

Cannabis Violations

231.1 PURPOSE AND SCOPE

This procedure supplements Policy 429 (Medical Cannabis) and establishes guidelines for the University of Maryland, Baltimore Police Department (UMBPD) in enforcing cannabis-related laws and University policies fairly and respectfully, prioritizing public safety and community trust. It applies to all UMBPD sworn personnel and outlines procedures for issuing civil or criminal citations and making arrests in accordance with Maryland law while promoting a progressive, community-focused approach.

231.2 POLICY

The department is committed to fair, respectful, and non-discriminatory enforcement of cannabis-related laws and University policies. Enforcement actions, including the issuance of civil or criminal citations for possession exceeding personal use amounts, smoking in prohibited areas, or distribution, will prioritize public safety and align with Maryland law, including exceptions under Criminal Law Article §§ 5-612, 5-613, and 5-614. Arrests will only be made when necessary to advance public safety, while civil citations may be issued in other cases to ensure compliance. This policy reflects UMBPD's dedication to progressive policing, harm reduction, and fostering trust within the university communities.

231.3 DEFINITIONS

Cannabis: Refers to the plant, including all parts, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9-tetrahydrocannabinol (THC) concentration greater than 0.3% on a dry weight basis. Cannabis does not include hemp as defined in § 14–101 of the Agriculture Article.

Cannabis amounts as designated by statute:

- **Personal Use Amount**
 - 1.5 ounces or less of usable cannabis
 - 12 grams or less of concentrated cannabis
 - 750 mg or less of cannabis products containing delta-9 THC
 - One or two cannabis plants
- **Civil Use Amount**
 - More than 1.5 ounces up to 2.5 ounces of usable cannabis
 - More than 12 grams up to 20 grams of concentrated cannabis
 - More than 750 mg up to 1,250 mg of cannabis products containing delta-9 THC
- **Criminal Amount**
 - More than 2.5 ounces of usable cannabis

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- More than 20 grams of concentrated cannabis
- More than 1,250 mg of cannabis products containing delta-9 THC

Civil Citation: Official documentation issued to a person for committing a civil infraction, acknowledging the infraction as identified by law enforcement.

Criminal Citation: A written charging document alleging that a person has committed a criminal violation of specific misdemeanor statutes or local ordinances, in accordance with Criminal Procedure Article § 4-101.

Investigative Stop: A temporary detention and questioning of a person based on reasonable articulable suspicion (RAS) that they are committing, have committed, or are about to commit a crime. A stop occurs when a reasonable person would believe they are not free to leave due to an officer's actions or words.

Juvenile Civil Citation: A State Juvenile Civil Citation issued by the District Court of Maryland.

Probable Cause: The facts and circumstances, known to an officer at the time, that would lead a reasonable person to believe a specific individual has committed or is committing a crime. Probable cause is based on an objective assessment of the situation.

Reasonable Articulable Suspicion (RAS): A well-founded suspicion based on specific, objective facts, combined with an officer's training and experience, that a person has committed, is committing, or is about to commit a crime.

231.4 BACKGROUND

While the use or possession of small amounts of cannabis (either personal use or civil use amounts) is considered a civil offense under Md. Code CR 5-601, cannabis in any quantity remains regulated under State law and is still subject to seizure. Officers are required to adhere to the proper guidelines for cannabis-related violations, including issuing civil citations where applicable, while ensuring compliance with all procedures related to searches, arrests, and report documentation. It is important to note that the odor of cannabis alone does not constitute probable cause for investigative action (see *Wilson v. State*, 174 Md. App 434 [2004]) unless supported by additional evidence or articulable suspicion. Furthermore, the laws regarding Driving Under the Influence (DUI) or Driving While Impaired (DWI) by a controlled dangerous substance, as well as laws governing seizure and forfeiture, remain in effect and are not altered by CR 5-601. Members should also be mindful that evidence of possession with intent to distribute, cannabis distribution, or the manufacture of cannabis, irrespective of the amount, necessitates the filing of criminal charges and appropriate action.

231.5 PROCEDURES

231.5.1 PERSONAL USE AMOUNT OF CANNABIS

- A. Only Adults 21 years of age or over may legally use and possess a Personal Use Amount of Cannabis.

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- B. If a person under 21 years of age uses or possesses the Personal Use Amount of Cannabis, it is a civil offense with a maximum fine of \$100 (CR § 5-601(c)(2)(ii)(1)) and they may not pre-pay fines for civil Cannabis violations.

231.5.2 CIVIL CANNABIS VIOLATIONS

- A. No person may use or possess the Civil Amount of Cannabis.
 - 1. If the person is 21 years of age or over, and it is their first or second offense, they may prepay a fine of \$125 to the District Court within 30 days.
 - 2. Use or possession of the Civil Amount of Cannabis is a civil offense with a maximum fine of \$250.00. (CR§ 5-601).
- B. Smoking Cannabis in a public place and in certain indoor locations prohibiting smoking is a civil offense punishable by a fine:
 - 1. First offense: maximum fine is \$50, with a prepay amount of \$25.
 - 2. Second or more offenses: maximum fine is \$150, with a prepay amount: \$75.
- C. No occupant of a motor vehicle may smoke cannabis in a passenger area of a motor vehicle on a highway (CR§ 10-125(b)(3)). It would be considered a non-traffic civil offense with a fine of \$25. (CR§ 10-126).

231.5.3 POSSESSION OF CRIMINAL AMOUNT OF CANNABIS

- A. Adults 18 years of age or over who use or possess the Criminal Amount of Cannabis may be charged with a misdemeanor and serve a maximum of six months in prison. (CR § 5- 601(c)(2)(i)).
- B. For Possession of the Criminal Amount, members must try to charge this crime by Criminal Citation before making an arrest.

231.5.4 OTHER CRIMINAL CANNABIS VIOLATIONS

- A. For criminal Cannabis crimes in this section, other than Possession of the Criminal Amount of Cannabis, adults 18 years of age and over may be charged with a misdemeanor and subject to imprisonment not exceeding three years or a fine not exceeding \$5,000 or both. These crimes include:
 - 1. Md. Code Ann., Crim. Law § 5-602, "Manufacturing, distributing, possession with intent to distribute, or dispensing controlled dangerous substance."
 - 2. Md. Code Ann., Crim. Law § 5-603, "Equipment to produce controlled dangerous substance."
- B. Members shall know that:
 - 1. Possession of the Civil Use Amount of Cannabis or the Personal Use Amount of Cannabis without other evidence does not constitute possession with intent to distribute or dispense Cannabis.
 - 2. "Adult sharing" of the Personal Use Amount of Cannabis is not prohibited. It is legal to transfer cannabis between people who are 21 years of age or older as long as there is no exchange of goods or services.

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231.5.5 MANUFACTURE, PRODUCTION EQUIPMENT, AND CIVILIAN RESTRICTIONS

- A. Per Md. Code CR § 5-603(b), a person may not cultivate or grow Cannabis, or manufacture a Cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or combination of them that is adapted to produce Cannabis or a Cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense Cannabis or a Cannabis product.
- B. A person under the age of 21 years may not cultivate Cannabis plants.
- C. Cultivation of Cannabis plants (maximum two plants per residence, regardless of how many adults 21 years of age or over live there) must be out of public view and secured so the plants are not accessible by unauthorized individuals, or people under 21 years of age.

231.5.6 OPERATING A VEHICLE OR VESSEL

Permissions granted under Md. Code CR § 5-601 does not affect the current laws (Md. Transportation Article § 21–902 or Natural Resources Article § 8–738) governing Driving Under the Influence of or Driving While Impaired by a controlled dangerous substance, or the laws governing seizure and forfeiture. Members shall consider other evidence in determining whether the driver was impaired or under the influence and may not rely solely on the odor or presence of Cannabis before effectuating a DUI/ DWI arrest or searching for evidence.

231.5.7 STOPS AND SEARCHES BASED ON CANNABIS

- A. Members shall not initiate a stop or a search of a person, a motor vehicle, or a vessel based solely on one or more of the following:
 - 1. The odor of burnt or unburnt Cannabis;
 - 2. The possession or suspicion of possession of Cannabis that does not exceed the Personal Use Amount; or
 - 3. The presence of cash or currency in proximity to Cannabis without other indicia of an intent to distribute.
- B. If a member is investigating a person solely for driving or attempting to drive a motor vehicle or vessel while impaired by or under the influence of Cannabis in violation of Md. Transportation Article § 21–902 or Natural Resources Article § 8–738, the member shall not conduct a search of an area of a motor vehicle or vessel that is not:
 - 1. Readily accessible to the driver or operator of the motor vehicle or vessel; or
 - 2. Reasonably likely to contain evidence relevant to the condition of the driver or operator of the motor vehicle or vessel.
 - 3. Evidence discovered or obtained in violation of this section, including evidence discovered or obtained with consent, is not admissible in a trial, a hearing, or any other proceeding.

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231.5.8 YOUTH UNDER 18 YEARS OF AGE

- A. Youth under 18 years of age in possession of Cannabis may be issued a Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses for civil Cannabis violations (CJP § 3-8A-33).
- B. For other Cannabis violations committed by a youth, members may refer the matter to the Department of Juvenile Services (DJS).
- C. If the member believes the youth is under the influence of or has ingested Cannabis, the member shall provide or summon medical attention when appropriate.

231.5.9 PREPARATION OF THE CIVIL CITATION

When preparing the civil citation:

- A. Conduct a warrant check.
- B. Use discretion in the issuance of a Uniform Civil Citation. Record the probable cause on the reverse of the Officer's copy, titled "Officer's Notes."
- C. Complete an Incident Report, titled "Possession of Marijuana (Civil)."
 - 1. Regardless of the member electing to issue a Uniform Civil Citation or not, complete an Incident Report for the seized contraband.
 - 2. When requesting a CC#, notify the dispatcher it is for Marijuana Possession (Civil).
- D. If a suspect is charged by Uniform Civil Citation, any associated Incident Report must include detailed information describing the incident, probable cause, and disposition of the evidence by means of property submission per departmental guidelines.
- E. If a suspect has committed any combination of criminal offenses and civil offenses, the criminal offense shall take precedence and:
 - 1. The suspect shall be arrested and criminally charged in accordance with existing departmental policy and rules and regulations.
 - 2. No Uniform Civil Citation shall be issued. An offense report is required and shall include the disposition of the recovered/seized property.

231.5.10 ISSUANCE OF UNIFORM CIVIL CITATION

When issuing Uniform Civil Citations, the member must:

- A. For individuals, who are 21 years old and above, the officer must check the "MAY PAY A FINE" box and indicate the prepay amount designated. Payment may be made at any District Court of Maryland location and check the "MAY ELECT TO STAND TRIAL" box. The hearing date will be set by the District Court. The violator will be notified by mail.
- B. Officers, who issue a Uniform Civil Citation must, in the absence of an official measurement, rely upon their training, knowledge, and experience to determine the unpackaged weight to meet the requirements of a citation. This evaluation must be documented by the officer in the reports pertaining to the incident.

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- C. Should the person refuse to sign the Uniform Civil Citation, the officer will write "Refused to Sign" on the signature line of the citation.
- D. Appear for court when summoned.
- E. The officer must inform the adult (21 years of age and over) that if they elect a hearing on the citation, the court may impose a higher fine plus court costs.
- F. Ensure all reporting and submissions are completed by the end of your tour of duty.
 - 1. All citations are to be turned into the officers' supervisor by the end of their tour of duty.
- G. All recovered/seized Cannabis and paraphernalia shall be submitted in accordance with Policy 802 (Property). Documentation for the submission shall be attached to the Offense report and provided to the Property Custodian in accordance with policy.

231.6 OFFICER RESPONSIBILITIES

Officer is responsible for executing the procedures previously listed for preparation and issuance of uniform civil citation.

231.7 SUPERVISOR RESPONSIBILITIES

- A. Monitor the enforcement decisions made by a subordinate, who is investigating a Uniform Civil Citation-eligible offense.
- B. Review/sign every citation and associated reports to check for completeness and that the issuing member operated within the laws of the State of Maryland and the Rules and Regulations of this department.
- C. If a citation is not correct or complete, void the citation. If incident reports are not correct or complete to include a property listing and probable cause, return the incident report to the reporting officer for correction.
- D. Should the Uniform Civil Citation be deemed insufficient, have the issuing officer complete a written report, citing the found deficiency and requesting it be voided. The report must be attached to the citation and forwarded to the Records Section.
- E. Ensure all reports and submissions are completed by the end of the tour of duty, for review and approval, through the current records management system.
 - 1. Submit all citations to the Records Section for processing by the end of the shift.
 - 2. Attach a copy of the citation to the Incident report, if written.

231.8 RECORDS SECTION RESPONSIBILITIES

Review the Uniform Civil Citations received from members for correctness and completeness in accordance with the Records Section Standard Operating Procedure (SOP) for citations.

- A. Receive and process Uniform Civil Citations and related reports.
- B. If a citation is not correct or complete, void the citation. If incident reports are not correct or complete, to include property listing, return the incident report to the reporting officer for correction as described in Policy 803 (Records Section).

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- C. Complete transmittal in accordance with the Citation SOP.
- D. The Uniform Civil Citations and reports for juveniles must be delivered to DJS Intake.
- E. Send only the completed/correct Uniform Civil Citation packets to the Eastside District Court at 1400 E. North Avenue, Baltimore, MD 21213, location specified by the District Court System in Baltimore City within forty-eight (48) hours of the citation being issued
- F. Forward to the respondents, whose citations have been voided, a letter notifying them to disregard the Uniform Civil Citation.