

14.17.01 Definitions

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

.01 Definitions.

A. (text unchanged)

B. Terms Defined

(1)—(8) (text unchanged)

(9) Caregiver.

(a) “Caregiver” means an individual who has agreed to assist with a qualifying patient’s medical use of cannabis.

[(b) “Caregiver” means, for a qualifying patient younger than 18 years old:

(i) A parent or legal guardian; and

(ii) Not more than two additional adults designated by the parent or legal guardian.]

[(c)] (b) “Caregiver” does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under Education Article, §7-446, Annotated Code of Maryland.

(10)—(22) (text unchanged)

(23) “Green waste” means unauthorized, misbranded, contaminated, unused, surplus, returned, [or] out-of-date, *or display* cannabis or product containing cannabis.

(24)—(47) (text unchanged)

(48) “Social equity applicant” means an applicant for a cannabis license or cannabis registration that:

(a) Has at least [65] 55 percent ownership and control held by one or more individuals who:

(i)—(iii) (text unchanged)

(b) (text unchanged)

(49)—(52) (text unchanged)

(52)—1) *Taxes in arrears.*

(a) “*Taxes in arrears*” means any unpaid taxes in any jurisdiction.

(b) “*Taxes in arrears*” does not include taxes timely paid in installments pursuant to an agreement with the taxing authority or an offer in compromise.

(53)—(58) (text unchanged)

14.17.02 General Regulations

Authority: Alcoholic Beverages and Cannabis Article, §§36-201, 36-401, and 36-403, General Provisions Article § 4-320.1, and State Government Article §§ 10-301—10-305, Annotated Code of Maryland

.05 Sociological Information.

A.—B. (text unchanged)

C. *The Administration may not disclose sociological information for the purposes of immigration enforcement unless provided with a valid warrant issued by a federal court or a court of this State.*

[C.] D. (text unchanged)

.06 Petition for Declaratory Ruling

A. *Any interested person, including but not limited to applicants, licensees, registrants, agents, and owners, may petition the Administration for a declaratory ruling with respect to the applicability of any regulation, order, or statute enforceable by the Administration to any licensee, person, property, or state of facts.*

B. *The Administration shall assess a fee for the submission of a petition for declaratory ruling under this regulation as specified in COMAR 14.17.21.*

C. *The petition shall:*

(1) *Be submitted to the Administration’s Office of Policy and Government Affairs in writing and clearly marked as a “Petition for Declaratory Ruling”;*

(2) *Identify the petitioner’s association with the Administration and include the petitioner’s contact information, including at minimum:*

(a) *Name;*

(b) *Address;*

(c) *Telephone number; and*

(d) *E-mail address;*

(3) If the petitioner is represented by an attorney or designated representative, include a written statement signed by the petitioner authorizing the representative to act on the petitioner's behalf;

(4) Include a receipt for the declaratory ruling fee as required under §B of this regulation;

(5) Contain a statement clearly defining the petitioner's purpose and intent for the request, including at minimum:

(a) A description of the petitioner's involvement in, and interest regarding, the relevant state of facts, including specific statutes, regulations, or Administration decisions relevant to the issue;

(b) The practical, operational, or legal effect the petitioner intends or expects the ruling to have on their activities, business operations, or transactions;

(c) Whether the petitioner is currently the subject of any active investigation, inspection, audit, enforcement action, or litigation by or before the Administration or a court of law concerning the same or similar subject matter as the petition;

(d) All relevant documents, records, or affidavits necessary to support and verify the state of facts outlined in the petition; and

(e) An attestation from the petitioner that the facts in the petition are true to the best of the petitioner's knowledge, information, and belief.

D. Consideration and Disposition. The Administration may:

(1) Consider the petition and, if applicable, respond to the requested declaratory ruling;

(2) In its sole discretion, decline to issue a declaratory ruling; and

(3) Publish declaratory rulings of general interest, subject to protection of the identity of the petitioner and any confidential information contained in the petition for declaratory ruling.

E. A declaratory ruling is subject to judicial review as provided in State Government Article, §10-305, Annotated Code of Maryland.

14.17.05 Application Process and Issuance of Licenses

Authority: 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. (text unchanged)

B. Rescission of a Conditional License. The Administration may rescind a conditional license if a conditional licensee, or any individual or entity included in the supplemental license application:

(1)—(7) (text unchanged)

(8) Is not registered or in good standing with the State Department of Assessment and Taxation; [or]

(9) Has taxes in arrears in any jurisdiction[.]; or

(10) Fails to respond to official communication from the Administration regarding an applicant's conditional license within 30 days of issuance of the communication.

C.—F. (text unchanged)

14.17.06 Standard Cannabis Licenses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202—203, 36-401, 36-405—36-407, 36-411, 36-503, and 36-802, Annotated Code of Maryland

.02 Term of License and License Renewal.

A.—G. (text unchanged)

H. The Administration may deny a license renewal if:

(1)—(2) (text unchanged)

(3) The licensee is repeatedly found in violation of health and safety regulations during the license period; [or]

(4) The licensee is repeatedly found in violation of this subtitle or Title 36, Alcoholic Beverages and Cannabis Article, Annotated Code of Maryland[.]; or

(5) The licensee has taxes in arrears in any jurisdiction.

I.—L. (text unchanged)

.04 Transfer of Ownership Interest in a License.

A.—B. (text unchanged)

C. The Administration may approve a transfer or assignment of ownership if:

(1)—(3) (text unchanged)

(4) The transferee has provided [criminal] to the Administration:

- (a) *Criminal* history record [and financial];
 - (b) *Financial* information [to the Administration]; and
 - (c) *Any other information requested by the Administration.*
- D.—J. (text unchanged)

14.17.07 Micro Licenses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202—203, 36-401, and 36-503, Annotated Code of Maryland

.07 Micro Dispensary License.

- A. (text unchanged)
- B. A micro dispensary may not:
 - (1) (text unchanged)
 - (2) Employ more than [10] 20 individuals.
- C.—G. (text unchanged)

14.17.09 Other Cannabis Businesses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, and 36-409, Annotated Code of Maryland

.01 Scope.

This chapter applies to any *licensee or* registrant who conducts transportation, disposal, or security services for any cannabis licensee in Maryland.

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

.02 Cannabis Grower Premises.

- A.—B. (text unchanged)
- C. Outdoor cultivation premises are subject to the following, additional provisions:
 - (1)—(6) (text unchanged)
 - (6) An outdoor cultivation area may not[:
 - (a) Be] *be* enclosed by a permanent structure]; or
 - (b) Employ] *that employs* any artificial heating, air conditioning, or other climate control.
 - (7) (text unchanged)
- D.—J. (text unchanged)

14.17.14 Complaints, Enforcement, Record Keeping, and Inspections of Cannabis Businesses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-901, Annotated Code of Maryland

.06 Advertising.

- A.—D. (text unchanged)
- E. *Licensees may submit, in a manner determined by the Administration, documentation supporting audience composition claims as determined in accordance with Alcoholic Beverages and Cannabis Article, §36-902(a)(3), Annotated Code of Maryland.*

14.17.15 Cannabis Business Agents

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-501, and 36-1001—36-1003, Annotated Code of Maryland

.02 Registration.

- A—F. (text unchanged)
- G. *Agents shall report a change of home address to the Administration within 14 days.*

.05 Training.

- A. The licensee shall train all registered agents on:
 - (1) Federal and State cannabis laws and regulation and other laws and regulations pertinent to the agent's responsibilities;
 - (2) Standard operating procedures[;]:
 - (a) *Within 30 days of a new employee's start date; and*

(b) Within 30 days of any changes to the licensee's standard operating procedures that impact the employee's duties or working conditions;

[(3) The State alcohol and drug free workplace policy, as identified in COMAR 21.11.08.03;]

[(4)] (3)—[(6)] (5) (text unchanged)

B. (text unchanged)

[C. Within 90 days of employment start date and thereafter, a registered agent employed by a cannabis licensee shall complete a responsible vendor training program that:

(1) Meets the minimum requirements under Alcoholic Beverages and Cannabis Article, §§36-1001—36-1003, Annotated Code of Maryland; and

(2) Is registered with the Administration in accordance with §E(3) of this regulation.]

C. In addition to the training requirements under §A of this regulation, a cannabis licensee shall require each registered cannabis agent to complete a cannabis agent training program approved by the Administration in accordance with §D of this regulation:

(1) Within 90 days of the cannabis agent's start date as an employee of or volunteer for the cannabis licensee; and

(2) At least once every 2 years.

[D. A responsible vendor cannabis agent training program required under §E of this regulation shall be in addition to the training requirements under §A of this regulation.

E. Responsible Vendor Training Program.

(1) To offer a responsible medical or adult-use cannabis vendor, server, and seller training program, a person shall submit an application to the Administration.

(2) To be considered for approval, the proposed training program application shall meet the minimum educational standards established in Alcoholic Beverages and Cannabis Article, §36-1001(c), Annotated Code of Maryland.

(3) Applications approved by the Administration shall be registered with the Administration for a period of 3 years from the date of approval.

(4) The Administration shall assess a fee for the application, registration, and renewal of a responsible vendor training program under this regulation as specified in COMAR 14.17.21.

(5) A person offering a responsible vendor training program under this paragraph may not have ownership or control of any cannabis license.

(6) A person offering a responsible vendor training program shall:

(a) Maintain records for at least 4 years; and A

(b) Make these records available to the Administration upon request.]

D. Cannabis Agent Training Program.

(1) To offer a cannabis agent training program, a person shall submit an application to the Administration.

(2) To be considered for approval, the proposed training program application shall meet the educational standards established in Alcoholic Beverages and Cannabis Article, §36-1001(c), Annotated Code of Maryland.

(3) An approved training program shall provide a core curriculum of relevant statutory and regulatory provisions, including:

(a) Administrative and criminal liability and license and court sanctions;

(b) Statutory and regulatory requirements for employees and owners;

(c) State and local licensing and enforcement;

(d) Public health and safety standards relevant to each license type;

(e) Grower, processor, or dispensary operations as established in this subtitle and Administration guidance;

(f) Cannabis product requirements;

(g) For dispensaries, the medical cannabis program.

(3) Applications approved by the Administration shall be registered with the Administration for a period of 3 years from the date of approval.

(4) A provider of an approved training program shall implement any MCA-requested statutory or regulatory updates to all relevant training modules within 10 days of written notification.

(5) The Administration shall assess a fee for the application and renewal of a cannabis agent training program under this regulation as specified in COMAR 14.17.21.

(6) An owner or employee of an entity providing a cannabis agent training program may not have employment by or interest in a Maryland cannabis licensee or registrant.

(7) A person offering a cannabis agent training program shall:

- (a) *Maintain records for at least 4 years; and*
- (b) *Make these records available to the Administration upon request.*

14.17.16 Cannabis Business Owners

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-501, 36-502, 36-503, 36-504, and 36-801, Annotated Code of Maryland

.04 Mandatory Reporting of Legal Actions.

- A. (text unchanged)
- B. Notification.
 - (1) A licensee or its parent, affiliate, or any subsidiary shall notify and provide a description to the Administration [within 30 days] of any of the following events:
 - (a)—(c) (text unchanged)
 - (2) An individual with ownership interest or control greater than 5 percent shall notify and provide a description to the Administration [within 30 days] of any of the following events:
 - (a)—(c) (text unchanged)
 - (3) (text unchanged)
- C. (text unchanged)

14.17.18 Finished Product Packaging

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

.03 General Labeling Requirements.

- A.—B. (text unchanged)
- C. Warning Statements.
 - (1) (text unchanged)
 - (2) Any *infused non-edible* product [intended for topical application] shall include a statement identifying that the product is not intended for human consumption, ingestion, or inhalation.
 - (3) (text unchanged)
- D. Product Information.
 - (1) (text unchanged)
 - (2) The information required under [§D(1)(e)—(g)] *§D(1)(e) and §D(1)(g)* of this regulation may be printed on an inner layer of a label or made available through a link or QR code.
- E.—F. (text unchanged)

14.17.20 Prohibited Acts

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-1101, and 36-1104 Annotated Code of Maryland

.02 Prohibitions.

- A. A licensee may not:
 - (1) Sell, transfer, or deliver cannabis [to]:
 - (a) *To an individual who is visibly intoxicated; or*
 - (b) *Except in accordance with an approved green waste plan, that is adulterated, expired, or whose composition, production, or labeling fails to meet the requirements of the Alcoholic Beverages and Cannabis Article and the Technical Authority.*
 - (2)—(3) (text unchanged)
 - (4) Violate any part of:
 - (a)—(b) (text unchanged)
 - (c) [Any other violation of] State, federal, or local:
 - (i)—(iii) (text unchanged)
- B.—E. (text unchanged)

14.17.21 Fees

.02 Fees.

A.—F. (text unchanged)

G. Miscellaneous fees:

(1)—(4) (text unchanged)

(5) Receivership application fee — \$1,000; [and]

(6) Management agreement fee — \$1,000[.]; *and*

(7) *Declaratory ruling fee — \$1,000.*

H. (text unchanged)