

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2023, Legislative Day No. 10

Bill No. 36-23

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Mr. Julian E. Jones, Jr., Chairman  
By Request of County Executive

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By the County Council, May 1, 2023

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A BILL  
ENTITLED

AN ACT concerning

Cannabis Facilities

FOR the purpose of modifying existing provisions in the County Code and Zoning Regulations concerning medical cannabis facilities so as to make those provisions equally applicable to adult-use cannabis facilities; updating County law to account for the statewide legalization of adult-use cannabis; and generally relating to cannabis facilities.

BY repealing and re-enacting, with amendments

Section 13-7-501  
Article 13 – Public Health, Safety, and the Environment  
Title 7 – Nuisances  
Subtitle 5 – Abatement of Public Nuisances  
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Article 4D - Medical Cannabis Facilities  
Baltimore County Zoning Regulations, as amended

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY renaming

Article 4D - Medical Cannabis Facilities  
To  
Article 4D – Cannabis Facilities  
Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3  
4 ARTICLE 13 – PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT  
5 Title 7 – Nuisances  
6 Subtitle 5 – Abatement of Public Nuisances  
7

8 § 13-7-501.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) “Controlled dangerous substance” means a substance listed in Schedule I or Schedule  
11 II under State Criminal Law Article § 5-402 or § 5-403. However, the definition of “controlled  
12 dangerous substance” shall not include products manufactured or sold by [medical] cannabis  
13 facilities. Such facilities are described in Baltimore County Zoning Regulations, Article 4D.

14 (c) “Controlled paraphernalia” has the meaning stated in State Criminal Law Article § 5-  
15 101. However, the definition of “controlled paraphernalia” shall not include products  
16 manufactured or sold by [medical] cannabis facilities.  
17

18 SECTION 2. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
19 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

1  
2 Article 4D – [Medical] Cannabis Facilities  
3

4 § 4D-101.

5 As used in this article, the following terms have the meanings indicated:

6 [MEDICAL] CANNABIS DISPENSARY — [A person or] AN entity licensed by  
7 the state that acquires, possesses, [transfers,] REPACKAGES, TRANSPORTS sells, dispenses,  
8 or distributes products containing [medical] cannabis and related supplies and products pursuant  
9 to COMAR 10.62.01 to 10.62.35 FOR MEDICAL CANNABIS AND APPLICABLE STATE  
10 LAW FOR ADULT-USE CANNABIS.

11 [MEDICAL] CANNABIS GROWER — [A person or] AN entity licensed by the  
12 state that cultivates, manufactures, grows, packages, or distributes [medical] cannabis to a  
13 licensed processor or a registered independent testing laboratory pursuant to COMAR 10.62.01  
14 to 10.62.35 FOR MEDICAL CANNABIS AND APPLICABLE STATE LAW FOR ADULT-  
15 USE CANNABIS.

16 [MEDICAL] CANNABIS GROWER FACILITY — A location or facility at  
17 which a licensed [medical] cannabis grower operates.

18 [MEDICAL] CANNABIS PROCESSOR — A person or entity licensed by the  
19 state that transforms [medical] cannabis into another product or extract, and packages and labels  
20 [medical] cannabis and transfers its product to a licensed dispensary pursuant to COMAR  
21 10.62.01 to 10.62.35 FOR MEDICAL CANNABIS AND APPLICABLE STATE LAW FOR  
22 ADULT-USE CANNABIS.

23 [MEDICAL] CANNABIS PROCESSOR FACILITY — A facility at which a

1 licensed [medical] cannabis processor operates.

2  
3 § 4D-102.

4 A. Permitted areas.

5 1. A [medical] cannabis dispensary is permitted in the B.R., B.M., B.L., B.L.R.,  
6 M.L., and O-3 Zones by right.

7 2. A [medical] cannabis dispensary is permitted only by special exception in a  
8 B.R., B.M., B.L., B.L.R., M.L., or O-3 Zone that is located in a Commercial Revitalization  
9 District.

10 3. A [medical] cannabis dispensary is not permitted in an M.L. Zone if located in  
11 a Chesapeake Enterprise Zone.

12 B. A [medical] cannabis dispensary may not be located:

13 1. Within 500 feet of a public or private elementary school, middle school, or  
14 high school; or

15 2. Within 500 feet of a day care center; or

16 3. Within ~~2,500~~ 1,000 feet of another [medical] cannabis dispensary.

17 C. All setbacks under Subsection B shall be measured from the nearest property line of  
18 the [medical] cannabis dispensary using a direct line to the nearest property line of the school,  
19 day care center, or other dispensary.

20  
21 § 4D-103.

22 A. A [medical] cannabis grower facility or a [medical] cannabis processor facility may  
23 be located in an R.C.2., S.E. or M.L.-I.M. Zone by right.

1 B. A [medical] cannabis grower facility or a [medical] cannabis processor facility may  
2 be located in an R.C. 7 or R.C. 8 Zone by special exception only.

3 C. A [medical] cannabis grower facility or a [medical] cannabis processor facility is  
4 permitted only by special exception in an M.L.-I.M. Zone located within the Chesapeake  
5 Enterprise Zone.

6 D. [A person or] AN entity that is licensed as both a [medical] cannabis grower and a  
7 [medical] cannabis processor may operate a licensed [medical] cannabis dispensary at its  
8 growing and processing facility located in an M.L.-I.M. Zone, subject to the requirements of  
9 COMAR 10.62.01 to 10.62.35 FOR MEDICAL CANNABIS AND APPLICABLE STATE  
10 LAW FOR ADULT-USE CANNABIS.

11  
12 § 4D-104.

13 A. A [medical] cannabis grower or [medical] cannabis processor may provide up to 50  
14 percent of its required off-street parking spaces for the facility in an off-site parking lot, if:

15 1. The [medical] cannabis grower or [medical] cannabis processor provides a  
16 shuttle to the facility for the employees parking in the off-site lot; or

17 2. Both the [medical] cannabis grower or [medical] cannabis processor use and  
18 the off-site parking lot are located within 1,000 feet of a mass transit administration light rail  
19 stop to provide the necessary transportation between the lot and the facility.

20 B. Upon request by the director of the department of permits, approvals and inspections,  
21 the [medical] cannabis grower or [medical] cannabis processor shall provide documentation of  
22 entitlement to use the parking spaces in the off-site parking lot and that it has satisfied one of the  
23 above conditions.

1           C. To the extent anything contained in Section 409 of the Baltimore County Zoning  
2 Regulations is contrary to this section, this section shall govern.

3

4           SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
5 the affirmative vote of five members of the County Council, shall take effect July 1, 2023.



# LEGISLATION DETAIL

LEGISLATION \_\_\_\_\_

DISPOSITION \_\_\_\_\_

ENACTED \_\_\_\_\_

EFFECTIVE \_\_\_\_\_

AMENDMENTS \_\_\_\_\_

## ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

## ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
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