



Regulations Q&A

Maryland Cannabis Administration response and additional guidance to Frequently Asked Questions on the Emergency Regulatory proposal

Introduction

Unchanged pieces of regulations:

- Medical cannabis program, including:
 - Certifying providers;
 - Patient allotments;
 - Patient and caregiver registrations;
 - Clinical directors.
- Single plant tags and other inventory controls.
- Independent testing laboratories, testing protocols, product approvals.
- Security of licensed premises.

Updated and Additional Guidance Documents:

- Updated guidance documents will be posted on the MCA website to clarify frequently asked questions.
- METRC will be issuing additional guidance to licensees pertaining to:
 - New product categories;
 - Conversion to new standard license types;
 - Implementation of additional regulatory changes in the system.

Topics

- Conversion
- Compliance guidance
 - Hand washing procedures for processors and dispensaries
 - Bulk inventory/repackaging
 - Social equity requirements for growers and dispensaries
- Products Restrictions
 - Cannabis concentrates
 - Liquid edible products
- Medical program accommodations
- Training
- Advertising
- Packaging & labeling
- Dispensary operations
 - General
 - Personal use amount
 - Online ordering
- Hemp
- Licensure

Conversion

Q. When will converted licensees receive their new license numbers?

A. Licensees who pay the conversion fee by June 16th are guaranteed to be included in a batch conversion that will occur on June 26th. If payment is not received in time to be included in that conversion, licensees can still work with METRC to get their license number converted. The process for businesses not included in the batch conversion may take up to two weeks to complete. A licensee must have their new license number before operating on or after July 1st.

Q. Will we need to obtain new registered agent identification cards with the new license numbers?

A. No. Once a licensee has completed the conversion process, METRC will link agent identification cards with new license numbers in their system. Licensees do not need to obtain new agent identification cards until their normally scheduled renewal.

Compliance Guidance – Hand washing sinks for processors and dispensaries

Q. The regulations state that "each room used for the creation of cannabis products shall have a handwashing sink." Why do hand washing sinks need to be in the packaging room itself?

A. Handwashing sinks that are easily accessible to agents from the packaging room, but physically outside of the packaging room, are permissible under the emergency proposal.

Compliance Guidance – Bulk Inventory/Repackaging

Q. What is included in the 10 pound usable cannabis limit for dispensaries?

A. The restriction on bulk cannabis flower on hand at a dispensary only applies to flower product that has yet to be packaged / repacked into a “usable cannabis product”.

E.g. if a dispensary has 10 pounds on hand, repackages 5 pounds in the morning to create usable cannabis products for sale, they will be able to obtain 5 additional pounds of bulk flower that evening, regardless of the amount of the repackaged 5 pounds sold.

Compliance Guidance – Bulk Inventory/Repackaging

Q. My dispensary currently has more than 10 pounds of usable cannabis on hand. Do we need to get dispose of it before July 1?

A. The MCA will permit a dispensary to sell its current bulk cannabis inventory through December 31, 2023. By January 1, 2024, all dispensaries are expected to be within the 10 pound restriction under the emergency regulations.

Until the amount of bulk product is below the 10 pound restriction, dispensaries are prohibited from additional bulk product transfers.

The MCA has recorded each dispensary's bulk inventory and will monitor compliance moving forward.

Compliance Guidance: Social equity requirements for growers and dispensaries

Q. Please clarify the discrepancy between the trade practice requirements for growers and dispensaries. Grower language requires growers to transfer a specified amount to processors with no common ownership 'OR' to social equity businesses, while the corresponding language for dispensaries uses the conjunction 'AND'.

A. Growers and dispensaries should allocate 10% or 25%, respectively, to businesses with no common ownership AND social equity businesses, i.e. in total, 10% or 25% must be allocated to either one or a combination of these groups.

The intent of these provisions is to encourage a good faith effort for businesses to maintain product diversity throughout the supply chain. In the initial emergency regulatory period, while very few social equity businesses are likely to be operational, the measure will be contemplated predominantly with businesses that do not share common ownership.

Product Restrictions

Q. Is there a pathway to selling high potency cannabis products to adult consumers?

A. No. High potency products may not be sold to adult consumers. High potency products are those that exceed 10 mg THC per serving or 100 mg THC per package. The language referenced in 14.17.13.05B(4) explains how a licensee may obtain approval to manufacture a high potency edible cannabis product, but even with approval such a product may only be sold to a qualifying patient or caregiver.

Product Restrictions – Concentrates

- Concentrates are generally restricted to qualifying patients
 - A Cannabis Concentrate is defined in statute to include kief, hashish, bubble, hash, oil, wax, shatter, resin, or any other product produced by extracting cannabinoids from the plant through the use of solvents, carbon dioxide, heat, screens, presses, or steam distillation
 - A pre-roll or joint infused with any kind of concentrate is considered a concentrate and restricted to qualifying patients.
- A processor *may* use a process that concentrates the cannabis in the creation of vapes, edibles, topical products, etc. providing the end product is:
 - Less than 10 mg THC per serving or 100 mg THC per container for edibles and topical products.
 - In the case of vapes, meets the regulatory definition of cannabis vaporizing devices.

Product Restrictions – Liquid edible products

Q. Are we able to sell items with multiple servings of liquid per container?

A. No. For purposes of liquid edible products, one single container is a single serving of product, and the serving may not contain more than 10 mg of THC.

Q. Can a powdered mix or drops in individual serving sizes be sold to adult consumers, i.e. packs of 10 singles of 10mg in one package?

A. Powdered mix may be sold as long as they do not exceed 10 mg THC per serving/100 mg THC per package. Liquid edible drops may only be sold if the total product container sold does not exceed 10mg, and is itself a single serving container.

Tinctures, which may have no flavoring and contain no additional non-cannabis ingredients except potable water, must be distributed in a dropper bottle of four ounces or less.

Training – All Licensees

Q. Who is required to complete RVT?

A. All cannabis business agents. This includes any employee, volunteer, or other authorized person who acts for or at the direction of a cannabis licensee or cannabis registrant.

Q. When will licensees and registrants be required to have all agents complete the responsible vendor training program?

A. MCA is currently reviewing vendor training programs and will provide an initial list of approved programs in the coming weeks. Licensees and registrants must ensure all agents employed on or before July 1, 2023, complete training by June 30, 2024. Any employees hired after July 1, 2023, must complete the training within 12 months of hire. MCA recommends that businesses provide training within 30 days of hire.

Q. What is the frequency of this training program?

A. Licensees and registrants must ensure all agents are trained annually. The new annual requirement replaces the previous requirement for dispensary agents to be trained every twelve months on most recent data regarding pharmacology, etc.

Q. What other training requirements are there for licensees?

A. All licensees must train their agents on premises-specific topics, including safety, security, and standard operating procedures. It is a best practice to train new agents within their first month of employment.

Training – Dispensary Agents

Q. Regarding the clinical director’s requirement to complete one training per year, will MCA make available a list of approved training courses that will satisfy this annual requirement? Does the clinical director need to submit any evidence of completion each year before June 30th or only upon request by the MCA?

A. All clinical directors must complete at least one MCA-approved training course each year. The clinical director must attest to course completion annually by June 30th. Each licensed dispensary should retain supporting documentation demonstrating the clinical director has completed a MCA-approved training. Find information about approved trainings here: <https://mmcc.maryland.gov/Pages/Clinical-Directors.aspx>.

Q. What other trainings are required?

A. In addition to RVT and the clinical director’s own training requirements, clinical directors are required to train dispensary agents on providing information to qualifying patients related to risks, benefits, and side effects associated with medical cannabis; recognizing signs and symptoms of substance abuse; and guidelines for refusing to provide medical cannabis to an individual who appears to be under the influence of drugs or alcohol.

Advertising

- If an advertisement for cannabis makes a therapeutic or medical claim, it must be supported by competent and reliable scientific evidence and include information on the most serious and common side effects associated with the use of cannabis. Under Maryland law this means two or more blinded, well-controlled clinical trials.
- An advertisement for a cannabis licensee, product, or related service may not be placed on the side of a building or any other publicly visible location **except on the licensed premises of a cannabis business**. This includes:
 - an advertisement for a non-cannabis products presented alongside a cannabis licensee's logo
 - a plain advertisement featuring only the licensee's logo
 - messaging related to cannabis, even a warning, presented alongside the licensee's logo.

For more information, please see the MCA's Advertising Restrictions factsheet shared on the Laws & Regulations webpage.

Packaging & Labeling

Q. Will a sell through period be permitted with current packaging?

A. Yes. Products labeled in accordance with COMAR 10.62.24 may be sold prior to January 1, 2024, if the product is unexpired and the product packaging was approved prior to July 1, 2023.

Q. The use of the word "candy" or "candies" is prohibited. Does this apply to strain names as well?

A. The prohibition on the use of the word "candy" or "candies" does not apply to strain names. However, the name of a processed product may not use the words "candy" or "candies".

Q. Is the requirement to be printed/labeled directly on the marketing layer mean they are prohibiting peel-and-reveal labels?

A. Labels, marketing layers, or any other aspect of the product package are prohibited from obscuring any required warnings, statements, or information. Peel and reveal labels are acceptable if they do not conflict with this requirement. MCA's required labeling components should be on the outermost layer of a peel-and-reveal label, if they are being used by licensees.

Packaging & Labeling – Continued

Q. Further explain the requirements for high dose edibles and high potency concentrates. Is the intent that packaging should list different warnings than the adult use products? Or will dispensaries apply these additional warnings at point of sale to all medical patients?

A. Products should be packaged and labeled according to general requirements in 14.17.18.02–.04. Additionally, high potency products, which may only be sold to qualifying patients, must maintain space for a licensed dispensary to attach a personalized label for the qualifying patient and bear certain warnings specific to medical cannabis products as specified in COMAR 14.17.18.04B. A dispensary should then attach a personalized label for the qualifying patient, including the information listed in COMAR 14.17.08.04E. While there is no distinction between medical and adult-use products until the point of sale, it is a best practice to label high potency products in accordance with medical cannabis labeling requirements, given that they *may only* be sold to medical patients or consumers.

Packaging & Labeling – Continued

Q. Please explain the definition of "symbol" in that that the warning symbol is "the only symbol used on packages under this regulation".

A. This regulation and text specifically references the "THC" label and that Maryland's symbol is the only one that can be used on products sold in the state. Other symbols can be used to signify other product characteristics (e.g. Vegan, cGMP certified, etc.) providing it aligns with the remainder of the product labeling requirements and restrictions.

Q. Does edible product packaging need to feature the "includes multiple servings" warning?

A. As it relates to serving information, COMAR 14.17.18.05 requires all edible cannabis product packaging to include milligrams **per single serving and per package** of total THC, CBD, and any other cannabinoid, the number of servings per packaging, and, if applicable, the recommended serving size.

Dispensary Operations – General

Q. Does the hours of operation limit mean a dispensary can't do any kind of opening and closing protocols outside those hours or does it just mean we can't dispense cannabis outside those hours? Will this be based on hours of operation posted or monitored through sales times reported in METRC?

A. A dispensary must make and record all sales between 8am and 10pm and should not allow any consumer or patient to enter the premises outside of that 12-hour window. The dispensary should set its operating hours accordingly. These hours of operation do not prevent a dispensary from conducting setup, closing, or other business activities, such as receiving deliveries, outside of those hours as long as they are closed to the public and the cannabis inventory is stored in a secure room as required.

Q. Will dispensaries be able to keep product outside of the vault longer than one hour before and one hour after business operations?

A. No. COMAR 14.17.12.02A(4) requires dispensaries to be secured and operated in accordance with COMAR 10.62.27.04C, which requires a dispensary to store its cannabis inventory in a secure room except while the licensed dispensary is open for business and 1 hour before and 1 hour after.

Dispensary Operations – General

Q. The regulations require a dispensary agent to query the Administration data network using a unique log-in that identifies the registered dispensary agent before the distribution of any cannabis. What is the agent querying for an adult-use consumer?

A. A dispensary agent must be logged in using their agent badge. However, the agent does not need to query the data network before dispensing cannabis to an adult use consumer. The process for checking medical patient allotment is unchanged for dispensary agents.

Q. How will dispensaries designate products for sale to a medical patient or caregiver vs. an adult customer? Will there be guidance on what making sales will look like in Metrc?

A. Certain products are reserved for medical patients only. If a medical patient presents an ID card at the point-of-sale, a dispensary agent would not assess sales tax on their purchase. Even if a patient elects to purchase a product that would be available for either medical or adult-use consumers (e.g. flower), no sales tax should be assessed. **Note:** Metrc will be issuing further guidance to licensees about this process.

Dispensary Operations - General

Q. If a dispensary's current inventory includes product types approved for sale into the adult-use market, may they sell them to adult-use consumers after July 1st?

A. Yes. As long as products in current inventory are not expired, dispensaries may sell items approved for the adult use market on or after July 1st.

Q. Proposed regulations require dispensaries to use scales registered and certified by the Maryland Department of Agriculture's Weights and Measures Office. Because MCA doesn't allow deli-style sales, the weighing would occur in the dispensary's packaging room and not in front of the customer. Can you please confirm MDA will certify scales used in this manner?

A. Yes. A scale that has already been registered and renewed through 5/31/2024 does not need to be registered again to be used in the dispensary's packaging room. To be in compliance with regulations, dispensaries should contact the Weights and Measures Office to register any new scales and scales that have not been previously registered. Once registration has been completed and fees have been paid, an inspector will test and inspect the scales to certify they are accurate and correct. Registration is renewed on an annual basis.

Dispensary Operations - General

Q. May children under 18 accompany parents or guardians into the service area of a dispensary?

A. As of now, Bulletin 2018-013 "[Certain Persons Entering Dispensary Service Area](#)" remains in effect. Children seven years of age or younger may accompany a parent or guardian into the service area of a dispensary if the parent or guardian is a certified patient or caregiver over the age of eighteen. Children may not accompany a parent or guardian who is not a certified patient or caregiver. Please note that dispensaries seeking to permit these practices must update their Standard Operating Procedures (SOPs) to reflect the appropriate procedures and requirements for dispensary agents.

Q. Will we be required to use an ID scanner?

A. No, there is no ID scanner requirement included in the emergency regulations. Please review identification requirements for all qualifying patients, registered caregivers, and adult use consumers.

Dispensary Operations – Personal Use Amount & Sales Restrictions

For the purposes of adult-use dispensing the MCA will be determining compliance and alignment with the personal use amount as follows for adult-use consumers:

- An individual may purchase up to:
 - 1.5 oz. of usable cannabis;
 - 12 grams of cannabis vaporizing fluid (measured by volume of liquid in the vape/vape cartridge); or
 - Other products containing 750 milligrams of THC, including:
 - Edibles, liquid edibles, tinctures, tablets, or capsules with less than 10 mg THC per package or 100 mg THC per serving.
- If an individual purchases the **MAXIMUM** amount in *any category*, **they may not purchase anything else.**
- Dispensary agents should be mindful of consumers who frequently or regularly purchase these large amounts of each category and exercise their authority to deny a purchase if they suspect diversionary practices.

Dispensary Operations – Personal Use Amount & Sales Restrictions

Q. Will any safeguards be in place to prevent a consumer from purchasing the maximum daily amount at one dispensary and then going to a separate dispensary and purchasing the maximum daily amount again?

A. Dispensaries are not required to formally track an adult use consumer's purchases other than limiting them to established purchase amounts at their dispensary location. However, dispensaries and agents should be mindful of purchasing patterns that suggest a consumer may be exceeding the personal use amount or engaging in diversion, e.g. an individual who frequently purchases near the limits in multiple categories. Dispensary agents should exercise their statutory authority and obligation to decline to dispense cannabis to an individual they suspect to be engaging in such practices. Additionally, a dispensary may not dispense cannabis to any consumer who appears to be under the influence of drugs or alcohol. For a qualifying patient, a dispensary should query METRC to determine the patient's allotment level.

Dispensary Operations – Medical Patient Accommodations

Q. What accommodations is a dispensary required to provide for medical patients?

A. Dispensaries may choose to provide either reserved hours **or** dedicated lanes for qualifying patients. Whichever they choose, the dispensary should conspicuously display information about the accommodations on the front of the licensed premises and, if applicable, on its website and social media accounts. If using a combination of the two options, the dispensary must maintain a consistent schedule (e.g. dedicated service line Monday–Thursday; reserved hours Friday–Sunday). Dispensaries are encouraged to offer additional accommodations beyond what's required, such as priority access to the service area or reserved parking spaces near the dispensary entrance.

Dispensary Operations – Online Ordering

Q. Does the requirement to obtain a signature for online ordering apply when payment is not collected online and the product is just reserved for in store pick-up and payment?

A. For all online orders, a dispensary must collect a signature from the consumer, patient, or caregiver, whether the order is picked up or delivered.

Q. Does MCA require a physical signature?

A. The signature does not need to be handwritten, but the dispensary must verify the consumer's age prior to collecting signature. Age verification can only reasonably occur in person, so the signature may be provided digitally on some kind of portal device but must be collected in person. The electronic signature cannot be collected through the ordering platform prior to age verification.

Hemp

Q. Will a dispensary be able to carry CBD products in a portion of the licensed premises that is not a service area (i.e., waiting area or front of house) alongside the sale of other non-cannabis merchandise or accessories or will they need to be located in the service area side of the premises?

A. Hemp-derived products containing more than 0.5 mg THC per serving or 2.5 mg THC per package may only be sold by licensed dispensaries if they have been manufactured, processed, and tested in accordance with MCA regulations. (Note: THC includes any THC isomers or derivatives, including delta-8 and delta-10). These products may only be displayed or offered for sale in the restricted area of a dispensary. Hemp-derived products with less than 0.5 mg THC per serving and 2.5 mg THC per package, as well as certain full spectrum hemp tinctures and hemp-derived products that are not intended for human ingestion or inhalation, such as lotions, balms, salves, or pet CBD products, may still be sold in the public area of a dispensary.

Hemp – Continued

Q. Does the requirement that hemp-derived products be manufactured, processed, and tested in accordance with MCA regulations mean that hemp must be produced in Maryland?

A. A licensed processor may obtain hemp products from sources outside the seed-to-sale system if the hemp producer is licensed by (1) the Maryland Department of Agriculture, (2) the U.S. Department of Agriculture or (3) An agency of another state pursuant to a hemp production plan that has been approved by the Secretary of the U.S. Department of Agriculture; and any hemp product derived from hemp complies with MCA testing requirements.

Licensing

Q. Is there different application criteria for standard licenses and micro licenses?

A. No. There is no difference in application criteria for micro and standard licenses. The license and application fees are higher for standard licenses, and there are different operational restrictions for each type of licensee.

Q. Will I be able to apply for an additional license, or another type of license, at any time?

A. A person may hold an ownership interest in or control of up to one grower, one processor, and four dispensary standard and micro licensees. If you apply for and are awarded one license type, e.g. processor, in the first round of licensure, you may also apply for a grower license in the second round. For license awards following the second round, the MCA will award licenses as needed in accordance with market demand.

Q. Can I apply for a standard license once my business outgrows the micro license?

A. Yes. The Administration will reserve enough standard licenses to allow a reasonable number of micro licenses to convert to a standard license. Per COMAR 14.17.07.08, a micro licensee in good standing may apply to the MCA to convert to a standard license once it has been operational for at least 24 months. Once the conversion is approved, a micro licensee can expand growing, processing, or dispensing operations.



Questions?

Email policy.mmcc@maryland.gov or visit cannabis.maryland.gov.