

Article - Alcoholic Beverages and Cannabis

[\[Previous\]](#)[\[Next\]](#)

§36–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Academic research representative” means an individual who is:
 - (1) an employee or agent of an institution of higher education, a related medical facility, or an affiliated biomedical research firm that filed a registration with the Administration under § 36–701 of this title; and
 - (2) authorized to purchase medical cannabis for the institution of higher education, related medical facility, or affiliated biomedical research firm.
- (c) “Administration” means the Maryland Cannabis Administration established under this title.
- (d) “Cannabis agent” means an employee, a volunteer, or any other authorized person who acts for or at the direction of a cannabis licensee or cannabis registrant.
- (e) “Cannabis business” means a business licensed or registered by the Administration to operate in the cannabis industry.
- (f) “Cannabis concentrate” means a product derived from cannabis that is kief, hashish, bubble hash, oil, wax, or any other product produced by extracting cannabinoids from the plant through the use of solvents, carbon dioxide, or heat, screens, presses, or steam distillation.
- (g) “Cannabis–infused product” means oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or any other product containing cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.
- (h) “Cannabis licensee” means a business licensed by the Administration to operate in the cannabis industry.
- (i) “Cannabis products” means products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including edible products, oils, and tinctures.

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

(k) (1) “Canopy” means the total square footage of space used by a cannabis licensee for the production of flowering cannabis plants.

(2) “Canopy” includes each layer of flowering cannabis plants grown on any rack or shelving.

(3) “Canopy” does not include square footage used for:

- (i) mother stock;
- (ii) propagation;
- (iii) immature or nonflowering plants;
- (iv) processing;
- (v) drying;
- (vi) curing;
- (vii) trimming;
- (viii) storage;
- (ix) offices;
- (x) hallways;
- (xi) pathways;
- (xii) work areas; or
- (xiii) other administrative and nonproduction uses.

(l) (1) “Caregiver” means:

(i) an individual who has agreed to assist with a qualifying patient’s medical use of cannabis; and

(ii) for a qualifying patient under the age of 18 years:

1. a parent or legal guardian; and
2. not more than two additional adults designated by the parent or legal guardian.

(2) “Caregiver” does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(m) “Certifying provider” means an individual who:

(1) (i) 1. has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. is in good standing with the State Board of Physicians;

(ii) 1. has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

2. is in good standing with the State Board of Dental Examiners;

(iii) 1. has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. is in good standing with the State Board of Podiatric Medical Examiners;

(iv) 1. has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. is in good standing with the State Board of Nursing;
or

(v) 1. has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article;

2. has an active delegation agreement with a primary supervising physician who is a certifying provider; and

3. is in good standing with the State Board of Physicians;

(2) has a State controlled dangerous substances registration; and

(3) is registered with the Administration to make cannabis available to patients for medical use in accordance with regulations adopted by the Administration.

(n) “Consumer” means an individual at least 21 years old who purchases cannabis or cannabis products for personal use by individuals at least 21 years old.

(o) (1) “Control” means:

(i) the decision-making authority over the management, operations, or policies that guide a business; or

(ii) authority over the operation of the technical aspects of a business.

(2) “Control” includes:

(i) holding a right to veto significant events;

(ii) the right or authority to make or veto decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;

(iii) the right or authority to appoint or remove directors, corporate-level officers, or their equivalent;

(iv) the right or authority to make major marketing, production, and financial decisions; and

(v) the right or authority to execute exclusive contracts or significant contracts in the aggregate of \$10,000 or greater on behalf of the licensee.

(p) “Delivery service” means a cannabis licensee authorized to deliver cannabis in accordance with a micro license to operate a dispensary.

(q) “Dispensary” means an entity licensed under this title that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.

(r) “Disproportionately impacted area” means a geographic area identified by the Office of Social Equity that has had above 150% of the State’s 10–year average for cannabis possession charges.

(s) (1) “Edible cannabis product” means a cannabis product intended for human consumption by oral ingestion, in whole or in part.

(2) “Edible cannabis product” includes a cannabis product that dissolves or disintegrates in the mouth.

(3) “Edible cannabis product” does not include any:

(i) cannabis concentrate;

(ii) cannabis–infused product, including an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or a cartridge; or

(iii) other dosage form that is recognized by the United States Pharmacopeia, the National Formulary, or the U.S. Food and Drug Administration and is approved by the Administration.

(t) “Grower” means an entity licensed under this title that:

(1) cultivates or packages cannabis; and

(2) is authorized by the Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.

(u) “Incubator space” means a facility operated in accordance with § 36–401(c)(3) of this title.

(v) “Independent testing laboratory” means a facility, an entity, or a site that is registered with the Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.

(w) “Institution of higher education” has the meaning stated in § 10–101 of the Education Article.

(x) “Micro license” means a license issued in accordance with § 36–401(c)(2) of this title.

(y) “On–site consumption establishment” means an entity licensed under § 36–401(c)(4) of this title to distribute cannabis or cannabis products for on–site consumption other than consumption by smoking indoors.

(z) “Owner” means a person with an ownership interest in a cannabis licensee.

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

(bb) “Passive investor” means an individual or an entity that:

(1) holds an aggregate ownership interest of less than 5% in a cannabis licensee; and

(2) does not have control of the cannabis licensee.

(cc) “Principal officer” means a board member, a president, a vice president, a secretary, a treasurer, a partner, an officer, or a managing member, or any other individual with a profit sharing, financial interest, or revenue sharing arrangement, including an individual with the authority to control a cannabis licensee.

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

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

(2) is authorized by the Administration to provide cannabis to licensed dispensaries and registered independent testing laboratories.

(ee) “Qualifying patient” means an individual who:

(1) has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and

(2) if under the age of 18 years, has a caregiver.

(ff) “Social equity applicant” means an applicant for a cannabis license or cannabis registration that:

(1) has at least 65% ownership and control held by one or more individuals who:

(i) have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;

(ii) attended a public school in a disproportionately impacted area for at least 5 years; or

(iii) for at least 2 years, attended a 4-year institution of higher education in the State where at least 40% of the individuals who attend the institution of higher education are eligible for a Pell Grant; or

(2) meets any other criteria established by the Administration.

(gg) (1) “Social equity licensee” means a social equity applicant who has been awarded a cannabis license or cannabis registration.

(2) “Social equity licensee” includes a grower, processor, or dispensary that:

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

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

(hh) “Standard license” means a license issued in accordance with § 36–401(c)(1) of this title.

(ii) “Transporter” means an entity registered under this title to transport cannabis between cannabis licensees and registered independent testing laboratories.

(jj) (1) “Usable cannabis” means the dried leaves and flowers of the cannabis plant.

(2) “Usable cannabis” does not include seedlings, seeds, stems, stalks, or roots of the plant or the weight of any noncannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration.

(kk) “Written certification” means a certification that:

(1) is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship;

(2) includes a written statement certifying that, in the certifying provider's professional opinion, after having completed an assessment of the patient's medical history and current medical condition, the patient has a condition:

(i) that meets the inclusion criteria and does not meet the exclusion criteria of the certifying provider's application; and

(ii) for which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(3) may include a written statement certifying that, in the certifying provider's professional opinion, a 30-day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient.

[\[Previous\]](#)[\[Next\]](#)

Article - Alcoholic Beverages and Cannabis

[\[Previous\]](#)[\[Next\]](#)

§36–204.

(a) (1) Subject to paragraph (2) of this subsection, the Administration shall establish and maintain a State cannabis testing laboratory.

(2) (i) On or before July 1, 2023, the Maryland Department of Agriculture or the Maryland Department of Health may enter into a memorandum of understanding with the Administration to test cannabis at an existing State-owned laboratory if doing so would be a more economic and efficient alternative to the establishment of a testing laboratory under paragraph (1) of this subsection.

(ii) If the Maryland Department of Agriculture or the Maryland Department of Health and the Administration determine that co-locating cannabis testing at an existing State-owned laboratory is not operationally feasible, sufficient funding shall be provided in the annual budget to comply with paragraph (1) of this subsection.

(b) The State cannabis testing laboratory is responsible for:

(1) developing and maintaining a cannabis laboratory reference library that contains cannabis testing methodologies in the areas of:

- (i) potency;
- (ii) homogeneity;
- (iii) detection and quantitation of contaminants; and
- (iv) solvents;

(2) establishing standard operating procedures for sample collection, preparation, and analysis of cannabis by independent testing laboratories;

(3) conducting proficiency testing of independent testing laboratories;

(4) remediating problems with independent testing laboratories;

(5) conducting compliance testing on cannabis samples analyzed by independent testing laboratories; and

(6) identifying and detecting the presence and purity of cannabis, alcohol, and tobacco in samples or seized contraband in support of the regulatory authority of the Commission.

(c) Independent testing laboratories licensed under § 36–408 of this title shall provide materials for the cannabis laboratory reference library.

(d) The State cannabis testing laboratory shall hold medical and adult–use cannabis testing to the same standards.

[\[Previous\]](#)[\[Next\]](#)

Article - Alcoholic Beverages and Cannabis

[\[Previous\]](#)[\[Next\]](#)

§36–302.

(a) A qualifying patient or caregiver may obtain medical cannabis from a dispensary licensed by the Administration.

(b) (1) A qualifying patient who is at least 21 years old may not cultivate more than four cannabis plants.

(2) If two or more qualifying patients who are at least 21 years old reside at the same residence, not more than four cannabis plants may be cultivated at that residence.

(3) Except as provided in paragraphs (1) and (2) of this subsection, a qualifying patient shall comply with the cannabis cultivation requirements established under § 5–601.2 of the Criminal Law Article.

(c) A qualifying patient under the age of 18 years may obtain medical cannabis only through:

(1) the qualifying patient's caregiver; or

(2) any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(d) A caregiver may serve not more than five qualifying patients at any time.

(e) (1) Except as provided in paragraph (2) of this subsection, a qualifying patient may have not more than two caregivers.

(2) A qualifying patient under the age of 18 years may have not more than four caregivers.

(f) A sale of cannabis or cannabis products to a qualifying patient is not subject to taxes imposed on the sale of cannabis or cannabis products under § 11–104(k) of the Tax – General Article.

(g) A qualifying patient may possess up to:

(1) 120 grams of usable cannabis; or

(2) 36 grams of delta-9-tetrahydrocannabinol (THC) in the case of a cannabis-infused product.

(h) Designated school personnel described in subsection (c)(2) of this section:

(1) may administer to a student only medical cannabis:

(i) that is obtained through the student's caregiver; and

(ii) in accordance with dosing, timing, and delivery route instructions as provided by the certifying provider's written instructions; and

(2) are not required to register with the Administration under this subtitle.

(i) A caregiver may administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school-sponsored activities, and while on a school bus.

[\[Previous\]](#)[\[Next\]](#)

Article - Alcoholic Beverages and Cannabis

[\[Previous\]](#)[\[Next\]](#)

§36–601.

(a) In this section, “Fund” means the Medical Cannabis Compassionate Use Fund.

(b) There is a Medical Cannabis Compassionate Use Fund.

(c) (1) The Administration shall:

(i) administer the Fund; and

(ii) subject to paragraph (2) of this subsection, establish fees in an amount necessary to provide revenues for the purposes of the Fund.

(2) The Administration may not impose the fees established under paragraph (1)(ii) of this subsection on a licensed medical cannabis grower, processor, or dispensary before the grower, processor, or dispensary is an operational cannabis licensee under this title.

(d) The purpose of the Fund is to provide access to cannabis for individuals enrolled in the Maryland Medical Assistance Program or in the Veterans Affairs Maryland Health Care System, including access to, at a reduced cost:

(1) an assessment of the patient’s medical history and current medical condition; and

(2) medical cannabis from a licensed dispensary.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) fees established under subsection (c)(1)(ii) of this section;

(2) fines assessed by the Administration under this title;

(3) money appropriated in the State budget to the Fund;

(4) interest earnings; and

(5) any other money from any other source accepted for the benefit of the Fund.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(i) The Comptroller shall pay out money from the Fund as directed by the Administration.

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

(1) the General Fund of the State; or

(2) any other special fund of the State.

(k) Expenditures from the Fund may be made only in accordance with the State budget.

(l) The Administration shall adopt regulations to carry out this section.

[\[Previous\]](#)[\[Next\]](#)