

The Legal Resource Center for Public Health Policy – Cannabis provides educational materials on issues concerning cannabis law and policy. This resource provides a summary of critical cannabis bills from Maryland’s 2024 legislative session and focuses on the most important public health provisions in each. Bills may be accessed through links provided at the end of this resource. Please reach out to pubhealthcannabis@law.umaryland.edu with any further questions or concerns.

PASSED



HB 238/SB 244: Public Health – Clean Indoor Air Act – Revisions (PASSED)¹

The Maryland Clean Air Act prohibits smoking of tobacco, cannabis, and hemp in indoor areas open to the public, indoor areas in which meetings are open to the public, indoor places of employment and government-owned and operated mass transportation. HB 238/SB 244:

- Extends the prohibition against smoking to vaping, thereby prohibiting vaping in indoor areas open to the public.
- Defines “vaping” to include tobacco, cannabis, and hemp products.
- Requires “No Smoking or Vaping” signs be clearly posted in each public indoor area and public entrance to an indoor area where smoking or vaping is prohibited.



HB 253: Cannabis Reform – Alterations (PASSED)²

This bill was introduced at the request of the Maryland Cannabis Administration (MCA) and added further requirements for cannabis businesses, including:

- Creates a license for cannabis nurseries. Cannabis nurseries are defined as a business that provides seeds, seedlings, immature plants, or clones to a cannabis business that is licensed through the MCA.
- Prohibits a cannabis licensee from advertising a business, product, or service by means of event sponsorship unless 85 percent of the audience is expected to be at least 21 years old.
- Restricts signage on the exterior of a cannabis business to the limited purpose of identifying the business to the public (i.e., no advertisements allowed on the exterior of the business).
- Revises the amount of cannabis a medical cannabis patient may possess. Previously, a patient could possess up to 120 grams of usable cannabis or 36 grams of delta-9 THC. Now a patient is limited to the amount of cannabis or cannabis-infused product that is authorized in the written certification provided by their certifying provider.

PASSED



HB 805/SB 537: Cannabis Licensee Locations – Restrictions (PASSED) ³

Current state law prohibits dispensaries from being within 500 feet of a school, playground, public park, or place of worship. Further, this bill:

- Prohibits local government from creating a more restrictive buffer zone around these locations.
- Prohibits a local government from establishing zoning requirements for licensed dispensaries and outdoor growers that are more restrictive than 500 feet.
- Allows local governments to require that dispensaries be located up to one-half mile away from each other and 100 feet away from residential areas.
- Creates a mechanism by which the surrounding community can challenge the renewal of a cannabis license.

To challenge a license renewal, at least 10 residents or businesses located within 1,000 feet of a licensed premises must file a protest under oath. A protest may only be filed based on a violation of state cannabis laws, a violation of civil or criminal law, or conduct by a licensee that creates or maintains conditions that allow individuals to disturb the peace. The bill also establishes hearing requirements for a license protest.



SB 167: Physician Assistants – Revisions (Physician Assistant Modernization Act of 2024) ⁴

This bill defines a “certifying provider” for medical cannabis to include an individual who is licensed to practice as a physician assistant and has a collaboration agreement with a patient care team physician who is a certifying provider.

This replaces the requirement for a physician assistant to have an active delegation agreement with such a primary provider, who can instead use a collaboration agreement.

- A collaboration agreement is a document that outlines the collaboration between a physician assistant and an individual physician or a group of physicians.
- A delegation agreement is a more formal document executed by a primary supervising physician and a physician assistant according to the requirements of §15-302 of the Health Occupations Title.

FAILED



HB 199/SB 141: Multifamily Dwellings – Smoking Policies (FAILED)⁵

This bill would have required the governing body of a common ownership community (i.e., condominium or a cooperative housing corporation) with four or more dwellings to develop a smoking policy that is at least as stringent as the applicable state and local laws regarding indoor smoking. The policy would not have to prohibit smoking within a common ownership community.

This bill failed to receive a vote in the House Environment and Transportation Committee and the Senate Judicial Proceedings Committee. Introduced unsuccessfully in the 2023 legislative session as HB 315/SB 817.



HB 217: Vehicle Laws – Cannabis Use in a Motor Vehicle with a Minor Occupant – Prohibition (FAILED)⁶

This bill would have prohibited an individual from smoking, vaping, or consuming cannabis in the passenger area of a motor vehicle if a minor is an occupant. An individual who violated this provision would be guilty of a misdemeanor and on conviction subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

This bill failed to receive a vote in the House Judiciary Committee.



HB 320/SB 396: Criminal Procedure – Stops and Searches – Cannabis Odor and Admission of Evidence (Drug-Free Roadways Act of 2024) (FAILED)⁷

This bill would have repealed a prohibition that prevents law enforcement officers from initiating a stop or a search of a motor vehicle based solely on the odor of burnt or unburnt cannabis. Currently, evidence discovered or obtained in violation of this prohibition is inadmissible in court. This bill would have made such evidence admissible.

This bill failed to receive a vote in the House Judiciary Committee or the Senate Judicial Proceedings Committee.

FAILED



SB 399: Cannabis – Advertising – Prohibited Locations (FAILED)⁸

This bill would have repealed the prohibition on outdoor advertising of cannabis businesses, products, and services. Instead, the bill would have permitted this form of advertising so long as it was at least 500 feet from a substance use treatment facility, primary or secondary school, childcare facility, playground, recreational center, library, or public park.

This bill would have allowed a cannabis business to submit their advertisements to the MCA to get an opinion as to whether a cannabis advertisement complies with the requirements of § 36-903 of the Maryland Cannabis Code. Section 36-903 covers advertising to youth, public advertising, and advertising by television, radio, internet, social media, or other electronic means of communication.

This bill received an unfavorable report from the Senate Finance committee.



HB 525/SB 513: Employment Discrimination – Use of Cannabis Products (FAILED)⁹

This bill would have prohibited an employer from discriminating against an employee because of:

- The employee's lawful use of cannabis after work hours;
- A positive drug test; or
- A prior arrest or conviction for a nonviolent cannabis offense.

These employment protections did not apply if the individual was impaired by cannabis, possessed cannabis, or used cannabis at work. The bill also provided:

- Employment protections do not supersede federal laws regarding drug testing.
- An employer was not required to comply with the provisions prohibiting employment discrimination if it would result in the violation of federal law or the loss of a federal contract or funding.
- Required employers who conduct drug testing to issue a drug policy to all employees.

This bill failed to receive a vote in the House Economic Matters Committee or the Senate Finance Committee.

FAILED



HB 790/SB 347: Medical Cannabis – Employees in Health Care Settings Caring for Qualifying Patients (FAILED)¹⁰

This bill would have authorized employees of covered institutions who have been designated to provide care to qualifying patients to administer medical cannabis to qualifying patients. This bill also would have required:

- Medical cannabis to be obtained through the qualifying patients' caregiver
- Medical cannabis to be administered in accordance with the certifying provider's written instructions.

For this bill, covered institutions included, but were not limited to:

- Assisted living facilities
- Intermediate care facilities for individuals with an intellectual disability,
- Home health agencies
- Hospice care programs.

The bill did not require the designated medical personnel to register with the MCA. It would have also exempted designated medical personnel from civil and criminal penalties relating to the administration of medical cannabis.

The bill failed to receive a vote in the House or the Senate. This bill was unsuccessfully introduced in the 2023 legislative session as HB 685/SB 523.



SB 622: Community Reinvestment and Repair Fund – Funding (Maryland Reparations Act of 2024) (FAILED)¹¹

This bill would have raised the individual income tax, estate tax, and cannabis sales and use tax. Specifically, the bill would have raised the cannabis tax rate from 9 percent to 14 percent. The increased revenue from these tax changes would have been allocated to the Community Reinvestment and Repair Fund. This fund is used for community development in areas that were disproportionately impacted by the criminalization of cannabis.

This bill failed to receive a vote in the Senate Budget and Taxation committee.

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For legal advice, please consult specific legal counsel.

¹H.B. 238, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0238>); S.B. 244, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0244>).

²H.B. 253, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0253>).

³H.B. 805, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0805>); S.B. 537, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0537>).

⁴S.B. 167, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0167>).

⁵H.B. 199, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0199>); S.B. 141, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0141>).

⁶H.B. 217, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0217>).

⁷H.B. 320, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0320>); S.B. 396, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0396>).

⁸S.B. 399, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0399>).

⁹H.B. 525, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0525>); S.B. 513, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0513>).

¹⁰H.B. 790, 2024 Leg., 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0790>); S.B. 347, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0347>).

¹¹S.B. 622, 2024 Leg. 446 Sess. (Md. 2024) (available at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0622>).