

Cannabis Reform Supplement

Effective 7-1-2023

Attention: This supplement outlines the changes to cannabis laws in Maryland, effective 7-1-2023.

DEFINITIONS

CANNABIS DEFINITION

CR 5-101(e-1)

- (1) “Cannabis” means the plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.
- (2) “Cannabis” does not include hemp as defined in AG 14-101.

CIVIL AMOUNT OF CANNABIS

CR 5-101(e-2)

“Civil use amount” means:

1. usable cannabis that exceeds 1.5 ounces, but does not exceed 2.5 ounces;
2. concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or
3. cannabis products containing delta-9-tetrahydrocannabinol that exceeds 750 mg but does not exceed 1,250 mg.

PERSONAL AMOUNT OF CANNABIS

CR 5-101(u)

“Personal use amount” means:

1. usable cannabis that does not exceed 1.5 ounces;
2. concentrated cannabis that does not exceed 12 grams;
3. cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 mg;
- or**
4. **two or fewer cannabis plants.**

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Civil Penalties (Information Only)

CIVIL AMOUNT OF CANNABIS (USE OR POSSESSION)

CR 5-601(c)(2)(ii)(2)

A finding of guilt for use or possession of the *civil amount* of Cannabis is a civil offense punishable by a fine not exceeding \$250.

PERSONAL AMOUNT OF CANNABIS (USE OR POSSESSION)

CR 5-601(c)(2)(ii)(1)

The personal amount prohibition only applies to individuals *under 21* years of age. A finding of guilt for use or possession of the *personal amount* of Cannabis for an individual under the age of 21 years old is a civil offense punishable by a fine not exceeding \$100.

SMOKING CANNABIS IN PUBLIC

CR 5-601 (c)(4)

The smoking of cannabis in a public place is a civil offense punishable by \$50 ~~\$250~~ (1st offense) or \$150 ~~\$500~~ (subsequent offense).

PASSENGER SMOKING CANNABIS IN MOTOR VEHICLE

Under CR 10-125 an occupant of a motor vehicle may not smoke cannabis in a passenger area of a motor vehicle on a highway. (new civil offense not exceeding \$25)

Under TA 21-903, a driver may not smoke/consume cannabis, in a passenger area of a motor vehicle on a highway. (new traffic offense)

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Citation Information

CR 5-601.1(a) requires a police officer to issue a citation involving a violation of CR 5-601 for the civil use amount of cannabis or the personal use amount of cannabis. Both amounts are classified as civil offenses under CR 5-601.1(b).

Under CP 4-101(c)(1)(ii)(5)(6), allows a police officer to charge by citation if requirements under CP 4-101(c)(2) are satisfied:

- possession with intent to distribute cannabis under CR 5-602(criminal); or
- growing or manufacturing cannabis or a cannabis product under CR 5-603(b)(criminal).

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CJIS Code Changes

**CR 5-601(a)(1)
MISDEMEANOR
\$1,000.00 – 6 MONTHS**

1_1564

****CDS: POSS-CANNABIS OVER CIVIL USE****

...did possess a controlled dangerous substance, to wit:
cannabis, in an amount over civil use as defined under CR 5-
101.

NOTE: See CR 5-101(e-1) for definition of cannabis. Cannabis
includes marijuana.

NOTE: See CR 5-101 (e-2) for definition of “Civil Use
Amount”

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New CJIS Code

CR 5-601.2

MISDEMEANOR

\$5,000.00 – 3 YEARS

1_1734

****CANNABIS CULTIVATION VIOL****

...did cultivate cannabis plants contrary to CR 5-601.2
by _____ (choose from below) .

1. cultivating in a location where the cannabis plants were subject to public view (including a view from another private property, without the the use of binoculars, aircraft, or other optical aids)
2. failing to take reasonable precautions to ensure the cannabis plants were secure from unauthorized access and access by a person under the age of 21 years old. (“Reasonable precautions” includes using an enclosed locked space to which persons under the age of 21 years do not possess a key)
3. cultivating on property [not lawfully in possession of cultivator/without the consent of the person in lawful possession of said property]
4. cultivating under the age of 21 years old.
5. cultivating more than two cannabis plants
6. cultivating more than two cannabis plants in a residence (no more than two cannabis plants can be cultivated in a residence, regardless of the number of 21+ year olds reside there)

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**CR 5-602
FELONY
\$15,000.00 - 5 YEARS
PRELIMINARY HEARING
RELEASE RESTRICTION**

1_0233

****CDS POSS W/INT TO DIST****

...did unlawfully possess a [controlled dangerous substance/controlled dangerous substance analogue] of schedule ____, to wit: ____ in sufficient quantity to reasonably indicate under all circumstances an intent to distribute or dispense the same.

NOTE: DO NOT USE FOR SCHEDULE I OR SCHEDULE II NARCOTICS (I.E., CRACK, COCAINE), LSD OR PCP, or CANNABIS (effective 1-1-2023 see CJIS Code 1-1692).

**CR 5-602
FELONY
\$15,000.00 - 5 YEARS
PRELIMINARY HEARING
RELEASE RESTRICTION**

2_3550

****CDS DIST - OTHER****

...did unlawfully distribute to ____ (name) a [controlled dangerous substance/controlled dangerous substance analogue] of schedule ____, to wit: ____.

NOTE: DO NOT USE FOR NARCOTICS (I.E., CRACK, COCAINE), LSD OR PCP.

NOTE: Effective 7-1-23, this charge does not apply to “Adult Sharing”, which means transferring Cannabis between persons who are 21 years of age or older without remuneration.

“Adult sharing” **DOES NOT** include instances in which:

1. Cannabis is given away contemporaneously with another reciprocal transaction between the same parties;
2. A gift of Cannabis is offered or advertised in conjunction with an offer for the sale of goods or services;
3. Or a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.

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**CR 5-602(b)
MISDEANOR
\$5,000.00 - 3 YEARS**

1_1692

****CDS POSS W/INT DIST-CANNABIS****

...did possess cannabis in sufficient quantity to reasonably indicate under all circumstances an intent to [distribute/dispense] said cannabis.

NOTE: Possession of the civil use amount of cannabis or the personal use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of this offense.

NOTE: Effective 7-1-23, this charge does not apply to “Adult Sharing”, which means transferring Cannabis between persons who are 21 years of age or older without remuneration. “Adult sharing” **DOES NOT** include instances in which:

1. Cannabis is given away contemporaneously with another reciprocal transaction between the same parties;
2. A gift of Cannabis is offered or advertised in conjunction with an offer for the sale of goods or services;
3. Or a gift of cannabis is contingent on a separate reciprocal transaction for goods or services.

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**CR 5-603
FELONY
\$15,000.00 - 5 YEARS
PRELIMINARY HEARING
RELEASE RESTRICTION**

1_0660

****MANUFACTURE CDS ****

...did unlawfully manufacture a controlled dangerous substance to wit: _____ (describe).

NOTE: Do not use for violations involving schedule I or II narcotic drugs listed under CR 5-608 (i.e. crack, cocaine) or certain hallucinogenic substances under CR 5-609 (i.e. LSD or PCP) OR CANNABIS.

**CR 5-603
MISDEMEANOR
\$5,000.00 - 3 YEARS**

1_1693

****MANUFACTURE CDS-CANNABIS ****

...did unlawfully [cultivate/grow/manufacture] [cannabis/cannabis product] under circumstances reasonably indicating an intention to use the same to [produce/sell/dispense] said [cannabis/cannabis product].

NOTE: Possession of the civil use amount of cannabis or the personal use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of this offense.

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**CR 5-603
FELONY
\$15,000.00 - 5 YEARS
PRELIMINARY HEARING**

1_0237

****CDS: PRODUCTION EQUIPMENT****

...did unlawfully [manufacture/distribute/possess] _____
(describe equipment) adopted for the production of a
[controlled dangerous substance/controlled dangerous
substance analogue] of Schedule _____, to wit: _____, under
circumstances reasonably indicating an intention to use same to
produce such [controlled dangerous substance/controlled
dangerous substance analogue].

NOTE: DO NOT USE FOR SCHEDULE I OR II
NARCOTICS (I.E., CRACK, COCAINE), LSD OR PCP, OR
CANNABIS.

**CR 5-603
MISDEMEANOR
\$5,000.00 – 3 YEARS**

1_1694

****CANNABIS: PRODUCTION EQUIPMENT****

...did unlawfully [manufacture/distribute/possess] _____
(describe equipment/instrument/implement/device) adopted for
the production of a [cannabis/cannabis product] under
circumstances reasonably indicating an intention to use the
same to [produce/sell/dispense] said [cannabis/cannabis
product].

NOTE: Possession of the civil use amount of cannabis or the
personal use amount of cannabis without other evidence of an
intent to distribute or dispense does not constitute a violation of
this offense.

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**CR 5-619(c)(2)
MISDEMEANOR
\$500.00
SUB. OFFENSE
\$2,000.00 - 2 YEARS**

5_3550

****CDS: POSS PARAPHERNALIA****

...did [use/possess with intent to use] drug paraphernalia, to wit: _____ (describe paraphernalia), used to [plant/propagate/cultivate/grow/harvest/manufacture/compound/convert/produce/process/prepare/pack/repack/store/contain/conceal/inject/ingest/inhale/ introduce into the human body by _____ (describe method)] a controlled dangerous substance of Schedule _____, to wit: _____.

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New THC (TETRAHYDROCANNABINOL) Violations (2023 HB 556 – Effective 5-3-2023)

New CJIS Code

AB 36-1102(b)(1)
MISDEMEANOR
\$5,000.00

1_1778

**** SELL TETRAHYDROCANNABINOL W/O LIC ****

... did [sell/distribute] a product intended for human consumption or inhalation that contains more than [.5 milligrams of tetrahydrocannabinol per serving/2.5 milligrams of tetrahydrocannabinol per package] without having a license or the product complying with manufacturing, laboratory testing, packaging, and labeling standards under AB 36-203.

New CJIS Code

AB 36-1102(b)(2)
MISDEMEANOR
\$5,000.00

1_1779

**** SELL TETRAHYDROCANNABINOL TO UND 21 ****

...did [sell/distribute] a product intended for human consumption or inhalation that contains more than [.5 milligrams of tetrahydrocannabinol/2.5 milligrams of tetrahydrocannabinol per package] to _____, an individual under 21 years of age.

New CJIS Code

AB 36-1102(c)
MISDEMEANOR
\$10,000.00

1_1780

**** SELL CANNABINOID NOT NATURAL ****

... did [sell/distribute] a cannabinoid product that is not derived from naturally occurring biologically active chemical constituents.

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Information Only

Effective 7-1-2023, CP 1-211 prohibits certain law enforcement actions based solely on certain factors regarding cannabis as seen below,

CP 1-211

- (A) A law enforcement officer may not initiate a stop or a search of a person, a motor vehicle, or a vessel based solely on one or more of the following:
- (1) The odor of burnt or unburnt cannabis;
 - (2) The possession or suspicion of possession of cannabis that does not exceed the personal use amount as defined under CR 5-601; or
 - (3) The presence of cash or currency in proximity to cannabis without other indicia of an intent to distribute.
- (B) If a law enforcement officer is investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of cannabis in violation of TA 21-902 or NR 8-737, the law enforcement officer may not conduct a search of an area of a motor vehicle or vessel that is not:
- (1) Readily accessible to the driver or operator of the motor vehicle or vessel; or
 - (2) Reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle or vessel.
- (C) Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding.