



The following guidance is provided by the Maryland Cannabis Administration (MCA) to assist existing medical cannabis licensees that convert to medical and adult use licensees comply with new State laws and regulations governing cannabis licensees that take effect July 1, 2023. This document is not legal advice. It is meant to highlight operational changes for **licensed dispensaries**. Please consult an attorney if you have any questions regarding the legal requirements that apply.

Licensing & Registration Fees, and Issuance of a New License Number

License fees are reduced and payable every 5 years, as opposed to annually. The renewal fees may be paid in annual installments.

- Previous Annual Fee of \$40,000 → Reduced to \$25,000 over 5 years
 - \$35,000 annual reduction in licensing fees.

Converted licensed dispensaries will receive a new MCA-issued license number, valid for 5 years upon conversion.

Identification

Adult Consumer: Before dispensing cannabis to adult consumers, a dispensary must confirm that the consumer is at least 21 years old according to a valid government issued photo identification card.

Patient or Caregiver: Before dispensing cannabis to qualifying patients or caregivers, a dispensary must confirm the individuals' status and identity by asking them to present their Administration-issued patient or caregiver identification number and a valid government-issued photo identification.

Only the following forms of government-issued photo identification are acceptable:

- Driver's license or identification card issued by a U.S. state, territory, or the District of Columbia,
- U.S. passport or passport card,
- Foreign passport,
- U.S. military identification card, or
- Tribal card.

Note: University- or college-issued identification cards are not considered sufficient forms of identification.

Medical Patients and Program

Accommodations for Medical Patients

A dispensary shall either provide (1) exclusive access to the licensed premises to qualified patients and registered caregivers for at least one hour per day **or** (2) a dedicated service line to serve only qualifying patients and registered caregivers for the duration of the licensed premises' operating hours.

MCA encourages dispensaries to offer additional accommodations for patients and caregivers, including providing priority access to the service area, designated parking spaces, additional hours, or additional service lines.

Qualifying Patient or Registered Caregiver Attestation

Dispensaries are no longer required to obtain attestations from the qualifying patient or caregiver, as described in [COMAR 10.62.30.05](#). Previously, these attestations required the patient or caregiver to attest that they understand they are not immune from civil, criminal, or other penalties for illicit activities such as smoking cannabis in any public place or in a motor vehicle. Additionally, the patient or caregiver would need to attest to their understanding of certain information and responsibilities regarding cannabis use and possession. Attestations will also not be required for anyone purchasing adult-use cannabis or cannabis products.

Products

Product Reservations

Generally dispensaries must ensure adequate supply of medical cannabis products and reserve high potency products for medical patients. Specifically, dispensaries may only sell the following products to qualifying patients and registered caregivers:

- Concentrated cannabis products
- Edible cannabis products, infused non-edible cannabis products, capsules, and tinctures containing more than 10 milligrams (mg) tetrahydrocannabinol (THC) per serving or 100 mg THC per package

Adult consumers may purchase:

- Cannabis vaporizing devices (e.g., vapes)
- Home cultivation products
- Usable cannabis products (e.g., flower)
- Edible cannabis products, infused non-edible cannabis products, capsules, and tinctures containing up to 10 mg THC per serving or 100 mg of THC per package

Hemp

Hemp-derived products containing more than 0.5 mg THC per serving or 2.5 mg THC per package may only be sold by licensed dispensaries if they have been manufactured, processed, and tested in accordance with MCA regulations. (Note: THC includes any THC isomers or derivatives, including delta-8 and delta-10). These products may only be displayed or offered for sale in the restricted area of a dispensary.

Hemp-derived products with less than 0.5 mg THC per serving and 2.5 mg THC per package, as well as certain full spectrum hemp tinctures and hemp-derived products that are not intended for human ingestion or inhalation, such as lotions, balms, salves, or pet CBD products, may still be sold in the public area of a dispensary.

Liquid Edibles

A new product authorized under these regulations for adult consumers are liquid edible products (e.g., beverages). For the purposes of producing a liquid edible product, one single container is a single serving of product, and it may not contain more than 10 mg of THC. Liquid edibles must also comply with the requirements of other edible products in terms of production, packaging, and labeling. This includes limiting the manufacture of these products to facilities with a valid edibles permit.

Home Cultivation Products

Home cultivation products are now authorized for retail sale by dispensaries to consumers, patients, and caregivers. Home cultivation products include clones, seeds, seedlings, stalks, roots, and stems of the cannabis plant. A licensed dispensary may only obtain home cultivation products from a licensed grower.

Dispensing

Sales Limits

A dispensary may not knowingly dispense more than the personal use amount of cannabis in a single day. According to [Criminal Law Article, §5-101](#), this means: (1) an amount of usable cannabis that does not exceed 1.5 ounces (oz); (2) an amount of concentrated cannabis that does not exceed 12 grams (g); **or** (3) an amount of cannabis products containing delta-9-THC that does not exceed 750 mg.

These are combined limits. For the purposes of dispensing cannabis, an individual purchasing the **MAXIMUM** amount of any one product type **MAY NOT** purchase any additional product type(s). As a reminder, concentrated products are *only* authorized for medical sales. However, for the purposes of adult-use sales, cannabis vaporizing devices shall be weighed and considered as concentrated cannabis and be restricted by the 12 grams amount for a single transaction. Edibles (including liquid edibles), tinctures and capsules sold to adult-use consumers may not have more than 100 mg of THC per package or 10 mg of THC per serving. See examples below for violations of the sales limits:

- 1.6 ounces of flower product;
- 1.5 ounces of flower product and a 1 gram vape cartridge;
- Seven packages of 100 mg THC edible products, a 50 mg THC tincture, and 3.5 grams of flower product;

Additionally, dispensary agents are required under regulations to deny sales to any consumer whose purchase patterns may reasonably be used for resale or product diversion. The MCA may query METRC for purchases that either: (a) violate the sales restrictions set forth in regulations; or (b) approach an amount of cannabis products that could reasonably be interpreted for resale or diversion.

A dispensary may sell up to two clones or seedlings to any adult who is at least 21 years old and up to four clones or seedlings to any qualifying patient who is at least 21 years old or a registered caregiver.

A dispensary agent should decline to dispense cannabis to a consumer if they appear to be under the influence of alcohol or drugs, attempting to purchase cannabis products for resale or obtaining an amount of cannabis products greater than the personal use amounts.

Sales Tax

A dispensary must assess a 9% sales and use tax for the sale of cannabis to adult consumers in accordance with the Tax – General Article, §11-104(K), Annotated Code of Maryland. Cannabis sales to qualifying patients and caregivers are exempt from the sales and use tax.

Deliveries

Through June 30, 2024, a standard dispensary licensee or registered delivery service may continue to deliver cannabis to qualifying patients and registered caregivers **only**. Beginning July 1, 2024, a standard dispensary licensee or registered delivery service may not operate any delivery service.

Trade Practices

Dispensaries shall make a good faith effort to reserve 25% of products available for retail sale for products grown, manufactured, extracted, or otherwise produced by licensees that have no common ownership interest or control with the dispensary license holder or by social equity businesses once they are up and running. When possible, businesses are encouraged to prioritize products produced by social equity businesses.

Additional Operational Considerations

- A dispensary may package, repackage, wrap, roll, or otherwise create usable cannabis products from usable cannabis in accordance with requirements in COMAR 14.17.13.11. However, deli-style sales as described in [COMAR 10.62.30.09](#) are **not permitted**.
 - The new regulations place additional health and safety restrictions on the repackaging of bulk cannabis products including:
 - Handwashing sinks, scales, and sanitation protocols to be used by all licenses in the packaging and repackaging of cannabis flower;
 - A 10-pound restriction on the amount of bulk cannabis a dispensary can have at a given time;
 - A 5-pound restriction on the amount of bulk cannabis a dispensary can receive in a given transfer; and
 - A 1-pound restriction on the amount of bulk cannabis a dispensary can receive in a given package.
- A dispensary may use an online ordering system to conduct pre-orders for pick-up or delivery. At this time, adult consumers, qualifying patients, and caregivers are eligible to pre-order for pickup; only qualifying patients and caregivers are eligible for delivery.

- If a dispensary uses an online ordering system, it **must** (1) use an age-gate to verify the consumer is at least 21 years old or that the individual is a qualifying patient or registered caregiver and (2) collect both signature and contact information. Only then may the online ordering system collect payment.
- A licensed dispensary **may not** sell or distribute cannabis through an unlicensed third party, intermediary business, broker, or any other business or entity.
- A dispensary **must** restrict access to only qualifying patients, caregivers, and individuals over the age of 21.
- A dispensary **may not** be open for business for more than 12 hours a day, before 8am, or after 10pm.
- A dispensary may be required to conspicuously display valid proof of licensure, consumer education safety information, and minimum purchase age and identification requirements.

Unchanged from Medical Program

- Dispensing of Medical Cannabis under COMAR 10.62.30.03
- Dispensary premises, and security requirements under COMAR 10.62.27.03 – 10.62.27.09
- Drive-through dispensing under COMAR 10.62.27.10

Questions?

The MCA will be hosting a webinar to answer questions pertaining to the new regulations on June 14th at 1PM Eastern. [You can register for the Webinar here](#), and a recording will be made available afterwards.

The MCA is encouraging licensees and stakeholders to submit questions in advance of the webinar in the [linked Google Form](#). We recommend that you submit questions prior to June 7th for full consideration by MCA Staff.