND CANNABIS PRODUCTS;**

12 **(2) MANUFACTURING CANNABIS PRODUCTS;**

13 **(3) SELLING, TRANSFERRING, OR DELIVERING CANNABIS PRODUCTS**
14 **TO A RETAILER OR A CANNABIS PRODUCT MANUFACTURER;**

15 **(4) TRANSFERRING OR DELIVERING CANNABIS OR CANNABIS**
16 **PRODUCTS TO A SAFETY COMPLIANCE FACILITY;**

17 **(5) PURCHASING OR OBTAINING CANNABIS FROM A CANNABIS**
18 **CULTIVATION FACILITY, A CRAFT CANNABIS CULTIVATOR, OR A CANNABIS PRODUCT**
19 **MANUFACTURER; OR**

20 **(6) CONTROLLING THE PREMISES OR A VEHICLE WHERE CANNABIS IS**
21 **POSSESSED, MANUFACTURED, SOLD, OR DEPOSITED.**

22 **(F) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A SAFETY**
23 **COMPLIANCE FACILITY OR ANY OTHER PERSON WHO IS AT LEAST 21 YEARS OLD AND**
24 **ACTING IN A CAPACITY AS AN OWNER, A PRINCIPAL OFFICER, A PARTNER, A BOARD**
25 **MEMBER, AN EMPLOYEE, OR AN AGENT OF A CANNABIS PRODUCT MANUFACTURER**
26 **IS EXEMPT FROM ARREST, CIVIL OR CRIMINAL PENALTY, SEIZURE OR FORFEITURE**
27 **OF ASSETS, DISCIPLINE BY A STATE OR LOCAL LICENSING BOARD, OR STATE**
28 **PROSECUTION FOR:**

29 **(1) ACQUIRING, TRANSPORTING, OR POSSESSING CANNABIS OR**
30 **CANNABIS PRODUCTS;**

31 **(2) RETURNING CANNABIS TO CANNABIS ESTABLISHMENTS AND TO**
32 **PERSONS AT LEAST 21 YEARS OLD, PROVIDED THAT THE AMOUNT RETURNED TO AN**

1 INDIVIDUAL AT LEAST 21 YEARS OLD DOES NOT EXCEED THE AMOUNT OF CANNABIS
2 THE INDIVIDUAL IS ALLOWED TO POSSESS UNDER STATE LAW; OR

3 (3) RECEIVING COMPENSATION FOR TESTING CANNABIS AND
4 CANNABIS PRODUCTS.

5 (G) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, IN A
6 PROSECUTION FOR SELLING, TRANSFERRING, DELIVERING, GIVING, OR OTHERWISE
7 FURNISHING CANNABIS OR CANNABIS PRODUCTS TO A PERSON WHO IS UNDER THE
8 AGE OF 21 YEARS, IT IS A COMPLETE DEFENSE IF:

9 (1) THE PERSON WHO SOLD, GAVE, OR OTHERWISE FURNISHED
10 CANNABIS TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS WAS A RETAILER OR
11 WAS ACTING IN A CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A RETAILER AT
12 THE TIME THE CANNABIS WAS SOLD, GIVEN, OR OTHERWISE FURNISHED TO THE
13 PERSON; AND

14 (2) BEFORE SELLING, GIVING, OR OTHERWISE FURNISHING
15 CANNABIS TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE PERSON WHO
16 SOLD, GAVE, OR OTHERWISE FURNISHED THE CANNABIS OR AN EMPLOYEE OR
17 AGENT OF THE SELLER WAS SHOWN A DOCUMENT THAT APPEARED TO BE ISSUED BY
18 AN AGENCY OF A FEDERAL, STATE, TRIBAL, OR FOREIGN SOVEREIGN GOVERNMENT
19 THAT INDICATED THE PERSON TO WHOM THE CANNABIS WAS SOLD, GIVEN, OR
20 OTHERWISE FURNISHED WAS AT LEAST 21 YEARS OLD AT THE TIME THE CANNABIS
21 WAS SOLD, GIVEN, OR OTHERWISE FURNISHED TO THE PERSON.

22 (H) THE COMPLETE DEFENSE SET FORTH IN SUBSECTION (G) OF THIS
23 SECTION DOES NOT APPLY IF:

24 (1) THE DOCUMENT THAT WAS SHOWN TO THE PERSON WHO SOLD,
25 GAVE, OR OTHERWISE FURNISHED THE CANNABIS WAS COUNTERFEIT, FORGED,
26 ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON TO WHOM THE
27 CANNABIS WAS SOLD, GIVEN, OR OTHERWISE FURNISHED; AND

28 (2) UNDER THE CIRCUMSTANCES, A REASONABLE PERSON WOULD
29 HAVE KNOWN OR SUSPECTED THAT THE DOCUMENT WAS COUNTERFEIT, FORGED,
30 ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON TO WHOM THE
31 CANNABIS WAS SOLD, GIVEN, OR OTHERWISE FURNISHED.

32 (I) A COMMON CARRIER OR ANY OTHER PERSON ACTING IN A CAPACITY AS
33 AN EMPLOYEE OR AGENT OF A COMMON CARRIER MAY NOT BE SUBJECT TO STATE
34 PROSECUTION, SEARCH EXCEPT BY THE COMPTROLLER IN ACCORDANCE WITH THIS
35 SUBTITLE, SEIZURE, OR PENALTY, INCLUDING CIVIL PENALTY OR DISCIPLINARY

1 ACTION BY A COURT, BUSINESS LICENSING BOARD, OR ENTITY, OR BE DENIED A
2 RIGHT OR PRIVILEGE FOR TRANSPORTING OR POSSESSING CANNABIS.

3 **5-1103.**

4 (A) (1) IN THIS SUBSECTION, "REASONABLE PRECAUTIONS" INCLUDES
5 CULTIVATING CANNABIS IN A LOCKED CLOSET, ROOM, OR FULLY ENCLOSED AREA
6 TO WHICH PERSONS UNDER THE AGE OF 21 YEARS DO NOT POSSESS A KEY.

7 (2) AN ADULT WHO IS AT LEAST 21 YEARS OLD MAY NOT:

8 (I) MANUFACTURE OR CULTIVATE CANNABIS PLANTS IN A
9 LOCATION WHERE THE CANNABIS PLANTS ARE SUBJECT TO PUBLIC VIEW WITHOUT
10 THE USE OF BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS;

11 (II) CULTIVATE CANNABIS OUTDOORS OTHER THAN IN AN
12 ENCLOSED LOCATION, SUCH AS A FENCED-IN AREA;

13 (III) CULTIVATE CANNABIS ON PROPERTY NOT LAWFULLY IN
14 POSSESSION OF THE CULTIVATOR OR WITHOUT THE CONSENT OF THE PERSON IN
15 LAWFUL POSSESSION OF THE PROPERTY; OR

16 (IV) ALLOW A PERSON UNDER THE AGE OF 21 YEARS TO LIVE IN
17 OR BE A GUEST AT PROPERTY WHERE CANNABIS IS CULTIVATED WITHOUT TAKING
18 REASONABLE PRECAUTIONS TO PREVENT THE ACCESS BY THE PERSON TO
19 CANNABIS PLANTS.

20 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
21 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A
22 FINE NOT EXCEEDING \$1,000 OR BOTH.

23 **5-1104.**

24 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO ALTER ANY LAW
25 REGARDING DRIVING OR OPERATING A VEHICLE OR VESSEL WHILE IMPAIRED BY OR
26 UNDER THE INFLUENCE OF CANNABIS.

27 (B) THIS SUBTITLE DOES NOT EXEMPT A PERSON FROM ARREST, CIVIL OR
28 CRIMINAL PENALTY, SEIZURE OR FORFEITURE OF ASSETS, DISCIPLINE BY A STATE
29 OR LOCAL LICENSING BOARD, OR STATE PROSECUTION FOR POSSESSING CANNABIS,
30 INCLUDING CANNABIS PRODUCTS, IN A LOCAL DETENTION FACILITY, COUNTY JAIL,
31 STATE PRISON, REFORMATORY, OR OTHER CORRECTIONAL FACILITY, INCLUDING A
32 FACILITY FOR THE DETENTION OF JUVENILE OFFENDERS.

1 5-1105.

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, FOR THE
3 PURPOSES OF STATE AND LOCAL GOVERNMENT EMPLOYMENT, THE USE OF
4 CANNABIS, OR TESTING POSITIVE FOR PAST CANNABIS USE, MAY NOT BE GROUNDS
5 FOR TERMINATION FROM EMPLOYMENT, DISCIPLINE, OR REFUSAL TO HIRE A
6 POTENTIAL EMPLOYEE.

7 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE STATE
8 GOVERNMENT MAY NOT REQUIRE A CONTRACTOR TO TERMINATE, DISCIPLINE, OR
9 REFUSE TO HIRE AN EMPLOYEE OR A SUBCONTRACTOR FOR USE OF CANNABIS OR
10 TESTING POSITIVE FOR PAST CANNABIS USE.

11 (C) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY WHEN A
12 PERSON'S APPLICATION COULD CAUSE A LOSS OF FEDERAL FUNDING, BENEFIT, OR
13 LICENSE, OR WHEN THE TERMS OF EMPLOYMENT OR CONTRACTING ARE EXPLICITLY
14 GOVERNED BY FEDERAL REQUIREMENTS FOR TESTING FOR CANNABIS OR
15 DISCIPLINE FOR CANNABIS USE.

16 (D) THIS SUBTITLE DOES NOT REQUIRE EMPLOYERS TO ACCOMMODATE
17 THE USE OF CANNABIS DURING WORK HOURS OR BEING UNDER THE INFLUENCE OF
18 CANNABIS DURING WORK HOURS OR IN A PLACE OF EMPLOYMENT.

19 5-1106.

20 (A) THIS SUBTITLE DOES NOT PREVENT A LANDLORD FROM PROHIBITING
21 THE CULTIVATION OF CANNABIS ON RENTAL PREMISES, IF SUCH A PROHIBITION IS
22 EXPLICITLY SET FORTH IN THE RENTAL AGREEMENT.

23 (B) IF A LANDLORD OR AN INNKEEPER POSTS A NOTICE, THE LANDLORD OR
24 INNKEEPER MAY PROHIBIT THE SMOKING OF CANNABIS ON RENTED PROPERTY OR
25 IN A RENTED ROOM.

26 5-1107.

27 (A) A PERSON MAY NOT FALSELY REPRESENT THAT THE PERSON IS AT
28 LEAST 21 YEARS OLD TO OBTAIN CANNABIS OR CANNABIS PRODUCTS IN
29 ACCORDANCE WITH THIS SUBTITLE.

30 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
31 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A
32 FINE NOT EXCEEDING \$250 OR BOTH.

1 5-1108.

2 (A) THIS SUBTITLE SHALL, BY OPERATION OF LAW, EXPUNGE THE
3 CONVICTION OF A PERSON PREVIOUSLY CONVICTED OF AN OFFENSE EQUIVALENT
4 TO THOSE DESCRIBED IN § 5-1102(A) OF THIS SUBTITLE.

5 (B) (1) ALL STATE AGENCIES WITH RECORDS PERTAINING TO ARRESTS
6 AND CONVICTIONS FOR POSSESSION OF 1 OUNCE OR LESS OF CANNABIS BY PERSONS
7 AT LEAST 21 YEARS OLD SHALL DESTROY THOSE RECORDS ON OR BEFORE
8 DECEMBER 31, 2017.

9 (2) A STATE AGENCY SHALL SEND A LETTER TO THE PERSON'S LAST
10 KNOWN ADDRESS STATING THAT THE RECORDS HAVE BEEN DESTROYED.

11 (3) (I) IF A STATE AGENCY FAILS TO COMPLY WITH THIS SECTION,
12 A PERSON MAY FILE AN ACTION IN THE CIRCUIT COURT OF THE COUNTY WHERE THE
13 STATE AGENCY IS LOCATED IN ORDER TO COMPEL COMPLIANCE.

14 (II) IF THE PERSON CANNOT AFFORD TO HIRE AN ATTORNEY,
15 THE PERSON IS ENTITLED TO THE ASSISTANCE OF THE OFFICE OF THE PUBLIC
16 DEFENDER.

17 (C) ANY FUNDING REASONABLY NEEDED TO COMPLY WITH THIS SECTION
18 SHALL BE PROVIDED BY THE COMPTROLLER AT THE STATE AGENCY'S REQUEST
19 FROM FEES COLLECTED UNDER THIS SUBTITLE.

20 5-1109.

21 THIS SUBTITLE DOES NOT REPEAL OR MODIFY ANY LAW CONCERNING THE
22 MEDICAL USE OF CANNABIS OR TETRAHYDROCANNABINOL IN OTHER FORMS, SUCH
23 AS MARINOL.

24 5-1110.

25 (A) A PERSON OR AN ENTITY MAY APPLY FOR THE ISSUANCE OF A
26 REGISTRATION EXEMPTING THE ENTITY FROM STATE PROSECUTION AND
27 PENALTIES FOR OPERATING AS A RETAILER IN ACCORDANCE WITH THIS SUBTITLE.

28 (B) AN APPLICANT FOR A RETAILER REGISTRATION SHALL SUBMIT
29 APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A
30 NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO
31 EXCEED \$5,000.

1 **(C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OR (III) OF**
2 **THIS PARAGRAPH, ON OR BEFORE OCTOBER 1, 2018, THE COMPTROLLER SHALL**
3 **ISSUE ONE RETAILER REGISTRATION FOR EVERY 20,000 RESIDENTS OF A COUNTY**
4 **OR TWO RETAILER REGISTRATIONS FOR EACH COUNTY, WHICHEVER IS GREATER.**

5 **(II) IF FEWER QUALIFIED APPLICANTS APPLY FOR A**
6 **REGISTRATION IN A COUNTY THAN THE COMPTROLLER IS REQUIRED TO REGISTER**
7 **IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**
8 **COMPTROLLER SHALL ISSUE A REGISTRATION TO EACH QUALIFIED APPLICANT IN**
9 **THE COUNTY.**

10 **(III) THE COMPTROLLER MAY ISSUE A SMALLER NUMBER OF**
11 **REGISTRATIONS IN A COUNTY IF THE NUMBER OF REGISTRATIONS WOULD**
12 **OTHERWISE EXCEED THE NUMBER OF RETAILERS ALLOWED UNDER LOCAL**
13 **ORDINANCES OR REGULATIONS ENACTED IN ACCORDANCE WITH § 5-1117 OF THIS**
14 **SUBTITLE.**

15 **(IV) MEDICAL CANNABIS DISPENSARIES LICENSED AND**
16 **REGULATED BY THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION MAY**
17 **NOT BE INCLUDED IN THE NUMBER OF RETAILER REGISTRATIONS DETERMINED**
18 **UNDER THIS SUBSECTION.**

19 **(2) EXCEPT AS PROVIDED IN § 5-1117 OF THIS SUBTITLE:**

20 **(I) RETAILER REGISTRATIONS SHALL BE DISTRIBUTED WITHIN**
21 **A COUNTY BASED ON THE POPULATION OF ANY CITY AND UNINCORPORATED AREA**
22 **WITHIN THAT COUNTY; AND**

23 **(II) EACH CITY MAY HAVE APPROXIMATELY ONE REGISTRATION**
24 **FOR EVERY 20,000 RESIDENTS.**

25 **(D) AN APPROVED MEDICAL CANNABIS DISPENSARY MAY ELECT TO APPLY**
26 **FOR REGISTRATION AS A RETAILER UNDER THIS SUBTITLE BY:**

27 **(1) PAYING ALL APPLICABLE FEES UNDER THIS SUBTITLE;**

28 **(2) (I) SUBMITTING A DOCUMENT FROM THE NATALIE M.**
29 **LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT HAS**
30 **NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE PROGRAM**
31 **RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE; OR**

1 **(II) IF THE NATALIE M. LAPRADE MEDICAL CANNABIS**
2 **COMMISSION FAILS TO RESPOND TO THE REQUEST FOR DOCUMENTATION WITHIN**
3 **30 DAYS OF A WRITTEN REQUEST, SUBMITTING AN AFFIDAVIT FROM THE**
4 **APPLICANT'S CHIEF OPERATING OFFICER OR BOARD PRESIDENT STATING THAT THE**
5 **APPLICANT HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF**
6 **THE PROGRAM RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE;**

7 **(3) SUBMITTING A DETAILED PLAN EXPLAINING HOW THE APPLICANT**
8 **INTENDS TO CONTINUE SERVING PATIENTS REGISTERED WITH THE NATALIE M.**
9 **LAPRADE MEDICAL CANNABIS COMMISSION;**

10 **(4) SUBMITTING A DETAILED PLAN EXPLAINING HOW THE APPLICANT**
11 **WILL ENSURE THAT MINOR PATIENTS DO NOT HAVE ACCESS TO THE RETAIL SECTION**
12 **OF THE APPLICANT'S FACILITY; AND**

13 **(5) COMPLYING WITH ALL OTHER REQUIREMENTS OF THIS SUBTITLE**
14 **FOR AN APPLICANT FOR REGISTRATION AS A RETAILER.**

15 **(E) IF AT ANY TIME AFTER APRIL 1, 2019, THE COMPTROLLER HAS FAILED**
16 **TO BEGIN ISSUING RETAILER REGISTRATIONS OR HAS CEASED ISSUING RETAILER**
17 **REGISTRATIONS OR RENEWALS AS REQUIRED BY THIS SUBTITLE, A PERSON OR AN**
18 **ENTITY LICENSED AS A MEDICAL CANNABIS DISPENSARY AND THAT MEETS THE**
19 **OTHER REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION MAY OPERATE AS A**
20 **RETAILER WITHOUT A RETAIL REGISTRATION.**

21 **(F) (1) IF AT ANY TIME AFTER OCTOBER 1, 2019, THERE ARE FEWER**
22 **VALID RETAILER REGISTRATIONS THAN THE COMPTROLLER IS AUTHORIZED TO**
23 **ISSUE, THE COMPTROLLER SHALL ACCEPT AND PROCESS ADDITIONAL**
24 **APPLICATIONS FOR RETAILER REGISTRATIONS.**

25 **(2) IF AT ANY TIME AFTER OCTOBER 1, 2019, THE COMPTROLLER**
26 **FINDS THAT THE NUMBER OF RETAILERS IS INADEQUATE, THE COMPTROLLER MAY**
27 **ISSUE ADDITIONAL RETAILER REGISTRATIONS.**

28 **(G) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A**
29 **RETAILER IS \$10,000.**

30 **(H) (1) A REGISTRATION AS A RETAILER MAY BE RENEWED ANNUALLY**
31 **FOR A \$5,000 FEE.**

32 **(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS**
33 **BEFORE THE EXPIRATION OF THE RETAILER REGISTRATION.**

1 **(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL**
2 **APPLICATION, THE APPLICATION SHALL BE AUTOMATICALLY GRANTED 60 DAYS**
3 **AFTER SUBMISSION.**

4 **(I) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION**
5 **ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION AND TO**
6 **ENSURE THAT THE REVENUES OFFSET REASONABLE COSTS OF REGULATION.**

7 **5-1111.**

8 **(A) A RETAILER OR AN APPLICANT UNDER § 5-1110 OF THIS SUBTITLE MAY**
9 **APPLY FOR THE ISSUANCE OF A REGISTRATION EXEMPTING THE ENTITY FROM**
10 **STATE PROSECUTION AND PENALTIES FOR PERMITTING ON-SITE CONSUMPTION IN**
11 **ACCORDANCE WITH THIS SUBTITLE.**

12 **(B) AN APPLICANT FOR AN ON-SITE CONSUMPTION REGISTRATION SHALL**
13 **SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A**
14 **NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO**
15 **EXCEED \$500.**

16 **(C) EACH RETAILER WHO QUALIFIES UNDER THIS SECTION MAY BE ISSUED**
17 **AN ON-SITE CONSUMPTION REGISTRATION, UNLESS ON-SITE CONSUMPTION HAS**
18 **BEEN BANNED BY THE LOCAL GOVERNMENT AS PROVIDED UNDER § 5-1119 OF THIS**
19 **SUBTITLE.**

20 **(D) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION FOR ON-SITE**
21 **CONSUMPTION IS \$1,000.**

22 **(E) (1) A REGISTRATION FOR ON-SITE CONSUMPTION MAY BE RENEWED**
23 **ANNUALLY FOR A \$500 FEE.**

24 **(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS**
25 **BEFORE THE EXPIRATION OF THE ON-SITE CONSUMPTION REGISTRATION.**

26 **(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL**
27 **APPLICATION, THE APPLICATION SHALL BE AUTOMATICALLY GRANTED 60 DAYS**
28 **AFTER SUBMISSION.**

29 **(F) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION**
30 **ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION AND TO**
31 **ENSURE THAT THE REVENUES OFFSET REASONABLE COSTS OF REGULATION.**

32 **5-1112.**

1 **(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION**
2 **EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR**
3 **OPERATING AS A CANNABIS CULTIVATION FACILITY IN ACCORDANCE WITH THIS**
4 **SUBTITLE.**

5 **(B) AN APPLICANT FOR A CANNABIS CULTIVATION FACILITY REGISTRATION**
6 **SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A**
7 **NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO**
8 **EXCEED \$5,000.**

9 **(C) AN APPROVED MEDICAL CANNABIS CULTIVATOR MAY ELECT TO APPLY**
10 **FOR REGISTRATION AS A CULTIVATOR UNDER THIS SUBTITLE BY:**

11 **(1) PAYING ALL APPLICABLE FEES UNDER THIS SUBTITLE;**

12 **(2) (I) SUBMITTING A DOCUMENT FROM THE NATALIE M.**
13 **LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT HAS**
14 **NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE PROGRAM**
15 **RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE; OR**

16 **(II) IF THE NATALIE M. LAPRADE MEDICAL CANNABIS**
17 **COMMISSION FAILS TO RESPOND TO THE REQUEST FOR DOCUMENTATION WITHIN**
18 **30 DAYS OF A WRITTEN REQUEST, SUBMITTING AN AFFIDAVIT FROM THE**
19 **APPLICANT'S CHIEF OPERATING OFFICER OR BOARD PRESIDENT STATING THAT THE**
20 **APPLICANT HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF**
21 **THE PROGRAM RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE;**

22 **(3) SUBMITTING A PLAN EXPLAINING HOW THE APPLICANT INTENDS**
23 **TO CONTINUE CULTIVATING STRAINS OF CANNABIS THAT BENEFIT A VARIETY OF**
24 **PATIENTS REGISTERED WITH THE NATALIE M. LAPRADE MEDICAL CANNABIS**
25 **COMMISSION; AND**

26 **(4) COMPLYING WITH ALL OTHER REQUIREMENTS OF THIS SUBTITLE**
27 **FOR AN APPLICANT FOR REGISTRATION AS A CULTIVATOR.**

28 **(D) NO LATER THAN 300 DAYS AFTER OCTOBER 1, 2017, THE**
29 **COMPTROLLER SHALL ISSUE 100 CANNABIS CULTIVATION FACILITY**
30 **REGISTRATIONS, PROVIDED THAT QUALIFIED APPLICANTS EXIST.**

31 **(E) IF AT ANY TIME AFTER APRIL 1, 2018, THE COMPTROLLER HAS FAILED**
32 **TO BEGIN ISSUING CANNABIS CULTIVATION FACILITY REGISTRATIONS OR HAS**
33 **CEASED ISSUING CANNABIS CULTIVATION FACILITY REGISTRATIONS IN**

1 ACCORDANCE WITH THIS SUBTITLE, A PERSON OR AN ENTITY THAT MEETS THE
2 OTHER REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION MAY OPERATE AS A
3 CANNABIS CULTIVATION FACILITY WITHOUT A CANNABIS CULTIVATION FACILITY
4 REGISTRATION.

5 (F) (1) IF AT ANY TIME AFTER OCTOBER 1, 2018, THERE ARE FEWER
6 VALID CANNABIS CULTIVATION FACILITY REGISTRATIONS THAN SPECIFIED IN
7 SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL ACCEPT AND
8 PROCESS ADDITIONAL APPLICATIONS FOR CANNABIS CULTIVATION FACILITY
9 REGISTRATIONS.

10 (2) THE COMPTROLLER SHALL GRANT ADDITIONAL CANNABIS
11 CULTIVATION FACILITY REGISTRATIONS AT ANY TIME AFTER APRIL 1, 2019, IF THE
12 EXISTING NUMBER OF CANNABIS CULTIVATION FACILITY REGISTRATIONS IS
13 UNABLE TO MEET DEMAND.

14 (G) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A
15 CANNABIS CULTIVATION FACILITY IS \$10,000.

16 (H) (1) A REGISTRATION AS A CANNABIS CULTIVATION FACILITY MAY BE
17 RENEWED ANNUALLY FOR A \$5,000 FEE.

18 (2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS
19 BEFORE THE EXPIRATION OF THE CANNABIS CULTIVATION FACILITY
20 REGISTRATION.

21 (3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL
22 APPLICATION, THE APPLICATION SHALL BE AUTOMATICALLY GRANTED 60 DAYS
23 AFTER SUBMISSION.

24 (I) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION
25 ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION AND TO
26 ENSURE THAT THE REVENUES OFFSET REASONABLE COSTS OF REGULATION.

27 5-1113.

28 (A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION
29 EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR
30 OPERATING AS A CRAFT CANNABIS CULTIVATOR IN ACCORDANCE WITH THIS
31 SUBTITLE.

32 (B) AN APPLICANT FOR A CRAFT CANNABIS CULTIVATOR REGISTRATION
33 SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A

1 NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO
2 EXCEED \$100.

3 (C) APPROVED MEDICAL CANNABIS CULTIVATORS MAY NOT BE
4 REGISTERED AS CRAFT CANNABIS CULTIVATORS.

5 (D) (1) (I) IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE
6 MEANINGS INDICATED.

7 (II) 1. "APPLICANT" INCLUDES AN INVESTOR OWNING 30%
8 OR GREATER OF THE BUSINESS, A MEMBER OF THE BOARD OF DIRECTORS, A
9 MEMBER OF THE LIMITED LIABILITY CORPORATION (LLC), A PARTNER IN THE
10 BUSINESS, AN OFFICER, AND A MANAGERIAL EMPLOYEE.

11 2. "APPLICANT" DOES NOT INCLUDE A
12 NONMANAGERIAL EMPLOYEE.

13 (III) 1. "ASSOCIATED WITH" INCLUDES AN INDIVIDUAL OR A
14 BUSINESS ENTITY THAT IS AN INVESTOR OWNING 30% OR GREATER OF THE
15 BUSINESS, A MEMBER OF THE BOARD OF DIRECTORS, A MEMBER OF THE LLC, A
16 PARTNER IN THE BUSINESS, AN OFFICER, AND A MANAGERIAL EMPLOYEE.

17 2. "ASSOCIATED WITH" DOES NOT INCLUDE A
18 NONMANAGERIAL EMPLOYEE.

19 (2) AN APPLICANT REGISTERED UNDER ANY OTHER PROVISION OF
20 THIS SUBTITLE, OR ASSOCIATED WITH THE HOLDER OF A LICENSE OR
21 REGISTRATION TO MANUFACTURE, CULTIVATE, PROCESS, OR SELL CANNABIS IN
22 ANY OTHER STATE, MAY NOT BE REGISTERED AS A CRAFT CANNABIS CULTIVATOR.

23 (E) NO LATER THAN 300 DAYS AFTER OCTOBER 1, 2017, THE
24 COMPTROLLER SHALL ISSUE INITIAL CRAFT CANNABIS CULTIVATOR
25 REGISTRATIONS TO QUALIFIED APPLICANTS, AND SHALL CONTINUE TO ISSUE CRAFT
26 CANNABIS CULTIVATOR REGISTRATIONS TO QUALIFIED APPLICANTS ON A ROLLING
27 BASIS AT LEAST ONCE PER YEAR.

28 (F) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A CRAFT
29 CANNABIS CULTIVATOR IS \$500.

30 (G) (1) A REGISTRATION AS A CRAFT CANNABIS CULTIVATOR MAY BE
31 RENEWED EVERY OTHER YEAR FOR A \$200 FEE.

1 **(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS**
2 **BEFORE THE EXPIRATION OF THE CRAFT CANNABIS CULTIVATOR REGISTRATION.**

3 **(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL**
4 **APPLICATION, THE APPLICATION SHALL BE AUTOMATICALLY GRANTED 60 DAYS**
5 **AFTER SUBMISSION.**

6 **(H) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION**
7 **ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION.**

8 **5-1114.**

9 **(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION**
10 **EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR**
11 **OPERATING AS A CANNABIS PRODUCT MANUFACTURER IN ACCORDANCE WITH THIS**
12 **SUBTITLE.**

13 **(B) AN APPLICANT FOR A CANNABIS PRODUCT MANUFACTURER**
14 **REGISTRATION SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE**
15 **COMPTROLLER AND A NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE**
16 **COMPTROLLER, NOT TO EXCEED \$5,000.**

17 **(C) AN APPROVED MEDICAL CANNABIS PROCESSOR MAY APPLY FOR**
18 **REGISTRATION AS A CANNABIS PRODUCT MANUFACTURER UNDER THIS SUBTITLE**
19 **BY:**

20 **(1) PAYING ALL APPLICABLE FEES UNDER THIS SUBTITLE;**

21 **(2) (I) SUBMITTING A DOCUMENT FROM THE NATALIE M.**
22 **LAPRADE MEDICAL CANNABIS COMMISSION STATING THAT THE APPLICANT HAS**
23 **NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF THE PROGRAM**
24 **RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE; OR**

25 **(II) IF THE NATALIE M. LAPRADE MEDICAL CANNABIS**
26 **COMMISSION FAILS TO RESPOND TO THE REQUEST FOR DOCUMENTATION WITHIN**
27 **30 DAYS OF A WRITTEN REQUEST, SUBMITTING AN AFFIDAVIT FROM THE**
28 **APPLICANT'S CHIEF EXECUTIVE OFFICER OR BOARD PRESIDENT STATING THAT THE**
29 **APPLICANT HAS NOT BEEN SANCTIONED FOR MULTIPLE OR SERIOUS VIOLATIONS OF**
30 **THE PROGRAM RULES AND REGULATIONS AND IS CURRENTLY IN COMPLIANCE;**

31 **(3) SUBMITTING A PLAN EXPLAINING HOW THE APPLICANT INTENDS**
32 **TO CONTINUE PRODUCING PRODUCTS THAT BENEFIT A VARIETY OF PATIENTS**
33 **REGISTERED WITH THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION,**

1 INCLUDING PRODUCTS WITH VARYING RATIOS OF TETRAHYDROCANNABINOL (THC)
2 AND CANNABIDIOL (CBD); AND

3 (4) COMPLYING WITH ALL OTHER REQUIREMENTS OF THIS SUBTITLE
4 FOR AN APPLICANT FOR REGISTRATION AS A CANNABIS PRODUCT MANUFACTURER.

5 (D) NO LATER THAN 300 DAYS AFTER OCTOBER 1, 2017, THE
6 COMPTROLLER SHALL ISSUE UP TO 150 CANNABIS PRODUCT MANUFACTURER
7 REGISTRATIONS, PROVIDED THAT QUALIFIED APPLICANTS EXIST.

8 (E) IF AT ANY TIME AFTER APRIL 1, 2018, THE COMPTROLLER HAS FAILED
9 TO BEGIN ISSUING CANNABIS PRODUCT MANUFACTURER REGISTRATIONS OR HAS
10 CEASED ISSUING CANNABIS PRODUCT MANUFACTURER REGISTRATIONS IN
11 ACCORDANCE WITH THIS SUBTITLE, A PERSON OR AN ENTITY LICENSED AS A
12 MEDICAL MARIJUANA PROCESSOR AND THAT MEETS THE OTHER REQUIREMENTS OF
13 SUBSECTION (C) OF THIS SECTION MAY OPERATE AS A CANNABIS PRODUCT
14 MANUFACTURER WITHOUT A CANNABIS PRODUCT MANUFACTURER REGISTRATION.

15 (F) (1) IF AT ANY TIME AFTER OCTOBER 1, 2018, THERE ARE FEWER
16 VALID CANNABIS PRODUCT MANUFACTURER REGISTRATIONS THAN SPECIFIED IN
17 SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL ACCEPT AND
18 PROCESS APPLICATIONS FOR CANNABIS PRODUCT MANUFACTURER
19 REGISTRATIONS.

20 (2) THE COMPTROLLER SHALL GRANT ADDITIONAL CANNABIS
21 PRODUCT MANUFACTURER REGISTRATIONS AT ANY TIME AFTER APRIL 1, 2019, IF
22 THE EXISTING NUMBER OF CANNABIS PRODUCT MANUFACTURER REGISTRATIONS IS
23 UNABLE TO MEET DEMAND.

24 (G) THE FEE FOR THE INITIAL ISSUANCE OF A REGISTRATION AS A
25 CANNABIS PRODUCT MANUFACTURER IS \$5,000.

26 (H) (1) A REGISTRATION AS A CANNABIS PRODUCT MANUFACTURER MAY
27 BE RENEWED ANNUALLY FOR A \$5,000 FEE.

28 (2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS
29 BEFORE THE EXPIRATION OF THE CANNABIS PRODUCT MANUFACTURER
30 REGISTRATION.

31 (3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL
32 APPLICATION, THE APPLICATION SHALL BE AUTOMATICALLY GRANTED 60 DAYS
33 AFTER SUBMISSION.

1 **(I) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION**
2 **ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION AND TO**
3 **ENSURE THAT THE REVENUES OFFSET REASONABLE COSTS OF REGULATION.**

4 **5-1115.**

5 **THE COMPTROLLER SHALL ISSUE REGULATIONS FOR APPLICATIONS FOR**
6 **CANNABIS PRODUCT MANUFACTURER REGISTRATION THAT INCLUDE:**

7 **(1) ESTABLISHING THE MAXIMUM AMOUNT OF**
8 **TETRAHYDROCANNABINOL (THC) THAT MAY BE ALLOWED IN A SINGLE SERVING OF**
9 **A CANNABIS-INFUSED EDIBLE PRODUCT;**

10 **(2) LIMITING AN INDIVIDUAL PACKAGE OF A CANNABIS-INFUSED**
11 **EDIBLE PRODUCT TO A SINGLE SERVING;**

12 **(3) MANDATING OPAQUE AND CHILD-RESISTANT PACKAGING FOR A**
13 **CANNABIS-INFUSED EDIBLE PRODUCT;**

14 **(4) REQUIRING THE DISSEMINATION OF EDUCATIONAL MATERIALS**
15 **TO CONSUMERS WHO PURCHASE CANNABIS-INFUSED EDIBLE PRODUCTS,**
16 **INCLUDING INFORMATION REGARDING THE LENGTH OF TIME IT TAKES THE**
17 **PRODUCT TO TAKE EFFECT; AND**

18 **(5) REQUIRING THAT A RETAIL CANNABIS-INFUSED EDIBLE**
19 **PRODUCT BE CLEARLY IDENTIFIABLE, WITH A STANDARD SYMBOL INDICATING THAT**
20 **THE PRODUCT CONTAINS CANNABIS.**

21 **5-1116.**

22 **(A) A PERSON MAY APPLY FOR THE ISSUANCE OF A REGISTRATION**
23 **EXEMPTING THE PERSON FROM STATE PROSECUTION AND PENALTIES FOR**
24 **OPERATING AS A SAFETY COMPLIANCE FACILITY IN ACCORDANCE WITH THIS**
25 **SUBTITLE.**

26 **(B) AN APPLICANT FOR A SAFETY COMPLIANCE FACILITY REGISTRATION**
27 **SHALL SUBMIT APPLICATION MATERIALS REQUIRED BY THE COMPTROLLER AND A**
28 **NONREFUNDABLE FEE IN AN AMOUNT DETERMINED BY THE COMPTROLLER, NOT TO**
29 **EXCEED \$5,000.**

30 **(C) IF QUALIFIED APPLICANTS EXIST, THE COMPTROLLER SHALL GRANT A**
31 **2-YEAR REGISTRATION TO AT LEAST 10 SAFETY COMPLIANCE FACILITIES ON OR**
32 **BEFORE OCTOBER 1, 2018, PROVIDED THAT EACH FACILITY PAYS A \$5,000 FEE.**

1 **(D) (1) IF AT ANY TIME AFTER OCTOBER 1, 2019, THERE ARE FEWER**
2 **THAN 10 VALID SAFETY COMPLIANCE FACILITY REGISTRATIONS, THE**
3 **COMPTROLLER SHALL ACCEPT AND PROCESS APPLICATIONS FOR SAFETY**
4 **COMPLIANCE FACILITY REGISTRATIONS.**

5 **(2) THE COMPTROLLER MAY, AT THE COMPTROLLER'S DISCRETION,**
6 **GRANT ADDITIONAL SAFETY COMPLIANCE FACILITY REGISTRATIONS.**

7 **(E) (1) A SAFETY COMPLIANCE FACILITY REGISTRATION MAY BE**
8 **RENEWED EVERY 2 YEARS FOR A \$5,000 FEE.**

9 **(2) THE RENEWAL APPLICATION MAY BE SUBMITTED UP TO 120 DAYS**
10 **BEFORE THE EXPIRATION OF THE REGISTRATION.**

11 **(3) IF THE COMPTROLLER FAILS TO APPROVE A VALID RENEWAL**
12 **APPLICATION, IT SHALL BE AUTOMATICALLY GRANTED 60 DAYS AFTER ITS**
13 **SUBMISSION.**

14 **(F) THE COMPTROLLER MAY ADJUST THE FEE AMOUNTS IN THIS SECTION**
15 **ANNUALLY BEGINNING IN FISCAL YEAR 2020 TO ADJUST FOR INFLATION.**

16 **5-1117.**

17 **(A) (1) IN THIS SECTION, "APPLICANT" INCLUDES AN INVESTOR OWNING**
18 **30% OR GREATER OF THE BUSINESS, A MEMBER OF THE BOARD OF DIRECTORS, A**
19 **MEMBER OF THE LIMITED LIABILITY CORPORATION (LLC), A PARTNER IN THE**
20 **BUSINESS, AN OFFICER, AND A MANAGERIAL EMPLOYEE.**

21 **(2) "APPLICANT" DOES NOT INCLUDE A NONMANAGERIAL**
22 **EMPLOYEE.**

23 **(B) (1) WITHIN 3 BUSINESS DAYS OF RECEIVING AN APPLICATION TO**
24 **OPERATE A CANNABIS ESTABLISHMENT, THE COMPTROLLER SHALL FORWARD A**
25 **COPY OF THE APPLICATION TO THE LOCAL GOVERNMENT WHERE THE PROSPECTIVE**
26 **CANNABIS ESTABLISHMENT WOULD OPERATE, SEEKING ITS INPUT REGARDING**
27 **WHETHER THE APPLICATION SHOULD BE GRANTED.**

28 **(2) WITHIN 3 BUSINESS DAYS OF RECEIVING AN APPLICATION TO**
29 **PERMIT ON-SITE CONSUMPTION, THE COMPTROLLER SHALL FORWARD A COPY OF**
30 **THE APPLICATION TO THE LOCAL GOVERNMENT WHERE THE PROSPECTIVE ON-SITE**
31 **CONSUMPTION WOULD BE PERMITTED, SEEKING ITS INPUT REGARDING WHETHER**
32 **THE APPLICATION SHOULD BE GRANTED.**

1 **(C) (1) REGISTRATION UNDER THIS SUBTITLE AND CONSTRUCTION AND**
2 **PROCUREMENT RELATED TO THE OPERATION OF REGISTRANTS ARE SUBJECT TO**
3 **THE MINORITY BUSINESS ENTERPRISE PROGRAM SET FORTH IN TITLE 14,**
4 **SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 **(2) IF THE COUNTY IN WHICH A REGISTRANT WILL BE LOCATED HAS**
6 **HIGHER MINORITY BUSINESS PARTICIPATION REQUIREMENTS THAN THE STATE, AS**
7 **SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT SHALL MEET**
8 **THE COUNTY'S MINORITY BUSINESS PARTICIPATION REQUIREMENTS TO THE**
9 **EXTENT POSSIBLE.**

10 **(3) A COLLECTIVE BARGAINING AGREEMENT, INCLUDING A PROJECT**
11 **LABOR AGREEMENT OR A NEUTRALITY AGREEMENT, ENTERED INTO BY AN**
12 **APPLICANT OR A REGISTRANT MAY NOT NEGATE THE REQUIREMENTS OF THIS**
13 **SUBSECTION.**

14 **(4) IF AN APPLICANT FOR EMPLOYMENT WITH A REGISTRANT**
15 **BELIEVES THAT THE APPLICANT HAS BEEN DISCRIMINATED AGAINST IN THE**
16 **EMPLOYMENT PROCESS, THE APPLICANT MAY APPEAL THE EMPLOYMENT DECISION**
17 **TO THE LOCAL HUMAN RELATIONS BOARD IN THE COUNTY WHERE THE FACILITY IS**
18 **LOCATED.**

19 **(5) THE COMPTROLLER SHALL ENSURE THAT A REGISTRANT**
20 **COMPLIES WITH THE REQUIREMENTS OF PARAGRAPHS (1) AND (2) OF THIS**
21 **SUBSECTION AS A CONDITION OF OBTAINING AND RENEWING THE REGISTRATION.**

22 **(6) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL**
23 **MONITOR A REGISTRANT'S COMPLIANCE WITH PARAGRAPHS (1) AND (2) OF THIS**
24 **SUBSECTION AND SHALL REPORT ANY NONCOMPLIANCE TO THE COMPTROLLER AT**
25 **LEAST ONCE EVERY 6 MONTHS.**

26 **(7) ON OR AFTER JULY 1, 2021, THE PROVISIONS OF PARAGRAPHS (1)**
27 **AND (2) OF THIS SUBSECTION AND ANY REGULATIONS ADOPTED UNDER THE**
28 **PROVISIONS SHALL BE OF NO EFFECT AND UNENFORCEABLE.**

29 **(D) (1) IF MORE QUALIFIED APPLICANTS FOR A TYPE OF CANNABIS**
30 **ESTABLISHMENT REGISTRATION THAT IS LIMITED IN NUMBER APPLY THAN THE**
31 **COMPTROLLER MAY REGISTER IN THE STATE, A COUNTY, OR A CITY, THE**
32 **COMPTROLLER SHALL IMPLEMENT A COMPETITIVE SCORING PROCESS TO**
33 **DETERMINE TO WHICH APPLICANTS A REGISTRATION MAY BE GRANTED.**

1 **(2) THE COMPTROLLER MAY HIRE ADDITIONAL QUALIFIED STAFF TO**
2 **SCORE THE APPLICATIONS, WHO MAY BE TEMPORARY EMPLOYEES, BUT MAY NOT**
3 **CONTRACT THE SCORING PROCESS OUT TO A SEPARATE PRIVATE OR**
4 **GOVERNMENTAL ENTITY.**

5 **(3) THE SCORING PROCESS MAY NOT REQUIRE A BACKGROUND**
6 **CHECK, BUT THE COMPTROLLER SHALL REQUIRE AND CONSIDER THE RESULTS OF**
7 **A BACKGROUND CHECK BEFORE GRANTING A CANNABIS ESTABLISHMENT**
8 **REGISTRATION.**

9 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**
10 **REGISTRATION MAY NOT BE GRANTED IF THE APPLICANT HAS BEEN CONVICTED OF**
11 **AN OFFENSE THAT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,**
12 **FUNCTIONS, OR DUTIES OF THE BUSINESS OR PROFESSION FOR WHICH THE**
13 **APPLICATION IS MADE.**

14 **(5) AN APPLICANT MAY BE GRANTED A REGISTRATION**
15 **NOTWITHSTANDING A PRIOR CONVICTION FOR AN OFFENSE THAT IS**
16 **SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS, OR DUTIES OF THE**
17 **BUSINESS OR PROFESSION FOR WHICH THE APPLICATION IS MADE IF, BASED ON A**
18 **THOROUGH REVIEW OF THE NATURE AND CIRCUMSTANCES OF THE CRIME AND ANY**
19 **EVIDENCE OF REHABILITATION OF THE APPLICANT, THE REGISTERING AUTHORITY**
20 **DETERMINES THAT THE ISSUANCE OF A REGISTRATION TO THE APPLICANT IS**
21 **APPROPRIATE AND GRANTING THE REGISTRATION WOULD NOT COMPROMISE**
22 **PUBLIC SAFETY.**

23 **(6) A PRIOR CONVICTION FOR POSSESSION, DISTRIBUTION, OR**
24 **MANUFACTURE OF A CONTROLLED DANGEROUS SUBSTANCE WHERE THE SENTENCE,**
25 **INCLUDING INCARCERATION, PROBATION, AND SUPERVISED RELEASE, HAS BEEN**
26 **COMPLETED MAY NOT BE CONSIDERED SUBSTANTIALLY RELATED TO THE**
27 **QUALIFICATIONS, FUNCTIONS, OR DUTIES OF THE BUSINESS OR PROFESSION FOR**
28 **WHICH THE APPLICATION IS MADE UNDER THIS SUBSECTION AND MAY NOT BE THE**
29 **SOLE GROUND FOR DENIAL OF A REGISTRATION.**

30 **(E) THE SCORING PROCESS DESCRIBED IN SUBSECTION (D) OF THIS**
31 **SECTION SHALL TAKE INTO ACCOUNT:**

32 **(1) INPUT PROVIDED BY THE LOCAL GOVERNMENT WHERE THE**
33 **PROSPECTIVE RETAILER WOULD OPERATE, WHICH SHALL BE GIVEN SUBSTANTIAL**
34 **WEIGHT;**

35 **(2) THE APPLICABLE EXPERIENCE, TRAINING, AND EXPERTISE OF**
36 **THE APPLICANT AND MANAGING OFFICERS OF THE APPLICANT;**

1 **(3) THE PLAN FOR SECURITY AND DIVERSION PREVENTION OF THE**
2 **APPLICANT;**

3 **(4) ANY COMMUNITY ENGAGEMENT OR CORPORATE SOCIAL**
4 **RESPONSIBILITY PLANS PRESENTED BY THE APPLICANT;**

5 **(5) THE SUITABILITY OF THE PROPOSED LOCATION; AND**

6 **(6) CRIMINAL, CIVIL, OR REGULATORY ISSUES ENCOUNTERED BY**
7 **OTHER ENTITIES THAT THE APPLICANT AND MANAGING OFFICERS OF THE**
8 **APPLICANT HAVE CONTROLLED OR MANAGED.**

9 **(F) THE COMPTROLLER SHALL ALSO AWARD ADDITIONAL POINTS, UP TO AN**
10 **ESTABLISHED LIMIT, IF AN APPLICANT DESCRIBES PLANS TO:**

11 **(1) PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL**
12 **WORKING ENVIRONMENT FOR THE APPLICANT'S EMPLOYEES;**

13 **(2) HIRE EMPLOYEES WHO LIVE IN THE LOCAL COMMUNITY;**

14 **(3) HIRE EMPLOYEES WHO HAVE HAD DIFFICULTY FINDING**
15 **EMPLOYMENT DUE TO A PRIOR CONVICTION FOR A DRUG OFFENSE;**

16 **(4) CONDUCT OR FACILITATE SCIENTIFIC RESEARCH RELATED TO**
17 **THE MEDICINAL USE OF CANNABIS;**

18 **(5) SUPPORT THE LOCAL COMMUNITY;**

19 **(6) REDUCE PRODUCT COSTS FOR QUALIFYING INDIGENT PATIENTS;**

20 **(7) MINIMIZE THE ENVIRONMENTAL IMPACT AND RESOURCE NEEDS**
21 **FOR THE BUSINESS;**

22 **(8) HAVE MAJORITY OWNERSHIP BY MINORITY, FEMALE, VETERAN,**
23 **OR DISABLED INDIVIDUALS; OR**

24 **(9) HAVE A PRINCIPAL PLACE OF BUSINESS IN MARYLAND.**

25 **(G) (1) NO APPLICANT THAT IS LICENSED BY THE NATALIE M. LAPRADE**
26 **MEDICAL CANNABIS COMMISSION MAY APPLY FOR A REGISTRATION UNDER THIS**
27 **TITLE EXCEPT IN ACCORDANCE WITH § 5-1110(D), § 5-1112(C), OR § 5-1114(C) OF**
28 **THIS TITLE.**

1 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
2 **AN APPLICANT MAY NOT RECEIVE MORE THAN ONE REGISTRATION TO OPERATE A**
3 **CANNABIS ESTABLISHMENT IF RECEIVING A SUBSEQUENT REGISTRATION WOULD**
4 **PREVENT APPROVAL OF A QUALIFIED APPLICANT THAT HAS NOT BEEN GRANTED A**
5 **REGISTRATION.**

6 **(3) (I) AN APPLICANT MAY RECEIVE A REGISTRATION AS BOTH A**
7 **CANNABIS CULTIVATION FACILITY AND A CANNABIS PRODUCT MANUFACTURER, BUT**
8 **MUST BE SELECTED FOR, AND COMPLY WITH THE REQUIREMENTS OF, EACH**
9 **REGISTRATION SEPARATELY.**

10 **(II) AN APPLICANT FOR A RETAILER REGISTRATION MAY APPLY**
11 **FOR AN ON-SITE CONSUMPTION REGISTRATION.**

12 **(H) A CONVICTION FOR A CONTROLLED DANGEROUS SUBSTANCE FELONY**
13 **SUBSEQUENT TO REGISTRATION IS GROUNDS FOR REVOCATION OF A REGISTRATION**
14 **OR DENIAL OF THE RENEWAL OF A REGISTRATION.**

15 **5-1118.**

16 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CANNABIS**
17 **ESTABLISHMENT MAY NOT OPERATE AND A PROSPECTIVE CANNABIS**
18 **ESTABLISHMENT MAY NOT APPLY FOR A REGISTRATION IF:**

19 **(1) THE ENTITY WOULD BE LOCATED WITHIN 300 FEET OF THE**
20 **PROPERTY LINE OF A PUBLIC OR PRIVATE SCHOOL; OR**

21 **(2) THE ENTITY SELLS ALCOHOL FOR CONSUMPTION ON THE**
22 **PREMISES.**

23 **5-1119.**

24 **(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, NOTHING IN**
25 **THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT A LOCAL GOVERNMENT FROM**
26 **ENACTING AN ORDINANCE OR A REGULATION NOT IN CONFLICT WITH THIS SECTION**
27 **OR WITH RULES ADOPTED BY THE COMPTROLLER REGULATING THE TIME, PLACE,**
28 **OR MANNER OF OPERATION OR NUMBER OF RETAILERS, CANNABIS PRODUCT**
29 **MANUFACTURERS, CANNABIS CULTIVATION FACILITIES, OR SAFETY COMPLIANCE**
30 **FACILITIES.**

31 **(B) A LOCAL GOVERNMENT MAY BAN ON-SITE CONSUMPTION, BUT MAY NOT**
32 **PROHIBIT OPERATIONS BY A CANNABIS ESTABLISHMENT EITHER EXPRESSLY OR**

1 THROUGH THE ENACTMENT OF AN ORDINANCE OR A REGULATION THAT MAKES THE
2 OPERATIONS IMPRACTICABLE.

3 (C) A LOCAL GOVERNMENT MAY IMPOSE CIVIL AND CRIMINAL PENALTIES
4 ON THE VIOLATION OF AN ORDINANCE ENACTED IN ACCORDANCE WITH THIS
5 SECTION.

6 5-1120.

7 A RETAILER SHALL:

8 (1) INCLUDE A SAFETY INSERT WITH ALL CANNABIS AND CANNABIS
9 PRODUCTS SOLD THAT, AT THE COMPTROLLER'S DISCRETION, MAY BE DEVELOPED
10 AND APPROVED BY THE COMPTROLLER AND INCLUDE INFORMATION ON:

11 (I) METHODS FOR ADMINISTERING CANNABIS;

12 (II) POTENTIAL DANGERS STEMMING FROM THE USE OF
13 CANNABIS;

14 (III) FOR INFUSED CANNABIS PRODUCTS, THE ONSET TIME; AND

15 (IV) HOW TO RECOGNIZE PROBLEMATIC USAGE OF CANNABIS
16 AND HOW TO OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC
17 USAGE; AND

18 (2) SELL CANNABIS OR CANNABIS PRODUCTS IN THE ORIGINAL
19 CANNABIS CULTIVATION FACILITY OR CANNABIS PRODUCT MANUFACTURER
20 PACKAGING WITHOUT MAKING CHANGES OR REPACKAGING.

21 5-1121.

22 (A) EACH CANNABIS CULTIVATION FACILITY AND CANNABIS PRODUCT
23 MANUFACTURER SHALL:

24 (1) CREATE A UNIQUE PACKAGE AND LABEL FOR THE CANNABIS
25 CULTIVATION FACILITY OR CANNABIS PRODUCT MANUFACTURER; AND

26 (2) IDENTIFY THE CANNABIS CULTIVATION FACILITY OR THE
27 CANNABIS PRODUCT MANUFACTURER AND THE CRAFT CANNABIS CULTIVATOR, IF
28 ANY, AS THE PRODUCER.

1 **(B) THE PACKAGING DESCRIBED IN SUBSECTION (A) OF THIS SECTION**
2 **SHALL INCLUDE:**

3 **(1) THE NAME OR REGISTRATION NUMBER OF THE CANNABIS**
4 **ESTABLISHMENT;**

5 **(2) THE NAME AND REGISTRATION NUMBER OF THE CRAFT CANNABIS**
6 **CULTIVATOR, IF ANY;**

7 **(3) IF A SAFETY COMPLIANCE FACILITY IS OPERATIONAL, THE**
8 **POTENCY OF THE CANNABIS, AS DETERMINED BY TESTING BY A SAFETY**
9 **COMPLIANCE FACILITY, REPRESENTED BY THE PERCENTAGE OF**
10 **TETRAHYDROCANNABINOL BY MASS;**

11 **(4) A “PRODUCED ON” DATE;**

12 **(5) IF THE CANNABIS OR CANNABIS PRODUCT IS PRODUCED IN**
13 **COMPLIANCE WITH THE ORGANIC STANDARDS OF THE UNITED STATES**
14 **DEPARTMENT OF AGRICULTURE, OR SIMILAR REGULATIONS ADOPTED BY THE**
15 **COMPTROLLER, THE WORDS “NATURALLY GROWN”; AND**

16 **(6) WARNINGS THAT STATE: “CONSUMPTION OF CANNABIS IMPAIRS**
17 **YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY”, “KEEP AWAY FROM**
18 **CHILDREN”, AND “TRANSPORTING THIS PRODUCT OUTSIDE THE STATE OF**
19 **MARYLAND MAY SUBJECT YOU TO CRIMINAL AND/OR CIVIL PENALTIES UNDER THE**
20 **LAWS OF OTHER STATES. POSSESSION OF CANNABIS IS ILLEGAL UNDER FEDERAL**
21 **LAW.”.**

22 **5-1122.**

23 **(A) UNLESS THE COMPTROLLER HAS CEASED ISSUING OR FAILED TO BEGIN**
24 **ISSUING REGISTRATIONS, ALL CANNABIS CULTIVATED BY A CANNABIS CULTIVATION**
25 **FACILITY OR CRAFT CANNABIS CULTIVATOR SHALL BE CULTIVATED ONLY IN ONE OR**
26 **MORE ENCLOSED LOCKED FACILITIES, EACH OF WHICH SHALL HAVE BEEN**
27 **REGISTERED WITH THE COMPTROLLER.**

28 **(B) THIS SECTION DOES NOT PROHIBIT THE GROWING OF CANNABIS IN AN**
29 **OUTDOOR ENVIRONMENT, AS LONG AS THE GROWING AREA IS ADEQUATELY**
30 **SECURED IN ACCORDANCE WITH REGULATIONS ISSUED BY THE COMPTROLLER.**

31 **5-1123.**

1 **(A) A CANNABIS ESTABLISHMENT OR ANY OTHER PERSON THAT IS ACTING**
2 **IN THE CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A CANNABIS**
3 **ESTABLISHMENT SHALL HAVE DOCUMENTATION WHEN TRANSPORTING CANNABIS**
4 **ON BEHALF OF THE CANNABIS ESTABLISHMENT THAT SPECIFIES:**

5 **(1) THE AMOUNT OF CANNABIS BEING TRANSPORTED;**

6 **(2) THE REGISTRATION NUMBER OF THE CANNABIS ESTABLISHMENT;**
7 **AND**

8 **(3) THE DATE THE CANNABIS IS BEING TRANSPORTED.**

9 **(B) IF THE RETAILER OR CANNABIS CULTIVATION FACILITY DOES NOT HAVE**
10 **A REGISTRATION NUMBER BECAUSE THE COMPTROLLER HAS CEASED ISSUING**
11 **REGISTRATIONS OR HAS FAILED TO BEGIN ISSUING REGISTRATIONS, THE RETAILER**
12 **OR CANNABIS CULTIVATION FACILITY MAY INSTEAD USE A NUMBER OF ITS**
13 **CHOOSING THAT IT CONSISTENTLY USES ON DOCUMENTATION IN PLACE OF A**
14 **REGISTRATION NUMBER.**

15 **5-1124.**

16 **(A) A CANNABIS ESTABLISHMENT MAY NOT ALLOW A PERSON WHO IS UNDER**
17 **THE AGE OF 21 YEARS TO BE PRESENT INSIDE A ROOM OR ANY OTHER LOCATION**
18 **WHERE CANNABIS IS STORED, CULTIVATED, POSSESSED, OR SOLD BY THE CANNABIS**
19 **ESTABLISHMENT UNLESS THE PERSON WHO IS UNDER THE AGE OF 21 YEARS IS A**
20 **GOVERNMENT EMPLOYEE PERFORMING OFFICIAL DUTIES, AN ELECTED OFFICIAL, A**
21 **MEMBER OF THE MEDIA, OR A CONTRACTOR PERFORMING LABOR THAT DOES NOT**
22 **INCLUDE HANDLING CANNABIS.**

23 **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN A**
24 **PROSECUTION FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION, IT IS A**
25 **COMPLETE DEFENSE THAT BEFORE ALLOWING A PERSON WHO IS UNDER THE AGE**
26 **OF 21 YEARS INTO THE LOCATION WHERE CANNABIS IS STORED, CULTIVATED,**
27 **POSSESSED, OR SOLD, AN EMPLOYEE OR AGENT OF THE CANNABIS ESTABLISHMENT**
28 **WAS SHOWN A DOCUMENT THAT APPEARED TO BE ISSUED BY AN AGENCY OF A**
29 **FEDERAL, STATE, TRIBAL, OR FOREIGN SOVEREIGN GOVERNMENT THAT INDICATED**
30 **THAT THE PERSON WAS AT LEAST 21 YEARS OLD AT THE TIME THE PERSON WAS**
31 **ALLOWED ON THE PREMISES OF THE CANNABIS ESTABLISHMENT.**

32 **(2) THE DEFENSE SET FORTH IN THIS SUBSECTION DOES NOT APPLY**
33 **IF:**

1 **(I) THE DOCUMENT THAT WAS SHOWN TO THE PERSON WHO**
2 **ALLOWED THE PERSON WHO IS UNDER THE AGE OF 21 YEARS ON THE PREMISES OF**
3 **THE CANNABIS ESTABLISHMENT WAS COUNTERFEIT, FORGED, ALTERED, OR ISSUED**
4 **TO A PERSON OTHER THAN THE PERSON WHO WAS ALLOWED ON THE PREMISES OF**
5 **THE CANNABIS ESTABLISHMENT; AND**

6 **(II) UNDER THE CIRCUMSTANCES, A REASONABLE PERSON**
7 **WOULD HAVE KNOWN OR SUSPECTED THAT THE DOCUMENT WAS COUNTERFEIT,**
8 **FORGED, ALTERED, OR ISSUED TO A PERSON OTHER THAN THE PERSON WHO WAS**
9 **ALLOWED ON THE PREMISES OF THE CANNABIS ESTABLISHMENT.**

10 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
11 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

12 **5-1125.**

13 **A RETAILER MAY NOT:**

14 **(1) SELL, GIVE, OR OTHERWISE FURNISH CANNABIS TO A PERSON**
15 **WHO IS UNDER THE AGE OF 21 YEARS;**

16 **(2) SELL, GIVE, OR OTHERWISE FURNISH MORE THAN A PERSONAL**
17 **USE AMOUNT OF USABLE CANNABIS OR MORE THAN THREE PLANTS, SEEDLINGS, OR**
18 **CUTTINGS OF CANNABIS TO A PERSON IN A SINGLE TRANSACTION;**

19 **(3) KNOWINGLY AND WILLFULLY SELL, GIVE, OR OTHERWISE**
20 **FURNISH AN AMOUNT OF CANNABIS TO A PERSON THAT WOULD CAUSE THAT PERSON**
21 **TO POSSESS MORE CANNABIS THAN THE INDIVIDUAL IS ALLOWED TO POSSESS**
22 **UNDER STATE LAW;**

23 **(4) PURCHASE CANNABIS, OTHER THAN CANNABIS SEEDS, FROM A**
24 **PERSON OTHER THAN A RETAILER, CANNABIS CULTIVATION FACILITY, OR CANNABIS**
25 **PRODUCT MANUFACTURER;**

26 **(5) SELL, GIVE, OR OTHERWISE FURNISH CANNABIS TO A CLEARLY**
27 **INTOXICATED PERSON; OR**

28 **(6) VIOLATE REGULATIONS ADOPTED BY THE COMPTROLLER IN**
29 **ACCORDANCE WITH THIS SUBTITLE.**

30 **5-1126.**

1 **A CANNABIS CULTIVATION FACILITY, CRAFT CANNABIS CULTIVATOR,**
2 **CANNABIS PRODUCT MANUFACTURER, OR SAFETY COMPLIANCE FACILITY MAY NOT:**

3 **(1) PURCHASE, PRODUCE, OBTAIN, SELL, GIVE, OR OTHERWISE**
4 **FURNISH CANNABIS OR CANNABIS PRODUCTS TO A PERSON OR AN ENTITY OTHER**
5 **THAN THOSE EXEMPTED FROM STATE PENALTIES IN ACCORDANCE WITH THIS**
6 **SUBTITLE; OR**

7 **(2) VIOLATE REGULATIONS ADOPTED BY THE COMPTROLLER IN**
8 **ACCORDANCE WITH THIS SUBTITLE.**

9 **5-1127.**

10 **(A) THE COMPTROLLER MAY SUSPEND OR TERMINATE THE REGISTRATION**
11 **OF A CANNABIS ESTABLISHMENT THAT COMMITS MULTIPLE OR SERIOUS**
12 **VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED IN ACCORDANCE WITH**
13 **THIS SUBTITLE.**

14 **(B) IF THE COMPTROLLER HAS CEASED ISSUING REGISTRATIONS OR HAS**
15 **NOT BEGUN ISSUING REGISTRATIONS, AND A CANNABIS ESTABLISHMENT LACKS A**
16 **REGISTRATION AS A RESULT, A CITY OR COUNTY WHERE THE CANNABIS**
17 **ESTABLISHMENT IS OPERATING MAY FILE FOR AN INJUNCTION IN CIRCUIT COURT**
18 **IF THE CANNABIS ESTABLISHMENT HAS COMMITTED MULTIPLE OR SERIOUS**
19 **VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED IN ACCORDANCE WITH**
20 **THIS SUBTITLE.**

21 **5-1128.**

22 **IT IS NOT A VIOLATION OF STATE OR LOCAL LAW FOR A PERSON TO PLANT,**
23 **GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP IF THAT**
24 **PERSON DOES SO IN COMPLIANCE WITH THE REGULATIONS ADOPTED BY THE**
25 **DEPARTMENT OF AGRICULTURE AS REQUIRED IN § 5-1130 OF THIS SUBTITLE.**

26 **5-1129.**

27 **IT IS NOT A VIOLATION OF STATE OR LOCAL LAW FOR A PERSON TO PURCHASE**
28 **OR POSSESS A MATERIAL OR PRODUCT MADE, IN WHOLE OR IN PART, WITH**
29 **INDUSTRIAL HEMP.**

30 **5-1130.**

31 **THE DEPARTMENT OF AGRICULTURE SHALL:**

1 **(1) ADOPT REGULATIONS NECESSARY TO REGISTER A PERSON TO**
2 **PLANT, GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP; AND**

3 **(2) SET REASONABLE FEES.**

4 **5-1131.**

5 **(A) (1) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT POSSESS**
6 **CANNABIS.**

7 **(2) A VIOLATION OF THIS SUBSECTION BY A PERSON AT LEAST 18**
8 **YEARS OLD AND UNDER THE AGE OF 21 YEARS WHO POSSESSES 1 OUNCE OR LESS OF**
9 **CANNABIS IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

10 **(3) A PERSON UNDER THE AGE OF 18 YEARS WHO VIOLATES THIS**
11 **SUBSECTION IS SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN**
12 **TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.**

13 **(B) A POLICE OR COURT RECORD RESULTING FROM A CITATION UNDER**
14 **THIS SECTION SHALL BE RENDERED INACCESSIBLE TO THE PUBLIC.**

15 **(C) NO RECORDS THAT INCLUDE PERSONALLY IDENTIFIABLE**
16 **INFORMATION RESULTING FROM A CITATION UNDER THIS SECTION MAY BE MADE**
17 **ACCESSIBLE TO:**

18 **(1) THE PUBLIC;**

19 **(2) FEDERAL AUTHORITIES; OR**

20 **(3) AUTHORITIES FROM ANOTHER STATE OR COUNTRY.**

21 **5-1132.**

22 **(A) THE GOVERNOR SHALL APPOINT A 13-MEMBER OVERSIGHT**
23 **COMMITTEE COMPOSED OF:**

24 **(1) ONE MEMBER OF THE HOUSE OF DELEGATES;**

25 **(2) THE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE;**

26 **(3) ONE MEMBER OF THE SENATE OF MARYLAND;**

1 **(4) ONE PHYSICIAN WITH EXPERIENCE IN MEDICAL CANNABIS**
2 **ISSUES;**

3 **(5) ONE ECONOMIST;**

4 **(6) ONE BOARD MEMBER OR PRINCIPAL OFFICER OF A REGISTERED**
5 **SAFETY COMPLIANCE FACILITY;**

6 **(7) ONE INDIVIDUAL WITH EXPERIENCE IN POLICY DEVELOPMENT OR**
7 **IMPLEMENTATION IN THE FIELD OF CANNABIS POLICY;**

8 **(8) ONE PUBLIC HEALTH PROFESSIONAL;**

9 **(9) ONE SOCIOLOGIST;**

10 **(10) ONE ATTORNEY FAMILIAR WITH FIRST AMENDMENT LAW;**

11 **(11) ONE EXPERT IN CRIMINAL JUSTICE;**

12 **(12) ONE EXPERT IN ALCOHOLISM AND DRUG DEPENDENCE; AND**

13 **(13) ONE INDIVIDUAL WHO IS A CANNABIS CONSUMER.**

14 **(B) THE OVERSIGHT COMMITTEE SHALL MEET AT LEAST FOUR TIMES EACH**
15 **YEAR FOR THE PURPOSE OF:**

16 **(1) COLLECTING INFORMATION ABOUT AND EVALUATING THE**
17 **EFFECTS OF THIS SUBTITLE;**

18 **(2) PERFORMING OTHER RESPONSIBILITIES ENTRUSTED TO IT BY**
19 **THE GOVERNOR OR THE GENERAL ASSEMBLY;**

20 **(3) MAKING RECOMMENDATIONS REGARDING POSSIBLE INCREASES**
21 **IN THE AMOUNT OF CANNABIS DEFINED AS A PERSONAL USE AMOUNT OF USEABLE**
22 **CANNABIS; AND**

23 **(4) REPORTING AND MAKING RECOMMENDATIONS TO THE**
24 **COMPTROLLER ON ISSUES INCLUDING:**

25 **(I) RESTRICTIONS ON ADVERTISING, INCLUDING**
26 **RESTRICTIONS DESIGNED TO PREVENT ADVERTISING FROM TARGETING MINORS;**

1 (II) REGULATIONS DESIGNED TO ENSURE THAT CANNABIS
2 ESTABLISHMENTS ENHANCE THE SECURITY OF THE NEIGHBORHOODS IN WHICH THE
3 ESTABLISHMENTS OPERATE;

4 (III) REGULATIONS TO ENSURE THAT CANNABIS
5 ESTABLISHMENTS PROVIDE LOCAL BUSINESS AND EMPLOYMENT OPPORTUNITIES;

6 (IV) THE CONTENT OF SAFETY INSERTS;

7 (V) WHETHER ADDITIONAL WARNING LABELS SHOULD BE
8 REQUIRED;

9 (VI) THE EFFECT, IF ANY, ON ORGANIZED CRIME IN THE STATE;

10 (VII) QUALITY CONTROL AND LABELING STANDARDS;

11 (VIII) RECOMMENDATIONS REGARDING POSSIBLE ADJUSTMENTS
12 TO THE EXCISE TAX RATES THAT WOULD FURTHER THE GOALS OF REDUCING
13 MINORS' USE OF CANNABIS, GENERATING REVENUE, AND UNDERCUTTING ILLEGAL
14 MARKET PRICES;

15 (IX) REPORTING AND DATA MONITORING RELATED TO
16 BENEFICIAL AND ADVERSE EFFECTS OF CANNABIS;

17 (X) THE LATEST RESEARCH RELATED TO DRIVING UNDER THE
18 INFLUENCE OF CANNABIS, POLICIES FOR ROADSIDE SOBRIETY TESTS, AND CHANGES
19 TO STATUTES RELATING TO DRIVING UNDER THE INFLUENCE;

20 (XI) REGULATIONS GOVERNING THE OPERATION OF ON-SITE
21 CONSUMPTION AREAS IN RETAIL STORES;

22 (XII) REGULATIONS GOVERNING THE OPERATION OF PRIVATE
23 CLUBS AND PRIVATE EVENTS ALLOWING CANNABIS CONSUMPTION, IF REQUESTED
24 BY THE COMPTROLLER;

25 (XIII) RECOMMENDATIONS OF OTHER WAYS TO ENSURE THE
26 INDUSTRY IS DIVERSE AND INCLUSIVE; AND

27 (XIV) WHETHER CANNABIS SHOULD BE RESCHEDULED OR
28 DESCHEDULED UNDER MARYLAND LAW.

29 (C) MEETINGS OF THE OVERSIGHT COMMITTEE SHALL BE OPEN TO THE
30 PUBLIC AND SHALL ALLOW LIMITED PUBLIC COMMENT.

1 (D) THE COMPTROLLER SHALL SUBMIT TO THE GOVERNOR AND, IN
2 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
3 ASSEMBLY AN ANNUAL REPORT BY THE FIRST THURSDAY OF EVERY YEAR,
4 ADDRESSING:

5 (1) THE DIRECT REVENUE AND COSTS RELATED TO IMPLEMENTING
6 THIS SUBTITLE, INCLUDING REVENUE FROM TAXES, FINES, AND FEES;

7 (2) THE NUMBER OF REGISTRATIONS SUSPENDED AND REVOKED AND
8 THE NATURE OF THE REVOCATIONS; AND

9 (3) THE FINDINGS AND RECOMMENDATIONS OF THE OVERSIGHT
10 COMMITTEE AND AN EXPLANATION OF WHY ANY SUCH RECOMMENDATIONS WERE
11 NOT ADOPTED, IF APPLICABLE.

12 (E) NOTHING IN THIS SECTION AUTHORIZES THE COMPTROLLER TO DELAY
13 IMPLEMENTATION OF THIS SUBTITLE.

14 5-1133.

15 (A) ALL FEES UNDER THIS SUBTITLE MAY BE WAIVED OR REDUCED BY THE
16 COMPTROLLER AT THE APPLICANT'S REQUEST IF THE APPLICANT IS A NONPROFIT
17 ENTITY AND:

18 (1) THE WAIVER IS IN THE PUBLIC INTEREST; OR

19 (2) THE APPLICANT OR MANAGING OFFICERS REPRESENT
20 HISTORICALLY MARGINALIZED COMMUNITIES, INCLUDING MINORITY
21 COMMUNITIES.

22 (B) WHENEVER A REQUEST FOR A FEE WAIVER OR REDUCTION IS DENIED,
23 THE ADMINISTERING AGENCY SHALL COMMUNICATE THE BASIS FOR THE DENIAL TO
24 THE APPLICANT AND MAINTAIN A RECORD OF THE BASIS FOR THE DENIAL.

25 5-1134.

26 (A) THE COMPTROLLER IS RESPONSIBLE FOR ADMINISTERING AND
27 CARRYING OUT THIS SUBTITLE.

28 (B) THE COMPTROLLER MAY ADOPT REGULATIONS THAT ARE NECESSARY
29 AND CONVENIENT TO ADMINISTER AND CARRY OUT THIS SUBTITLE.

1 **(C) THE COMPTROLLER SHALL ADOPT REGULATIONS THAT:**

2 **(1) SET FORTH PROCEDURES FOR THE APPLICATION FOR AND**
3 **ISSUANCE OF REGISTRATIONS TO CANNABIS ESTABLISHMENTS, INCLUDING THE**
4 **CONTENT AND FORM FOR AN APPLICATION TO BE REGISTERED AS A CANNABIS**
5 **ESTABLISHMENT;**

6 **(2) GOVERN THE OPERATIONS OF CRAFT CANNABIS CULTIVATORS;**

7 **(3) SPECIFY THE CONTENT, FORM, AND TIMING OF REPORTS THAT**
8 **SHALL BE COMPLETED BY EACH CANNABIS ESTABLISHMENT;**

9 **(4) REQUIRE THAT REPORTS COMPLETED BY CANNABIS**
10 **ESTABLISHMENTS SHALL BE:**

11 **(I) MADE AVAILABLE FOR INSPECTION BY THE COMPTROLLER,**
12 **INCLUDING INFORMATION ON SALES, EXPENSES, INVENTORY, AND TAXES; AND**

13 **(II) RETAINED FOR AT LEAST 1 YEAR;**

14 **(5) ESTABLISH QUALIFICATIONS FOR REGISTRATION THAT ARE**
15 **DIRECTLY AND DEMONSTRABLY RELATED TO THE OPERATION OF A CANNABIS**
16 **ESTABLISHMENT;**

17 **(6) SPECIFY THE REQUIREMENTS FOR THE PACKAGING AND**
18 **LABELING OF CANNABIS, INCLUDING THE REQUIREMENTS IN § 5-1121 OF THIS**
19 **SUBTITLE;**

20 **(7) SPECIFY THE REQUIREMENTS FOR THE SAFETY INSERT TO BE**
21 **INCLUDED WITH CANNABIS BY RETAILERS, WHICH MAY INCLUDE THE**
22 **REQUIREMENTS DESCRIBED IN § 5-1120 OF THIS SUBTITLE, AT THE DISCRETION OF**
23 **THE COMPTROLLER;**

24 **(8) ESTABLISH REASONABLE SECURITY REQUIREMENTS FOR**
25 **CANNABIS ESTABLISHMENTS;**

26 **(9) REQUIRE THE POSTING OR DISPLAY OF THE REGISTRATION OF A**
27 **CANNABIS ESTABLISHMENT;**

28 **(10) ESTABLISH RESTRICTIONS ON ADVERTISING FOR THE SALE OF**
29 **CANNABIS THAT SHALL BE IN COMPLIANCE WITH THE MARYLAND CONSTITUTION**
30 **AND THE U.S. CONSTITUTION AND THAT DO NOT PREVENT APPROPRIATE SIGNS ON**
31 **THE PROPERTY OF THE CANNABIS ESTABLISHMENT FACILITY, LISTINGS IN**

1 BUSINESS DIRECTORIES AND TELEPHONE BOOKS, LISTINGS IN PUBLICATIONS
2 FOCUSED ON CANNABIS, OR THE SPONSORSHIP OF HEALTH OR NOT-FOR-PROFIT
3 CHARITY OR ADVOCACY EVENTS;

4 (11) ESTABLISH PROCEDURES FOR INSPECTING AND AUDITING THE
5 RECORDS OR PREMISES OF CANNABIS ESTABLISHMENTS;

6 (12) SET A SCHEDULE OF CIVIL FINES FOR VIOLATIONS OF THIS
7 SUBTITLE AND REGULATIONS ISSUED IN ACCORDANCE WITH THIS SUBTITLE;

8 (13) SET FORTH THE PROCEDURES FOR HEARINGS ON CIVIL FINES AND
9 SUSPENSIONS AND REVOCATIONS OF A REGISTRATION AS A CANNABIS
10 ESTABLISHMENT FOR A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS
11 ADOPTED IN ACCORDANCE WITH THIS SUBTITLE;

12 (14) ESTABLISH REASONABLE ENVIRONMENTAL CONTROLS,
13 INCLUDING RESTRICTIONS ON THE USE OF PESTICIDES, TO ENSURE THAT CANNABIS
14 ESTABLISHMENTS MINIMIZE HARM TO THE ENVIRONMENT, ADJOINING AND NEARBY
15 LANDOWNERS, AND PERSONS PASSING BY;

16 (15) ESTABLISH RULES REQUIRING CANNABIS ESTABLISHMENTS TO
17 CREATE IDENTIFICATION CARDS FOR THEIR EMPLOYEES AND PROVIDING FOR THE
18 CONTENTS OF THE IDENTIFICATION CARDS;

19 (16) ESTABLISH RULES FOR THE SAFE TRANSPORTATION OF
20 CANNABIS; AND

21 (17) ESTABLISH RULES FOR ON-SITE CONSUMPTION AREAS IN RETAIL
22 STORES, INCLUDING REQUIREMENTS FOR SECURITY, VENTILATION, ODOR
23 CONTROL, RESTRICTIONS ON SALES, DISCOUNTS, AND ADVERTISING, AND LIMITS ON
24 CONSUMPTION BY PATRONS.

25 (D) THE COMPTROLLER MAY ADOPT REGULATIONS THAT ALLOW AND
26 REGULATE THE CONSUMPTION OF CANNABIS IN PRIVATE CLUBS AND AT PRIVATE
27 EVENTS, AND MAY REQUEST THAT THE OVERSIGHT COMMITTEE ISSUE
28 RECOMMENDATIONS ON THIS TOPIC.

29 (E) THE COMPTROLLER SHALL MAKE AVAILABLE FREE OF CHARGE ALL
30 FORMS FOR APPLICATIONS AND REPORTS.

31 (F) THE COMPTROLLER SHALL ISSUE ALL REGISTRATIONS AS REQUIRED
32 BY THIS SUBTITLE.

1 **(G) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COMPTROLLER**
2 **SHALL KEEP THE NAME AND ADDRESS OF EACH CANNABIS ESTABLISHMENT AND**
3 **EACH OWNER, EMPLOYEE, OR AGENT OF A CANNABIS ESTABLISHMENT**
4 **CONFIDENTIAL AND REFUSE TO DISCLOSE THIS INFORMATION TO AN INDIVIDUAL**
5 **OR A PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED**
6 **EMPLOYEES OF THE COMPTROLLER TO PERFORM OFFICIAL DUTIES OF THE**
7 **COMPTROLLER IN ACCORDANCE WITH THIS SUBTITLE.**

8 **(2) THE COMPTROLLER MAY CONFIRM TO A STATE OR LOCAL LAW**
9 **ENFORCEMENT OFFICER THAT A CANNABIS ESTABLISHMENT HOLDS A VALID**
10 **REGISTRATION IF THE LAW ENFORCEMENT OFFICER INQUIRES ABOUT THE**
11 **SPECIFIC LOCATION OR ENTITY.**

12 **5-1135.**

13 **(A) THE COMPTROLLER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
14 **SUBTITLE AND SHALL BEGIN ACCEPTING APPLICATIONS FOR CANNABIS**
15 **ESTABLISHMENT FACILITIES WITHIN 180 DAYS AFTER OCTOBER 1, 2017.**

16 **(B) IF THE COMPTROLLER FAILS TO ADOPT REGULATIONS TO IMPLEMENT**
17 **THIS SUBTITLE AND BEGIN PROCESSING APPLICATIONS FOR CANNABIS**
18 **ESTABLISHMENTS WITHIN 180 DAYS AFTER OCTOBER 1, 2017, A CITIZEN MAY**
19 **COMMENCE AN ACTION IN A COURT OF COMPETENT JURISDICTION TO COMPEL THE**
20 **COMPTROLLER TO PERFORM THE ACTIONS MANDATED IN ACCORDANCE WITH THIS**
21 **SUBTITLE.**

22 **Article – Courts and Judicial Proceedings**

23 **3-8A-19.**

24 **(d) (7) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS**
25 **COMMITTED A VIOLATION OF AN OFFENSE DESCRIBED IN § 5-1131 OF THE**
26 **CRIMINAL LAW ARTICLE, THE COURT MAY:**

27 **(I) COUNSEL THE CHILD OR THE PARENT, OR BOTH;**

28 **(II) ORDER THE CHILD, FOR NO OR MINIMAL COST, TO**
29 **PARTICIPATE IN A DRUG AND ALCOHOL EDUCATION PROGRAM OR OTHER SUITABLE**
30 **PRESENTATION OF THE HAZARDS OF DRUG AND ALCOHOL USE THAT IS IN THE BEST**
31 **INTEREST OF THE CHILD; OR**

32 **(III) IMPOSE A CIVIL FINE OF NOT MORE THAN \$100.**

33 **SECTION 5. AND BE IT FURTHER ENACTED, That the Comptroller shall:**

1 (1) on or before January 1, 2018, develop and implement a program to
2 conduct outreach to and education for minority communities, women, veterans, and small
3 business owners to ensure that those groups are aware of the business opportunities
4 created by this Act and know how to apply for registration as a cannabis establishment;
5 and

6 (2) on or before April 1, 2018, report to the Governor and, in accordance
7 with § 2-1246 of the State Government Article, the General Assembly on its activities and
8 efforts under item (1) of this section.

9 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
10 effect October 1, 2017. It shall remain effective until the taking effect of Section 3 of this
11 Act. If Section 3 of this Act takes effect, Section 2 of this Act shall be abrogated and of no
12 further force and effect.

13 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
14 effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the
15 General Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended,
16 Section 3 of this Act shall take effect on the taking effect of Section 2 of Chapter 515.

17 SECTION 8. AND BE IT FURTHER ENACTED, That, subject to the provisions of
18 Sections 6 and 7 of this Act, this Act shall take effect October 1, 2017.