

14.17.01 Definitions

Authority: Alcoholic Beverages and Cannabis Article, §36-101, Annotated Code of Maryland

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined

(1)—(32) (text unchanged)

(32-1) *“Medical and therapeutic claim” means any representation that indicates cannabis will relieve, treat, diagnose, or prevent health conditions or any other ailment.*

(33)—(52) (text unchanged)

(52-1) *“Sublingual pouch” means a permeable sachet containing cannabis concentrate that is intended to be dissolved in the mouth and absorbed buccally or sublingually.*

(53)—(58) (text unchanged)

14.17.05 Application Process and Issuance of Licenses

Alcoholic Beverages and Cannabis Article, §§36-202, 36-401, 36-404, and 36-505, Annotated Code of Maryland

.05 Issuance of a License or Rescission of a Conditional License.

A. *Terms Defined.* In this regulation, the following terms have the meanings indicated:

(1) *“Good faith effort” means:*

(a) *For an initial extension, demonstrating active interest in or legal control or possession of a premises;*

(b) *For a second extension, demonstrating legal control of or possession of a premises.*

(2) *“Premises” means a site that is suitable for cannabis license operations and complies with local planning and zoning requirements.*

[A.] B. *Conditional License Period.*

(1)—(2) (text unchanged)

(3) The Administration may:

(a) *Approve [approve a one-time extension of] up to two requests for extensions of the conditional license period, each not to exceed 6 months, if the Administration determines the conditional licensee has made consistent good faith efforts to establish a cannabis business; and*

(b) *Use its discretion to determine that a conditional licensee has demonstrated consistent good faith effort if the conditional licensee provides adequate documentation that a political subdivision has unduly burdened its efforts toward becoming operational, as defined in Alcoholic Beverages and Cannabis Article, §36-405, Annotated Code of Maryland.*

(4) [For purposes of determining consistent good faith effort in §A(3) of this regulation, the Administration:] *Conditional License Extension Requests.*

(a) [Will consider demonstrating control of a premises to indicate consistent good faith effort if the premises:

(i) Is suitable for the operations of the cannabis license; and

(ii) Complies with local planning and zoning requirements; and] *The conditional licensee shall submit, in a manner determined by the Administration, documentation of active interest in a premises which shall identify the proposed site by address, include explicit use for a cannabis business, and be signed by the conditional licensee and the premises owner:*

(i) *A letter of intent;*

(ii) *An option to lease or purchase the proposed premises; or*

(iii) *Documentation evidencing permission to use a premises for cannabis purposes.*

(b) [May use its discretion to determine that a conditional licensee has demonstrated consistent good faith effort if the conditional licensee provides adequate documentation that a political subdivision has unduly burdened its efforts toward becoming operational, as defined in Alcoholic Beverages and Cannabis Article, §36-405, Annotated Code of Maryland.] *The conditional licensee shall submit, in a manner determined by the Administration, documentation of control of or possession of a premises:*

(i) A clear legal title to the proposed premises; or

(ii) A fully executed and legally binding lease agreement.

(5)—(8) (text unchanged)

[B.] C.—[F.] G. (text unchanged)

14.17.10 Cannabis Grower Operations

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, 36-402, and 36-410, Annotated Code of Maryland

.03 Cannabis Grower Controls.

A.—E. (text unchanged)

F. *Corrective and Preventive Action*

(1) *If a grower’s test results indicate a failure rate as determined and published by the Administration, the grower shall:*

(a) *Conduct an investigation to determine the root cause of repeated tests outside action limits;*

(b) *Decontaminate all areas, including rooms, equipment and surfaces used for cultivation;*

(c) *Provide, in the manner designated by the Administration:*

(i) *A report of the investigation;*

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- (ii) *The licensee's plan to correct and prevent future contamination; and*
- (d) *If applicable, update and implement standard operating procedures needed to ensure passing samples in the future.*
- (2) *The Administration may require a grower to:*
 - (a) *Conduct further investigation; and*
 - (b) *Implement additional procedures to prevent future contamination.*

.09 Standard Operating Procedures.

- A. A grower shall establish written standard operating procedures in accordance with this subtitle to include all aspects of:
 - (1)—(16) (text unchanged)
 - (17) Decontamination, including but not limited to:
 - (a)—(b) (text unchanged)
 - (c) Remediation steps and resulting environmental analysis[.];
 - (18) If applicable, co-locating with another licensee, including:
 - (a) (text unchanged)
 - (b) Maintaining independent and unique security video surveillance control[.];
 - (19) *Maintaining a safe and healthful workplace in accordance with COMAR 14.17.10.10D;*
 - (20) *Prohibiting workplace discrimination, harassment, and retaliation against an individual based on the individual's race, color, religion, sex, sexual orientation, marital status, gender identity or expression, age, disability, ancestry, military status, national origin, or participation in a discrimination investigation; and*
 - (21) *Receiving, investigating, and resolving employee grievances in accordance with COMAR 14.17.10.10E.*
- B. *Workplace Discrimination and Harassment. The policies and procedures required under §A(20) of this regulation shall*
 - (1) *Include:*
 - (a) *The methods available to an individual to report an instance of workplace discrimination or harassment; and*
 - (b) *The procedures the grower shall follow to investigate a report of workplace discrimination or harassment.*
 - (2) *Apply to workplace discrimination or harassment, including sexual harassment, committed by:*
 - (a) *An individual within the licensed business, including an owner, manager, employee, or independent contractor; or*
 - (b) *An individual outside the licensed business, including a customer, client, vendor, contractor, consultant, or other person doing business with the licensee.*
- [B.] C. (text unchanged)

.10 Minimum Labor Standards

- A. A grower shall comply with all applicable federal, state, and local laws and regulations related to worker training, safety, health, and wages including, but not limited to:
 - (1) *The Maryland Occupational Safety and Health Act, Labor and Employment Article, Title 5, Annotated Code of Maryland;*
 - (2) *29 CFR Part 1928;*
 - (3) *40 CFR Part 170;*
 - (4) *COMAR 09.12.20;*
 - (5) *COMAR 09.12.32;*
 - (6) *COMAR 15.05.01.02;*
 - (7) *Labor and Employment Article, §§3-413, 3-415, and 3-420, Annotated Code of Maryland; and*
 - (8) *State Government Article, §§20-601–611 and 20-801, Annotated Code of Maryland.*
- B. *Hazard Assessment. A grower shall:*
 - (1) *At least annually and at any frequency required by applicable program standards in §A of this regulation, assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of hazard controls, including personal protective equipment; and*
 - (2) *Maintain a written record of the assessment and make the record available to the Administration upon request.*
- C. *A grower shall install any signage required by this regulation in English and the primary language of non-English speaking employees.*
- D. *A grower shall establish and implement procedures for maintaining a safe and healthful workplace that include, at a minimum:*
 - (1) *Annual safety training for each registered cannabis agent at the time of initial assignment and at least annually thereafter, covering:*
 - (a) *Hazard communication pursuant to 29 CFR §1910.1200, including the specific health hazards of ground cannabis dust;*
 - (b) *Pesticide safety consistent with 40 CFR Part 170;*
 - (c) *Proper management, storage, and disposal of hazardous chemicals and fertilizers;*
 - (d) *Heat illness prevention pursuant to COMAR 09.12.32; and*
 - (e) *The proper use and maintenance of personal protective equipment identified in the hazard assessment required under §B of this regulation, including protection against:*
 - (i) *Carbon dioxide and atmospheric hazards;*
 - (ii) *Ultraviolet light;*
 - (iii) *Plant and mold allergens; and*
 - (iv) *Equipment-related physical hazards.*

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- (2) Procedures for recording, maintaining, and reporting work-related fatalities, injuries, and illnesses pursuant to 29 CFR Part 1904;
- (3) Procedures for the prevention and management of hazardous spills; and
- (4) A nonretaliatory process for employees to report health and safety concerns to management.

E. Grievance Procedure.

(1) In this section, “grievance” means a formal written complaint submitted by an employee which alleges a specific injury, including a disciplinary action, that the employee suffered directly due to the improper application or failure to apply a policy, regulation, procedure, or rule controlled by the licensee, including its management staff.

(2) A grower shall establish a grievance procedure that ensures fair and impartial investigation and resolution of grievances related to labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(3) The grievance procedure shall:

(a) Permit an employee to withdraw a grievance in writing at any time;

(b) Allow at least 30 calendar days from the date the dispute occurs for an employee to file a grievance;

(c) Be administered by a neutral party capable of fairly and impartially investigating the grievance who shall:

(i) To the extent practicable, maintain confidentiality of each grievance filing.

(ii) Within 30 calendar days of the grievance filing date, conduct a factual investigation of each allegation in the complaint; and

(iii) Within 60 calendar days of the grievance filing date, complete and provide to the grower and the employee a comprehensive written report detailing the investigation, including any evidence, interviews, findings, and conferences held between the parties, and recommendations for resolution;

(d) Within 90 calendar days of the grievance filing date, require the grower or the grower’s representative to respond to the written report in §E(3)(c)(iii) of this regulation, adopting the neutral party’s recommendation for resolution or outlining any alternative steps to resolve the grievance;

(f) Maintain records in accordance with COMAR 14.17.14 and this regulation.

(4) The neutral party shall redact witness names from the written report.

(5) In addition to the grievance procedure established in this section, a grower may offer employees the option to participate in private mediation conducted by a certified mediator as an alternate pathway for resolving a grievance.

(6) A grower shall post instructions for reporting grievances in accordance with this section in an area accessible to all employees.

F. A grower shall maintain records related to hazard assessments, annual safety trainings, and employee grievances and make them available for Administration review.

G. A labor organization may not picket, boycott, engage in a work stoppage, or otherwise interfere with the economic operation of a licensed grower.

14.17.12 Cannabis Dispensary Operations

Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, and 36-410, Annotated Code of Maryland

.03 Micro Dispensary.

A.—D. (text unchanged)

E. Delivery Operations.

(1)—(9) (text unchanged)

(10) The Administration may require a micro dispensary to provide or disseminate information related to health and safety, as provided by the Administration, in conjunction with each delivery order.

F.—K. (text unchanged)

.04 Dispensary Operations.

A. Dispensing Medical Cannabis.

(1) (text unchanged)

(2) Before any distribution of medical cannabis, a dispensary agent shall query the Administration data network using a unique log-in that identifies the registered dispensary agent and verify:

(a) (text unchanged)

(b) That a certifying provider issued a valid written certification to the qualifying patient; and

(c) That the amount of medical cannabis that has already been dispensed, combined with the amount being dispensed in the current transaction, [pursuant to] does not exceed the allotted amount in the written certification[]; and

(d) Whether a qualifying patient is actively enrolled in the Maryland Medical Assistance Program or in the Veterans Affairs Maryland Health Care System, and therefore, eligible for discounted medical cannabis pursuant to COMAR 14.17.04.06].

B. Dispensing Adult-Use Cannabis.

(1)—(6) (text unchanged)

(7) Sales Limits.

(a) (text unchanged)

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(b) For the purposes of calculating the personal use amount of cannabis that can be dispensed, an individual may not purchase [more than]:

(i) *More than* 1.5 ounces of usable cannabis products as defined in COMAR 14.17.01;

(ii) *More than* 12 grams of concentrated cannabis products; or

(iii) Edible cannabis products, capsules, and tinctures that [do not] exceed 750 milligrams of tetrahydrocannabinol.

(c) (text unchanged)

(8)—(10) (text unchanged)

C.—E. (text unchanged)

14.17.13 Cannabis Products.

Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-203.1, Annotated Code of Maryland

.13 Sublingual Pouches.

A. A sublingual pouch may be sold to:

(1) *Individuals 21 years old or older; or*

(2) *Qualifying patients and registered caregivers.*

B. A sublingual pouch may only include:

(1) *A cannabis concentrate; and*

(2) *Fillers, sweeteners, and other flavors or preservatives approved by the Administration.*

C. *A sublingual pouch in any flavor may contain up to 2.5 milligrams of tetrahydrocannabinol per serving and 25 milligrams tetrahydrocannabinol per package.*

D. *Notwithstanding §C of this regulation, a sublingual pouch may contain up to 10 milligrams of tetrahydrocannabinol per serving and 100 milligrams tetrahydrocannabinol per package, provided that the product is unflavored or a flavor specifically approved by the Administration.*

14.17.18 Finished Product Packaging.

Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-203.1, Annotated Code of Maryland

.02 General Packaging Requirements.

A. (text unchanged)

B. Packaging Requirements.

(1) All packaging of any cannabis product for retail sale shall be:

(a) *Tamper evident;*

(b) *Child resistant; and*

(c) *[Plain and opaque] Opaque.*

(2)—(4) (text unchanged)

(5) *The marketing layer shall be restricted to basic geometric shapes.*

.07 Prohibited Packaging and Labeling.

A. Cannabis products packaging and labeling may not bear any:

(1) *[Image] Aspects that may appeal to minors, including but not limited to:*

(a)—(b) (text unchanged)

(c) *Images, graphics, font styles, features, or likeness to images, graphics, font styles, or features that are popularly used to advertise to children, such as cartoons, animals, neon colors, celebrities, mascots, or phrases;*

(d) *Graphics that include the attribution of:*

(i) *Human characteristics to animals, plants, or other objects, or the similar use of anthropomorphic technique;*

(ii) *Animal, plant, or other object characteristics to humans; or*

(iii) *Unnatural or extra-human abilities or characteristics to humans, plants, animals, or other objects; or*

(e) *Sensory effects, including but not limited to texture, scent, or sound.*

(2)—(5) (text unchanged)

(6) *[Claims regarding health or physical benefits to the consumer] Medical or therapeutic claims; or*

(7) (text unchanged)

B. Labels, marketing layers, *images, graphics*, or any other aspect of the product package are prohibited from obscuring any warnings, statements, or information required under this chapter.

C. (text unchanged)

.08 Sublingual Pouch Packaging and Labeling.

A. *Unless otherwise stated, packaging and labeling regulations under Regulations .02—.04 of this chapter apply to sublingual pouches.*

B. *A sublingual pouch package shall include the warning statement in §C in a manner that complies with COMAR 14.17.18.03B.*

C. *The warning statement shall read, "Pouches are not intended to be heated, burned, or swallowed."*

D. *Each sublingual pouch shall be marked with the universal symbol in COMAR 14.17.18.03F(2).*

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F. If marking each pouch as described in §D of this regulation is impractical, each individual pouch shall be individually wrapped with the universal symbol on the wrapper.

14.17.22 Hearing Procedures

Alcoholic Beverages and Cannabis Article, §36-202, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) “Party” means a licensee, registrant, selected applicant, or the [Administrative Prosecutor] *Administration*.

.09 Hearings.

A. (text unchanged)

B. *Discovery.*

(1) *Discovery on Request.* By written request filed with the hearing officer and served on other parties at least 20 days before the scheduled hearing, a party may require another party to produce, within 15 calendar days:

(a) *A list of witnesses to be called;*

(b) *Copies of documents intended to be produced at the hearings; and*

(c) *The name and curriculum vitae of any expert who will testify at the hearing.*

(2) *Stipulation of Discovery.*

(a) *By stipulation of the parties, filed not later than 30 days before the scheduled hearing, a party may request documents, objects, or tangible items, including electronically stored information, for inspection and copying to be produced within 15 days of the stipulation that is:*

(i) *Relevant to the subject matter of the case; and*

(ii) *Not privileged.*

(b) *If such a stipulation is entered, the hearing officer may issue such orders as are necessary to implement discovery.*

(3) *Parties are not entitled to discovery of items other than as listed in §B(1) of this regulation or by stipulation as described in §B(2) of this regulation.*

(4) *Parties may request governmental documents under the Maryland Public Information Act, State Government Article Title 43, Annotated Code of Maryland.*

(5) *Unless provided by law or by agreement of the parties, no other discovery procedure may be required.*

[B.] C.—[E.] F. (text unchanged)

[F.] G. *Hearings Conducted by Electronic Means.*

(1)—(3) (text unchanged)

(4) *For a telephone, video, or other electronic hearing, the following may be considered a failure to appear and shall result in [the assessment or denial of the application for refund becoming final and not subject to appeal] a final order being issued by the Administration:*

(a)—(c) (text unchanged)