

# **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 (1<sup>st</sup> 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.~~