

HOUSE BILL 712

J1, E1

0lr1163
CF 0lr1424

By: **Delegates Morhaim, Anderson, Glenn, Ali, Aumann, Barnes, Barve, Boteler, Branch, Burns, Cane, Cardin, Carr, G. Clagett, Dumais, Elmore, Feldman, Frank, Gutierrez, Guzzone, Harrison, Hecht, Hucker, Jenkins, Jennings, Kach, Kramer, Krysiak, Lafferty, Levy, McComas, McConkey, McHale, McIntosh, Murphy, Nathan-Pulliam, Proctor, Reznik, Riley, Robinson, Rosenberg, Ross, Schuler, Stein, Stukes, Stull, F. Turner, and Valderrama**

Introduced and read first time: February 4, 2010

Assigned to: Health and Government Operations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Medical Marijuana**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene (DHMH)
4 to issue a certain request for proposals to select authorized growers of
5 marijuana for medical use; providing for certain requirements of authorized
6 growers; requiring DHMH, jointly with the Department of Agriculture, to adopt
7 certain regulations; requiring DHMH to establish a certain registration
8 program to authorize certain entities to distribute marijuana for medical
9 purposes; authorizing DHMH to charge a certain fee for the issuance of a
10 certain permit; requiring certain entities and individuals to apply for a certain
11 criminal history records check; requiring certain permit holders to display a
12 certain permit at certain times; requiring certain permit holders to report
13 certain changes to DHMH within a certain time period; authorizing a patient or
14 primary caregiver to provide certain reimbursement to certain entities;
15 authorizing the same entity to grow and dispense marijuana; requiring DHMH
16 to establish a registry of qualifying patients and primary caregivers and to issue
17 a certain registry identification card to certain individuals under certain
18 circumstances; requiring DHMH to approve or deny an application or renewal
19 for a registry identification card within a certain time period and in a certain
20 manner; requiring a registry identification card to include certain information;
21 requiring an individual who has been issued a registry identification card to
22 provide a certain notification to DHMH under certain circumstances; requiring
23 DHMH to maintain a confidential list of the individuals to whom DHMH has
24 issued registry identification cards; providing that certain individuals and
25 entities may not be subject to certain penalties or denied certain rights for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 medical use of marijuana; providing that the possession of a registry
 2 identification card does not constitute probable cause to conduct a certain
 3 search by a government agency; providing that an individual may not be subject
 4 to arrest or prosecution for certain offenses for being in the presence of the
 5 medical use of marijuana; requiring a physician to provide certain written
 6 instructions for a qualifying patient or caregiver; authorizing a physician to
 7 issue multiple written instructions for a qualifying patient or caregiver if
 8 certain conditions are met; requiring qualifying patients, primary caregivers,
 9 and certain pharmacies and dispensing centers to follow certain procedures;
 10 providing that a patient may be registered at only one pharmacy or dispensing
 11 center at a time; requiring the Secretary of Health and Mental Hygiene to
 12 establish a system to monitor the dispensation of marijuana for medical use in
 13 the State; requiring certain physicians, pharmacies, and dispensing centers to
 14 provide certain information to the Secretary; providing that this Act may not be
 15 construed to permit any individual to operate, navigate, or be in actual physical
 16 control of certain modes of transportation while under the influence of
 17 marijuana or to smoke marijuana in any public place; providing that this Act
 18 may not be construed to require certain insurance reimbursement; requiring
 19 DHMH to submit certain reports to the Governor and General Assembly on or
 20 before certain dates; requiring DHMH to adopt certain regulations on or before
 21 a certain date; authorizing DHMH to accept certain funds; requiring DHMH to
 22 use certain fees in a certain manner; requiring DHMH to distribute certain
 23 funds to the General Fund of the State; defining certain terms; and generally
 24 relating to marijuana for medical use.

25 BY adding to
 26 Article – Health – General
 27 Section 13–3001 through 13–3012 to be under the new subtitle “Subtitle 30.
 28 Medical Marijuana”
 29 Annotated Code of Maryland
 30 (2009 Replacement Volume)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 32 MARYLAND, That the Laws of Maryland read as follows:

33 **Article – Health – General**

34 **SUBTITLE 30. MEDICAL MARIJUANA.**

35 **13–3001.**

36 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 37 **INDICATED.**

38 **(B) “AUTHORIZED GROWER” MEANS AN ENTITY THAT:**

1 **(1) IS SELECTED BY THE DEPARTMENT UNDER THIS SUBTITLE TO**
2 **CULTIVATE MARIJUANA; AND**

3 **(2) MAY DISPENSE MARIJUANA CULTIVATED BY THE ENTITY TO A**
4 **PHARMACY THAT HOLDS A REGISTRATION PERMIT TO DISTRIBUTE MARIJUANA**
5 **UNDER THIS SUBTITLE OR TO A DISPENSING CENTER FOR A FEE.**

6 **(C) “BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP” MEANS A**
7 **RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR**
8 **THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT’S MEDICAL**
9 **CONDITION.**

10 **(D) “DEBILITATING MEDICAL CONDITION” MEANS A CHRONIC OR**
11 **DEBILITATING DISEASE OR MEDICAL CONDITION OR ITS TREATMENT THAT**
12 **PRODUCES ONE OR MORE OF THE FOLLOWING:**

13 **(1) CACHEXIA OR WASTING SYNDROME;**

14 **(2) SEVERE OR CHRONIC PAIN;**

15 **(3) SEVERE NAUSEA;**

16 **(4) SEIZURES;**

17 **(5) SEVERE AND PERSISTENT MUSCLE SPASMS; OR**

18 **(6) AS DOCUMENTED BY THE PHYSICIAN WITH WHOM THE**
19 **PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP, ANY OTHER**
20 **CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.**

21 **(E) “DISPENSING CENTER” MEANS AN ENTITY REGISTERED UNDER**
22 **THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,**
23 **TRANSPORTS, SUPPLIES, OR DISPENSES MARIJUANA OR RELATED SUPPLIES**
24 **AND EDUCATIONAL MATERIALS.**

25 **(F) “MARIJUANA” HAS THE SAME MEANING AS PROVIDED IN § 5–101 OF**
26 **THE CRIMINAL LAW ARTICLE.**

27 **(G) “MEDICAL USE” MEANS THE ACQUISITION, POSSESSION,**
28 **CULTIVATION, MANUFACTURE, USE, DELIVERY, SALE, TRANSFER, OR**
29 **TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE**
30 **ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A PATIENT’S**
31 **CONDITION OR SYMPTOMS.**

1 (H) “PHYSICIAN” MEANS AN INDIVIDUAL LICENSED BY THE STATE
2 BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS
3 ARTICLE TO PRACTICE MEDICINE.

4 (I) (1) “PRIMARY CAREGIVER” MEANS A RESIDENT OF THE STATE
5 WHO:

6 (I) IS AT LEAST 18 YEARS OLD;

7 (II) HAS AGREED TO ASSIST WITH ONLY ONE QUALIFYING
8 PATIENT’S MEDICAL USE OF MARIJUANA AT A TIME;

9 (III) HAS BEEN DESIGNATED AS PRIMARY CAREGIVER ON
10 THE QUALIFYING PATIENT’S APPLICATION OR RENEWAL FOR A REGISTRY
11 IDENTIFICATION CARD OR IN OTHER WRITTEN NOTIFICATION TO THE
12 DEPARTMENT; AND

13 (IV) HAS SATISFIED THE CRIMINAL HISTORY RECORDS
14 CHECK REQUIRED UNDER § 13-3004 OF THIS SUBTITLE.

15 (2) “PRIMARY CAREGIVER” DOES NOT INCLUDE THE QUALIFYING
16 PATIENT’S PHYSICIAN.

17 (J) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO
18 HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION BY A PHYSICIAN
19 PURSUANT TO A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.

20 (K) “REGISTRY IDENTIFICATION CARD” MEANS A DOCUMENT ISSUED BY
21 THE DEPARTMENT THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT
22 OR PRIMARY CAREGIVER.

23 (L) (1) “USABLE MARIJUANA” MEANS THE DRIED LEAVES AND
24 FLOWERS OF MARIJUANA, AND ANY MIXTURE OR PREPARATION OF THE DRIED
25 LEAVES AND FLOWERS.

26 (2) “USABLE MARIJUANA” DOES NOT INCLUDE THE SEEDS,
27 STALKS, OR ROOTS OF THE PLANT.

28 (M) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT MEETS
29 THE REQUIREMENTS OF § 13-3004(A)(2) OF THIS SUBTITLE.

30 13-3002.

1 **(A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO**
2 **SELECT AUTHORIZED GROWERS OF MARIJUANA FOR MEDICAL USE IN THE**
3 **STATE.**

4 **(B) (1) THE INITIAL REQUEST FOR PROPOSALS ISSUED UNDER THIS**
5 **SECTION SHALL REQUIRE A MINIMUM PROPOSAL OF \$100,000.**

6 **(2) THE DEPARTMENT MAY SET THE MINIMUM PROPOSAL**
7 **AMOUNT FOR ANY SUBSEQUENT REQUEST FOR PROPOSALS ISSUED BY THE**
8 **DEPARTMENT UNDER THIS SECTION.**

9 **(3) THE DEPARTMENT MAY SELECT AS MANY AUTHORIZED**
10 **GROWERS UNDER THIS SECTION AS ARE NECESSARY TO PROVIDE MEDICAL**
11 **MARIJUANA IN ALL GEOGRAPHIC REGIONS OF THE STATE.**

12 **(C) AN AUTHORIZED GROWER SHALL:**

13 **(1) CULTIVATE THE MARIJUANA IN THE STATE;**

14 **(2) MEET CERTAIN SECURITY AND SAFETY STANDARDS THAT MAY**
15 **BE VERIFIED BY AN OUTSIDE ENTITY AS APPROVED BY THE DEPARTMENT;**

16 **(3) SUBMIT TO PHARMACOLOGICAL TESTING OF THE MARIJUANA**
17 **TO ENSURE:**

18 **(I) CONSISTENCY OF THE MARIJUANA CULTIVATED UNDER**
19 **THIS SUBTITLE; AND**

20 **(II) THAT THERE IS NO ADULTERATION OR CONTAMINATION**
21 **OF THE MARIJUANA; AND**

22 **(4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK FOR ANY**
23 **EMPLOYEE OF THE AUTHORIZED GROWER AS PROVIDED FOR IN THIS SUBTITLE.**

24 **(D) (1) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF POSSESSION**
25 **OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE AN**
26 **EMPLOYEE OF AN AUTHORIZED GROWER, UNLESS THE CONVICTION WAS FOR A**
27 **VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF**
28 **MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

29 **(2) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY MAY**
30 **NOT BE AN EMPLOYEE OF AN AUTHORIZED GROWER.**

1 **(E) THE DEPARTMENT, JOINTLY WITH THE DEPARTMENT OF**
2 **AGRICULTURE, SHALL ADOPT REGULATIONS TO BE FOLLOWED BY AN**
3 **AUTHORIZED GROWER INCLUDING:**

4 **(1) THE STANDARDS TO BE USED IN CULTIVATING THE**
5 **MARIJUANA;**

6 **(2) THE SECURITY FEATURES TO BE REQUIRED ON THE PREMISES**
7 **AND IN TRANSPORT TO AN ENTITY THAT OBTAINS A PERMIT TO DISPENSE**
8 **MARIJUANA; AND**

9 **(3) THE LOCATION OF THE AUTHORIZED GROWER, INCLUDING**
10 **THE CONSIDERATION OF THE PROXIMITY OF THE ENTITY TO SCHOOLS.**

11 **13-3003.**

12 **(A) (1) (I) THE DEPARTMENT SHALL ESTABLISH A REGISTRATION**
13 **PROGRAM TO AUTHORIZE ENTITIES TO DISTRIBUTE MARIJUANA FOR MEDICAL**
14 **PURPOSES.**

15 **(II) THE DEPARTMENT SHALL CHARGE A REASONABLE FEE**
16 **FOR THE ISSUANCE OF A REGISTRATION PERMIT UNDER THIS SECTION THAT IS**
17 **BASED ON THE AMOUNT OF THE MARIJUANA DISTRIBUTED BY THE ENTITY.**

18 **(2) THE FOLLOWING ENTITIES MAY REGISTER WITH THE**
19 **DEPARTMENT TO DISTRIBUTE MARIJUANA FOR MEDICAL PURPOSES:**

20 **(I) A PHARMACY THAT HOLDS A PHARMACY PERMIT**
21 **ISSUED BY THE BOARD OF PHARMACY; OR**

22 **(II) A DISPENSING CENTER AS PROVIDED FOR IN THIS**
23 **SECTION.**

24 **(B) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A PERMIT**
25 **TO PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT:**

26 **(1) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE FOR**
27 **OPERATING THE PHARMACY OR DISPENSING CENTER;**

28 **(2) THE NAMES OF ANY EMPLOYEES, WHETHER VOLUNTEER OR**
29 **PAID;**

30 **(3) THE LOCATION OF THE PHARMACY OR DISPENSING CENTER;**

1 (4) THE SECURITY MEASURES THAT WILL BE FOLLOWED BY THE
2 PHARMACY OR DISPENSING CENTER IN RECEIVING, STORING, AND DISPENSING
3 THE MARIJUANA;

4 (5) THE METHOD BY WHICH THE PHARMACY OR DISPENSING
5 CENTER WILL ACCOUNT FOR THE AMOUNT OF MARIJUANA RECEIVED AND
6 DISPENSED; AND

7 (6) ANY OTHER INFORMATION THAT THE DEPARTMENT
8 CONSIDERS NECESSARY.

9 (c) (1) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA
10 UNDER THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A
11 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH
12 EMPLOYEE OF THE ENTITY.

13 (2) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY
14 RECORDS CHECK, THE ENTITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

15 (i) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE
16 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE
17 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
18 INVESTIGATION;

19 (ii) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO
20 STATE CRIMINAL HISTORY RECORDS; AND

21 (iii) THE MANDATORY PROCESSING FEE REQUIRED BY THE
22 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
23 RECORDS CHECK.

24 (3) THE CENTRAL REPOSITORY SHALL FORWARD TO THE
25 EMPLOYEE AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY
26 RECORD INFORMATION.

27 (4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
28 UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.

29 (5) (i) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF
30 POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE
31 ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR PHARMACY OR BE AN
32 EMPLOYEE OF A DISPENSING CENTER OR PHARMACY, UNLESS THE CONVICTION
33 WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF
34 MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.

1 **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**
2 **FELONY MAY NOT BE ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR**
3 **PHARMACY OR BE AN EMPLOYEE OF A DISPENSING CENTER OR PHARMACY.**

4 **(D) (1) THE DEPARTMENT SHALL ISSUE A PERMIT TO AN INDIVIDUAL**
5 **TO OPERATE A DISPENSING CENTER OR PHARMACY IF:**

6 **(I) THE REQUIREMENTS OF THIS SECTION ARE MET; AND**

7 **(II) THE DEPARTMENT HAS VERIFIED THE INFORMATION**
8 **CONTAINED IN THE APPLICATION.**

9 **(2) THE DEPARTMENT SHALL APPROVE OR DENY AN**
10 **APPLICATION WITHIN 60 DAYS AFTER RECEIPT OF A COMPLETED APPLICATION.**

11 **(3) A DENIAL OF AN APPLICATION SHALL BE CONSIDERED A**
12 **FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**
13 **ADMINISTRATIVE PROCEDURE ACT.**

14 **(E) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS**
15 **SECTION SHALL DISPLAY THE PERMIT AT THE PHARMACY OR DISPENSING**
16 **CENTER AT ALL TIMES WHEN THE PHARMACY OR DISPENSING CENTER IS IN**
17 **POSSESSION OF THE MARIJUANA.**

18 **(F) A PERMIT HOLDER SHALL REPORT ANY CHANGE IN INFORMATION**
19 **TO THE DEPARTMENT NO LATER THAN 10 DAYS AFTER THE CHANGE OR THE**
20 **PERMIT WILL BE CONSIDERED VOID.**

21 **(G) A PATIENT OR A PRIMARY CAREGIVER OF THE PATIENT MAY**
22 **REIMBURSE THE PHARMACY OR DISPENSING CENTER FOR REASONABLE COSTS**
23 **ASSOCIATED WITH THE PRODUCTION OF MARIJUANA FOR THE CARDHOLDER.**

24 **(H) THE SAME ENTITY MAY BE SELECTED TO GROW MARIJUANA UNDER**
25 **§ 13-3002 OF THIS SUBTITLE AND TO DISPENSE MARIJUANA UNDER THIS**
26 **SECTION.**

27 **13-3004.**

28 **(A) (1) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF**
29 **QUALIFYING PATIENTS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO**
30 **A QUALIFYING PATIENT WHO SUBMITS THE FOLLOWING INFORMATION TO THE**
31 **DEPARTMENT:**

1 **(I) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A**
2 **QUALIFYING PATIENT;**

3 **(II) AN APPLICATION OR RENEWAL FEE THAT MAY BE**
4 **BASED ON A SLIDING SCALE AS DETERMINED BY THE SECRETARY;**

5 **(III) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
6 **QUALIFYING PATIENT;**

7 **(IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF**
8 **THE QUALIFYING PATIENT’S PHYSICIAN; AND**

9 **(V) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
10 **QUALIFYING PATIENT’S PRIMARY CAREGIVER, IF ANY.**

11 **(2) THE WRITTEN CERTIFICATION REQUIRED UNDER PARAGRAPH**
12 **(1)(I) OF THIS SUBSECTION SHALL:**

13 **(I) BE PREPARED BY A PHYSICIAN:**

14 **1. WITH WHOM THE PATIENT HAS A BONA FIDE**
15 **PHYSICIAN–PATIENT RELATIONSHIP;**

16 **2. WHO IS THE PRIMARY CARE PHYSICIAN, HOSPICE**
17 **PHYSICIAN, OR PHYSICIAN RESPONSIBLE FOR ONGOING TREATMENT OF THE**
18 **PATIENT’S DEBILITATING MEDICAL CONDITION; AND**

19 **3. WHOSE TREATMENT OF THE PATIENT MAY NOT BE**
20 **LIMITED TO AUTHORIZATION FOR THE PATIENT TO USE MEDICAL MARIJUANA**
21 **OR CONSULTATION FOR THAT PURPOSE; AND**

22 **(II) INCLUDE A STATEMENT BY THE PHYSICIAN THAT:**

23 **1. IN THE PHYSICIAN’S PROFESSIONAL OPINION,**
24 **AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT’S MEDICAL**
25 **HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A**
26 **DEBILITATING MEDICAL CONDITION FOR WHICH RECOGNIZED DRUGS OR**
27 **TREATMENTS WOULD NOT BE EFFECTIVE; AND**

28 **2. THE POTENTIAL BENEFITS OF THE MEDICAL USE**
29 **OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE**
30 **PATIENT.**

1 **(B) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF PRIMARY**
2 **CAREGIVERS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A**
3 **PRIMARY CAREGIVER WHO SUBMITS THE FOLLOWING INFORMATION TO THE**
4 **DEPARTMENT:**

5 **(1) AN APPLICATION OR RENEWAL FEE THAT MAY BE BASED ON A**
6 **SLIDING SCALE AS DETERMINED BY THE SECRETARY;**

7 **(2) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
8 **QUALIFYING PATIENT;**

9 **(3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE**
10 **PATIENT'S PHYSICIAN; AND**

11 **(4) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRIMARY**
12 **CAREGIVER.**

13 **(C) BEFORE ISSUING AN IDENTIFICATION CARD, THE DEPARTMENT**
14 **SHALL VERIFY THE INFORMATION CONTAINED IN THE APPLICATION OR**
15 **RENEWAL FORM SUBMITTED UNDER THIS SECTION.**

16 **(D) (1) THE DEPARTMENT SHALL:**

17 **(I) APPROVE OR DENY AN APPLICATION OR RENEWAL**
18 **WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION OR RENEWAL; AND**

19 **(II) ISSUE A REGISTRY IDENTIFICATION CARD WITHIN 5**
20 **DAYS OF APPROVING THE APPLICATION OR RENEWAL.**

21 **(2) THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL**
22 **ONLY IF THE APPLICANT FAILS TO PROVIDE THE INFORMATION REQUIRED**
23 **UNDER THIS SECTION OR IF THE DEPARTMENT DETERMINES THAT THE**
24 **INFORMATION WAS FALSIFIED.**

25 **(3) DENIAL OF THE APPLICATION SHALL BE CONSIDERED A FINAL**
26 **AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**
27 **ADMINISTRATIVE PROCEDURE ACT.**

28 **(E) (1) THE DEPARTMENT SHALL REQUIRE EACH APPLICANT**
29 **SEEKING TO SERVE AS PRIMARY CAREGIVER TO APPLY TO THE CENTRAL**
30 **REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS**
31 **CHECK.**

1 **(2) THE DEPARTMENT SHALL PROVISIONALLY APPROVE AN**
2 **APPLICATION TO SERVE AS PRIMARY CAREGIVER PENDING THE RESULTS OF A**
3 **CRIMINAL HISTORY RECORDS CHECK.**

4 **(3) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**
5 **RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL**
6 **REPOSITORY:**

7 **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**
8 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
9 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
10 **INVESTIGATION;**

11 **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**
12 **STATE CRIMINAL HISTORY RECORDS; AND**

13 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
14 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
15 **RECORDS CHECK.**

16 **(4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
17 **APPLICANT AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY**
18 **RECORD INFORMATION.**

19 **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
20 **UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.**

21 **(6) (I) AN APPLICANT WHO HAS BEEN CONVICTED OF**
22 **POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT**
23 **SERVE AS A PRIMARY CAREGIVER, UNLESS THE CONVICTION OCCURRED ON OR**
24 **AFTER OCTOBER 1, 2010, AND WAS FOR A VIOLATION OF FEDERAL LAW**
25 **RELATING TO POSSESSION OR SALE OF MARIJUANA FOR CONDUCT THAT IS**
26 **LEGAL UNDER THIS SUBTITLE.**

27 **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**
28 **FELONY MAY NOT BE ISSUED A REGISTRY IDENTIFICATION CARD TO SERVE AS A**
29 **PRIMARY CAREGIVER.**

30 **(7) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS CHECK**
31 **FROM THE CENTRAL REPOSITORY, THE SECRETARY SHALL NOTIFY THE**
32 **APPLICANT IN WRITING OF THE APPLICANT'S QUALIFICATION OR**
33 **DISQUALIFICATION FOR SERVING AS A PRIMARY CAREGIVER.**

1 **(F) (1) A REGISTRY IDENTIFICATION CARD SHALL CONTAIN THE**
2 **FOLLOWING INFORMATION:**

3 **(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
4 **QUALIFYING PATIENT;**

5 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
6 **QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY;**

7 **(III) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE**
8 **REGISTRY IDENTIFICATION CARD;**

9 **(IV) PHOTO IDENTIFICATION OF THE CARDHOLDER; AND**

10 **(V) ANY OTHER INFORMATION PROVIDED FOR BY THE**
11 **DEPARTMENT IN REGULATIONS.**

12 **(2) (I) A PATIENT WHO HAS BEEN ISSUED A REGISTRY**
13 **IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN**
14 **THE PATIENT'S NAME, ADDRESS, PHYSICIAN OR PRIMARY CAREGIVER, OR**
15 **CHANGE IN STATUS OF THE PATIENT'S DEBILITATING MEDICAL CONDITION,**
16 **WITHIN 10 DAYS OF THE CHANGE, OR THE REGISTRY IDENTIFICATION CARD**
17 **SHALL BE CONSIDERED VOID.**

18 **(II) A PRIMARY CAREGIVER WHO HAS BEEN ISSUED A**
19 **REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY**
20 **CHANGE IN THE PRIMARY CAREGIVER'S NAME OR ADDRESS, WITHIN 10 DAYS OF**
21 **THE CHANGE, OR THE REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED**
22 **VOID.**

23 **(G) (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST**
24 **OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY**
25 **IDENTIFICATION CARDS.**

26 **(2) THE NAMES OF INDIVIDUALS AND OTHER IDENTIFYING**
27 **INFORMATION OF THE LIST:**

28 **(I) ARE CONFIDENTIAL;**

29 **(II) MAY NOT BE CONSIDERED A PUBLIC RECORD; AND**

30 **(III) MAY NOT BE DISCLOSED EXCEPT TO:**

1 1. **AUTHORIZED EMPLOYEES OF THE DEPARTMENT**
2 **AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR**

3 2. **AUTHORIZED EMPLOYEES OF STATE OR LOCAL**
4 **LAW ENFORCEMENT, TO VERIFY THAT AN INDIVIDUAL WHO IS ENGAGED IN THE**
5 **SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS LAWFULLY IN**
6 **POSSESSION OF A REGISTRY IDENTIFICATION CARD.**

7 (H) **A REGISTRY IDENTIFICATION CARD IS VALID FOR 1 YEAR.**

8 **13-3005.**

9 (A) **A QUALIFYING PATIENT, PRIMARY CAREGIVER, AUTHORIZED**
10 **GROWER, PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS**
11 **SUBTITLE, DISPENSING CENTER, PHYSICIAN, OR ANY OTHER PERSON ACTING IN**
12 **ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT**
13 **TO ANY CIVIL OR ADMINISTRATIVE PENALTY OR DENIED ANY RIGHT OR**
14 **PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A**
15 **PROFESSIONAL LICENSING BOARD, FOR THE MEDICAL USE OF MARIJUANA.**

16 (B) **THE POSSESSION OF, OR THE APPLICATION FOR, A REGISTRY**
17 **IDENTIFICATION CARD DOES NOT ALONE CONSTITUTE PROBABLE CAUSE TO**
18 **SEARCH AN INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL POSSESSING OR**
19 **APPLYING FOR THE REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT**
20 **THE INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A**
21 **GOVERNMENTAL UNIT.**

22 (C) **AN INDIVIDUAL MAY NOT BE SUBJECT TO ARREST OR PROSECUTION**
23 **FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR ANY OTHER OFFENSE FOR**
24 **BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AS**
25 **ALLOWED UNDER THIS SUBTITLE.**

26 **13-3006.**

27 (A) (1) **A PHYSICIAN SHALL PROVIDE WRITTEN INSTRUCTIONS FOR A**
28 **REGISTERED QUALIFYING PATIENT OR PRIMARY CAREGIVER OF THE PATIENT**
29 **TO PRESENT TO A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER**
30 **THIS SUBTITLE OR DISPENSING CENTER CONCERNING THE TOTAL AMOUNT OF**
31 **USABLE MARIJUANA THAT MAY BE DISPENSED TO A PATIENT, IN WEIGHT, IN A**
32 **30-DAY PERIOD THAT MAY NOT EXCEED 2 OUNCES.**

33 (2) **IF NO AMOUNT IS NOTED IN THE WRITTEN INSTRUCTIONS,**
34 **THE MAXIMUM AMOUNT THAT MAY BE DISPENSED AT ONE TIME IS 2 OUNCES.**

1 **(B) A PHYSICIAN MAY ISSUE MULTIPLE WRITTEN INSTRUCTIONS AT ONE**
2 **TIME AUTHORIZING THE PATIENT TO RECEIVE A TOTAL OF UP TO A 90-DAY**
3 **SUPPLY OF MARIJUANA, IF:**

4 **(1) EACH SEPARATE SET OF INSTRUCTIONS IS ISSUED FOR A**
5 **LEGITIMATE MEDICAL PURPOSE BY THE PHYSICIAN, AS PROVIDED IN THIS**
6 **SUBTITLE;**

7 **(2) EACH SEPARATE SET OF INSTRUCTIONS INDICATES THE**
8 **EARLIEST DATE ON WHICH A PHARMACY OR DISPENSING CENTER MAY**
9 **DISPENSE THE MARIJUANA, EXCEPT FOR THE FIRST DISPENSATION IF IT IS TO**
10 **BE FILLED IMMEDIATELY; AND**

11 **(3) THE PHYSICIAN HAS DETERMINED THAT PROVIDING THE**
12 **PATIENT WITH MULTIPLE INSTRUCTIONS IN THIS MANNER DOES NOT CREATE**
13 **AN UNDUE RISK OF DIVERSION OR ABUSE.**

14 **(C) (1) A REGISTERED QUALIFYING PATIENT OR THE PATIENT'S**
15 **PRIMARY CAREGIVER SHALL PRESENT THE QUALIFYING PATIENT'S OR PRIMARY**
16 **CAREGIVER'S REGISTRY IDENTIFICATION CARD AND ANY WRITTEN**
17 **INSTRUCTIONS FROM THE PHYSICIAN TO THE APPROVED PHARMACY OR**
18 **DISPENSING CENTER.**

19 **(2) ON RECEIPT OF THE INFORMATION REQUIRED UNDER**
20 **PARAGRAPH (1) OF THIS SUBSECTION, THE APPROVED PHARMACY OR**
21 **DISPENSING CENTER SHALL VERIFY AND LOG THE INFORMATION PRESENTED.**

22 **(D) THE DISPENSATION OF MARIJUANA UNDER ANY WRITTEN**
23 **INSTRUCTIONS SHALL OCCUR WITHIN 1 MONTH OF THE DATE OF THE WRITING**
24 **OF THE INSTRUCTIONS OR THE INSTRUCTIONS ARE VOID.**

25 **(E) A PATIENT MAY BE REGISTERED AT ONLY ONE PHARMACY OR**
26 **DISPENSING CENTER AT ANY TIME.**

27 **13-3007.**

28 **(A) THE SECRETARY SHALL ESTABLISH A SYSTEM TO MONITOR THE**
29 **DISPENSATION OF MARIJUANA IN THE STATE FOR MEDICAL USE AS**
30 **AUTHORIZED UNDER THIS SUBTITLE.**

31 **(B) A PHYSICIAN WHO PROVIDES WRITTEN CERTIFICATION OR WRITTEN**
32 **INSTRUCTION FOR THE MEDICAL USE OF MARIJUANA TO A QUALIFYING PATIENT**
33 **UNDER THIS SUBTITLE AND ANY PHARMACY THAT HOLDS A REGISTRATION**
34 **PERMIT UNDER THIS SUBTITLE OR DISPENSING CENTER SHALL PROVIDE TO**

1 THE SECRETARY ANY INFORMATION REQUIRED BY THE SECRETARY FOR
2 INCLUSION IN THE SYSTEM CREATED UNDER SUBSECTION (A) OF THIS SECTION.

3 **13-3008.**

4 THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY INDIVIDUAL
5 TO:

6 (1) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL
7 OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE
8 OF MARIJUANA; OR

9 (2) SMOKE MARIJUANA IN ANY PUBLIC PLACE.

10 **13-3009.**

11 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE A PUBLIC
12 OR PRIVATE HEALTH INSURER TO REIMBURSE AN INDIVIDUAL FOR THE COSTS
13 ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.

14 **13-3010.**

15 (A) BEGINNING OCTOBER 1, 2011, AND EACH OCTOBER 1
16 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN
17 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
18 GENERAL ASSEMBLY ON:

19 (1) THE NUMBER OF APPLICATIONS FOR REGISTRY
20 IDENTIFICATION CARDS;

21 (2) THE NUMBER OF QUALIFYING PATIENTS AND PRIMARY
22 CAREGIVERS REGISTERED;

23 (3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF
24 THE QUALIFYING PATIENTS;

25 (4) THE ENTITIES SELECTED TO GROW MARIJUANA;

26 (5) THE ENTITIES RECEIVING PERMITS TO DISPENSE MARIJUANA;

27 (6) THE NUMBER OF REGISTRY IDENTIFICATION CARDS
28 REVOKED;

1 **(7) THE NUMBER OF PERMITS TO ENTITIES TO GROW OR**
2 **DISPENSE MARIJUANA REVOKED; AND**

3 **(8) THE NUMBER OF PHYSICIANS PROVIDING WRITTEN**
4 **CERTIFICATIONS FOR PATIENTS.**

5 **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
6 **MAY NOT CONTAIN ANY IDENTIFYING INFORMATION OF PATIENTS, PRIMARY**
7 **CAREGIVERS, ENTITIES SELECTED TO GROW OR DISPENSE MARIJUANA, OR**
8 **PHYSICIANS.**

9 **(C) ON OR BEFORE OCTOBER 1, 2012, AND EVERY 2 YEARS**
10 **THEREAFTER, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN**
11 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
12 **GENERAL ASSEMBLY ON:**

13 **(1) WHETHER THERE ARE SUFFICIENT NUMBERS OF APPROVED**
14 **PHARMACIES AND DISPENSING CENTERS TO MEET THE NEEDS OF REGISTERED**
15 **QUALIFYING PATIENTS THROUGHOUT THE STATE;**

16 **(2) WHETHER THE MAXIMUM AMOUNT OF MEDICAL MARIJUANA**
17 **ALLOWED UNDER THIS SUBTITLE IS SUFFICIENT TO MEET THE MEDICAL NEEDS**
18 **OF QUALIFYING PATIENTS; AND**

19 **(3) WHETHER ANY APPROVED PHARMACY OR DISPENSING**
20 **CENTER HAS CHARGED EXCESSIVE PRICES FOR MARIJUANA THAT THE**
21 **PHARMACY OR CENTER DISPENSED.**

22 **13-3011.**

23 **ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ADOPT**
24 **REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

25 **13-3012.**

26 **(A) THE DEPARTMENT MAY ACCEPT FROM ANY SOURCE GRANTS OR**
27 **CONTRIBUTIONS TO BE USED IN CARRYING OUT THE PROVISIONS OF THIS**
28 **SUBTITLE.**

29 **(B) ANY FEES COLLECTED UNDER THIS SUBTITLE SHALL BE USED TO**
30 **OFFSET THE COST OF THE DEPARTMENT'S ADMINISTRATION OF THIS SUBTITLE.**

1 **(C) ANY FUNDS RECEIVED BY THE DEPARTMENT IN EXCESS OF THE**
2 **AMOUNT REQUIRED TO FULFILL THE PROVISIONS OF THIS SUBTITLE SHALL BE**
3 **DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.