



LRC-Cannabis Winter Webinar: Understanding the Maryland Legislative Session

Annie Carver, J.D., Staff Attorney

George Townsend, J.D., Staff Attorney

Legal Resource Center for Public Health Policy – Cannabis

December 5, 2024

Agenda

- Legislative process
- Common cannabis legislative issues
- Predicted 2025 legislative issues
- LRC legislative resources



The Maryland 2025 Legislative Session

- Key Dates
 - **January 8:** Session convenes
 - **March 17:** Crossover Day
 - **April 7:** Session adjourns
 - **April 27** (20 days post-session): Final day to present bills to Governor
 - **May 27** (30 days post-presentment): Final day for Governor to sign or veto bills

Maryland General Assembly Website

- Information about bills can be found on the [Maryland General Assembly website](https://mgaleg.maryland.gov/mga-website) (<https://mgaleg.maryland.gov/mga-website>) by going to the bill landing page, including:
 - Proposed bills
 - Hearing dates
 - Status of the bill
- The MGA website also hosts House and Senate committee protocols.
- MyMGA allow you to track bills and sign up for written or oral testimony.

The screenshot displays the Maryland General Assembly website. The header features the Maryland General Assembly logo and name, a search bar, and social media links. A navigation menu includes links for MEMBERS, COMMITTEES, MEETINGS, LEGISLATION, BUDGET, LAWS, FLOOR ACTIONS, REDISTRICTING, and SEARCH. The main content area is titled "Bill Tracking Lists" and includes a sidebar with links like "Witness Signup", "FAQ", "Change Password", "Edit Account", "Cancel Account", and "Sign Out". The main panel shows a table of bill tracking lists with columns for Name, Delete, Edit Default Settings, Edit List Items, and Run Report. Two entries are visible: "Cannabis" and "Education".

Legislative Services | Legislative Audits

Search i.e. Bill search, keyword

MyMGA: acarver@umaryland.edu

MEMBERS COMMITTEES MEETINGS LEGISLATION BUDGET LAWS FLOOR ACTIONS REDISTRICTING SEARCH

Bill Tracking Lists

Add List

Showing 1 to 4 of 4 entries

Print Filter:

Name	Delete	Edit Default Settings	Edit List Items	Run Report
Cannabis				
Education				

Bill Sponsorship

- Each bill has a sponsor, the legislator who submits the bill for consideration.
 - The choice of sponsor can be incredibly influential.
- Bills are submitted by the sponsor to the Department of Legislative Services.
 - DLS produces a standard draft of the bill that complies with Maryland Constitutional requirements.
- Co-sponsors may initial the bill draft to show support.
 - No limit on the number of co-sponsors.
- The bill is then filed.
 - Bills may be "prefiled" before the start of session.
 - Prefiled bills are assigned to a committee on the first day of session.

(House Bill 253)

AN ACT concerning

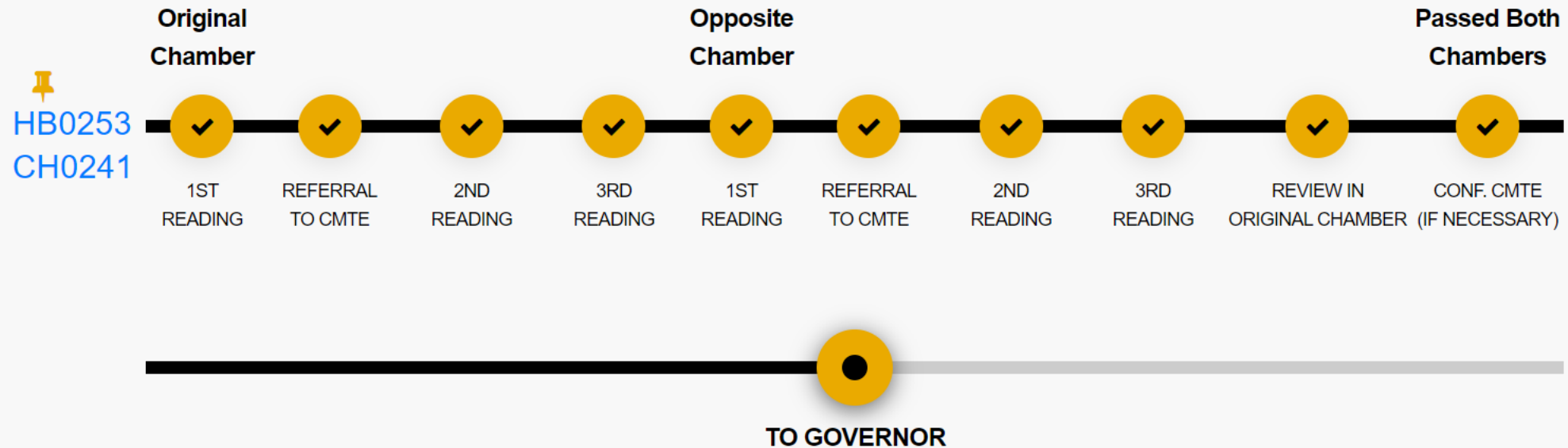
Cannabis Reform – Alterations

FOR the purpose of altering the best practices that the Alcohol, Tobacco, and Cannabis Commission is required to develop; altering the membership of the Commission; making alterations and clarifications related to the duties of the Commission, the Office of Social Equity, the Advisory Board on Medical and Adult-Use Cannabis, and the Maryland Cannabis Administration; altering the composition of the Advisory Board; requiring the ~~Governor to appoint the chair of the~~ Advisory Board to elect a chair and removing the Director of the Administration as chair; authorizing processors to provide cannabis to cannabis licensees; requiring the Administration to register and regulate cannabis nurseries; authorizing the Administration to impose certain penalties on a cannabis license or registration for the violation of certain laws and regulations; requiring the Administration rather than the Comptroller to administer the Cannabis Regulation and Enforcement Fund; altering the amount of cannabis that a qualifying patient may possess; altering the amount of cannabis that processors may process; altering certain provisions of law related to the registration of cannabis agents; providing for the temporary registration of cannabis agents; altering certain provisions of law related to advertising and cannabis; providing that certain violations may be charged by a citation; authorizing the use of the Cannabis Business Assistance Fund for the administrative costs of the Fund; authorizing the sharing of certain tax information with the Administration; extending the period of time that the Administration is exempt from procurement requirements under certain circumstances; and generally relating to medical and adult-use cannabis.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages and Cannabis
Section 1-101(a), 1-322(a)(1) and (8), 36-101(a) and (h), and 36-206(b)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 1-101(d), 1-202, 1-303(a)(1) and (3), 1-308(8) and (9), 1-309.1(d)(5) ~~and (f)(2)~~, (e), and (f), 1-309.2, 1-322(a)(7) and (b)(2), 36-101(j), (aa), and (dd), 36-202, 36-206(d) and (j)(1), 36-302(g), 36-401(c)(1) and (2), (e), and (g), ~~36-402(d)(1)(vi)~~ 36-402(b)(2)(i) and (d)(1)(vi), 36-404(i)(3), 36-407(a)(3) and (b), 36-409(a), 36-501(a) and (d), 36-505, ~~and~~ 36-903(a), and 36-1102(e) and (f)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

Maryland Legislative Pipeline



First Reading and Committee Hearing

- Each bill must be “read” on three separate days in each chamber (six total readings).
 - After first reading, assigned to committee.
 - **Maryland Senate**: Budget & Taxation; Education, Energy & the Environment; Executive Nominations; Finance; Judicial Proceedings; Rules
 - **Maryland House**: Appropriations; Economic Matters; Environment & Transportation; Health & Government Operations; Rules & Executive Nominations; Judiciary; Ways & Means
- Committee Hearings
 - Primary forum for citizen advocacy
- Committee Vote & Report

Committees to Watch for Cannabis

- Health and Government Operations (House)
- Economic Matters (House)
- Judiciary (House)
- Finance (Senate)
- Judicial Proceedings (Senate)

Following the Hearing

- Second reading
 - Floor debate
 - Amendments
- Third reading
 - Recorded vote; majority needed to pass
- Crossover
 - Whole process repeats in other chamber
 - If each chamber passes a different version, it goes to a conference committee.

Governor's Signature

- Bills passed by both chambers must be sent to governor within 20 days of adjournment.
 - The governor has 30 days to sign the bill or veto it.
 - If the bill is not signed or vetoed within 30 days, it becomes law as if it had been signed.
 - **Exception:** If a bill is presented before the final week of session, the governor has six days to sign or veto.
 - A veto may be overridden by 3/5 vote of each chamber.
 - If the veto occurs after the end of session, this may need to wait for the next year's session or a special session.
 - A vetoed bill can only be overridden by the same legislature that passed it (i.e., it must be overridden before an election occurs and new legislators are sworn in).



How Do I Engage with the Legislative Process?

- Direct advocacy
 - Hearing testimony (primary forum for advocacy).
 - Communicating with legislators before session, promoting policies of interest.
 - During session: meeting with, calling, or writing legislators to explain and promote your bill.
- Grassroots advocacy
 - Writing opinion articles for local publications.
 - Creating educational materials about a particular issue or bill.
 - Organizing community events around a particular issue or bill.
 - Recruiting affected individuals for direct advocacy.

Oral and Written Legislative Testimony

- One of the most important points of legislative advocacy in the Maryland legislative system.
- When to testify?
 - You are personally affected by the issue at hand.
 - You have professional expertise pertinent to the issues at hand.
 - You are passionate about the issues at hand.

Common Cannabis Legislative Issues

- Employment discrimination
- Worker's compensation
- Decriminalization and expungement
- Community reinvestment and repair funding
- Other public health issues:
 - Study on use during pregnancy and breastfeeding
 - Driver education programs
 - Employees in healthcare settings caring for qualifying patients
 - Visiting medical cannabis patients

Likely 2025 Legislative Issues

- Employment discrimination
- Decriminalization
- Non-smoking policies for housing
- Expungement expansion
- Community Reinvestment and Repair Fund
- On-site consumption establishments

Employment Discrimination and Worker's Compensation

- Employment discrimination – would prohibit employment discrimination (firing, demotion) based on legal cannabis use done outside of work hours.
 - Would not allow an employee to come to work intoxicated or to consume cannabis on the job. The focus is legal cannabis use outside of work hours.
 - Carves out an exception for employers who would lose federal funding if they did not enforce a no drug policy.
 - Each year, the bill has failed.

Smoking Policies for Multi-Dwelling Housing

- Introduced in 2024, HB 199 would have required landlords and condo associations to write a smoking policy.
 - The smoking policy was not required to be a nonsmoking policy.
 - This bill failed in committee.
- A future bill may focus on the same or require that landlords and condo associations to write a **non-smoking** policy.

Expungement

- Expungement removes all publicly-available records of a criminal process, so that criminal charges or convictions for a particular offense do not show up in state background checks.
- Most past cannabis offenses are currently eligible for expungement; however, many Marylanders have cannabis convictions that fall outside current expungement eligibility.
- In 2024, HB 73 was proposed to clarify that individuals who were otherwise eligible for expungement would not be disqualified because of their probation closure status. Most remaining cannabis possession records fall into this category. A version of this bill is likely to be proposed again.
- Other legislative priorities include expanding the list of offenses eligible for expungement, which could include some of the few remaining cannabis offenses, such as distribution.

Community Reinvestment and Repair Funds

- This topic has come up more frequently in recent legislative sessions.
- The Community Reinvestment and Repair Fund (CRRF) provides funding to local jurisdictions to support community-based initiatives that benefit low-income communities and communities that have been disproportionately impacted by the enforcement of cannabis prohibition.
- Past bills have focused on structuring how local governments can spend their CRRF funds. Future bills will likely do the same.

On-site Consumption Establishments

- Under Maryland law, an "**on-site consumption establishment**" is an entity licensed to distribute cannabis or cannabis products for on-site consumption **other than consumption by smoking indoors**.
- These serve as a **social venue** for cannabis consumption, where people who might otherwise might not be able to consume cannabis due to lease or other restrictions, can consume their products.
- In 2023, the MGA authorized the MCA to license on-site consumption establishments starting in May 2024.
- So far, NO licenses have been issued for consumption sites.

MCA Report on Consumption Sites

- Earlier this year, the MCA released a MGA-required report on on-site consumption establishments.
- The MCA report reviews different on-site consumption business types and highlights statutory changes that may be required in MD to adopt these models.
- Considers two main models:
 - On-site consumption establishment that can make and sell its own edible products.
 - On-site consumption establishment that allows indoor smoking.
- Recommends changes to the law based on which model the MGA prefers:
 - Revise the law to allow consumption sites to prepare and serve food on-site.
 - Revise the law to allow people to smoke indoors in on-site consumption lounges.

County Consumption Site Ordinances

- Maryland gives local governments the right to ban consumption sites altogether, or to restrict where and how they can operate.
- Several counties already have zoning ordinances in place that will prohibit consumption sites once the first round of licenses are granted:
 - Prince George's County
 - Queen Anne's County
 - Somerset County
 - Wicomico County
 - Worcester County



LRC Legislative Session Resources

Legislative Tracker and Update Calls

- The LRC tracks legislation submitted to the General Assembly regarding cannabis, among other public health topics.
- Legislation is tracked on a comprehensive legislative tracker, which is shared with our community each year.
- We also host bi-weekly calls to discuss new legislation and updates to legislation we are watching closely.
 - Shared through our **legislative listserv**!
- At the end of the legislative session, we also provide recaps of the legislative session.



Legal Resource Center Public Health Tracker - 2024 Legislative Session



File Edit View Insert Format Data Tools Extensions Help

Q Menus



100%

View only

K5



	A	B	C	D	E	F	G	H	I	J	K
1	Bill #	Cross File	Prior Session History	Title	Description	Hearing & Voting	Lead Sponsor(s)	Cross Bill Status	Amendments	Notes	
4	HB 217			Vehicle Laws- Cannabis Use in a Motor Vehicle with a Minor Occupant- Prohibition	Prohibits an individual from smoking, vaping, or consuming cannabis in the passenger area of a motor vehicle if a minor is in the vehicle. Creates criminal penalties including a fine up to \$1,000 and/or up to 1 year in prison.	Hearing-Judiciary- 1/24 at 1:00pm	R. Long				
5	HB 238	SB 244	Introduced as SB 273, 2021 Regular Session	Public Health - Clean Indoor Air Act - Revisions	Prohibits vaping and smoking in indoor public areas under the Clean Indoor Air Act. Requires posting of "no smoking or vaping" signs in public indoor areas and in entrances to such areas. Defines vaping as using an electronic smoking device or any device through which the user inhales aerosol containing hemp or cannabis.	In the House - Third Reading Passed (134-1); In the Senate - Finance - Third Reading Passed with Amendments (34-11); In the House – Passed Enrolled	Chair, Economic Matters Committee	In the House - Third Reading Passed (134-1); In the Senate - Returned Passed	In Senate - Favorable with Amendments [653624/1] Adopted	Departmental - Health	
6	HB 253			Cannabis Reform- Alterations	Clarifies and alters duties between the Alcohol, Tobacco, and Cannabis Commission, Maryland Cannabis Commission, Comptroller, and Office of Social Equity. Alters the composition of the Advisory Board on Medical and Adult-Use Cannabis so that the Director of the MCA is no longer on the board. Alters the amount of cannabis that a medical patient may possess so that it is solely dependent on the provider's certification. Creates the new cannabis business category of Cannabis Nursery, a business that may sell seeds, seedling, clones, and immature plants to other cannabis businesses. Places restrictions on event sponsorship by cannabis businesses and the signs placed on cannabis businesses.	In the House - Third Reading Passed (114-22); In the Senate - Third Reading Passed with Amendments (47-0); In the House – Passed Enrolled	Chair, Economic Matters Committee		In house - Favorable with Amendments [473324/1] Adopted In Senate - Favorable with Amendments [973422/1] Adopted	Departmental - Maryland Cannabis Administration; Emergency Bill	
7	HB 272			Cannabis Licensing and Registration- Use of Straw Ownership Prohibition	Prohibits a person from applying for or holding a cannabis license or registration if it is for the limited purpose of satisfying requirements to be a cannabis licensee or registrant; subjects violators to a \$2,500 fine, 1 year in prison, or both; and requires the Maryland Cannabis Administration to deny application or revoke cannabis license or registration if the applicant, licensee, or registrant is convicted of a violation of the Act.	In the House - Third Reading Passed (137-0); In the Senate - Third Reading Passed (47-0); In the House – Returned Passed	Grammer		In house - Favorable with Amendments [463924/1] Adopted		
8	HB 296	SB 348	HB 413	Firearms - Right to Purchase, Own, Possess, and Carry	Prohibits a person from being denied the right to purchase, own, possess, or carry a firearm solely on the basis that the person is authorized to use medical cannabis.	Hearing - Judiciary - 3/06 at 1:00 p.m	Grammer	Third Reading Passed (43-2); In the House - First Reading Judiciary			

SAVE THE DATE: LRC-TOBACCO LEGISLATIVE WEBINAR

- **January 14th at 12:00 PM**
- LRC-Tobacco will host a legislative webinar to discuss lobbying v. advocacy and anticipated tobacco bills.
- A formal invitation will be sent in the coming weeks – watch out for an email from the Legal Resource Center for Public Health Policy listserv!

Questions?

Annie Carver, J.D.

Staff Attorney, LRC-Cannabis

a.carver@law.umaryland.edu

(410) 706-4221

George Townsend, J.D.

Staff Attorney, LRC-Cannabis

gtownsend@law.umaryland.edu

(410) 706-8189