



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Supervising County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: July 3, 2023

Subject: Bill No. 56-23 – Zoning – Licensed Dispensaries, Growers, and Processors of Cannabis

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 56-23.

Background

The use of medical cannabis outside of clinical settings was legalized in Maryland in 2014, and regulations were published in 2015. Pursuant to the law and regulations, the medical cannabis growers, processors, and dispensaries were licensed and regulated by a State medical cannabis commission. The State largely pre-empted County action with regard to medical cannabis, with the sole exception of planning and zoning controls. In 2015, the County Council passed Bill No. 96-15, which regulated zoning for medical cannabis operations.

In 2022, Maryland voters approved a ballot initiative to approve the partial decriminalization of possession and use of recreational cannabis.¹ During its 2023 session, the Maryland General Assembly passed Senate Bill 516, which was signed into law by Governor Wes Moore and took effect on May 3, 2023 (hereinafter referred to as the “Cannabis Law”).² The Cannabis Law does a number of things, including eliminating the State’s medical cannabis commission and establishing the Maryland Cannabis Administration which, among other duties, licenses and regulates all cannabis businesses in the State, including growers, processors, and dispensaries. Holders of medical cannabis licenses are given the opportunity to convert their current medical cannabis licenses to general use cannabis licenses issued by the Maryland

1 Legalization is described as “partial” because the State law approved through the ballot initiative places limits on the amount of cannabis that can be legally possessed and grown.

2 The Chapter law for Senate Bill 516, Chapter 255 of the 2023 Laws of Maryland, is 113 pages long and includes the renaming of the Alcoholic Beverages Article of the State Code as the Alcoholic Beverages and Cannabis Article of the State Code.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Cannabis Administration upon satisfaction of certain conditions, including the payment of established fees. Moreover, the Cannabis Law establishes the time and manner in which new cannabis business licenses may be awarded.

As to local government entities, the Cannabis Law provides that political subdivisions may “establish reasonable zoning requirements for cannabis businesses”, but may not “establish zoning or other requirements that unduly burden a cannabis license”. (§ 36-405 of the Alcohol Beverages and Cannabis Article of the State Code). A political subdivision also may not prevent the conversion of a license held by a medical cannabis business to a general use cannabis license. Moreover, a political subdivision cannot require a licensed cannabis business to be approved for zoning if the business was properly zoned and operating on or before January 1, 2023. Thus, existing licensed medical cannabis dispensaries, growers, and processors that convert their licenses will be grandfathered and will not have to comply with any newly imposed zoning requirements for cannabis businesses.

Purpose

The purpose of Bill No. 56-23 is to eliminate references to “medical cannabis” in the County’s zoning law, and to make zoning changes for cannabis growers, processors, and dispensaries.

Bill No. 56-23

SECTION 1.

This Section repeals § **18-11-134** of the Code, which lists the special exception requirements for licensed medical cannabis dispensaries. Under the State law, medical cannabis dispensaries will either convert to licensed general use cannabis dispensaries or will no longer operate.

SECTION 2.

This Section renumbers certain sections in Title 11 of Article 18 affected by the repeal of § 18-11-134.

SECTION 3.

This Section amends several sections of the Code. In § **18-1-101**, the definition of “farming” is modified to remove an outdated reference to “marijuana” and to replace it with a reference to “cannabis” as now defined under State law through the Cannabis Law.

The chart in § **18-4-106** listing uses in residential districts is changed to remove the “medical” modifier when referring to cannabis, and to remove outdated references to a COMAR provision related to medical cannabis.

The chart in § **18-5-102** listing uses in commercial districts is changed to remove the “medical” modifier when referring to cannabis, and to remove outdated references to a COMAR

provision related to medical cannabis. Licensed dispensaries of cannabis are changed from a special exception use to a conditional use in all commercial districts.

The chart in § **18-6-103** listing uses in industrial districts is changed to remove the “medical” modifier when referring to cannabis, and to remove outdated references to a COMAR provision related to medical cannabis. Licensed dispensaries of cannabis are changed from a special exception use to a conditional use in W1 and W3 districts. By virtue of other changes, the use is also conditional in the W2 district. The chart entries for a licensed dispensary of medical cannabis in a business complex is deleted in full.

The chart in § **18-8-301** is changed to add licensed dispensaries of cannabis as a conditional use in all mixed use districts.

Section **18-10-140**, which currently lists the requirements for the conditional uses of medical cannabis dispensaries, growers, and processors is changed to remove the “medical” modifier when referring to cannabis, and to remove outdated references to a COMAR provision related to medical cannabis. A condition relating to the location of dispensaries located north of Route 50 or north of the northeast shore of the South River in relation to schools and dwelling units is removed. A condition that a dispensary may not be located within one mile of another dispensary is also removed. A condition that a licensed dispensary of cannabis may be located in a licensed dispensary of medical cannabis operating on or before January 1, 2023, is added to comport with State law.

Sections **18-10-162** (conditions for State-licensed medical clinics) and **18-11-143** (special exception requirements for plasma centers) are changed to remove the “medical” modifier when referring to cannabis.

SECTION 4.

This section provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.
Thank you.

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jannsen Evelyn, Deputy Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
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