

Cannabis Reform Supplement

HB 837 (CH 26)

Effective 1-1-2023 to 6-30-2023

Attention: This supplement outlines the changes to cannabis laws in Maryland, effective 1-1-2023. Cannabis is not LEGALIZED in certain amounts and for certain persons until 7-1-2023; this first stage merely expands the civil penalty amounts for possession, added cannabis specific violations, and altered other related charges. An updated supplement will be published for the 7-1-2023 changes.

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; or
3. Cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 mg.

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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)

A finding of guilt for use or possession of the *personal amount* of Cannabis 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 \$250 (1st offense) or \$500 (subsequent offense).

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 ~~MARIJUANA 10 GM+~~ CANNABIS OVER CIVIL USE****

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

~~NOTE: Eff 10-1-2014 under CR 5-601.1, possession or use of marijuana under 10 grams is a civil offense and may not be charged criminally.~~

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"

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).

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New CJIS Code.

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.

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: See CR 5-607 for subsequent offense penalties.~~

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.**

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New CJS Code:

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.

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.

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New CJIS Code.

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.

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/c
ontain/conceal/inject/ingest/inhale/ introduce into the human
body by _____ (describe method)] a controlled dangerous
substance of Schedule _____, to wit: _____.

~~Note: Effective 2-20-2016, this charge DOES NOT apply to the use or
possession of drug paraphernalia involving the use or possession of
marijuana under CR-5-619 (c)(1).~~

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No longer a valid charge after 12-31-2022.

~~CR 5-620
MISDEMEANOR
\$1,000.00—1 YEAR~~

~~*1_1287*~~

~~**CDS MFG MAT POSS/DIST MARIJUANA**~~

~~...did [possess/distribute to _____] controlled
paraphernalia, to wit: _____ under circumstances to
reasonably indicate its use for illegal [manufacture/distribution/
dispensing] of a controlled dangerous substance to wit: _____.~~

No longer a valid charge after 12-31-2022.

~~CR 5-620(a)(2)
MISDEMEANOR
\$1,000.00—1 YEAR~~

~~*1_0566*~~

~~**MARIJUANA PACKING POSS/DIS**~~

~~... did [possess/distribute to _____(name)] controlled
paraphernalia to wit: _____ under circumstances which
reasonably indicate an intention to use the controlled
paraphernalia for purposes of illegally administering a
controlled dangerous substance to wit: _____ Marijuana.~~

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Incidental CJIS Code Changes

The penalty for administering a controlled dangerous substance is the same regardless of the substance. CJIS Code 1-1110 should be used even if the substance administered to another was cannabis. CJIS Code 1-1559 will be repealed. This is a separate change from the new Cannabis Reform.

**CR 5-601
MISDEMEANOR
\$5,000-1 YEAR**

1_1110

****CDS: ADMINISTER ~~NOT CANNABIS~~****

...did administer to _____ (name) a controlled dangerous substance of schedule _____, to wit: _____.

NOTE: See CR 5-601(c) for subsequent offense penalties.

~~NOTE: Cannabis includes marijuana.~~

~~**CR 5-601
MISDEMEANOR
\$1,000.00—6 MONTHS**~~

~~***1_1559***~~

~~****CDS: ADMINISTER CANNABIS****~~

~~...did administer to _____ (name), a controlled dangerous substance, to wit: cannabis.~~