

KNOW YOUR RIGHTS

MARIJUANA

MARIJUANA LEGALIZATION IN MARYLAND

Recreational marijuana is legal in Maryland as of July 1, 2023.

AGE TO USE

Your Rights

- For people 21 and up, recreational marijuana is legal.
- For people under 21, it is not legal to possess or use recreational marijuana. People under 21 could get a \$100 fine for using or possessing the personal-use amount, a \$250 fine for using or possessing the civil-use amount, and may be required to appear in court for citations.

POSSESSION LIMIT FOR PERSONAL USE

Your Rights

- People 21 and up can possess up to 1.5 ounces of marijuana, up to 12 grams of concentrated marijuana (personal-use amount), and up to 750 milligrams of delta-9-THC without the risk of getting a ticket or charge.

WHERE YOU CAN USE

Your Rights

- Public use of marijuana is not permitted.
- Smoking marijuana in a public place is a civil offense and the user may receive a fine of up to \$50 for a first offense. Subsequent offenses may result in fines up to \$150.
- Drivers and passengers are prohibited from smoking marijuana while operating a motor vehicle. Remember: If the ignition is on, it is illegal.
- Smoking marijuana on private property out of public view is permitted.
- Smoking marijuana in a rental property is not permitted without the written consent of the property owner.
- While porches and stoops are private property for the property owner and those whom they give consent, smoking marijuana is only permitted **away** from public view.

WHERE YOU CAN BUY

Your Rights

- People 21 and up without a medical marijuana card can purchase marijuana at dispensaries permitted to sell recreational marijuana.

RULES FOR GIFTING & SHARING

Your Rights

- For people 21 and up, adults are legally allowed to share marijuana. The amount of marijuana a person shares must not exceed the personal-use amount and no money (or other remuneration) can be exchanged for the marijuana.
- Sharing marijuana in amounts above the personal-use limit or accepting payment for transferred amounts may qualify as possession with the intent to distribute, which is prohibited. Individuals charged with possession with the intent to distribute may be criminally charged and face penalties of three years in prison and/or a \$5,000 fine.

PARAPHERNALIA

Your Rights

- Marijuana items, like bongs, grinders, and rolling papers, are no longer included in the definition of paraphernalia under criminal law. However, scales are often used by police as evidence of possession with intent to distribute.

NEED LEGAL ASSISTANCE?

Contact ACLU-MD's Civil Rights Intake team.

- Call Civil Rights Complaint Line on Tuesdays and Thursdays, 1-3 p.m. **(443) 524-2558**
- Use our online intake form: bit.ly/aclumd-needhelpform
- Learn more: aclu-md.org/needhelp



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Marijuana Legalization in Maryland

bit.ly/marijuana-kyr

RULES FOR GROWING AT HOME

Your Rights

- People 21 and up can legally possess up to two marijuana plants at home.
- The plants must be out of the public view and secured so that they are not accessible by unauthorized individuals or individuals under the age of 21.
- No more than two marijuana plants can be grown per residence, regardless of the number of adults who reside at the residence.
- Additionally, marijuana plants may only be grown on property owned by the grower or with the consent of the property owner.

REQUESTING RESENTENCING

Your Rights

- People who are currently incarcerated for marijuana possession may apply for resentencing.
- Courts must grant applications for resentencing and resentence the person to time served.
- If the person is not serving another sentence, the person must be released.

RECORD EXPUNGEMENT

Your Rights

- July 1, 2024, is the deadline for automatic expungement of simple possession charges issued before July 1, 2023.

POLICE STOPS AND SEARCHES

Your Rights

- Police are prohibited from initiating and/or conducting a stop or a search of a person, motor vehicle, or vessel based solely on the alleged smell of marijuana.

AT A GLANCE: PENALTIES

- Possessing the civil-use amount (over 1.5 ounces but less than 2.5 ounces or marijuana, and over 12 grams but less than 20 grams of concentrated marijuana), carries a penalty of a civil citation up to \$250.
- Possessing the amounts above do not result in arrest, jail time, or a criminal record. If a person under the age of 21 gets a citation, the court must summon the person for trial and may order drug treatment.
- Possessing more than the personal and civil-use amounts of marijuana or marijuana products qualifies as a criminal misdemeanor, possession with the intent to distribute (PWID). Possessing more than the civil-use limit up to 50 pounds is classified as PWID with a penalty of up to five years in prison and a \$15,000 fine. Anything over 50 pounds is a minimum of five years in prison and \$100,000 fine.
- Growing more than the legal limit of two marijuana plants at home is a misdemeanor offense that is subject to a penalty of up to three years in prison and/or a fine of up to \$5,000.
- Smoking marijuana in a public place is a civil offense and the user may receive a fine of up to \$50 for a first offense. Subsequent offenses may result in fines up to \$150.

AT A GLANCE: POSSESSION LIMITS

- **Personal Use**
 - Up to 1.5 ounces marijuana.
 - Up to 12 grams of concentrated marijuana.
 - Marijuana products containing up to 750 milligrams of delta-9-THC.
- **Civil Use (Comes with a penalty)**
 - More than 1.5 ounces, but less 2.5 ounces of marijuana.
 - More than 12 grams, but less than 20 grams of concentrated marijuana.
 - Marijuana products containing more than 750 mg, but less than 1250 strength delta-9-THC.

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