



MARYLAND MARIJUANA POSSESSION AND USE PENALTIES Fact Sheet

Civil & Criminal Penalties

Possession of Less than 10 Grams of Marijuana

Fine Schedule:

- 1st violation – Civil offense; fine not exceeding \$100. [MD Crim. Law – Article §5-601\(c\)\(2\)\(ii\)](#)
- 2nd violation – Civil offense; fine not exceeding \$250. [MD Crim. Law – Article §5-601\(c\)\(2\)\(ii\)](#)
- 3rd or subsequent violation – Civil offense; fine not exceeding \$500. [MD Crim. Law – Article §5-601\(c\)\(2\)\(ii\)](#)
- Use or possession of less than 10 grams of marijuana is not subject to a criminal conviction under any circumstances. [MD Crim. Law – Article §5-601.1\(b\)\(2\)\(i\)\(ii\)](#)

Trial Procedure:

- Any violator under the age of 21 shall be summoned for trial. [MD Crim. Law – Article §5-601.1\(c\)\(i\)](#)
- Upon the third or subsequent offense, any violator of at least 21 years of age shall be summoned for trial. [MD Crim. Law – Article §5-601.1\(c\)\(ii\)](#)
- The citation or official court record for the use or possession of less than 10 grams of marijuana are not subject to public inspection. [MD Crim. Law – Article §5-601.1\(g\)](#)
- If the court finds that the person used or possessed marijuana because of *medical necessity*, the court shall dismiss the charge. [MD Crim. Law Article §5-601\(c\)\(3\)\(ii\)\(2\)](#)

More than 10 Grams of Marijuana

- Between 10 and 50 pounds: Imprisonment up to 1 year, or a fine not exceeding \$1,000, or both. [MD Crim. Law – Article §5-601\(c\)\(2\)\(i\)](#)
- Over 50 pounds: Imprisonment for at least 5 years and a fine up to \$100,000. [MD Crim. Law – Article §5-612\(c\)\(1\)](#)
- Transport of 45 kilograms or more: Imprisonment up to 25 years or a fine up to \$50,000, or both. [MD Crim. Law – Article §5-614\(a\)\(2\)](#)
- Transport of more than 5 kilograms but less than 45 kilograms: Imprisonment up to 10 years, or a fine up to \$10,000, or both. [MD Crim. Law – Article §5-614\(b\)\(2\)](#)

Cannabis that is Diverted from its Medical Purpose

- Distribution, manufacture, possession: Imprisonment of up to 5 years, or a fine of up to \$10,000, or both. [MD Health-Gen. Article §13-3313\(b\)](#)
- This penalty is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article. [MD Health-Gen. Article §13-3313\(b\)](#)

Possession of Marijuana Paraphernalia for Medical Use

- Affirmative defense to use or possess marijuana because: (1) of a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship OR is severe and resistant to conventional medicine; AND (2) marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition. [MD Crim. Law – Article §5-619\(c\)\(4\)](#)
- An affirmative defense may not be used if: (1) the defendant used marijuana in a public place or assisted an individual for whom the defendant is a caregiver in using the marijuana in a public place; or (2) possessed more than one ounce of marijuana. [MD Crim. Law – Article §5-619\(c\)\(4\)](#)
- If the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, the court shall dismiss the charge. [MD Criminal Law – Article §5-619\(c\)\(4\)\(ii\)\(2\)](#)

Possession or Distribution of Marijuana Paraphernalia

Possession:

- 1st violation – Civil fine not exceeding \$500.
- 2nd or subsequent violation – Imprisonment up to 2 years, or a fine not exceeding \$2,000, or both. [MD Crim. Law – Article §5-619\(c\)](#)

Distribution:

- 1st violation – Civil fine not exceeding \$500; and
- 2nd or subsequent violation – Imprisonment up to 2 years, or a fine up to \$2,000, or both. [MD Crim. Law – Article §5-619\(d\)](#)

Drug Education Programs

Person Under the Age of 21 Years

- In addition to a fine, the court shall order the person to attend a drug treatment program, and refer the person to an assessment for substance abuse disorder and to substance abuse treatment, if necessary. [MD Crim. Law – Article §5-601\(c\)\(2\)\(ii\)\(4\)\(A\)](#)

Person Over the Age of 21 Years

- In addition to a fine, the court shall order the person to attend a drug treatment program, and refer the person to an assessment for substance abuse disorder and to substance abuse treatment, if necessary. [MD Crim. Law – Article §5-601\(c\)\(2\)\(ii\)\(4\)\(B\)](#)

This document was developed by the Legal Resource Center for Public Health Policy at the University of Maryland Francis King Carey School of Law, with funding and support provided in part by the Centers for Disease Control and Prevention. The Legal Resource Center for Public Health Policy provides information and technical assistance on issues related to public health in Maryland. The legal information and assistance does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.