



## Legislative Zoning Updates — July 2025

The Maryland Cannabis Administration (MCA) is issuing the following guidance to assist political subdivisions implement zoning provisions for licensed cannabis businesses as amended during the 2025 legislative session.

A conditionally licensed cannabis business must obtain local zoning approval before the MCA can issue them a license to become operational. Alcoholic Beverages and Cannabis Article §36–405 expressly delegates authority to Maryland’s counties and municipalities to apply reasonable zoning requirements for cannabis businesses. Alcoholic Beverages and Cannabis Article §36–410 provides certain parameters on zoning requirements. Together, §§ 36-504 and 36-410 create certain restraints on the zoning of cannabis businesses (e.g., a political subdivision may not pass an ordinance increasing the distance requirements set forth in § 36- 410(b)) while otherwise leaving zoning authority with the political subdivisions. For example, § 36-410(c) provides that a political subdivision may reduce the distance requirements set forth in § 36-410(b), expressly acknowledging the zoning authority that the political subdivisions maintain.

It is a political subdivision’s responsibility to ensure that cannabis businesses meet the zoning requirements of that political subdivision, including adherence to the distance requirements as prescribed in § 36-410. The MCA is not authorized to make zoning determinations or evaluations on behalf of local governments. Rather, the MCA defers to political subdivisions to make determinations for their communities, such as types of establishments included in different use categories or measurement of setbacks from sensitive areas, provided they comply with the statutory distance requirements. For example, if a political subdivision passes an ordinance that provides that cannabis dispensaries must locate at least 300 feet from a place of worship (which would be consistent with a political subdivision’s authority to reduce the distance requirements set forth in § 36-410(b)), it is the political subdivision’s responsibility to determine whether a proposed location for a cannabis dispensary meets that distance requirement. Likewise, it is a political subdivision’s responsibility to determine what constitutes a place of worship for purposes of its zoning requirements. When a political subdivision makes a determination to approve or deny a cannabis business location, they should explicitly note in their zoning approval letters the local ordinances and State laws they are applying to reach their determination.

The Maryland General Assembly recently enacted Chapter 120 (Senate Bill 215) of 2025 to address instances where a political subdivision has no local ordinance on distance requirements. Specifically, it provides that if a political subdivision does not adopt an ordinance under §36–410(c) of the Alcoholic Beverages and Cannabis Article by July 1, 2025, then the statutory distance requirements set forth in §36–410(b) apply by default. These requirements are as follows:

**(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A LICENSED DISPENSARY MAY NOT LOCATE WITHIN:**

**(1) 500 FEET OF:**

**(I) A PRE-EXISTING PRIMARY OR SECONDARY SCHOOL IN THE**

**STATE, OR A LICENSED CHILD CARE CENTER OR REGISTERED FAMILY CHILD  
CARE HOME UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR  
(II) A PRE-EXISTING PLAYGROUND, RECREATION CENTER,  
LIBRARY, PUBLIC PARK, OR PLACE OF WORSHIP; OR  
(2) 1,000 FEET OF ANOTHER DISPENSARY UNDER THIS TITLE.**

In sum, political subdivisions are responsible for applying reasonable zoning requirements for cannabis businesses in compliance with Alcoholic Beverages and Cannabis Article §§ 36-405 and 36-410. Effective July 1, 2025, a political subdivision that has not adopted an ordinance under §36-410(c) of the Alcoholic Beverages and Cannabis Article is subject to the statutory distance requirements set forth in 36-410(b). Please direct any questions regarding this memorandum to [mca.policy@maryland.gov](mailto:mca.policy@maryland.gov).

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