



# Zoning Update

HB0805 passed the Maryland General Assembly with an effective date of June 1, 2024. This bill clarifies statutory requirements for where new cannabis businesses can locate, and provides more flexibility to local governments than what was previously authorized under the Cannabis Reform Act of 2023. HB0805 provides clarity to both new businesses and county and municipal officials. The Maryland Cannabis Administration (MCA) is providing this document in response to questions received from local governments and to help inform county and municipal officials on their scope of authority regarding the siting and operation of cannabis businesses.

**Note:** Items underlined reflect new provisions passed this year by the Maryland General Assembly.

## Standard Dispensaries:

Standard dispensaries have physical storefronts and are authorized to sell cannabis or cannabis products to patients or consumers. The MCA limited the number of standard dispensaries by county. The number of awards for each county can be found on the table in *Appendix A*.

Standard Dispensaries *cannot* locate:

- Within 500 feet of any of these pre-existing sensitive locations:
  - Primary school
  - Secondary school
  - Child care center
  - Playground
  - Recreation Center
  - Library
  - Place of worship
  - Public Park
- Within 1,000 feet of another dispensary.

Local jurisdictions *may*:

- Pass an ordinance to increase the distance between dispensaries to a half mile.
- Pass an ordinance to establish a 100 foot distance requirement between dispensaries and areas zoned for residential use only.
  - Local jurisdictions may also apply distance limitations used for licensed alcoholic beverage retailers from an area zoned exclusively for residential use.
- Reduce the required distance between a licensed dispensary and any sensitive locations (listed above).
- Reduce the required distance between dispensaries to less than 1,000 feet.
- Consider and enforce the distance restrictions (listed above) when making zoning decisions for licensed dispensaries.
- Prohibit unlicensed retailers from siting in the jurisdiction.

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Local jurisdictions *may not*:

- Adopt an ordinance establishing zoning or operational requirements for a licensed dispensary that are more restrictive than the requirements for licensed alcoholic beverage retailers in their jurisdiction.
- Establish zoning or other requirements that unduly burden the cannabis licensee.
- Impose licensing, operating, or other fees or requirements on a cannabis licensee that are disproportionately greater or more burdensome than those imposed on other businesses with a similar impact on the area where the cannabis licensee is located.
- Prohibit transportation through or deliveries within the political subdivision by cannabis businesses located in other political subdivisions.
- Prohibit the adult-use retail of cannabis by licensees within the jurisdiction.

## Growers:

Growers are licensed entities authorized to cultivate cannabis. Cannabis cultivation may be done either through field cultivation (outdoors), indoor cultivation, or a combination of field and indoor cultivation. Regardless of cultivation method, growers are subject to strict security regulations, including fencing, lighting and surveillance. MCA has issued grower licenses in two categories: Standard and Micro. The award for each category has been made by region. A map of the MCA's regions in the State can be found in *Appendix B*. Awardees may locate in any jurisdiction within the region, subject to local approval.

Local jurisdictions *may not*:

- Establish zoning requirements for an exclusively field-cultivated grower that are more restrictive than zoning requirements that existed for registered hemp farms on June 30th, 2023.<sup>1</sup>
- Prohibit outdoor cannabis cultivation on a premise that was properly zoned for outdoor cultivation on or before June 30, 2023.

## Other Provisions:

In 2024, the General Assembly added provisions to allow local communities to protest the renewal of a cannabis license under certain circumstances. A protest may be filed under one of several bases specified in the law, and if the protest meets the minimum requirements established in law the MCA must hold a hearing to determine if the license should be renewed. Protests may only be filed by residents or commercial tenants located within 1,000 feet of the licensed premises for the following reasons:

- A violation of the Alcoholic Beverages and Cannabis title;
- A violation of civil or criminal law;
- Conduct by the licensee that creates or maintains conditions that allow other individuals to act in a manner that disturbs the peace.

Local jurisdictions maintain the authority to prohibit on-site consumption establishments, or restrict the types of consumption authorized in the jurisdiction. The MCA has not issued any On-Site Consumption licenses to date.

<sup>1</sup> Only applicable in areas zoned for agriculture.

## Appendix A: Number of New Dispensary Awards by County

Number Available	County	Number Available	County
1	Allegany	3	Harford
5	Anne Arundel	3	Howard
6	Baltimore	1	Kent
11	Baltimore City	9	Montgomery
3	Calvert	9	Prince George's
1	Caroline	1	Queen Anne's
2	Carroll	1	Somerset
2	Cecil	2	St. Mary's
2	Charles	2	Talbot
1	Dorchester	3	Washington
3	Frederick	2	Wicomico
1	Garrett	1	Worcester
<b>Total: 75</b>			

## Appendix B: MCA Regional Distributions

