

HOUSE BILL 302

J1, E1
HB 15/12 – HGO & JUD

3lr1952

By: **Delegates Glenn, Anderson, Carter, Oaks, and B. Robinson**

Introduced and read first time: January 24, 2013

Assigned to: Health and Government Operations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Marijuana Act**

3 FOR the purpose of authorizing the medical use of marijuana under certain
4 circumstances; repealing certain criminal provisions that allow the imposition of
5 a certain fine or the use of an affirmative defense for use or possession of
6 marijuana or use or possession of drug paraphernalia related to marijuana
7 under certain circumstances; requiring the Department of Health and Mental
8 Hygiene to adopt certain regulations on or before a certain date; authorizing the
9 Department to vary certain fees in a certain manner; authorizing the
10 Department to accept certain donations for a certain purpose; requiring the
11 Department to issue a certain report to the Governor and the General Assembly
12 on or before a certain date each year; authorizing certain persons to file a
13 certain action under certain circumstances; providing that certain documents
14 shall be deemed a valid registry identification card under certain circumstances;
15 providing that a certain representation to a law enforcement official is
16 punishable by a certain fine; establishing the Medical Marijuana Advisory
17 Board in the Department; providing for the membership, quorum requirements,
18 and staffing of the Board; prohibiting a member of the Board from receiving
19 compensation but providing that a member may receive certain reimbursement;
20 providing for the duties of the Board; establishing certain application processes
21 for compassion centers, compassion center associates, designated caregivers,
22 and qualifying patients; providing that certain compassion centers are subject
23 to reasonable inspection by the Department; requiring the Department to
24 provide a compassion center certain notice before conducting an inspection;
25 establishing certain requirements for compassion centers, compassion center
26 associates, designated caregivers, and qualifying patients; authorizing counties
27 and municipalities to enact certain limits and zoning regulations regarding
28 compassion centers; requiring the Department to notify a designated caregiver
29 of a certain notice; providing that certain protections for a designated caregiver
30 expire a certain time after a certain notification; providing that certain registry
31 identification cards from other jurisdictions shall have the same force and effect

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 as a registry identification card issued by the Department; prohibiting certain
2 designated caregivers from possessing over a certain amount of marijuana;
3 authorizing certain designated caregivers to receive compensation under certain
4 circumstances; prohibiting a qualifying patient from possessing over a certain
5 amount of marijuana under certain circumstances; providing that certain
6 qualifying patients and designated caregivers may not be subject to penalty for
7 certain actions; providing that a practitioner may not be subject to penalty
8 solely for providing a certain certification or a certain statement; prohibiting
9 certain entities from discriminating against or penalizing certain persons;
10 providing for a certain presumption for the medical use of marijuana; providing
11 that certain evidence may rebut a certain presumption; prohibiting a person
12 from being denied custody of or visitation with a minor for the sole reason of
13 conduct allowed under this Act; providing that there may not be a presumption
14 of neglect or child endangerment for the sole reason of conduct allowed under
15 this Act; providing that medical use of marijuana shall be considered the
16 equivalent of the authorized use of certain medication under certain
17 circumstances; prohibiting marijuana and certain other property from being
18 seized or forfeited under certain circumstances; providing that compassion
19 centers and compassion center associates may not be subject to penalty for
20 certain activities; prohibiting certain law enforcement agencies from providing
21 certain information to certain entities under certain circumstances; clarifying
22 that this Act does not authorize certain activities; providing that nothing in this
23 Act may be construed to require certain activities; providing for the
24 confidentiality of certain information under certain circumstances; requiring the
25 Department to establish a certain verification system; defining certain terms;
26 and generally relating to the medical use of marijuana.

27 BY repealing and reenacting, with amendments,
28 Article – Criminal Law
29 Section 5–601(c) and 5–619(c)
30 Annotated Code of Maryland
31 (2012 Replacement Volume and 2012 Supplement)

32 BY adding to
33 Article – Health – General
34 Section 25–101 through 25–703 to be under the new title “Title 25. Maryland
35 Medical Marijuana Act”
36 Annotated Code of Maryland
37 (2009 Replacement Volume and 2012 Supplement)

38 Preamble

39 WHEREAS, Modern medical research has discovered beneficial uses for
40 marijuana in treating or alleviating pain, nausea, and other symptoms associated with
41 certain debilitating medical conditions, as found by the National Academy of Sciences’
42 Institute of Medicine in March 1999; and

1 WHEREAS, Studies following the 1999 National Academy of Sciences' Institute
2 of Medicine report continue to show the therapeutic value of marijuana in treating a
3 wide array of debilitating medical conditions, including increasing the chances of
4 patients finishing their treatments for HIV/AIDS and hepatitis C; and

5 WHEREAS, According to the U.S. Sentencing Commission and the Federal
6 Bureau of Investigation, 99 out of every 100 marijuana arrests in the United States
7 are made under state law, rather than under federal law; and

8 WHEREAS, Changing state law will have the practical effect of protecting from
9 arrest the vast majority of seriously ill people who have a medical need to use
10 marijuana; and

11 WHEREAS, Although federal law currently prohibits any use of marijuana, the
12 laws of Alaska, Arizona, California, Colorado, Connecticut, Delaware, the District of
13 Columbia, Hawaii, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey,
14 New Mexico, Oregon, Rhode Island, Vermont, and Washington permit the medical use
15 and cultivation of marijuana, and Maryland joins in this effort for the health and
16 welfare of its citizens; and

17 WHEREAS, States are not required to enforce federal law or prosecute people
18 for engaging in activities prohibited by federal law and, therefore, compliance with
19 this Act does not put the State of Maryland in violation of federal law; and

20 WHEREAS, State law should make a distinction between the medical and
21 nonmedical use of marijuana; and

22 WHEREAS, The purpose of this Act is to protect patients with debilitating
23 medical conditions, their physicians, and their primary caregivers from arrest and
24 prosecution, criminal and other penalties, and property forfeiture if those patients
25 engage in the medical use of marijuana; and

26 WHEREAS, The General Assembly enacts this Act in accordance with its police
27 power to enact legislation for the protection of the health of its citizens, as reserved to
28 the State in the Tenth Amendment of the United States Constitution; now, therefore,

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

31 **Article – Criminal Law**

32 5–601.

33 (c) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPH (2)** of
34 this subsection, a person who violates this section is guilty of a misdemeanor and on
35 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
36 \$25,000 or both.

1 (2) (i) A person whose violation of this section involves the use or
2 possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not
3 exceeding \$1,000 or both.

4 (ii) 1. A person convicted of the use or possession of less
5 than 10 grams of marijuana is subject to imprisonment not exceeding 90 days or a fine
6 not exceeding \$500 or both.

7 2. Unless specifically charged by the State, the use or
8 possession of less than 10 grams of marijuana under subsubparagraph 1 of this
9 subparagraph may not be considered a lesser included crime of any other crime.

10 3. If a person is convicted under this subparagraph, the
11 court shall stay any sentence imposed that includes an unserved, nonsuspended period
12 of imprisonment without requiring an appeal bond:

13 A. until the time for filing an appeal has expired; and

14 B. if an appeal is filed, during the pendency of the
15 appeal.

16 [(3) (i) 1. In this paragraph the following words have the
17 meanings indicated.

18 2. “Bona fide physician–patient relationship” means a
19 relationship in which the physician has ongoing responsibility for the assessment,
20 care, and treatment of a patient’s medical condition.

21 3. “Debilitating medical condition” means a chronic or
22 debilitating disease or medical condition or the treatment of a chronic or debilitating
23 disease or medical condition that produces one or more of the following, as documented
24 by a physician with whom the patient has a bona fide physician–patient relationship:

25 A. cachexia or wasting syndrome;

26 B. severe or chronic pain;

27 C. severe nausea;

28 D. seizures;

29 E. severe and persistent muscle spasms; or

30 F. any other condition that is severe and resistant to
31 conventional medicine.

1 (ii) 1. In a prosecution for the use or possession of
2 marijuana, the defendant may introduce and the court shall consider as a mitigating
3 factor any evidence of medical necessity.

4 2. Notwithstanding paragraph (2) of this subsection, if
5 the court finds that the person used or possessed marijuana because of medical
6 necessity, on conviction of a violation of this section, the maximum penalty that the
7 court may impose on the person is a fine not exceeding \$100.

8 (iii) 1. In a prosecution for the use or possession of
9 marijuana under this section, it is an affirmative defense that the defendant used or
10 possessed marijuana because:

11 A. the defendant has a debilitating medical condition
12 that has been diagnosed by a physician with whom the defendant has a bona fide
13 physician–patient relationship;

14 B. the debilitating medical condition is severe and
15 resistant to conventional medicine; and

16 C. marijuana is likely to provide the defendant with
17 therapeutic or palliative relief from the debilitating medical condition.

18 2. The affirmative defense may not be used if the
19 defendant was:

20 A. using marijuana in a public place; or

21 B. in possession of more than 1 ounce of marijuana.]

22 5–619.

23 (c) (1) Unless authorized under this title, a person may not use or possess
24 with intent to use drug paraphernalia to:

25 (i) plant, propagate, cultivate, grow, harvest, manufacture,
26 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
27 contain, or conceal a controlled dangerous substance; or

28 (ii) inject, ingest, inhale, or otherwise introduce into the human
29 body a controlled dangerous substance.

30 (2) A person who violates this subsection is guilty of a misdemeanor
31 and on conviction is subject to:

32 (i) for a first violation, a fine not exceeding \$500; and

1 (ii) for each subsequent violation, imprisonment not exceeding 2
2 years or a fine not exceeding \$2,000 or both.

3 (3) A person who is convicted of violating this subsection for the first
4 time and who previously has been convicted of violating subsection (d)(4) of this
5 section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

6 [(4) (i) 1. In this paragraph the following words have the
7 meanings indicated.

8 2. “Bona fide physician–patient relationship” means a
9 relationship in which the physician has ongoing responsibility for the assessment,
10 care, and treatment of a patient’s medical condition.

11 3. “Debilitating medical condition” means a chronic or
12 debilitating disease or medical condition or the treatment of a chronic or debilitating
13 disease or medical condition that produces one or more of the following, as documented
14 by a physician with whom the patient has a bona fide physician–patient relationship:

15 A. cachexia or wasting syndrome;

16 B. severe or chronic pain;

17 C. severe nausea;

18 D. seizures;

19 E. severe and persistent muscle spasms; or

20 F. any other condition that is severe and resistant to
21 conventional medicine.

22 (ii) 1. In a prosecution under this subsection involving drug
23 paraphernalia related to marijuana, the defendant may introduce and the court shall
24 consider as a mitigating factor any evidence of medical necessity.

25 2. Notwithstanding paragraph (2) of this subsection, if
26 the court finds that the person used or possessed drug paraphernalia related to
27 marijuana because of medical necessity, on conviction of a violation of this subsection,
28 the maximum penalty that the court may impose on the person is a fine not exceeding
29 \$100.

30 (iii) 1. In a prosecution under this subsection involving drug
31 paraphernalia related to marijuana, it is an affirmative defense that the defendant
32 used or possessed drug paraphernalia related to marijuana because:

1 **(F) (1) “DEBILITATING MEDICAL CONDITION” MEANS:**

2 **(I) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
3 **CONDITION OR ITS TREATMENT THAT PRODUCES ONE OR MORE OF THE**
4 **FOLLOWING:**

5 1. **CACHEXIA OR WASTING SYNDROME;**

6 2. **SEVERE, DEBILITATING, OR CHRONIC PAIN;**

7 3. **SEVERE NAUSEA;**

8 4. **SEIZURES, INCLUDING THOSE CHARACTERISTIC**
9 **OF EPILEPSY;**

10 5. **SEVERE AND PERSISTENT MUSCLE SPASMS,**
11 **INCLUDING THOSE CHARACTERISTIC OF MULTIPLE SCLEROSIS OR CROHN’S**
12 **DISEASE;**

13 6. **AGITATION OF ALZHEIMER’S DISEASE;**

14 7. **ANXIETY; OR**

15 8. **DEPRESSION; OR**

16 **(II) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT**
17 **APPROVED BY THE BOARD UNDER SUBTITLE 2 OF THIS TITLE.**

18 **(2) “DEBILITATING MEDICAL CONDITION” INCLUDES:**

19 **(I) CANCER;**

20 **(II) GLAUCOMA;**

21 **(III) POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY**
22 **VIRUS (HIV);**

23 **(IV) ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS);**

24 **(V) HEPATITIS C;**

25 **(VI) AMYOTROPHIC LATERAL SCLEROSIS;**

- 1 **(VII) NAIL PATELLA;**
2 **(VIII) POST-TRAUMATIC STRESS DISORDER;**
3 **(IX) BIPOLAR DISORDER; OR**
4 **(X) THE TREATMENT OF ANY OF THE ABOVE LISTED**
5 **CONDITIONS.**

6 **(G) “DESIGNATED CAREGIVER” MEANS A PERSON WHO HAS AGREED TO**
7 **ASSIST A QUALIFYING PATIENT WITH THE MEDICAL USE OF MARIJUANA.**

8 **(H) “MARIJUANA” HAS THE MEANING STATED IN § 5-101 OF THE**
9 **CRIMINAL LAW ARTICLE.**

10 **(I) “MEDICAL USE” MEANS THE ACQUISITION, POSSESSION,**
11 **CULTIVATION, MANUFACTURE, USE, DELIVERY, TRANSFER, OR**
12 **TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE**
13 **CONSUMPTION OF MARIJUANA TO ALLEVIATE A REGISTERED QUALIFYING**
14 **PATIENT’S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED**
15 **WITH THE MEDICAL CONDITION.**

16 **(J) “PRACTITIONER” MEANS A PERSON WHO IS LICENSED TO**
17 **PRESCRIBE DRUGS UNDER THE HEALTH OCCUPATIONS ARTICLE.**

18 **(K) “QUALIFYING PATIENT” MEANS A PERSON WHO HAS BEEN**
19 **DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION**
20 **AND IS A RESIDENT OF THE STATE.**

21 **(L) “REGISTRY IDENTIFICATION CARD” MEANS A DOCUMENT ISSUED BY**
22 **THE DEPARTMENT THAT IDENTIFIES A PERSON AS A QUALIFYING PATIENT,**
23 **DESIGNATED CAREGIVER, OR COMPASSION CENTER ASSOCIATE.**

24 **(M) “SEEDLING” MEANS A MARIJUANA PLANT THAT:**

25 **(1) HAS NO FLOWERS;**

26 **(2) IS LESS THAN 12 INCHES IN HEIGHT; AND**

27 **(3) IS LESS THAN 12 INCHES IN DIAMETER.**

28 **(N) “UNUSABLE MARIJUANA” MEANS MARIJUANA SEEDS, STALKS,**
29 **SEEDLINGS, AND UNUSABLE ROOTS.**

1 (O) (1) “USABLE MARIJUANA” MEANS THE DRIED LEAVES AND
2 FLOWERS OF THE MARIJUANA PLANT AND ANY MIXTURE OR PREPARATION OF
3 THE DRIED LEAVES AND FLOWERS OF THE MARIJUANA PLANT.

4 (2) “USABLE MARIJUANA” DOES NOT INCLUDE:

5 (I) THE SEEDS, STALKS, AND ROOTS OF THE MARIJUANA
6 PLANT; OR

7 (II) ANY NONMARIJUANA INGREDIENTS THAT ARE
8 COMBINED WITH MARIJUANA AND PREPARED FOR CONSUMPTION AS FOOD AND
9 DRINK.

10 25-102.

11 (A) ON OR BEFORE SEPTEMBER 1, 2013, THE DEPARTMENT SHALL
12 ADOPT REGULATIONS THAT SPECIFY THE PROCEDURES FOR APPLICATIONS FOR
13 AND RENEWALS OF REGISTRY IDENTIFICATION CARDS.

14 (B) (1) ON OR BEFORE SEPTEMBER 1, 2013, THE DEPARTMENT
15 SHALL ADOPT REGULATIONS THAT ESTABLISH REASONABLE APPLICATION AND
16 RENEWAL FEES FOR REGISTRY IDENTIFICATION CARDS AND COMPASSION
17 CENTER REGISTRATION CERTIFICATES.

18 (2) FEES ADOPTED UNDER THIS SUBSECTION MAY NOT EXCEED:

19 (I) \$5,000 FOR COMPASSION CENTER REGISTRATION
20 APPLICATIONS; OR

21 (II) \$1,000 FOR COMPASSION CENTER REGISTRATION
22 RENEWALS.

23 (3) THE DEPARTMENT SHALL ESTABLISH IN THE REGULATIONS
24 REQUIRED UNDER THIS SUBSECTION APPLICATION AND RENEWAL FEES THAT
25 GENERATE REVENUES SUFFICIENT TO OFFSET THE EXPENSES OF
26 IMPLEMENTING AND ADMINISTERING THIS TITLE.

27 (4) THE DEPARTMENT MAY VARY THE APPLICATION AND
28 RENEWAL FEES ALONG A SLIDING SCALE THAT ACCOUNTS FOR A QUALIFYING
29 PATIENT’S INCOME.

1 **(5) THE DEPARTMENT MAY ACCEPT DONATIONS FROM PRIVATE**
2 **SOURCES IN ORDER TO REDUCE THE APPLICATION AND RENEWAL FEES.**

3 **25-103.**

4 **(A) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT**
5 **SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF**
6 **THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE**
7 **MEDICAL USE OF MARIJUANA UNDER THIS TITLE.**

8 **(B) THE REPORT SHALL INCLUDE:**

9 **(1) THE NUMBER OF APPLICATIONS FOR REGISTRY**
10 **IDENTIFICATION CARDS RECEIVED BY THE DEPARTMENT;**

11 **(2) THE NUMBER OF QUALIFYING PATIENTS AND DESIGNATED**
12 **CAREGIVERS APPROVED IN EACH COUNTY;**

13 **(3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF**
14 **THE QUALIFYING PATIENTS WHO APPLY FOR REGISTRY IDENTIFICATION CARDS;**

15 **(4) THE NUMBER OF REGISTRY IDENTIFICATION CARDS**
16 **REVOKED;**

17 **(5) THE NUMBER OF PRACTITIONERS PROVIDING WRITTEN**
18 **CERTIFICATION OF A DEBILITATING MEDICAL CONDITION FOR QUALIFYING**
19 **PATIENTS;**

20 **(6) THE NUMBER OF REGISTERED COMPASSION CENTERS; AND**

21 **(7) THE NUMBER OF COMPASSION CENTER ASSOCIATES.**

22 **(C) THE DEPARTMENT MAY NOT INCLUDE IN THE REPORT REQUIRED**
23 **UNDER THIS SECTION ANY IDENTIFYING INFORMATION ABOUT REGISTRY**
24 **IDENTIFICATION CARDHOLDERS, COMPASSION CENTERS, OR PRACTITIONERS.**

25 **25-104.**

26 **(A) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REQUIRED**
27 **UNDER THIS TITLE ON OR BEFORE SEPTEMBER 1, 2013, THE FOLLOWING**
28 **PERSONS MAY FILE AN ACTION IN CIRCUIT COURT TO COMPEL THE**
29 **DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS TITLE:**

- 1 (1) A QUALIFYING PATIENT;
- 2 (2) A PROSPECTIVE BOARD MEMBER OF A COMPASSION CENTER;
- 3 OR
- 4 (3) A PROSPECTIVE PRINCIPAL OFFICER OF A COMPASSION
- 5 CENTER.

6 (B) IF THE DEPARTMENT DOES NOT ISSUE A VALID REGISTRY

7 IDENTIFICATION CARD IN RESPONSE TO A VALID APPLICATION OR RENEWAL

8 SUBMITTED UNDER THIS TITLE WITHIN 20 DAYS, THEN A COPY OF THE

9 REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL SHALL BE

10 DEEMED A VALID REGISTRY IDENTIFICATION CARD.

11 (C) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REGARDING

12 APPLICATIONS FOR QUALIFYING PATIENTS ON OR BEFORE SEPTEMBER 1, 2013,

13 THEN A NOTARIZED STATEMENT BY A QUALIFYING PATIENT CONTAINING THE

14 INFORMATION REQUIRED IN § 25-501(A) OF THIS TITLE SHALL BE DEEMED A

15 VALID REGISTRY IDENTIFICATION CARD.

16 **25-105.**

17 FRAUDULENT REPRESENTATION TO A LAW ENFORCEMENT OFFICIAL OF

18 ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA

19 TO AVOID ARREST OR PROSECUTION IS PUNISHABLE BY A FINE OF \$500, IN

20 ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE

21 STATEMENT TO A LAW ENFORCEMENT OFFICIAL OR FOR USE OF MARIJUANA

22 THAT IS NOT AUTHORIZED BY THIS TITLE.

23 **SUBTITLE 2. MEDICAL MARIJUANA ADVISORY BOARD.**

24 **25-201.**

25 THERE IS A MEDICAL MARIJUANA ADVISORY BOARD IN THE

26 DEPARTMENT.

27 **25-202.**

28 (A) THE BOARD CONSISTS OF SEVEN MEMBERS, APPOINTED BY THE

29 SECRETARY.

30 (B) THE SEVEN MEMBERS SHALL INCLUDE:

- 1 (1) A MEDICAL ONCOLOGIST;
- 2 (2) A GYNECOLOGIST;
- 3 (3) A NEUROLOGIST;
- 4 (4) A PSYCHIATRIST;
- 5 (5) AN INFECTIOUS DISEASE SPECIALIST;
- 6 (6) A FAMILY PRACTICE PHYSICIAN; AND
- 7 (7) A PHARMACIST.

8 (C) EACH MEMBER OF THE BOARD SHALL BE KNOWLEDGEABLE ABOUT
9 THE MEDICAL USE OF MARIJUANA.

10 **25-203.**

11 (A) A QUORUM OF THE BOARD IS THREE MEMBERS.

12 (B) THE BOARD SHALL MEET AT LEAST MONTHLY AT THE TIMES AND
13 PLACES THAT IT DETERMINES.

14 (C) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE BOARD.

15 (D) A MEMBER OF THE BOARD:

16 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
17 BOARD; BUT

18 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
19 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
20 BUDGET.

21 **25-204.**

22 (A) (1) THE BOARD SHALL ESTABLISH A PROCEDURE FOR
23 DESIGNATING MEDICAL CONDITIONS OR DISEASES AS DEBILITATING MEDICAL
24 CONDITIONS.

25 (2) THE PROCEDURE REQUIRED UNDER THIS SUBSECTION SHALL
26 INCLUDE:

1 **(I) A PETITION PROCESS FOR THE PUBLIC TO PETITION TO**
2 **DESIGNATE A MEDICAL CONDITION AS A DEBILITATING MEDICAL CONDITION;**
3 **AND**

4 **(II) A PUBLIC HEARING ON PETITIONS IN WHICH THE**
5 **PUBLIC HAS THE OPPORTUNITY TO COMMENT.**

6 **(B) THE BOARD SHALL MAKE RECOMMENDATIONS TO THE**
7 **DEPARTMENT REGARDING REGULATIONS FOR THE ISSUANCE OF REGISTRY**
8 **IDENTIFICATION CARDS.**

9 **(C) THE BOARD SHALL DETERMINE IN WHAT CIRCUMSTANCES IT IS**
10 **MEDICALLY APPROPRIATE FOR A PRACTITIONER TO PRESCRIBE MORE THAN 12**
11 **MARIJUANA PLANTS AND 6 OUNCES OF USABLE MARIJUANA TO A QUALIFYING**
12 **PATIENT.**

13 **SUBTITLE 3. COMPASSION CENTERS.**

14 **25-301.**

15 **(A) A COMPASSION CENTER SHALL SUBMIT THE FOLLOWING**
16 **INFORMATION TO THE DEPARTMENT, IN ACCORDANCE WITH REGULATIONS**
17 **ADOPTED BY THE DEPARTMENT, TO BE REGISTERED IN THE STATE:**

18 **(1) THE APPLICATION OR RENEWAL FEE SET BY THE**
19 **DEPARTMENT;**

20 **(2) THE LEGAL NAME OF THE COMPASSION CENTER;**

21 **(3) THE PHYSICAL ADDRESS OF THE COMPASSION CENTER AND**
22 **THE PHYSICAL ADDRESS OF ANY ADDITIONAL LOCATION WHERE MARIJUANA IS**
23 **CULTIVATED FOR THE USE OF THE COMPASSION CENTER;**

24 **(4) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH**
25 **PRINCIPAL OFFICER AND BOARD MEMBER OF THE COMPASSION CENTER;**

26 **(5) THE NAME, ADDRESS, AND DATE OF BIRTH OF ANY PERSON**
27 **WHO IS AN AGENT OF OR EMPLOYED BY THE COMPASSION CENTER;**

28 **(6) OPERATING REGULATIONS THAT INCLUDE PROCEDURES FOR**
29 **THE OVERSIGHT OF THE COMPASSION CENTER AND PROCEDURES TO ENSURE**
30 **ACCURATE RECORD KEEPING AND SECURITY MEASURES; AND**

1 **(7) IF THE CITY OR COUNTY IN WHICH THE COMPASSION CENTER**
2 **WOULD BE LOCATED HAS ENACTED REASONABLE ZONING RESTRICTIONS, A**
3 **SWORN AND TRUTHFUL STATEMENT THAT THE REGISTERED COMPASSION**
4 **CENTER WOULD BE IN COMPLIANCE WITH THESE RESTRICTIONS.**

5 **(B) ON OR BEFORE SEPTEMBER 1, 2013, THE DEPARTMENT SHALL**
6 **ADOPT REGULATIONS REGARDING APPLICATIONS FOR AND RENEWALS OF**
7 **REGISTRATION CERTIFICATES FOR REGISTERED COMPASSION CENTERS THAT**
8 **INCLUDE REASONABLE STANDARDS FOR:**

9 **(1) THE FORM AND CONTENT OF REGISTRATION AND RENEWAL**
10 **APPLICATIONS;**

11 **(2) MINIMUM OVERSIGHT REQUIREMENTS FOR REGISTERED**
12 **COMPASSION CENTERS;**

13 **(3) MINIMUM RECORDKEEPING REQUIREMENTS FOR**
14 **REGISTERED COMPASSION CENTERS;**

15 **(4) MINIMUM SECURITY REQUIREMENTS FOR REGISTERED**
16 **COMPASSION CENTERS, INCLUDING A REQUIREMENT THAT EACH REGISTERED**
17 **COMPASSION CENTER MUST BE PROTECTED BY A FULLY OPERATIONAL**
18 **SECURITY ALARM SYSTEM; AND**

19 **(5) PROCEDURES FOR SUSPENDING OR TERMINATING THE**
20 **REGISTRATION OF A REGISTERED COMPASSION CENTER THAT VIOLATES A**
21 **PROVISION OF THIS TITLE OR REGULATIONS ADOPTED UNDER THIS TITLE.**

22 **(C) THE DEPARTMENT SHALL DEVELOP REGULATIONS REQUIRED**
23 **UNDER THIS SECTION WITH THE GOALS OF:**

24 **(1) PROTECTING AGAINST DIVERSION AND THEFT;**

25 **(2) NOT IMPOSING AN UNDUE BURDEN ON REGISTERED**
26 **COMPASSION CENTERS; AND**

27 **(3) MAINTAINING THE CONFIDENTIALITY OF REGISTERED**
28 **QUALIFYING PATIENTS AND THEIR REGISTERED DESIGNATED CAREGIVERS.**

29 **25-302.**

1 **(A) THE DEPARTMENT SHALL REGISTER A COMPASSION CENTER FOR**
2 **OPERATION IN THE STATE IF:**

3 **(1) THE COMPASSION CENTER SUBMITS THE INFORMATION**
4 **REQUIRED UNDER § 25-301 OF THIS SUBTITLE;**

5 **(2) NEITHER THE COMPASSION CENTER NOR A MARIJUANA**
6 **CULTIVATION CENTER AFFILIATED WITH THE CENTER IS LOCATED WITHIN 500**
7 **FEET OF A PREEXISTING PUBLIC OR PRIVATE SCHOOL;**

8 **(3) ISSUING A REGISTRATION TO THE COMPASSION CENTER**
9 **WOULD NOT BE IN VIOLATION OF A REASONABLE LIMITATION ON THE NUMBER**
10 **OF REGISTERED COMPASSION CENTERS THAT CAN OPERATE IN THE**
11 **JURISDICTION WHERE THE COMPASSION CENTER WOULD OPERATE;**

12 **(4) NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS OF**
13 **THE COMPASSION CENTER HAVE BEEN CONVICTED OF AN OFFENSE THAT IS**
14 **CLASSIFIED AS A FELONY IN THE JURISDICTION IN WHICH THE PERSON WAS**
15 **CONVICTED, UNLESS THE OFFENSE CONSISTED OF CONDUCT AUTHORIZED**
16 **UNDER THIS TITLE;**

17 **(5) NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS OF**
18 **THE COMPASSION CENTER HAVE SERVED AS A PRINCIPAL OFFICER OR BOARD**
19 **MEMBER FOR A COMPASSION CENTER THAT HAS HAD ITS REGISTRATION**
20 **REVOKED BY THE DEPARTMENT; AND**

21 **(6) NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS OF**
22 **THE COMPASSION CENTER IS UNDER THE AGE OF 21 YEARS OF AGE.**

23 **(B) THE DEPARTMENT SHALL ISSUE A REGISTRATION CERTIFICATE TO**
24 **A COMPASSION CENTER REGISTERED BY THE DEPARTMENT THAT CONTAINS A**
25 **RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER WITHIN 90 DAYS**
26 **AFTER RECEIVING THE APPLICATION FOR REGISTRATION FOR A COMPASSION**
27 **CENTER.**

28 **(C) REGISTRATION CERTIFICATES FOR COMPASSION CENTERS ARE**
29 **VALID FOR A TERM OF 1 YEAR AND EXPIRE 1 YEAR AFTER THE DATE OF**
30 **ISSUANCE.**

31 **(D) THE DEPARTMENT SHALL ISSUE A RENEWED REGISTRATION**
32 **CERTIFICATE WITHIN 10 DAYS TO A REGISTERED COMPASSION CENTER THAT**
33 **SUBMITS A RENEWAL FEE, UNLESS THE REGISTRATION FOR THE COMPASSION**
34 **CENTER HAS BEEN SUSPENDED OR REVOKED.**

1 25-303.

2 (A) A REGISTERED COMPASSION CENTER SHALL NOTIFY THE
3 DEPARTMENT IN WRITING OF THE NAME, ADDRESS, AND DATE OF BIRTH OF ANY
4 NEW COMPASSION CENTER ASSOCIATE AND SHALL SUBMIT THE FEE
5 ESTABLISHED BY THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD
6 BEFORE THE COMPASSION CENTER ASSOCIATE MAY BEGIN WORKING AT THE
7 REGISTERED COMPASSION CENTER.

8 (B) (1) THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION
9 CARD TO A COMPASSION CENTER ASSOCIATE WHO MEETS THE REQUIREMENTS
10 OF THIS SUBTITLE.

11 (2) A REGISTRY IDENTIFICATION CARD ISSUED UNDER THIS
12 SECTION SHALL INCLUDE:

13 (I) THE NAME OF THE COMPASSION CENTER ASSOCIATE;

14 (II) THE LEGAL NAME OF THE REGISTERED COMPASSION
15 CENTER WITH WHICH THE COMPASSION CENTER ASSOCIATE IS AFFILIATED;

16 (III) A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION
17 NUMBER THAT IS UNIQUE TO THE CARDHOLDER;

18 (IV) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
19 REGISTRY IDENTIFICATION CARD;

20 (V) A PHOTOGRAPH, IF REQUIRED BY THE DEPARTMENT;
21 AND

22 (VI) A STATEMENT SIGNED BY THE COMPASSION CENTER
23 ASSOCIATE THAT THE ASSOCIATE PLEDGES NOT TO DIVERT MARIJUANA TO
24 ANYONE WHO IS NOT AUTHORIZED TO POSSESS MARIJUANA UNDER THIS TITLE.

25 (C) (1) A REGISTRY IDENTIFICATION CARD ISSUED UNDER THIS
26 SECTION SHALL EXPIRE 1 YEAR AFTER ISSUANCE.

27 (2) THE DEPARTMENT SHALL ISSUE A RENEWAL REGISTRY
28 IDENTIFICATION CARD WITHIN 10 DAYS TO A COMPASSION CENTER ASSOCIATE
29 WHO SUBMITS A RENEWAL FEE AND CONTINUES TO MEET THE REQUIREMENTS
30 OF THIS TITLE.

1 **(D) THE DEPARTMENT MAY SUSPEND OR REVOKE THE REGISTRY**
2 **IDENTIFICATION CARD OF A COMPASSION CENTER ASSOCIATE WHO VIOLATES**
3 **THE PROVISIONS OF THIS TITLE.**

4 **(E) (1) A REGISTRATION IDENTIFICATION CARD FOR A COMPASSION**
5 **CENTER ASSOCIATE SHALL EXPIRE WHEN A REGISTERED COMPASSION CENTER**
6 **NOTIFIES THE DEPARTMENT THAT THE ASSOCIATE IS NO LONGER AFFILIATED**
7 **WITH THE COMPASSION CENTER.**

8 **(2) THE DEPARTMENT SHALL DEACTIVATE THE LOG-IN**
9 **INFORMATION FOR AN INDIVIDUAL WHO CEASES TO BE A COMPASSION CENTER**
10 **ASSOCIATE.**

11 **(F) (1) A COMPASSION CENTER ASSOCIATE SHALL NOTIFY THE**
12 **DEPARTMENT OF A CHANGE IN THE NAME OR ADDRESS OF THE COMPASSION**
13 **CENTER ASSOCIATE WITHIN 10 DAYS AFTER THE CHANGE.**

14 **(2) A COMPASSION CENTER ASSOCIATE WHO FAILS TO NOTIFY**
15 **THE DEPARTMENT OF A CHANGE REQUIRED UNDER THIS SUBSECTION IS**
16 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$150.**

17 **25-304.**

18 **(A) (1) THE DEPARTMENT MAY NOT ISSUE A REGISTRY**
19 **IDENTIFICATION CARD TO A COMPASSION CENTER ASSOCIATE WHO HAS BEEN**
20 **CONVICTED OF AN OFFENSE THAT WAS CLASSIFIED AS A FELONY IN THE**
21 **JURISDICTION IN WHICH THE PERSON WAS CONVICTED, UNLESS THE OFFENSE**
22 **CONSISTED OF CONDUCT AUTHORIZED UNDER THIS TITLE.**

23 **(2) THE DEPARTMENT MAY CONDUCT A CRIMINAL BACKGROUND**
24 **CHECK OF A COMPASSION CENTER ASSOCIATE TO CARRY OUT THIS**
25 **SUBSECTION.**

26 **(B) THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION**
27 **CARD TO A COMPASSION CENTER ASSOCIATE WHO IS UNDER THE AGE OF 21**
28 **YEARS.**

29 **(C) THE DEPARTMENT MAY REFUSE TO ISSUE A REGISTRY**
30 **IDENTIFICATION CARD TO A COMPASSION CENTER ASSOCIATE WHO HAS**
31 **PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING**
32 **A PROVISION OF THIS TITLE.**

1 (D) THE DEPARTMENT SHALL NOTIFY A REGISTERED COMPASSION
2 CENTER IN WRITING OF THE REASON FOR REFUSAL OF ISSUANCE OF A
3 REGISTRY IDENTIFICATION CARD TO A COMPASSION CENTER ASSOCIATE UNDER
4 THIS SECTION.

5 **25-305.**

6 (A) A REGISTERED COMPASSION CENTER IS SUBJECT TO REASONABLE
7 INSPECTION BY THE DEPARTMENT.

8 (B) THE DEPARTMENT SHALL PROVIDE A COMPASSION CENTER AT
9 LEAST 24-HOUR NOTICE BEFORE CONDUCTING AN INSPECTION.

10 **25-306.**

11 (A) (1) A REGISTERED COMPASSION CENTER SHALL OPERATE ON A
12 NONPROFIT BASIS FOR THE BENEFIT OF ITS MEMBERS AND PATRONS.

13 (2) THE OPERATING REGULATIONS OF THE COMPASSION CENTER
14 OR CONTRACTS BETWEEN THE COMPASSION CENTER AND ITS PATRONS SHALL
15 CONTAIN PROVISIONS REGARDING THE DISPOSITION OF ITS REVENUES AND
16 RECEIPTS THAT ESTABLISH AND MAINTAIN THE NONPROFIT CHARACTER OF
17 THE COMPASSION CENTER.

18 (3) A COMPASSION CENTER NEED NOT BE RECOGNIZED AS
19 TAX EXEMPT BY THE INTERNAL REVENUE SERVICE TO BE CONSIDERED
20 NONPROFIT UNDER THIS SUBSECTION.

21 (B) A REGISTERED COMPASSION CENTER SHALL NOTIFY THE
22 DEPARTMENT WITHIN 10 DAYS AFTER A COMPASSION CENTER ASSOCIATE
23 CEASES TO WORK AT OR BE AFFILIATED WITH THE COMPASSION CENTER.

24 (C) A REGISTERED COMPASSION CENTER SHALL IMPLEMENT
25 APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT UNAUTHORIZED
26 ENTRANCE INTO AREAS CONTAINING MARIJUANA AND THE THEFT OF
27 MARIJUANA.

28 (D) EXCEPT TO ASSIST REGISTERED QUALIFYING PATIENTS WITH THE
29 MEDICAL USE OF MARIJUANA DIRECTLY OR THROUGH DESIGNATED
30 CAREGIVERS, A REGISTERED COMPASSION CENTER MAY NOT ACQUIRE,
31 POSSESS, CULTIVATE, MANUFACTURE, OR DISTRIBUTE MARIJUANA FOR ANY
32 PURPOSE.

1 **(E) ALL PRINCIPAL OFFICERS AND BOARD MEMBERS OF A REGISTERED**
2 **COMPASSION CENTER SHALL BE RESIDENTS OF THE STATE.**

3 **(F) (1) A REGISTERED COMPASSION CENTER MAY CULTIVATE**
4 **MARIJUANA ONLY IN AN ENCLOSED AND LOCKED FACILITY THAT CAN BE**
5 **ACCESSED ONLY BY COMPASSION CENTER ASSOCIATES.**

6 **(2) A REGISTERED COMPASSION CENTER MAY CULTIVATE**
7 **MARIJUANA ONLY AT THE LOCATION OF THE COMPASSION CENTER AND IN ONE**
8 **ADDITIONAL LOCATION.**

9 **25-307.**

10 **EACH COUNTY AND MUNICIPALITY IN THE STATE MAY ENACT:**

11 **(1) REASONABLE LIMITS ON THE NUMBER OF REGISTERED**
12 **COMPASSION CENTERS THAT MAY OPERATE IN THE JURISDICTION; AND**

13 **(2) ZONING REGULATIONS THAT REASONABLY LIMIT**
14 **REGISTERED COMPASSION CENTERS TO CERTAIN AREAS IN THE JURISDICTION.**

15 **25-308.**

16 **(A) BEFORE DISPENSING MARIJUANA TO A DESIGNATED CAREGIVER OR**
17 **QUALIFYING PATIENT, A COMPASSION CENTER ASSOCIATE SHALL LOOK UP THE**
18 **QUALIFYING PATIENT FOR WHOM THE MARIJUANA IS INTENDED AND THE**
19 **DESIGNATED CAREGIVER TRANSPORTING THE MARIJUANA TO THE PATIENT, IF**
20 **ANY, IN THE VERIFICATION SYSTEM ESTABLISHED BY THE DEPARTMENT, AND**
21 **VERIFY THAT:**

22 **(1) THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE**
23 **COMPASSION CENTER IS VALID;**

24 **(2) THE PERSON PRESENTING THE REGISTRY IDENTIFICATION**
25 **CARD IS THE PERSON IDENTIFIED ON THE CARD PRESENTED TO THE**
26 **COMPASSION CENTER ASSOCIATE; AND**

27 **(3) THE AMOUNT TO BE DISPENSED WOULD NOT CAUSE THE**
28 **QUALIFYING PATIENT TO EXCEED 6 OUNCES OF USABLE MARIJUANA IN A**
29 **30-DAY PERIOD, UNLESS IT IS SPECIFIED IN THE VERIFICATION SYSTEM OF THE**
30 **DEPARTMENT THAT A PHYSICIAN HAS RECOMMENDED A GREATER AMOUNT.**

1 **(B) AFTER MAKING THE VERIFICATION REQUIRED IN SUBSECTION (A)**
2 **OF THIS SECTION, THE COMPASSION CENTER ASSOCIATE SHALL MAKE AN**
3 **ENTRY IN THE VERIFICATION SYSTEM THAT SPECIFIES:**

4 **(1) HOW MUCH MARIJUANA IS BEING DISPENSED TO THE**
5 **QUALIFYING PATIENT;**

6 **(2) WHETHER THE MARIJUANA WAS DISPENSED TO A QUALIFYING**
7 **PATIENT OR TO A DESIGNATED CAREGIVER; AND**

8 **(3) THE DATE AND TIME THAT THE MARIJUANA WAS DISPENSED.**

9 **(C) (1) A REGISTERED COMPASSION CENTER SHALL KEEP TRACK OF**
10 **DISPENSING TRANSACTIONS ACCORDING TO THE REGISTRY IDENTIFICATION**
11 **NUMBER TO PROTECT THE CONFIDENTIALITY OF THE QUALIFYING PATIENT.**

12 **(2) A REGISTERED COMPASSION CENTER MAY NOT KEEP TRACK**
13 **OF DISPENSING TRANSACTIONS ACCORDING TO A QUALIFYING PATIENT'S NAME.**

14 **25-309.**

15 **(A) A REGISTERED COMPASSION CENTER MAY NOT DISPENSE, DELIVER,**
16 **OR TRANSFER MARIJUANA TO ANY PERSON OTHER THAN TO:**

17 **(1) A REGISTERED COMPASSION CENTER;**

18 **(2) A REGISTERED QUALIFYING PATIENT; OR**

19 **(3) A DESIGNATED CAREGIVER.**

20 **(B) THE DEPARTMENT SHALL REVOKE IMMEDIATELY THE**
21 **REGISTRATION OF A COMPASSION CENTER THAT VIOLATES THIS SECTION.**

22 **(C) THE BOARD MEMBERS AND PRINCIPAL OFFICERS OF A COMPASSION**
23 **CENTER THAT VIOLATES THIS SECTION MAY NOT SERVE AS THE BOARD**
24 **MEMBERS OR PRINCIPAL OFFICERS FOR ANY OTHER REGISTERED COMPASSION**
25 **CENTER.**

26 **SUBTITLE 4. DESIGNATED CAREGIVERS.**

27 **25-401.**

28 **TO BE A DESIGNATED CAREGIVER IN THE STATE, AN INDIVIDUAL:**

1 (1) (I) SHALL BE AT LEAST 21 YEARS OLD; OR

2 (II) SHALL BE AT LEAST 18 YEARS OLD IF THE INDIVIDUAL
3 IS PROVIDING CARE FOR A FAMILY MEMBER, SPOUSE, OR DOMESTIC PARTNER;

4 (2) MAY NOT HAVE BEEN CONVICTED OF A FELONY FOR A
5 VIOLENT CRIME; AND

6 (3) MAY NOT HAVE BEEN CONVICTED OF A FELONY FOR A STATE
7 OR FEDERAL CONTROLLED SUBSTANCE LAW UNLESS:

8 (I) THE SENTENCE WAS COMPLETED 5 OR MORE YEARS
9 BEFORE THE INDIVIDUAL APPLIES FOR REGISTRATION AS A DESIGNATED
10 CAREGIVER; OR

11 (II) THE OFFENSE CONSISTED OF CONDUCT FOR WHICH
12 THIS TITLE WOULD LIKELY HAVE PREVENTED A CONVICTION.

13 **25-402.**

14 (A) WHEN A QUALIFYING PATIENT WHO IS A CARDHOLDER GIVES
15 NOTICE OF A CHANGE IN THE PATIENT'S DESIGNATED CAREGIVER, THE
16 DEPARTMENT SHALL NOTIFY THE DESIGNATED CAREGIVER WITHIN 10 DAYS.

17 (B) THE DESIGNATED CAREGIVER'S PROTECTIONS PROVIDED FOR IN
18 THIS TITLE SHALL EXPIRE 10 DAYS AFTER THE NOTIFICATION BY THE
19 DEPARTMENT PROVIDED FOR IN SUBSECTION (A) OF THIS SECTION.

20 **25-403.**

21 A REGISTRY IDENTIFICATION CARD THAT IS ISSUED UNDER THE LAWS OF
22 A JURISDICTION OUTSIDE THE STATE THAT ALLOWS A DESIGNATED CAREGIVER
23 TO POSSESS MARIJUANA FOR MEDICAL PURPOSES SHALL HAVE THE SAME
24 FORCE AND EFFECT IN THE STATE AS A REGISTRY IDENTIFICATION CARD
25 ISSUED BY THE DEPARTMENT.

26 **25-404.**

27 (A) A DESIGNATED CAREGIVER WHO IS A CARDHOLDER MAY NOT
28 POSSESS AN AMOUNT OF MARIJUANA THAT EXCEEDS 12 MARIJUANA PLANTS
29 PLUS 6 OUNCES OF USABLE MARIJUANA FOR EACH QUALIFYING PATIENT WHOM

1 THE DESIGNATED CAREGIVER IS REGISTERED WITH THE DEPARTMENT TO
2 ASSIST.

3 (B) (1) A DESIGNATED CAREGIVER WHO IS A CARDHOLDER MAY
4 POSSESS A REASONABLE AMOUNT OF UNUSABLE MARIJUANA, INCLUDING UP TO
5 12 SEEDLINGS.

6 (2) POSSESSION OF A REASONABLE AMOUNT OF UNUSABLE
7 MARIJUANA MAY NOT BE COUNTED TOWARD THE LIMIT ON MARIJUANA IN
8 SUBSECTION (A) OF THIS SECTION.

9 25-405.

10 (A) A DESIGNATED CAREGIVER WHO IS A CARDHOLDER MAY RECEIVE
11 COMPENSATION FOR COSTS ASSOCIATED WITH ASSISTING A REGISTERED
12 QUALIFYING PATIENT IN THE PATIENT'S MEDICAL USE OF MARIJUANA IF THE
13 DESIGNATED CAREGIVER IS CONNECTED TO THE PATIENT THROUGH THE
14 REGISTRATION PROCESS UNDER THIS TITLE.

15 (B) COMPENSATION AUTHORIZED UNDER THIS SECTION DOES NOT
16 CONSTITUTE THE SALE OF A CONTROLLED SUBSTANCE.

17 25-406.

18 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE
19 DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A
20 DESIGNATED CAREGIVER EACH TIME THE DESIGNATED CAREGIVER IS NAMED IN
21 AN APPROVED APPLICATION FOR A REGISTRY IDENTIFICATION CARD OF A
22 QUALIFYING PATIENT.

23 (2) THE DEPARTMENT MAY ISSUE A REGISTRY IDENTIFICATION
24 CARD TO ONLY ONE DESIGNATED CAREGIVER PER QUALIFYING PATIENT.

25 (3) THE DEPARTMENT MAY NOT ISSUE A REGISTRY
26 IDENTIFICATION CARD TO A DESIGNATED CAREGIVER WHO DOES NOT MEET THE
27 REQUIREMENTS OF THIS SUBTITLE.

28 (B) IF THE DEPARTMENT DOES NOT ISSUE A REGISTRY IDENTIFICATION
29 CARD TO A DESIGNATED CAREGIVER WHO IS NAMED IN THE APPROVED
30 APPLICATION FOR A REGISTRY IDENTIFICATION CARD OF A QUALIFYING
31 PATIENT, THE DEPARTMENT SHALL NOTIFY THE QUALIFYING PATIENT.

1 **(C) THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD**
2 **TO A DESIGNATED CAREGIVER WITHIN 5 DAYS AFTER THE APPROVAL OF THE**
3 **ISSUANCE.**

4 **(D) A REGISTRY IDENTIFICATION CARD ISSUED UNDER THIS SECTION**
5 **SHALL CONTAIN:**

6 **(1) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
7 **QUALIFYING PATIENT AND THE DESIGNATED CAREGIVER;**

8 **(2) A RANDOMLY ASSIGNED REGISTRY ALPHANUMERIC**
9 **IDENTIFICATION NUMBER THAT CONTAINS AT LEAST FOUR NUMBERS AND AT**
10 **LEAST FOUR LETTERS THAT IS UNIQUE TO THE CARDHOLDER;**

11 **(3) THE DATE OF ISSUANCE AND DATE OF EXPIRATION OF THE**
12 **REGISTRY IDENTIFICATION CARD;**

13 **(4) THE IDENTIFICATION NUMBER OF THE QUALIFYING PATIENT**
14 **WHO IS BEING ASSISTED BY THE DESIGNATED CAREGIVER; AND**

15 **(5) A PHOTOGRAPH OF THE DESIGNATED CAREGIVER, IF**
16 **REQUIRED BY THE DEPARTMENT.**

17 **25-407.**

18 **(A) A DESIGNATED CAREGIVER WHO IS A CARDHOLDER SHALL NOTIFY**
19 **THE DEPARTMENT OF A CHANGE IN THE NAME OR ADDRESS OF THE**
20 **DESIGNATED CAREGIVER WITHIN 10 DAYS AFTER THE CHANGE.**

21 **(B) A DESIGNATED CAREGIVER WHO DOES NOT PROVIDE THE NOTICE**
22 **TO THE DEPARTMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS**
23 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$150.**

24 **(C) WHEN A DESIGNATED CAREGIVER NOTIFIES THE DEPARTMENT OF**
25 **A CHANGE IN NAME OR ADDRESS AS REQUIRED UNDER SUBSECTION (A) OF THIS**
26 **SECTION, THE DEPARTMENT SHALL ISSUE TO THE DESIGNATED CAREGIVER A**
27 **NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM 20-DIGIT**
28 **ALPHANUMERIC IDENTIFICATION NUMBER WITHIN 10 DAYS AFTER RECEIVING**
29 **THE UPDATED INFORMATION AND A \$10 FEE.**

30 **(D) (1) IF A DESIGNATED CAREGIVER WHO IS A CARDHOLDER LOSES**
31 **THE DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD, THE**

1 DESIGNATED CAREGIVER SHALL NOTIFY THE DEPARTMENT AND SUBMIT A \$10
2 FEE WITHIN 10 DAYS AFTER LOSING THE CARD.

3 (2) WITHIN 5 DAYS AFTER NOTIFICATION OF THE LOSS AND
4 PAYMENT OF THE FEE SET BY THE DEPARTMENT, THE DEPARTMENT SHALL
5 ISSUE A NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM
6 IDENTIFICATION NUMBER TO THE DESIGNATED CAREGIVER.

7 SUBTITLE 5. QUALIFYING PATIENTS.

8 25-501.

9 (A) THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD
10 TO A QUALIFYING PATIENT WHO SUBMITS THE FOLLOWING, IN ACCORDANCE
11 WITH THIS SUBTITLE AND THE DEPARTMENT'S REGULATIONS:

12 (1) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE
13 QUALIFYING PATIENT;

14 (2) A STATEMENT SIGNED BY A PRACTITIONER STATING:

15 (I) THE PRACTITIONER HAS COMPLETED A FULL
16 ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL CONDITION AND
17 HISTORY;

18 (II) THE QUALIFYING PATIENT HAS A DEBILITATING
19 MEDICAL CONDITION; AND

20 (III) THAT, IN THE PRACTITIONER'S PROFESSIONAL
21 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE
22 BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE
23 PATIENT'S DEBILITATING MEDICAL CONDITION;

24 (3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
25 PRACTITIONER THAT COMPLETED THE SIGNED STATEMENT;

26 (4) IF THE QUALIFYING PATIENT HAS A DESIGNATED CAREGIVER:

27 (I) THE NAME, ADDRESS, DATE OF BIRTH, AND TELEPHONE
28 NUMBER OF THE DESIGNATED CAREGIVER; AND

1 **(II) A SIGNED STATEMENT FROM THE DESIGNATED**
2 **CAREGIVER THAT PLEDGES NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT**
3 **AUTHORIZED TO POSSESS MARIJUANA UNDER THIS TITLE;**

4 **(5) A STATEMENT SIGNED BY THE QUALIFYING PATIENT THAT**
5 **THE PATIENT PLEDGES NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT**
6 **AUTHORIZED TO POSSESS MARIJUANA UNDER THIS TITLE; AND**

7 **(6) THE APPLICATION OR RENEWAL FEE ESTABLISHED BY THE**
8 **DEPARTMENT.**

9 **(B) THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION**
10 **CARD TO A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS UNLESS:**

11 **(1) A PARENT, GUARDIAN, OR PERSON HAVING LEGAL CUSTODY**
12 **OF A QUALIFYING PATIENT CONSENTS IN WRITING TO:**

13 **(I) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF**
14 **MARIJUANA;**

15 **(II) SERVE AS THE QUALIFYING PATIENT'S DESIGNATED**
16 **CAREGIVER; AND**

17 **(III) CONTROL THE ACQUISITION OF, DOSAGE, AND**
18 **FREQUENCY OF USE OF THE MARIJUANA BY THE QUALIFYING PATIENT; AND**

19 **(2) THE QUALIFYING PATIENT MEETS THE REQUIREMENTS OF**
20 **SUBSECTION (A) OF THIS SECTION.**

21 **(C) (1) THE DEPARTMENT SHALL INCLUDE IN AN APPLICATION FOR**
22 **A REGISTRY IDENTIFICATION CARD FOR A QUALIFYING PATIENT A QUESTION**
23 **ASKING WHETHER THE QUALIFYING PATIENT WOULD LIKE THE DEPARTMENT**
24 **TO NOTIFY THE PATIENT ABOUT CLINICAL STUDIES ON THE RISK OR EFFICACY**
25 **OF MARIJUANA THAT SEEK HUMAN SUBJECTS.**

26 **(2) IF A QUALIFYING PATIENT DESIGNATES THAT THE PATIENT**
27 **WOULD LIKE TO RECEIVE INFORMATION ABOUT CLINICAL STUDIES AS**
28 **PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL**
29 **INFORM THE QUALIFYING PATIENT ABOUT STUDIES KNOWN TO THE**
30 **DEPARTMENT THAT WILL BE CONDUCTED IN THE UNITED STATES.**

31 **25-502.**

1 **(A) A QUALIFYING PATIENT MAY NOT POSSESS AN AMOUNT OF**
2 **MARIJUANA THAT EXCEEDS 12 MARIJUANA PLANTS PLUS 6 OUNCES OF USABLE**
3 **MARIJUANA.**

4 **(B) (1) A QUALIFYING PATIENT MAY POSSESS A REASONABLE**
5 **AMOUNT OF UNUSABLE MARIJUANA, INCLUDING UP TO 12 SEEDLINGS.**

6 **(2) POSSESSION OF A REASONABLE AMOUNT OF UNUSABLE**
7 **MARIJUANA MAY NOT BE COUNTED TOWARD THE LIMIT ON MARIJUANA IN**
8 **SUBSECTION (A) OF THIS SECTION.**

9 **(C) A QUALIFYING PATIENT MAY NOT OBTAIN MORE THAN 6 OUNCES OF**
10 **MARIJUANA FROM REGISTERED COMPASSION CENTERS IN A 30-DAY PERIOD,**
11 **UNLESS A GREATER AMOUNT IS PRESCRIBED BY A PRACTITIONER.**

12 **25-503.**

13 **(A) THE DEPARTMENT SHALL:**

14 **(1) VERIFY THE INFORMATION CONTAINED IN AN APPLICATION**
15 **OR A RENEWAL SUBMITTED UNDER THIS SUBTITLE; AND**

16 **(2) APPROVE OR DENY AN APPLICATION OR A RENEWAL WITHIN**
17 **15 DAYS AFTER RECEIPT OF THE APPLICATION.**

18 **(B) THE DEPARTMENT MAY NOT DENY AN APPLICATION OR A RENEWAL**
19 **UNDER THIS SUBTITLE UNLESS:**

20 **(1) THE APPLICANT FAILS TO PROVIDE THE INFORMATION**
21 **REQUIRED UNDER THIS SUBTITLE;**

22 **(2) THE DEPARTMENT DETERMINES THAT THE INFORMATION**
23 **SUBMITTED WITH THE APPLICATION WAS FALSIFIED; OR**

24 **(3) THE DEPARTMENT PREVIOUSLY REVOKED A REGISTRY**
25 **IDENTIFICATION CARD OF THE APPLICANT FOR VIOLATING A PROVISION OF**
26 **THIS TITLE.**

27 **(C) (1) DENIAL OF AN APPLICATION OR A RENEWAL SHALL BE**
28 **CONSIDERED A FINAL AGENCY DECISION SUBJECT TO JUDICIAL REVIEW.**

29 **(2) JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE**
30 **VESTED IN THE CIRCUIT COURT.**

1 **(D) THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD**
2 **TO A QUALIFYING PATIENT WITHIN 5 DAYS AFTER APPROVING AN APPLICATION**
3 **OR A RENEWAL UNDER THIS SUBTITLE.**

4 **(E) A REGISTRY IDENTIFICATION CARD ISSUED UNDER THIS SECTION**
5 **SHALL CONTAIN:**

6 **(1) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
7 **QUALIFYING PATIENT AND, IF ANY, THE DESIGNATED CAREGIVER OF THE**
8 **QUALIFYING PATIENT;**

9 **(2) A RANDOMLY ASSIGNED REGISTRY ALPHANUMERIC**
10 **IDENTIFICATION NUMBER THAT CONTAINS AT LEAST FOUR NUMBERS AND AT**
11 **LEAST FOUR LETTERS THAT IS UNIQUE TO THE CARDHOLDER;**

12 **(3) THE DATE OF ISSUANCE AND DATE OF EXPIRATION OF THE**
13 **REGISTRY IDENTIFICATION CARD; AND**

14 **(4) A PHOTOGRAPH OF THE QUALIFYING PATIENT, IF REQUIRED**
15 **BY THE DEPARTMENT.**

16 **25-504.**

17 **(A) A REGISTERED QUALIFYING PATIENT SHALL NOTIFY THE**
18 **DEPARTMENT OF THE FOLLOWING WITHIN 10 DAYS AFTER THE EVENT OCCURS:**

19 **(1) A CHANGE IN THE NAME OR ADDRESS OF THE QUALIFYING**
20 **PATIENT;**

21 **(2) A CHANGE IN THE DESIGNATED CAREGIVER OF THE**
22 **QUALIFYING PATIENT; OR**

23 **(3) IF THE PATIENT CEASES TO HAVE A DEBILITATING MEDICAL**
24 **CONDITION.**

25 **(B) A REGISTERED QUALIFYING PATIENT WHO FAILS TO PROVIDE THE**
26 **NOTIFICATION TO THE DEPARTMENT REQUIRED UNDER SUBSECTION (A) OF**
27 **THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$150.**

28 **(C) IF THE PRACTITIONER OF A REGISTERED QUALIFYING PATIENT**
29 **NOTIFIES THE DEPARTMENT IN WRITING THAT THE QUALIFYING PATIENT HAS**
30 **CEASED TO SUFFER FROM A DEBILITATING MEDICAL CONDITION OR THAT THE**

1 PRACTITIONER NO LONGER BELIEVES THAT THE PATIENT WOULD RECEIVE
2 THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF
3 MARIJUANA, THE DEPARTMENT SHALL NOTIFY THE PATIENT THAT THE
4 PATIENT'S REGISTRY IDENTIFICATION CARD IS NULL AND VOID.

5 (D) WHEN A QUALIFYING PATIENT NOTIFIES THE DEPARTMENT OF A
6 CHANGE IN NAME, ADDRESS, OR MEDICAL CONDITION AS REQUIRED UNDER
7 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THE
8 REGISTERED QUALIFYING PATIENT AND EACH DESIGNATED CAREGIVER A NEW
9 REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION
10 NUMBER WITHIN 10 DAYS AFTER RECEIVING THE UPDATED INFORMATION AND
11 A \$10 FEE.

12 (E) (1) IF A REGISTERED QUALIFYING PATIENT LOSES THE PATIENT'S
13 REGISTRY IDENTIFICATION CARD, THE PATIENT SHALL NOTIFY THE
14 DEPARTMENT AND SUBMIT A \$10 FEE WITHIN 10 DAYS AFTER LOSING THE
15 CARD.

16 (2) WITHIN 5 DAYS AFTER NOTIFICATION OF THE LOSS AND
17 PAYMENT OF THE \$10 FEE, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY
18 IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION NUMBER TO THE
19 REGISTERED QUALIFYING PATIENT AND THE PATIENT'S REGISTERED
20 DESIGNATED CAREGIVER, IF ANY.

21 25-505.

22 A REGISTRY IDENTIFICATION CARD THAT IS ISSUED UNDER THE LAWS OF
23 A JURISDICTION OUTSIDE THE STATE THAT ALLOWS A QUALIFYING PATIENT TO
24 POSSESS MARIJUANA FOR MEDICAL PURPOSES SHALL HAVE THE SAME FORCE
25 AND EFFECT IN THE STATE AS A REGISTRY IDENTIFICATION CARD ISSUED BY
26 THE DEPARTMENT.

27 SUBTITLE 6. PROTECTIONS FOR THE MEDICAL USE OF MARIJUANA.

28 25-601.

29 (A) A QUALIFYING PATIENT WHO IS A CARDHOLDER MAY NOT BE
30 SUBJECT TO ARREST, CRIMINAL PROSECUTION, OR PENALTY, INCLUDING A
31 CIVIL PENALTY OR A DISCIPLINARY ACTION BY A BUSINESS, OCCUPATIONAL, OR
32 PROFESSIONAL LICENSING BOARD OR BUREAU, OR DENIED A RIGHT OR
33 PRIVILEGE FOR THE MEDICAL USE OF MARIJUANA.

1 **(B) A DESIGNATED CAREGIVER WHO HAS A REGISTRY IDENTIFICATION**
2 **CARD ISSUED UNDER THIS TITLE MAY NOT BE SUBJECT TO ARREST, CRIMINAL**
3 **PROSECUTION, OR PENALTY, INCLUDING A CIVIL PENALTY OR A DISCIPLINARY**
4 **ACTION BY A BUSINESS, OCCUPATIONAL, OR PROFESSIONAL LICENSING BOARD**
5 **OR BUREAU, OR DENIED A RIGHT OR PRIVILEGE FOR ASSISTING A QUALIFYING**
6 **PATIENT TO WHOM THE DESIGNATED CAREGIVER IS CONNECTED THROUGH THE**
7 **DEPARTMENT'S REGISTRATION PROCESS WITH THE MEDICAL USE OF**
8 **MARIJUANA.**

9 **(C) (1) A PRACTITIONER MAY NOT BE SUBJECT TO ARREST,**
10 **CRIMINAL PROSECUTION, OR PENALTY, INCLUDING A CIVIL PENALTY OR A**
11 **DISCIPLINARY ACTION BY THE STATE BOARD OF PHYSICIANS OR BY ANOTHER**
12 **OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD, OR DENIED A RIGHT OR**
13 **PRIVILEGE SOLELY FOR PROVIDING CERTIFICATIONS OF DEBILITATING**
14 **MEDICAL CONDITIONS FOR QUALIFYING PATIENTS OR STATING THAT, IN THE**
15 **PRACTITIONER'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE**
16 **THERAPEUTIC BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR**
17 **ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS**
18 **ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION.**

19 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PREVENT AN**
20 **OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD FROM SANCTIONING A**
21 **PRACTITIONER FOR VIOLATING THE STANDARD OF CARE FOR EVALUATING A**
22 **PATIENT'S MEDICAL CONDITION.**

23 **(D) A PERSON MAY NOT BE SUBJECT TO ARREST OR CRIMINAL**
24 **PROSECUTION FOR POSSESSION, CONSPIRACY, AIDING AND ABETTING, BEING**
25 **AN ACCESSORY, OR ANOTHER OFFENSE SOLELY FOR BEING IN THE PRESENCE**
26 **OR VICINITY OF THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS**
27 **TITLE OR FOR ASSISTING A REGISTERED QUALIFYING PATIENT WITH USING OR**
28 **ADMINISTERING MARIJUANA IN ACCORDANCE WITH THIS TITLE.**

29 **(E) A QUALIFYING PATIENT WHO IS A CARDHOLDER OR DESIGNATED**
30 **CAREGIVER WHO IS A CARDHOLDER MAY NOT BE SUBJECT TO ARREST,**
31 **CRIMINAL PROSECUTION, OR PENALTY, INCLUDING A CIVIL PENALTY OR A**
32 **DISCIPLINARY ACTION BY AN OCCUPATIONAL OR PROFESSIONAL LICENSING**
33 **BOARD OR BUREAU, OR DENIED A RIGHT OR PRIVILEGE SOLELY FOR**
34 **DISCUSSING THE BENEFITS OR HEALTH RISKS OF MEDICAL MARIJUANA OR ITS**
35 **INTERACTION WITH OTHER SUBSTANCES WITH A PATIENT.**

36 **(F) (1) AN APPLICATION FOR OR THE POSSESSION OF A REGISTRY**
37 **IDENTIFICATION CARD UNDER THIS SUBTITLE MAY NOT BE USED TO SUPPORT**

1 THE SEARCH OF A PERSON OR PROPERTY OR OTHERWISE SUBJECT A PERSON
2 OR PROPERTY TO INSPECTION BY A GOVERNMENTAL AGENCY.

3 (2) THE APPLICATION FOR OR POSSESSION OF A REGISTRY
4 IDENTIFICATION CARD MAY NOT PRECLUDE THE EXISTENCE OF PROBABLE
5 CAUSE IF PROBABLE CAUSE EXISTS ON OTHER GROUNDS.

6 (G) A PERSON MAY NOT BE SUBJECT TO ARREST, CRIMINAL
7 PROSECUTION, OR PENALTY OR DENIED A RIGHT OR PRIVILEGE, INCLUDING A
8 CIVIL PENALTY OR A DISCIPLINARY ACTION BY AN OCCUPATIONAL OR A
9 PROFESSIONAL LICENSING BOARD, FOR PROVIDING A QUALIFYING PATIENT
10 WHO IS A CARDHOLDER OR A DESIGNATED CAREGIVER WHO IS A CARDHOLDER
11 WITH MARIJUANA PARAPHERNALIA TO ASSIST IN THE MEDICAL USE OF
12 MARIJUANA BY A QUALIFYING PATIENT WHO IS A CARDHOLDER.

13 25-602.

14 (A) A SCHOOL OR LANDLORD MAY NOT REFUSE TO ENROLL OR LEASE
15 TO, OR OTHERWISE PENALIZE, A PERSON SOLELY FOR THE PERSON'S STATUS AS
16 A CARDHOLDER WHO IS A QUALIFYING PATIENT OR A DESIGNATED CAREGIVER.

17 (B) AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN
18 HIRING OR TERMINATING OR IN ANY OTHER CONDITION OF EMPLOYMENT, OR
19 OTHERWISE PENALIZE A PERSON, IF THE DISCRIMINATION IS BASED ON:

20 (1) THE PERSON'S STATUS AS A CARDHOLDER WHO IS A
21 QUALIFYING PATIENT OR A CARDHOLDER WHO IS A DESIGNATED CAREGIVER;
22 OR

23 (2) THE PERSON'S POSITIVE DRUG TEST FOR MARIJUANA
24 COMPONENTS OR METABOLITES, IF THE PERSON IS A CARDHOLDER WHO IS A
25 QUALIFYING PATIENT UNLESS THE PATIENT USED, POSSESSED, OR WAS
26 IMPAIRED BY MARIJUANA ON THE PREMISES OF THE PLACE OF EMPLOYMENT
27 OR DURING THE HOURS OF EMPLOYMENT.

28 25-603.

29 (A) THERE IS A PRESUMPTION THAT A QUALIFYING PATIENT OR
30 DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF MARIJUANA IF
31 THE QUALIFYING PATIENT OR DESIGNATED CAREGIVER:

32 (1) POSSESSES A REGISTRY IDENTIFICATION CARD; AND

1 **(2) POSSESSES AN AMOUNT OF MARIJUANA THAT DOES NOT**
2 **EXCEED THE ALLOWABLE AMOUNT UNDER THIS TITLE.**

3 **(B) THE PRESUMPTION UNDER SUBSECTION (A) OF THIS SECTION MAY**
4 **BE REBUTTED BY EVIDENCE OF CONDUCT THAT DEMONSTRATES THAT THE**
5 **MARIJUANA WAS NOT FOR THE PURPOSE OF ALLEVIATING A QUALIFYING**
6 **PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED**
7 **WITH THE MEDICAL CONDITION.**

8 **25-604.**

9 **(A) A PERSON MAY NOT BE DENIED CUSTODY OR VISITATION WITH A**
10 **MINOR FOR THE SOLE REASON OF CONDUCT ALLOWED UNDER THIS TITLE.**

11 **(B) THERE MAY NOT BE A PRESUMPTION OF NEGLECT OR CHILD**
12 **ENDANGERMENT FOR THE SOLE REASON OF CONDUCT ALLOWED UNDER THIS**
13 **TITLE.**

14 **25-605.**

15 **FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN**
16 **TRANSPLANTS, THE MEDICAL USE OF MARIJUANA IN ACCORDANCE WITH THIS**
17 **TITLE SHALL BE CONSIDERED THE EQUIVALENT OF THE AUTHORIZED USE OF**
18 **ANY OTHER MEDICATION USED AT THE DIRECTION OF A PHYSICIAN, AND MAY**
19 **NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE.**

20 **25-606.**

21 **(A) A QUALIFYING PATIENT WHO IS A CARDHOLDER MAY NOT BE**
22 **SUBJECT TO ARREST, PROSECUTION, OR PENALTY, INCLUDING DISCIPLINARY**
23 **ACTION BY AN OCCUPATIONAL LICENSING BOARD, FOR OFFERING OR GIVING**
24 **MARIJUANA TO A CARDHOLDER WHO IS A QUALIFYING PATIENT OR A**
25 **DESIGNATED CAREGIVER THAT IS INTENDED FOR THE USE OF A QUALIFYING**
26 **PATIENT WHO IS A CARDHOLDER IF:**

27 **(1) NOTHING OF VALUE IS TRANSFERRED IN RETURN FOR THE**
28 **MARIJUANA; AND**

29 **(2) THE QUALIFYING PATIENT WHO IS GIVING THE MARIJUANA**
30 **DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE MARIJUANA**
31 **THAN IS PERMITTED UNDER THIS TITLE.**

1 **(B) A DESIGNATED CAREGIVER WHO IS A CARDHOLDER MAY NOT BE**
2 **SUBJECT TO ARREST, PROSECUTION, OR PENALTY, INCLUDING DISCIPLINARY**
3 **ACTION BY AN OCCUPATIONAL LICENSING BOARD, FOR OFFERING OR GIVING**
4 **MARIJUANA TO A CARDHOLDER WHO IS A QUALIFYING PATIENT OR A**
5 **DESIGNATED CAREGIVER THAT IS INTENDED FOR THE USE OF A QUALIFYING**
6 **PATIENT WHO IS A CARDHOLDER IF:**

7 **(1) NOTHING OF VALUE IS TRANSFERRED IN RETURN FOR THE**
8 **MARIJUANA; AND**

9 **(2) THE DESIGNATED CAREGIVER WHO IS GIVING THE**
10 **MARIJUANA DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE**
11 **MARIJUANA THAN IS PERMITTED UNDER THIS TITLE.**

12 **25-607.**

13 **(A) ANY MARIJUANA, MARIJUANA PARAPHERNALIA, OR OTHER**
14 **PROPERTY THAT IS POSSESSED, OWNED, OR USED IN CONNECTION WITH THE**
15 **MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS TITLE MAY NOT BE**
16 **SEIZED OR FORFEITED.**

17 **(B) THIS SECTION DOES NOT PROHIBIT THE SEIZURE OR FORFEITURE**
18 **OF MARIJUANA THAT EXCEEDS THE AMOUNTS AUTHORIZED UNDER THIS TITLE.**

19 **25-608.**

20 **(A) A REGISTERED COMPASSION CENTER MAY NOT BE SUBJECT TO THE**
21 **FOLLOWING SOLELY FOR ACTING IN ACCORDANCE WITH THIS TITLE AND**
22 **REGULATIONS ADOPTED UNDER THIS TITLE:**

23 **(1) PROSECUTION;**

24 **(2) SEARCH, EXCEPT BY THE DEPARTMENT UNDER § 25-305 OF**
25 **THIS TITLE;**

26 **(3) SEIZURE; OR**

27 **(4) ANY OTHER PENALTY, INCLUDING A CIVIL PENALTY OR A**
28 **DISCIPLINARY ACTION BY A COURT OR AN OCCUPATIONAL LICENSING BOARD.**

29 **(B) A COMPASSION CENTER ASSOCIATE MAY NOT BE SUBJECT TO THE**
30 **FOLLOWING SOLELY FOR WORKING FOR A REGISTERED COMPASSION CENTER IN**

1 ACCORDANCE WITH THIS TITLE AND REGULATIONS ADOPTED UNDER THIS
2 TITLE:

3 (1) PROSECUTION;

4 (2) SEARCH, EXCEPT BY THE DEPARTMENT UNDER § 25-305 OF
5 THIS TITLE;

6 (3) SEIZURE; OR

7 (4) ANY OTHER PENALTY, INCLUDING A CIVIL PENALTY OR A
8 DISCIPLINARY ACTION BY A COURT OR AN OCCUPATIONAL LICENSING BOARD.

9 25-609.

10 IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY ENCOUNTERS A
11 PERSON WHO, DURING THE COURSE OF INVESTIGATION, CREDIBLY ASSERTS
12 THAT THE PERSON HOLDS A REGISTRY IDENTIFICATION CARD ISSUED UNDER
13 THIS TITLE OR IS AN ENTITY WHOSE PERSONNEL CREDIBLY ASSERT IS A
14 COMPASSION CENTER, THE LAW ENFORCEMENT AGENCY MAY NOT PROVIDE ANY
15 INFORMATION FROM AN INVESTIGATION RELATED TO MARIJUANA OF THE
16 PERSON TO A LAW ENFORCEMENT AGENCY THAT DOES NOT RECOGNIZE THE
17 PROTECTIONS PROVIDED IN THIS TITLE.

18 25-610.

19 (A) (1) THIS TITLE DOES NOT AUTHORIZE:

20 (I) A PERSON TO UNDERTAKE A TASK UNDER THE
21 INFLUENCE OF MARIJUANA WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE
22 OR PROFESSIONAL MALPRACTICE;

23 (II) THE SMOKING OF MARIJUANA:

24 1. ON ANY FORM OF PUBLIC TRANSPORTATION; OR

25 2. IN ANY PUBLIC PLACE;

26 (III) THE POSSESSION OR MEDICAL USE OF MARIJUANA:

27 1. IN A SCHOOL BUS;

1 **2. ON THE GROUNDS OF ANY PRESCHOOL OR**
2 **PRIMARY OR SECONDARY SCHOOL; OR**

3 **3. IN ANY CORRECTIONAL FACILITY;**

4 **(IV) A PERSON TO OPERATE, NAVIGATE, OR BE IN ACTUAL**
5 **PHYSICAL CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE**
6 **UNDER THE INFLUENCE OF MARIJUANA; OR**

7 **(V) USE MARIJUANA IF THE PERSON DOES NOT HAVE A**
8 **DEBILITATING MEDICAL CONDITION.**

9 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A**
10 **QUALIFYING PATIENT WHO IS A CARDHOLDER MAY NOT BE CONSIDERED TO BE**
11 **UNDER THE INFLUENCE SOLELY FOR HAVING MARIJUANA METABOLITES IN THE**
12 **PATIENT'S SYSTEM.**

13 **(B) NOTHING IN THIS TITLE MAY BE CONSTRUED TO REQUIRE:**

14 **(1) A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE**
15 **HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE**
16 **MEDICAL USE OF MARIJUANA;**

17 **(2) AN EMPLOYER TO ACCOMMODATE THE MEDICAL USE OF**
18 **MARIJUANA IN A WORKPLACE; OR**

19 **(3) A PERSON TO ALLOW A GUEST, CLIENT, CUSTOMER, OR**
20 **OTHER VISITOR TO USE MARIJUANA ON OR IN PROPERTY OWNED BY THE**
21 **PERSON.**

22 **SUBTITLE 7. CONFIDENTIALITY AND VERIFICATION SYSTEM.**

23 **25-701.**

24 **(A) (1) APPLICATIONS AND SUPPORTING INFORMATION SUBMITTED**
25 **BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS, INCLUDING**
26 **INFORMATION REGARDING THEIR PRIMARY CAREGIVERS AND PRACTITIONERS,**
27 **ARE CONFIDENTIAL AND PROTECTED UNDER THE FEDERAL HEALTH**
28 **INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.**

29 **(2) APPLICATIONS AND SUPPORTING INFORMATION SUBMITTED**
30 **BY COMPASSION CENTERS AND COMPASSION CENTER PERSONNEL OPERATING**
31 **IN COMPLIANCE WITH THIS TITLE ARE CONFIDENTIAL.**

1 **(B) (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST**
2 **OF PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY**
3 **IDENTIFICATION CARDS.**

4 **(2) EXCEPT TO AUTHORIZED EMPLOYEES OF THE DEPARTMENT**
5 **AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT,**
6 **INDIVIDUAL NAMES AND OTHER IDENTIFYING INFORMATION ON THE LIST**
7 **SHALL BE CONFIDENTIAL, EXEMPT FROM THE PROVISIONS OF THE MARYLAND**
8 **PUBLIC INFORMATION ACT, AND NOT SUBJECT TO DISCLOSURE.**

9 **(C) (1) (I) A PERSON, INCLUDING AN EMPLOYEE OR OFFICIAL OF**
10 **THE DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL GOVERNMENT, MAY**
11 **NOT BREACH THE CONFIDENTIALITY OF INFORMATION OBTAINED UNDER THIS**
12 **SUBTITLE.**

13 **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY**
14 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
15 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

16 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:**

17 **(I) EMPLOYEES OF THE DEPARTMENT MAY NOTIFY LAW**
18 **ENFORCEMENT OFFICIALS ABOUT FALSIFIED OR FRAUDULENT INFORMATION**
19 **SUBMITTED TO THE DEPARTMENT IF THE EMPLOYEE FIRST CONFERS WITH**
20 **ANOTHER EMPLOYEE AND BOTH AGREE THAT CIRCUMSTANCES EXIST THAT**
21 **WARRANT REPORTING;**

22 **(II) THE DEPARTMENT MAY NOTIFY LAW ENFORCEMENT**
23 **OFFICIALS ABOUT APPARENT CRIMINAL VIOLATIONS OF THIS TITLE IF THE**
24 **EMPLOYEE WHO SUSPECTS THE OFFENSE CONFERS WITH THE EMPLOYEE'S**
25 **SUPERVISOR AND BOTH AGREE THAT CIRCUMSTANCES EXIST THAT WARRANT**
26 **REPORTING; AND**

27 **(III) COMPASSION CENTER ASSOCIATES MAY NOTIFY THE**
28 **DEPARTMENT OF A SUSPECTED OR ATTEMPTED VIOLATION OF THIS TITLE OR**
29 **ANY REGULATIONS ADOPTED UNDER THIS TITLE.**

30 **25-702.**

31 **(A) ON OR BEFORE OCTOBER 1, 2013, THE DEPARTMENT**
32 **SHALL ESTABLISH A SECURE, PASSWORD-PROTECTED, INTERNET-BASED**
33 **VERIFICATION SYSTEM THAT IS OPERATIONAL 24 HOURS A DAY THAT LAW**

1 ENFORCEMENT PERSONNEL AND COMPASSION CENTER ASSOCIATES MAY
2 ACCESS TO VERIFY REGISTRY IDENTIFICATION CARDS.

3 (B) THE VERIFICATION SYSTEM REQUIRED UNDER THIS SECTION
4 SHALL:

5 (1) ALLOW LAW ENFORCEMENT PERSONNEL AND COMPASSION
6 CENTER ASSOCIATES TO ENTER THE IDENTIFICATION NUMBER ON A REGISTRY
7 IDENTIFICATION CARD TO DETERMINE WHETHER THE IDENTIFICATION NUMBER
8 CORRESPONDS WITH A CURRENT AND VALID REGISTRY IDENTIFICATION CARD;

9 (2) DISCLOSE THE NAME AND PHOTOGRAPH OF THE HOLDER OF
10 THE REGISTRY IDENTIFICATION CARD, BUT MAY NOT DISCLOSE THE ADDRESS
11 OF THE CARDHOLDER;

12 (3) DISPLAY THE AMOUNT AND QUANTITY OF MARIJUANA THAT A
13 REGISTERED QUALIFYING PATIENT RECEIVED FROM COMPASSION CENTERS IN
14 THE PREVIOUS 60 DAYS; AND

15 (4) ALLOW COMPASSION CENTER ASSOCIATES TO ENTER
16 INFORMATION ON THE AMOUNT OF MARIJUANA GIVEN TO REGISTERED
17 QUALIFYING PATIENTS OR TO THEIR DESIGNATED CAREGIVERS, ALONG WITH
18 THE DATE AND TIME THE MARIJUANA WAS DISPENSED.

19 (C) THE VERIFICATION SYSTEM REQUIRED UNDER THIS SECTION SHALL
20 INCLUDE THE FOLLOWING SECURITY FEATURES:

21 (1) IF AN AUTHORIZED USER ENTERS FIVE INVALID REGISTRY
22 IDENTIFICATION NUMBERS WITHIN 5 MINUTES, THE USER MAY NOT LOG INTO
23 THE SYSTEM AGAIN FOR 10 MINUTES; AND

24 (2) THE VERIFICATION SYSTEM SHALL REJECT ANY LOG-IN
25 REQUEST THAT IS NOT OVER AN ENCRYPTED CONNECTION.

26 (D) (1) THE DEPARTMENT SHALL DESTROY ANY HARD DRIVES
27 CONTAINING CARDHOLDER INFORMATION IF THE HARD DRIVES ARE NO
28 LONGER IN USE.

29 (2) THE DEPARTMENT SHALL RETAIN A SIGNED STATEMENT
30 FROM AN EMPLOYEE OF THE DEPARTMENT CONFIRMING THAT THE HARD
31 DRIVES WERE DESTROYED.

32 25-703.

1 **THIS TITLE MAY BE CITED AS THE MARYLAND MEDICAL MARIJUANA ACT.**
2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 June 1, 2013.