

# ENROLLED

## COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2023 Legislative Session

Legislative Day No. 20

### Legislative Bill 2023- 16

Introduced: October 17, 2023

Introduced by: The Council President at the request of the Planning Commission

AN ACT TO AMEND CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED "ZONING" PART 3, TITLED "BASIC DEFINITIONS AND INTERPRETATIONS," ARTICLE VI, TITLED "TERMS DEFINED," SECTION 225-25, TITLED "DEFINITION OF BASIC TERMS" AND PART 6, TITLED "ACCESSORY AND PRINCIPAL USES," ARTICLE XVIII, TITLED "PRINCIPAL USES," SECTION 225-67, TITLED "TABLE OF PERMITTED USES-DESIGNATIONS" AND PART 8, TITLED "SPECIAL STANDARDS FOR PARTICULAR USES," ARTICLE XX, TITLED "USES AND STANDARDS FOR PARTICULAR USES" TO ESTABLISH SECTION §225-82.1 TITLED "CANNABIS BUSINESSES" TO REGULATE THE CANNABIS BUSINESS TO INCLUDE THE GROWING, PROCESSING, DISPENSING, AND ON-SITE CONSUMPTION ESTABLISHMENTS IN WICOMICO COUNTY.

WHEREAS, on November 8, 2022, Maryland voters passed " Question 4" by ballot referendum, making it legal for individuals aged 21 and older to possess and consume cannabis in Maryland on or after July 1, 2023; and

WHEREAS, on April 8, 2023, the Maryland General Assembly passed the Cannabis Reform Act (HB556/ SB516) which allowed for cannabis sales to adults 21 and older from licensed dispensaries and established a framework for adult-use cannabis sales beginning July 1, 2023, including the conversion of existing medical cannabis business licenses to both medical and adult-use cannabis, and created a new Maryland Cannabis Administration to oversee see both medical and adult-use program; and

WHEREAS, on May 3, 2023, the Governor of Maryland signed the Cannabis Reform Act into law; and

WHEREAS, the Cannabis Reform Act provides political subdivisions with the power to establish zoning requirements for and otherwise regulate cannabis subject to certain limitations to include on-site consumption establishments; and

WHEREAS, the Wicomico County Planning Commission, has reviewed the request and recommends the incorporation of certain cannabis practices into Chapter 225 of the Wicomico County Code.

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225 of the Wicomico County Code, titled “Zoning” Part 3, Titled “Basic Definitions And Interpretations,” Article VI, Titled “Terms Defined,” Section 225-25, Titled “Definition of Basic Terms” and Part 6, Titled “Accessory and Principal Uses,” Article XVIII, Titled “Principal Uses,” Section 225-67, Titled “Table of Permitted Uses-Designations” and Part 8, Titled “Special Standards for Particular Uses,” Article XX, Titled “Uses and Standards for Particular Uses” to establish Section §225-82.1 Titled “Cannabis Businesses” are hereby amended, to read as follows:

Chapter 225

Zoning

Part 3

Basic Definitions and Interpretations

Article VI

Terms Defined

§225-25- Definition of basic terms.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(Note: Added definitions are to be inserted in alphabetical order with the terms already defined)

CANNABIS- THE PLANT CANNABIS SATIVA L. AND ANY PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A DRY WEIGHT BASIS. CANNABIS INCLUDES CANNABIS PRODUCTS. CANNABIS DOES NOT INCLUDE HEMP OR HEMP PRODUCTS, AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

CANNABIS ADMINISTRATION- THE MARYLAND CANNABIS ADMINISTRATION ESTABLISHED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

CANNABIS BUSINESS- A BUSINESS LICENSED OR REGISTERED BY THE CANNABIS ADMINISTRATION TO OPERATE IN THE CANNABIS INDUSTRY. THIS INCLUDES, BUT IS NOT LIMITED TO, A GROWER, PROCESSOR, OR DISPENSARY, TO INCLUDE AN ON-SITE CONSUMPTION ESTABLISHMENT, LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

CANNABIS DELIVERY SERVICE- A CANNABIS LICENSEE AUTHORIZED TO DELIVER CANNABIS IN ACCORDANCE WITH A CANNABIS MICRO LICENSE TO OPERATE A CANNABIS DISPENSARY.

CANNABIS DISPENSARY- AN ENTITY LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT ACQUIRES, POSSESSES, REPACKAGES, TRANSFERS, REPACKAGES, TRANSPORTS, SELLS, DISTRIBUTES, OR DISPENSES CANNABIS OR CANNABIS PRODUCTS, INCLUDING TINCTURES, AEROSOLS, OILS, AND OINTMENTS, RELATED SUPPLIES, AND EDUCATIONAL MATERIALS FOR USE BY QUALIFYING PATIENTS, CAREGIVERS, OR CONSUMERS THROUGH A STOREFRONT OR THROUGH A DELIVERY SERVICE, BASED ON LICENSE TYPE.

CANNABIS GROWER- AN ENTITY LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT CULTIVATES, OR PACKAGES, CANNABIS AND IS AUTHORIZED BY THE CANNABIS ADMINISTRATION TO PROVIDE CANNABIS TO OTHER CANNABIS LICENSEES AND REGISTERED INDEPENDENT TESTING LABORATORIES.

CANNABIS MICRO LICENSE- A MICRO LICENSE ISSUED IN ACCORDANCE WITH § 36-401(C)(2) OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT- AN ENTITY LICENSED UNDER § 36-401(C)(4) OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO DISTRIBUTE CANNABIS OR CANNABIS PRODUCTS FOR ON-SITE CONSUMPTION OTHER THAN CONSUMPTION BY SMOKING INDOORS.

CANNABIS PROCESSOR- A LICENSED ENTITY THAT:

- (1) TRANSFORMS CANNABIS INTO ANOTHER PRODUCT OR AN EXTRACT AND PACKAGES AND LABELS THE CANNABIS PRODUCT; AND
- (2) IS AUTHORIZED BY THE ADMINISTRATION TO PROVIDE CANNABIS TO LICENSED DISPENSARIES AND REGISTERED INDEPENDENT TESTING LABORATORIES.

RECREATION CENTER INCLUDES BOTH RECREATION AND ACTIVE RECREATION ESTABLISHMENTS AS DEFINED IN THIS CHAPTER.

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Part 6

Accessory and Principal Uses

Article XVIII

Principal Uses

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§225-67 Table of Permitted Uses-designations

2. The Table of Permitted Uses, Attachment 2, Part 2, Commercial, Institutional, Business and Industrial Districts, shall be amended to reflect the changes created by this legislation.

	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
INDUSTRIAL							
CANNABIS							
GROWER						P	P
PROCESSOR						P	P
DISPENSARY	<u>SE</u>	<u>SE</u>	<u>SE</u>			SE	SE

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Part 8

Special Standards for Particular Uses

Article XX

Uses and Standards for Particular Uses

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§225-82.1 CANNABIS BUSINESSES

A. A CANNABIS BUSINESS MAY NOT LOCATE WITHIN ~~500 FEET OF:~~

(1) 1,000 FEET OF A PRE-EXISTING PRIMARY OR SECONDARY SCHOOL IN THE STATE, OR A LICENSED CHILD CARE CENTER OR REGISTERED FAMILY CHILD CARE HOME; OR

(2) 500 FEET OF A LICENSED CHILD CARE CENTER OR REGISTERED FAMILY CHILD CARE HOME, A PLAYGROUND, RECREATION CENTER, LIBRARY, PLACE OF ASSEMBLY OR PUBLIC PARK;

(3) 1,000 FEET OF ANOTHER CANNABIS BUSINESS; OR

(4) 300 FEET OF A RESIDENCE.

B. A CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT IS PROHIBITED WITHIN WICOMICO COUNTY.

C. A CANNABIS BUSINESS NOT ENUMERATED AS A PERMITTED USE IN § 225-67 IS PROHIBITED WITHIN WICOMICO COUNTY.

D. THE DISTANCE FROM A CANNABIS BUSINESS TO A PLACE ENUMERATED IN SUBSECTION (A) OF THIS SECTION IS TO BE MEASURED, IN ALL DIRECTIONS, FROM PARCEL BOUNDARY TO PARCEL BOUNDARY.

SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2023-16 and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 21<sup>st</sup> day of November, 2023.

WICOMICO COUNTY, MARYLAND

 (SEAL)

By: John Cannon, President

 (SEAL)

By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)

By: Laura Hurley, Secretary

Explanation:

~~Strike Out~~ indicates matters deleted from existing law.

CAPITALS INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

CAPITAL UNDERLINING indicates Amendments to Bill

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2023 Legislative Session


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**LEGISLATIVE BILL NO. 2023-16**

**INTRODUCED BY:** The Council President at the request of the Planning Commission

**Legislative Bill No. 2023-16:** AN ACT TO AMEND CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED "ZONING" PART 3, TITLED "BASIC DEFINITIONS AND INTERPRETATIONS," ARTICLE VI, TITLED "TERMS DEFINED," SECTION 225-25, TITLED "DEFINITION OF BASIC TERMS" AND PART 6, TITLED "ACCESSORY AND PRINCIPAL USES," ARTICLE XVIII, TITLED "PRINCIPAL USES," SECTION 225-67, TITLED "TABLE OF PERMITTED USES-DESIGNATIONS" AND PART 8, TITLED "SPECIAL STANDARDS FOR PARTICULAR USES," ARTICLE XX, TITLED "USES AND STANDARDS FOR PARTICULAR USES" TO ESTABLISH SECTION §225-82.1 TITLED "CANNABIS BUSINESSES" TO REGULATE THE CANNABIS BUSINESS TO INCLUDE THE GROWING, PROCESSING, DISPENSING, AND ON-SITE CONSUMPTION ESTABLISHMENTS IN WICOMICO COUNTY.

Introduced and read first time on October 17, 2023. Ordered posted and public hearing scheduled for November 7, 2023 at 6:00 p.m.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator


**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on November 7, 2023.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 21<sup>st</sup> day of November, 2023.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 22<sup>nd</sup> day of November at 9:50 a.m./p.m. (5 days §411)

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**BY THE COUNTY EXECUTIVE:**

  
\_\_\_\_\_  
County Executive

APPROVED  
Date: 11/22/2023  
(21 days §411)

VETOED  
Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on November 22, 2023 and effective on: January 22, 2024.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** **Legislative Bill No. 2023-16** is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator