



# MARYLAND CANNABIS 101



## LEGAL CANNABIS USE

**Adult use (recreational) cannabis** was legalized in Maryland in 2023 after a ballot initiative to amend the Maryland Constitution was approved by voters.<sup>1</sup> Adults 21 years and older can legally possess the “**personal use amount**” of cannabis.<sup>2</sup> This can include:

- Up to 1.5 ounces of cannabis flower;
- Up to 12 grams of cannabis vape products and concentrates;
- Edible cannabis products and other forms of cannabis products with a total THC content of 750 milligram or less.

By comparison, the “**civil use amount**” is:

- Usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces, cannabis vape products that exceed 12 grams but do not exceed 20 grams; or
- Or cannabis products containing THC that exceed 750 milligrams but do not exceed 1,250 milligrams.<sup>3</sup>

Possession of the civil use amount is a civil offense punishable by a fine not exceeding \$250. Possession of more than the civil use amount of cannabis can lead to criminal penalties.



## MEDICAL CANNABIS

**Medical cannabis** has been legal in Maryland since 2014.<sup>4</sup> Adult use legalization does not affect access to medical cannabis. Patients may continue to obtain medical cannabis from licensed dispensaries.

The State has taken action to preserve access to medical cannabis by requiring dispensaries to make accommodations for medical cannabis patients. These accommodations can include:

- Patient-only operating hours or dedicated service lines for patients;
- Rules regarding product availability; and
- Other accommodations to ensure that registered patients can still access their medication.<sup>5</sup>

Additionally, some cannabis products are only available for medical cannabis patients, such as **high potency edible products**. High potency edibles are edibles that exceed the maximum potency for recreational consumers. For instance, edibles for recreational cannabis users can contain equal to or less than 10 milligrams of THC per serving or 100 milligrams of THC per package, whereas edibles for medical cannabis users can be equal to or less than 40 milligrams of THC per serving or 400 milligrams of THC per package.<sup>6</sup>



## PURCHASING LEGAL CANNABIS PRODUCTS

Recreational and medical cannabis products may only be purchased and sold at **licensed dispensaries**.<sup>7</sup>

Dispensaries may have cannabis flower (including pre-rolled joints), concentrated cannabis products (kief, hashish, shatter, etc.), cannabis vapes, edibles, and other types of cannabis products. These products are subject to strict safety, packaging, testing, and labeling regulations. A map of dispensaries approved by the Maryland Cannabis Administration (MCA) can be found on the MCA website.<sup>8</sup> MCA ensures compliance with all laws within licensed dispensaries.



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## SMOKING REGULATIONS

Generally, it is legal to **smoke cannabis** in private homes and on private property.<sup>9</sup> There are a few exceptions:

- If you rent or live in an HOA property, additional restrictions may apply per your lease or HOA agreement.
- People may not smoke cannabis in indoor and outdoor public spaces, including common areas of apartments, parks, playgrounds, streets, sidewalks, bars, restaurants, moving cars, and public transportation.
- Individuals may not smoke or use cannabis while driving or operating a motor vehicle. A driver or passenger also may not smoke in the passenger area of a vehicle. Smoking cannabis as a passenger is subject to a civil citation.<sup>10</sup> Meanwhile, driving while impaired by any substance remains a criminal offense in Maryland.<sup>11</sup>

Furthermore, **smoking cannabis** in a public place is a **civil offense** and may be penalized by up to a \$50 fine for a first offense with subsequent offenses incurring fines up to \$150.<sup>12</sup> Smoking and vaping of cannabis and hemp products in indoor public places is also prohibited under the Maryland Clean Indoor Air Act.<sup>13</sup>



## HOME CULTIVATION

Adults aged 21 years or older may **cultivate** no more than two mature cannabis plants at home for personal use.<sup>14</sup> An individual who cultivates cannabis must take reasonable precautions to ensure that plants are secure from access by a person under 21. This can include keeping cannabis in an enclosed, locked space to which a person under 21 years does not possess the key. Medical cannabis patients can cultivate up to four cannabis plants. Individuals may also manufacture up to the personal use amount of cannabis or concentrated cannabis at home as long as the manufacturing process does not include a volatile solvent.<sup>15</sup>



## REGULATORY AUTHORITY

The MCA regulates cannabis businesses in the State.<sup>16</sup> The **Alcohol, Tobacco, and Cannabis Commission (ATCC)** is responsible for enforcing state laws regarding the sale of cannabis at businesses not licensed as dispensaries.<sup>17</sup> The ATCC also has authority over intoxicating hemp-derived products (delta-8 THC, delta-10 THC, THCA, etc.)

The MCA issues licenses for businesses like **cannabis growers, processors, and dispensaries**.

- A **grower** cultivates cannabis and is authorized to provide cannabis to other cannabis licensees.
- A **processor** transforms cannabis into another product or an extract and packages and labels the cannabis product.
- A **dispensary** sells licensed cannabis products to medical and adult-use cannabis customers.<sup>18</sup>



## YOUTH AND CANNABIS

It is illegal for people under 21 to use and possess cannabis.<sup>19</sup> Youth who use cannabis can face increased risk of mental health issues, issues with memory and attention, and poor academic performance at school.<sup>20</sup> Possession of 2.5 ounces or less may result in a fine, a court order to attend drug education programming, and a referral for assessment and/or treatment of substance use disorder. Possession of more than 2.5 ounces may result in **criminal penalties**.<sup>21</sup> Additionally, cannabis use and possession is also prohibited on school campuses under drug-free school policies.<sup>22</sup>



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## CANNABIS USE ON COLLEGE CAMPUSES

While cannabis has been legalized in Maryland, it remains illegal under federal law. Accordingly, institutions of higher education that receive federal funding must still prohibit the use, possession, and distribution of cannabis on campus (including on-campus and university housing), at campus events, and activities off campus.<sup>23</sup> This creates a conflict for colleges who must enforce a no drug policy while some of their students may legally possess and use cannabis under state law.

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*For legal advice, please consult specific legal counsel.*

<sup>1</sup> *Adult-Use Cannabis Implementation Timeline*, Md. Cannabis Admin., <https://cannabis.maryland.gov/Pages/Adult-Use-Cannabis-Implementation.aspx#:~:text=November%208%2C%202022%2C%20Maryland%20voters%20passed%20%E2%80%9CQuestion%20%E2%80%9D,or%20after%20July%201%2C%202023.>

<sup>2</sup> Md. Crim. Code § 5-601 (available at <https://law.justia.com/codes/maryland/criminal-law/title-5/subtitle-6/part-i/section-5-601/>).

<sup>3</sup> *Id.*

<sup>4</sup> H.B. 881, 2014 Leg., 434 Sess. (Md. 2014) (available at [https://mgaleg.maryland.gov/2014RS/Chapters\\_noln/CH\\_240\\_hb0881e.pdf](https://mgaleg.maryland.gov/2014RS/Chapters_noln/CH_240_hb0881e.pdf))

<sup>5</sup> Md. Code Regs. § 14.17.04.05 (available at <https://casetext.com/regulation/maryland-administrative-code/title-14-independent-agencies/subtitle-17-maryland-cannabis-administration/chapter-141704-effective-8312024-medical-cannabis-program/section-14170405-effective-8312024-accommodations-for-qualifying-patients>).

<sup>6</sup> Md. Code Regs. § 14.17.13.05 (available at <https://casetext.com/regulation/maryland-administrative-code/title-14-independent-agencies/subtitle-17-maryland-cannabis-administration/chapter-141713-effective-8312024-cannabis-products/section-14171305-effective-8312024-edible-cannabis-products>).

<sup>7</sup> *Adult-Use Cannabis FAQs*, Md. Cannabis Admin., <https://cannabis.maryland.gov/Pages/cannabisfaq.aspx#:~:text=Individuals%20will%20only%20be%20able,not%20exceed%20750%20mg%20THC.>

<sup>8</sup> *MCA Approved Dispensary Locations*, Md. Cannabis Admin., [https://cannabis.maryland.gov/Pages/dispensary\\_map.aspx](https://cannabis.maryland.gov/Pages/dispensary_map.aspx).

<sup>9</sup> *Be Cannabis Smart*, Md. Cannabis Admin., <https://cannabis.maryland.gov/Pages/BeCannabisSmart.aspx#spaces>.



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<sup>10</sup> Md. Crim. Code §10-126 (available at <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=10-126&enactments=true>).

<sup>11</sup> *Adult-Use Cannabis FAQs*, Md. Cannabis Admin., <https://cannabis.maryland.gov/Pages/cannabisfaq.aspx#:~:text=Individuals%20will%20only%20be%20able,not%20exceed%20750%20mg%20THC>.

<sup>12</sup> Md. Crim. Code § 5-601 (available at <https://law.justia.com/codes/maryland/criminal-law/title-5/subtitle-6/part-i/section-5-601/>).

<sup>13</sup> See Md. Code Ann. Health § 24-501 (available at <https://law.justia.com/codes/maryland/health-general/title-24/subtitle-5/section-24-501/>); Md. Code Ann. Health § 24-504 (available at <https://law.justia.com/codes/maryland/health-general/title-24/subtitle-5/section-24-504/>).

<sup>14</sup> Md. Crim. Code § 5-602, (available at <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=5-602&enactments=True&archived=False>)

<sup>15</sup> Md. Crim. Code 5-603 (available at <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=5-603&enactments=True&archived=False>).

<sup>16</sup> About Us, Md. Cannabis Admin., <https://cannabis.maryland.gov/Pages/aboutus.aspx>.

<sup>17</sup> *Cannabis Information*, Alcohol, Tobacco, and Cannabis Commission, <https://atcc.maryland.gov/Pages/Cannabis.aspx>

<sup>18</sup> Md. Code Regs. § 14.17.01.01 (available at <https://dsd.maryland.gov/regulations/Pages/14.17.01.01.aspx>).

<sup>19</sup> Md. Crim. Code § 5-601 (available at <https://law.justia.com/codes/maryland/criminal-law/title-5/subtitle-6/part-i/section-5-601/>).

<sup>20</sup> *Cannabis and Teens*, U.S. Centers for Disease Control and Prevention, [https://www.cdc.gov/cannabis/health-effects/cannabis-and-teens.html?CDC\\_AAref\\_Val=https://www.cdc.gov/marijuana/health-effects/teens.html](https://www.cdc.gov/cannabis/health-effects/cannabis-and-teens.html?CDC_AAref_Val=https://www.cdc.gov/marijuana/health-effects/teens.html).

<sup>21</sup> Md. Crim. Code §5-601.1 (available at <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=5-601.1&enactments=True&archived=False>).

<sup>22</sup> Md. Crim. Code § 5-627 (available at <https://casetext.com/statute/code-of-maryland/article-criminal-law/title-5-controlled-dangerous-substances-prescriptions-and-other-substances/subtitle-6-crimes-involving-controlled-dangerous-substances-and-paraphernalia/part-iv-miscellaneous-crimes>).

<sup>23</sup> *Cannabis Resources and Policies*, The Maryland Collaborative to Reduce College Drinking and Related Problems, <https://marylandcollaborative.org/cannabis/>.