

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-088-2023

Chapter No. 60

Proposed and Presented by Council Member Oriadha

Introduced by Council Members Oriadha, Harrison, Watson, Ivey, Dernoga, Blegay,
Burroughs, Hawkins, Franklin, Olson and Fisher

Co-Sponsors _____

Date of Introduction October 10, 2023

BILL

1 AN ACT concerning

2 Cannabis Reinvestment and Restoration Board

3 For the purpose of creating the Cannabis Reinvestment and Restoration Board; providing for the
4 purpose, membership, terms and compensation of members, appointment of a chair, meeting
5 standards, and duties of Cannabis Reinvestment and Restoration Board; establishing the
6 Community Reinvestment and Repair Special Revenue Fund for the purpose of receiving funds
7 from the State Community Reinvestment and Repair Fund; providing that the Fund shall be a
8 special, non-lapsing fund; establishing the purpose of the Fund; and generally relating to the
9 Cannabis Reinvestment and Reparations Board.

10 BY repealing and reenacting with amendments:

11 SUBTITLE 2. ADMINISTRATION.

12 DIVISION 9 [RESERVED]. CANNABIS REINVESTMENT

13 AND RESTORATION BOARD.

14 Sections 2-163 through 2-169.03

15 The Prince George's County Code

16
17 SUBTITLE 10. FINANCE AND TAXATION.

18 DIVISION 33. CANNABIS REINVESTMENT AND RESTORATION FUND.

19 Sections 10-348 through 10-350

(2019 Edition; 2022 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George’s County, Maryland, that Sections 2-163 through 2-169.03 and Sections 10-348 through 10-350 of the Prince George’s County Code be and the same are hereby repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 9 [Reserved]. CANNABIS REINVESTMENT AND RESTORATION BOARD.

Sec. 2-163. Creation [Reserved].

There is created as an integral part of the government of the County, Cannabis Reinvestment and Restoration Board.

Sec. 2-164. Purpose [Reserved].

The purpose of the Cannabis Reinvestment and Restoration Board shall be to issue monies from the funds distributed to Prince George’s County from the Community Reinvestment and Repair Fund pursuant to section 1-322 of the Alcoholic Beverages and Cannabis Article of the Maryland Code; and make policy recommendations to the County Executive and County Council.

Sec. 2-165. Definitions [Reserved].

In this Division the following terms shall have the denoted meanings:

- (a) Area Median Income means the median household income for the Washington-Arlington-Alexandria DC-VA-MD-WV Metropolitan Statistical Area as estimated by the U.S. Department of Housing and Urban Development, adjusted by household size based on the occupancy standard for the unit.
- (b) Board means the Cannabis Reinvestment and Restoration Board.
- (c) Community-Based Organization means a public or private company, corporation, limited liability company, neighborhood group, organization, or partnership that provides education, vocational education or rehabilitation, job training, health, social services, or economic uplift to individuals in the County.
- (d) Demonstrated Knowledge means an individual who has displayed competency in a subject, as demonstrated by:
 - (1) publishing written material,
 - (2) delivering programmatic offerings to the public, or
 - (3) creating and providing to the public educational materials.

- 1 (e) **Disproportionately Impacted Area** means a geographic area identified by the Office of
 2 Social Equity that has had above 150% of the State’s 10-year average for cannabis
 3 possession charges.
- 4 (f) **Fund** means the Community Reinvestment and Repair Fund pursuant to section 1-322 of
 5 the Alcoholic Beverages and Cannabis Article of the Maryland Code.
- 6 (g) **Heavily Impacted by the Criminal Justice System** means those who have been
 7 incarcerated or detained in a prison, immigration detention center, local jail, juvenile
 8 detention center, or any other carceral setting, those who have been convicted of a felony
 9 but not incarcerated, and those who have been charged but not convicted of a felony.
- 10 (h) **Low-Income Community** means a community where the average household income is
 11 less than eighty percent (80%) of the Area Median Income.
- 12 (i) **White Supremacy** means the belief, theory, or doctrine that white people are superior to
 13 those of other races and thus should dominate them.

14 **Sec. 2-166. Membership Appointments and Requirements [Reserved].**

15 **(a) Member Appointments.**

16 The Board shall be comprised of thirteen (13) members appointed by the County Council
 17 and County Executive pursuant to Section 402 of the County Charter:

- 18 (1) The County Council shall appoint nine (9) members representing each of the nine
 19 (9) councilmanic districts.
- 20 (2) The County Executive shall appoint four (4) members as follows:
 - 21 (i) One (1) member from a Community-Based Organization that works with
 22 a Low-Income Community;
 - 23 (ii) One (1) member from a service provider to incarcerated individuals or
 24 individuals with criminal(s) record(s);
 - 25 (iii) One (1) member from the Office of Management and Budget to serve as
 26 an ex officio member, and
 - 27 (iv) One (1) member who has been Heavily Impacted by the Criminal Justice
 28 System.

29 **(b) Requirements for Appointment.**

30 An individual who is interested in becoming an appointed member of the Board must
 31 submit an application describing the individual’s demonstrated knowledge of one (1) or

1 more of the following to the elected office that he or she is seeking an appointment from:

- 2 (1) The history of the resistance of people of African descent to White Supremacy,
 3 enslavement, Jim Crow laws, and other examples of racial violence and
 4 discrimination;
 5 (2) The history of the resistance of racial, ethnic, and other minority groups against
 6 discrimination, violence, and inequality;
 7 (3) The needs of individuals returning to the community after incarceration;
 8 (4) The impact of the disproportionate enforcement of drug laws on the quality of
 9 life experience by racial and ethnic minorities, especially people of African
 10 descent, including specialization in:
 11 (i) The disruption of families;
 12 (ii) Exposure to the prison system;
 13 (iii) Trauma experienced as a result of community and police violence; or
 14 (iv) Another similar factor contributing to quality of life; and
 15 (v) Methods for delivering community investment that empower
 16 marginalized people to have a voice in the distribution of resources.

17 **Sec. 2-167. Terms [Reserved].**

18 (a) **Generally.**

- 19 (1) The initial terms of voting members shall be staggered so as follows:
 20 (i) Three (3) members appointed by the Council shall serve initial terms of
 21 two (2) years;
 22 (ii) Three (3) members appointed by the Council shall serve initial terms of
 23 three (3) years;
 24 (iii) Three (3) members appointed by the Council shall serve initial terms of
 25 four (4) years; and
 26 (iv) Four (4) members appointed by the County Executive shall serve initial
 27 terms of four (4) years.
 28 (2) After the expiration of the initial terms, all members shall serve four-year (4)
 29 terms.
 30 (3) A member whose term has expired holds over until a successor is appointed.
 31 (4) No member may serve more than two (2) consecutive full terms.

(5) Any member that serves an initial term of less than four (4) years may serve an additional two (2) consecutive full terms.

(b) Removal.

Any member may be removed from the Commission, if three-fourths (3/4) of the Board members move to remove a member for neglect of duty or misconduct in office; or as otherwise provided for in the Charter.

(c) Vacancies.

Vacancies shall be filled for an unexpired term in the manner of original appointment.

Sec. 2-168. Chair [Reserved].

One (1) member of the Board shall be elected as chair by majority vote of the members of the Board.

Sec. 2-169. Meetings, quorum [Reserved].

(a) The Board must meet at the call of the chair as frequently as required to perform its duties, but not less than one (1) time each quarter of the calendar year. All meetings shall comply with the Maryland Open Meetings Act and this Code.

(b) A simple majority of the voting members of the Board shall serve as a quorum.

(c) An affirmative vote by the majority of a quorum is needed for any official action.

Sec. 2-169.01. Compensation.

Each member of the Board shall be compensated subject to the availability and appropriation on monies allocated from the State to the Fund in accordance with the provisions of Subtitle 2, Division 24, of this Code.

Sec. 2-169.02. Duties.

The members of the Board shall:

(a) Develop and administer a public process for interested entities or organizations to apply for monies from the Fund. The Board shall prioritize requests from:

(1) Community-Based Organizations offering services and programs intended to benefit Low-Income Communities; or

(2) Community-Based organizations that have been historically underfunded; or

(3) Community-based Organizations offering services in Disproportionately Impacted Areas.

1 (b) Develop recommendations, with community input, for the use of the Fund for the
2 upcoming fiscal year; and deliver a summary of awards to the County Council for
3 approval by Resolution prior to disbursing any monies from the Fund.

4 (c) Make recommendations to the County Executive and County Council regarding
5 repairing the damage done to communities most impacted by the disproportionate
6 enforcement of the Cannabis prohibition determined by the Office of the Attorney
7 General.

8 (d) The Board shall issue Reports subject to Section 2-171.

9 **Sec. 2-169.03. Reporting.**

10 (a) As required by section 1-322(b)(2)(ii) of the Alcoholic Beverages and Cannabis Article
11 of the Maryland Code: Beginning on December 1, 2024, and every two (2) years
12 thereafter, the Board shall create and publish the report explaining how the funds
13 received from the Fund were spent during the immediately preceding two (2) fiscal years
14 and the report shall be submitted to the following recipients:

- 15 (1) The Governor,
- 16 (2) The State Budget and taxation Committee,
- 17 (3) The House Appropriations Committee,
- 18 (4) The County Executive,
- 19 (5) The County Council,
- 20 (6) The Office of Management and Budget, and
- 21 (7) Any other entity required by State law.

22 (b) The Board shall prepare an annual report detailing the: (a) recommendations of Section
23 2-170(b), (b) summary of applicants, and (c) the final distribution of monies from the
24 Fund for the prior fiscal year. The report shall be delivered to the County Executive and
25 County Council by November 1, 2024 and each November 1 thereafter.

26 (c) Each member of the Board shall submit a financial disclosure statement in accordance
27 with and pursuant to section 2-294, Division 17, Subtitle 2 of the County Code.

28 * * * * *

29 **SUBTITLE 10. FINANCE AND TAXATION.**

30 **DIVISION 33. CANNABIS REINVESTMENT AND RESTORATION FUND**

31 **Sec. 10-348. Fund established.**

1 There is a non-lapsing Cannabis Reinvestment and Restoration Fund (“Fund”), into which
2 shall be paid all monies received from the State Community Reinvestment and Repair Fund
3 established pursuant to Sec. 1-322 of the Alcoholic Beverages and Cannabis Article of the State
4 Code. The Cannabis Reinvestment and Restoration Board shall use this Fund to award monies
5 pursuant to Subtitle 2, Division 9 of this Code.

6 **Sec. 10-349. Purposes and uses.**

- 7 (a) The purpose of the Fund is to provide fund to community-based organizations that
8 serve communities determined by the Office of Social Equity, in consultation with
9 the Office of the Attorney General, to have been the most impacted by
10 disproportionate enforcement of the cannabis prohibition before July 1, 2022.
- 11 (b) The Fund may only be used for:
 - 12 (1) Funding community-based initiatives intended to benefit low-income
13 communities; or
 - 14 (2) Funding community-based initiatives that serve disproportionately impacted
15 areas, as defined in Sec. 36-101of the Alcoholic Beverages and Cannabis
16 Article of the State Code; or
 - 17 (3) Any related administrative expenses.

18 **Sec. 10-350. Prohibited uses.**

- 19 (a) The Fund is supplemental to and may not supplant funding that otherwise would be
20 appropriated for preexisting local government programs.
- 21 (b) The Fund shall not be used for any law enforcement agencies or activities.

22 * * * * *

23 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to
24 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
25 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
26 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
27 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same
28 would have been enacted without the incorporation in this Act of any such invalid or
29 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

30 SECTION 3. BE IT FURTHER ENACTED that a previously existing obligation or contract
31 right may not be impaired by this Act.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
2 calendar days after it becomes law.

3

Adopted this 7th day of November, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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