

# HOUSE BILL 1101

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CF 3lr1701

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By: **Delegates Morhaim, McIntosh, Hixson, Barve, Branch, Feldman, Tarrant, Barnes, Cane, McHale, Malone, F. Turner, Kach, Clagett, Cluster, Hubbard, Aumann, Lafferty, Frank, Rosenberg, Ivey, Glenn, Love, Stein, Vaughn, Haynes, Gutierrez, Carr, Cullison, Stukes, Bobo, Cardin, M. Washington, A. Kelly, Reznik, Kramer, Gilchrist, Frush, B. Robinson, Valderrama, Donoghue, Zucker, Weir, Conaway, Carter, Wilson, Glass, Oaks, Luedtke, S. Robinson, Mizeur, Niemann, Summers, A. Miller, Murphy, V. Turner, Nathan-Pulliam, Minnick, and Arora**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Medical Marijuana – Academic Medical Centers**

3 FOR the purpose of establishing the Medical Marijuana Commission; providing for the  
4 purpose and the membership of the Commission; providing for the terms of the  
5 members of the Commission; requiring the Governor to designate the chair of  
6 the Commission; providing that a member of the Commission may not receive  
7 certain compensation but is entitled to certain reimbursement; authorizing the  
8 Commission to employ a certain staff; requiring the Commission to issue a  
9 certain request for applications at least annually; requiring a certain  
10 application submitted by an academic medical center to include certain  
11 information; requiring the Commission to set certain application and renewal  
12 fees; requiring the Commission to establish a certain application review process;  
13 requiring certain reviewers to review, evaluate, and rate certain applications  
14 and to make certain recommendations; authorizing the Commission to grant a  
15 certain approval; requiring certain academic medical centers to provide certain  
16 data on a certain basis to the Department of Health and Mental Hygiene;  
17 requiring the Department to make certain data available to law enforcement in  
18 a certain manner; providing that an academic medical center operating a  
19 certain program may obtain marijuana only from certain sources; subjecting an  
20 academic medical center to certain requirements if an academic medical center  
21 utilizes caregivers as part of a certain program; requiring certain academic  
22 medical centers to provide a certain annual report to the Commission; requiring  
23 a certain academic medical center to apply annually to the Commission for a  
24 certain renewal in accordance with certain procedures; providing that certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 academic medical centers are subject to certain inspection by the Commission;  
 2 authorizing the Commission to rescind approval of certain programs under  
 3 certain circumstances; requiring the Commission to provide a certain report to  
 4 the Governor and General Assembly on or before a certain date each year;  
 5 requiring the Department to license medical marijuana growers for a certain  
 6 purpose; providing that certain entities may provide marijuana only to certain  
 7 academic medical centers; requiring the Department to establish certain  
 8 security and manufacturing requirements; authorizing the Department to  
 9 inspect certain growers; authorizing the Department to impose certain penalties  
 10 or rescind certain licenses; exempting certain persons from certain penalties  
 11 when acting in accordance with this Act; providing that a person may not  
 12 distribute, possess, manufacture, or use certain marijuana; providing for certain  
 13 penalties; providing for the construction of this Act; defining certain terms; and  
 14 generally relating to marijuana for medical use.

15 BY adding to

16 Article – Health – General

17 Section 13–3101 through 13–3110 to be under the new subtitle “Subtitle 31.  
 18 Medical Marijuana”

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – Health – General**

24 **SUBTITLE 31. MEDICAL MARIJUANA.**

25 **13–3101.**

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 27 INDICATED.

28 (B) “ACADEMIC MEDICAL CENTER” MEANS A HOSPITAL THAT:

29 (1) OPERATES A MEDICAL RESIDENCY PROGRAM FOR  
 30 PHYSICIANS; AND

31 (2) CONDUCTS RESEARCH THAT IS OVERSEEN BY THE FEDERAL  
 32 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND INVOLVES HUMAN  
 33 SUBJECTS.

34 (C) “COMMISSION” MEANS THE MEDICAL MARIJUANA COMMISSION  
 35 ESTABLISHED UNDER THIS SUBTITLE.

1           (D) “PROGRAM” MEANS AN INVESTIGATIONAL USE-TYPE PROGRAM  
2 OVERSEEN BY AN ACADEMIC MEDICAL CENTER THROUGH WHICH MARIJUANA IS  
3 MADE AVAILABLE TO PATIENTS FOR MEDICAL USE.

4 **13-3102.**

5           (A) THERE IS A MEDICAL MARIJUANA COMMISSION.

6           (B) THE PURPOSE OF THE COMMISSION IS TO:

7                   (1) DEVELOP REQUESTS FOR APPLICATIONS FOR ACADEMIC  
8 MEDICAL CENTERS TO OPERATE PROGRAMS IN ACCORDANCE WITH THIS  
9 SUBTITLE;

10                   (2) APPROVE OR DENY APPLICATIONS FOR PROGRAMS;

11                   (3) APPROVE OR DENY APPLICATIONS FOR RENEWAL OF  
12 PROGRAMS; AND

13                   (4) MONITOR AND OVERSEE PROGRAMS APPROVED FOR  
14 OPERATION UNDER THIS SUBTITLE.

15 **13-3103.**

16           (A) THE COMMISSION CONSISTS OF THE FOLLOWING 12 MEMBERS:

17                   (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE  
18 SECRETARY’S DESIGNEE; AND

19                   (2) THE FOLLOWING 11 MEMBERS, APPOINTED BY THE  
20 GOVERNOR:

21                           (I) ONE MEMBER OF THE PUBLIC WHO SUPPORTS THE USE  
22 OF MARIJUANA FOR MEDICAL PURPOSES AND WHO IS OR WAS A PATIENT WHO  
23 FOUND RELIEF FROM THE USE OF MEDICAL MARIJUANA;

24                           (II) ONE MEMBER OF THE PUBLIC DESIGNATED BY THE  
25 MARYLAND CHAPTER OF THE NATIONAL COUNCIL ON ALCOHOLISM AND DRUG  
26 DEPENDENCE;

1                   **(III) THREE PHYSICIANS LICENSED IN THE STATE WHO**  
2 **SPECIALIZE IN ADDICTION, PAIN, ONCOLOGY, NEUROLOGY, OR CLINICAL**  
3 **RESEARCH;**

4                   **(IV) ONE NURSE LICENSED IN THE STATE WHO HAS**  
5 **EXPERIENCE IN HOSPICE CARE, NOMINATED BY A STATE RESEARCH**  
6 **INSTITUTION OR TRADE ASSOCIATION;**

7                   **(V) ONE PHARMACIST LICENSED IN THE STATE,**  
8 **NOMINATED BY A STATE RESEARCH INSTITUTION OR TRADE ASSOCIATION;**

9                   **(VI) ONE SCIENTIST WHO HAS EXPERIENCE IN THE SCIENCE**  
10 **OF MARIJUANA, NOMINATED BY A STATE RESEARCH INSTITUTION;**

11                   **(VII) ONE REPRESENTATIVE OF THE MARYLAND STATE'S**  
12 **ATTORNEYS' ASSOCIATION;**

13                   **(VIII) ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF**  
14 **POLICE; AND**

15                   **(IX) AN ATTORNEY WHO IS KNOWLEDGEABLE ABOUT**  
16 **MEDICAL MARIJUANA LAWS IN THE UNITED STATES.**

17           **(B) (1) THE TERM OF A MEMBER IS 4 YEARS.**

18                   **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED**  
19 **BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2013.**

20                   **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
21 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

22                   **(4) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE**  
23 **FULL TERMS.**

24                   **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
25 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
26 **APPOINTED AND QUALIFIES.**

27           **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR FROM AMONG THE**  
28 **MEMBERS OF THE COMMISSION.**

29           **(D) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**  
30 **COMMISSION IS A QUORUM.**

1           **(E) A MEMBER OF THE COMMISSION:**

2                   **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
3 **COMMISSION; BUT**

4                   **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
5 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**  
6 **BUDGET.**

7           **(F) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING**  
8 **CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.**

9 **13-3104.**

10           **(A) THE COMMISSION SHALL ISSUE AT LEAST ANNUALLY A REQUEST**  
11 **FOR APPLICATIONS FOR ACADEMIC MEDICAL CENTERS TO OPERATE MEDICAL**  
12 **MARIJUANA COMPASSIONATE USE PROGRAMS.**

13           **(B) AN APPLICATION SUBMITTED BY AN ACADEMIC MEDICAL CENTER**  
14 **TO OPERATE A PROGRAM UNDER THIS SUBTITLE SHALL:**

15                   **(1) SPECIFY THE MEDICAL CONDITIONS TO BE TREATED UNDER**  
16 **THE PROGRAM TO BE OPERATED BY THE ACADEMIC MEDICAL CENTER,**  
17 **PROPOSED ON THE BASIS OF EVIDENCE;**

18                   **(2) SPECIFY THE CRITERIA BY WHICH THE ACADEMIC MEDICAL**  
19 **CENTER WILL INCLUDE AND EXCLUDE PATIENTS FROM PARTICIPATION IN THE**  
20 **PROGRAM;**

21                   **(3) SPECIFY HOW PATIENTS WILL BE ASSESSED FOR ADDICTION**  
22 **BEFORE AND DURING TREATMENT USING MARIJUANA THROUGH THE PROGRAM;**

23                   **(4) DESCRIBE THE SOURCE OF THE MARIJUANA TO BE USED IN A**  
24 **PROGRAM AND INCLUDE SCIENTIFIC DETAILS OF THE TYPE OF MARIJUANA TO**  
25 **BE USED IN THE PROGRAM;**

26                   **(5) SPECIFY THE LENGTH OF TREATMENT AND DOSAGE**  
27 **PERMITTED UNDER THE PROGRAM;**

28                   **(6) DESCRIBE HOW HEALTH CARE PROVIDERS WILL BE ELIGIBLE**  
29 **TO PARTICIPATE IN THE PROGRAM AND WHAT TRAINING THEY WILL RECEIVE;**

1           **(7) INCLUDE A DESCRIPTION OF WHETHER AND HOW**  
2 **CAREGIVERS WILL INTERACT WITH PATIENTS PARTICIPATING IN THE PROGRAM;**

3           **(8) DEMONSTRATE APPROVAL OF THE PROGRAM BY THE**  
4 **ACADEMIC MEDICAL CENTER'S INSTITUTIONAL REVIEW BOARD;**

5           **(9) DESCRIBE THE PLAN FOR DEFINING AND MONITORING THE**  
6 **SUCCESS OR FAILURE OF TREATMENT USING MARIJUANA THROUGH THE**  
7 **PROGRAM;**

8           **(10) INCLUDE A PLAN FOR MONITORING AGGREGATE DATA AND**  
9 **OUTCOMES AND PUBLISHING RESULTS FROM THE PROGRAM, AS APPROPRIATE;**

10           **(11) INCLUDE A DESCRIPTION OF THE SOURCES OF FUNDING FOR**  
11 **THE PROGRAM, INCLUDING ANY RESEARCH GRANTS;**

12           **(12) DESCRIBE ANY REQUIRED TRAINING FOR HEALTH CARE**  
13 **PROVIDERS AND PATIENTS PARTICIPATING IN THE PROGRAM ON**  
14 **DIVERSION-RELATED ISSUES;**

15           **(13) DESCRIBE STEPS THE ACADEMIC MEDICAL CENTER WILL**  
16 **TAKE TO PREVENT AND MONITOR FOR DIVERSION AND ADDRESS VIOLATIONS OF**  
17 **ITS DIVERSION POLICY;**

18           **(14) DESCRIBE HOW THE PROGRAM WILL DISPOSE OF ANY UNUSED**  
19 **MARIJUANA; AND**

20           **(15) DESCRIBE HOW THE ACADEMIC MEDICAL CENTER AND THE**  
21 **PROGRAM WILL MEET ANY OTHER CRITERIA ESTABLISHED BY THE COMMISSION**  
22 **RELATED TO DIVERSION OR OTHER ASPECTS OF PROGRAMS OVERSEEN BY THE**  
23 **COMMISSION.**

24           **(C) THE COMMISSION SHALL SET APPLICATION FEES AND RENEWAL**  
25 **FEES THAT COVER ITS EXPENSES IN REVIEWING AND APPROVING APPLICATIONS**  
26 **AND PROVIDING OVERSIGHT TO PROGRAMS.**

27 **13-3105.**

28           **(A) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW**  
29 **PROCESS THAT INCLUDES REVIEWERS WITH EXPERTISE IN SCIENTIFIC**  
30 **RESEARCH AND ANALYSIS, MEDICAL TRAINING, AND LAW ENFORCEMENT.**

31           **(B) THE REVIEWERS SHALL:**

1           (1) REVIEW, EVALUATE, AND RATE APPLICATIONS FOR MEDICAL  
2 MARIJUANA COMPASSIONATE USE PROGRAMS SUBMITTED BY ACADEMIC  
3 MEDICAL CENTERS BASED ON THE PROCEDURES AND GUIDELINES  
4 ESTABLISHED BY THE COMMISSION; AND

5           (2) MAKE RECOMMENDATIONS TO THE COMMISSION, BASED ON  
6 THE RATINGS AWARDED TO PROPOSALS BY THE REVIEWERS, FOR APPROVAL OF  
7 APPLICATIONS FROM MEDICAL MARIJUANA COMPASSIONATE USE PROGRAMS.

8           (C) THE COMMISSION MAY GRANT A 1-YEAR APPROVAL TO A PROGRAM,  
9 WHICH MAY BE RENEWED BY THE COMMISSION.

10 13-3106.

11           (A) (1) AN ACADEMIC MEDICAL CENTER APPROVED TO OPERATE A  
12 PROGRAM UNDER THIS SUBTITLE SHALL PROVIDE TO THE DEPARTMENT  
13 UPDATED DATA EACH DAY ON PATIENTS AND CAREGIVERS PARTICIPATING IN  
14 EACH PROGRAM OVERSEEN BY THE ACADEMIC MEDICAL CENTER.

15           (2) THE DEPARTMENT SHALL MAKE THE DATA AVAILABLE IN  
16 REAL TIME TO LAW ENFORCEMENT.

17           (B) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM  
18 APPROVED UNDER THIS SUBTITLE MAY USE MARIJUANA OBTAINED ONLY FROM:

19           (1) THE FEDERAL GOVERNMENT; OR

20           (2) A MEDICAL MARIJUANA GROWER LICENSED UNDER THIS  
21 SUBTITLE.

22           (C) IF AN ACADEMIC MEDICAL CENTER UTILIZES CAREGIVERS AS PART  
23 OF A PROGRAM APPROVED UNDER THIS SUBTITLE, THE ACADEMIC MEDICAL  
24 CENTER SHALL:

25           (1) LIMIT THE NUMBER OF PATIENTS A CAREGIVER IS ALLOWED  
26 TO SERVE TO NO MORE THAN FIVE; AND

27           (2) LIMIT THE NUMBER OF CAREGIVERS THAT SERVE A  
28 PARTICULAR PATIENT TO NO MORE THAN TWO.

1           **(D) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**  
2 **APPROVED UNDER THIS SUBTITLE SHALL REPORT ANNUALLY TO THE**  
3 **COMMISSION, IN THE FORM SPECIFIED BY THE COMMISSION, ON:**

4           **(1) THE NUMBER OF PATIENTS SERVED THROUGH THE PROGRAM;**

5           **(2) THE COUNTY OF RESIDENCE OF THE PATIENTS SERVED BY**  
6 **THE PROGRAM;**

7           **(3) THE CONDITIONS TREATED UNDER THE PROGRAM;**

8           **(4) ANY OUTCOMES DATA ON THE RESULTS OF TREATMENT**  
9 **THROUGH THE PROGRAM; AND**

10           **(5) ANY RESEARCH STUDIES CONDUCTED UNDER THE PROGRAM.**

11           **(E) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**  
12 **APPROVED UNDER THIS SUBTITLE SHALL APPLY ANNUALLY TO THE**  
13 **COMMISSION FOR RENEWAL OF APPROVAL OF THE PROGRAM, IN ACCORDANCE**  
14 **WITH ANY PROCEDURES ESTABLISHED BY THE COMMISSION.**

15           **(F) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**  
16 **APPROVED UNDER THIS SUBTITLE IS SUBJECT TO INSPECTION BY THE**  
17 **COMMISSION TO ENSURE THAT THE PROGRAM IS OPERATING ACCORDING TO**  
18 **THE CONDITIONS OF APPROVAL ESTABLISHED BY THE COMMISSION.**

19           **(G) THE COMMISSION MAY RESCIND APPROVAL OF A PROGRAM IF THE**  
20 **COMMISSION FINDS THAT THE PROGRAM IS NOT IN COMPLIANCE WITH THE**  
21 **CONDITIONS OF APPROVAL ESTABLISHED BY THE COMMISSION.**

22 **13-3107.**

23           **ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL REPORT**  
24 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
25 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON PROGRAMS APPROVED**  
26 **TO OPERATE UNDER THIS SUBTITLE.**

27 **13-3108.**

28           **(A) THE DEPARTMENT SHALL LICENSE MEDICAL MARIJUANA GROWERS**  
29 **TO OPERATE IN THE STATE TO PROVIDE MARIJUANA TO PROGRAMS APPROVED**  
30 **FOR OPERATION UNDER THIS SUBTITLE.**

1           **(B) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION**  
2 **MAY PROVIDE MARIJUANA ONLY TO AN ACADEMIC MEDICAL CENTER APPROVED**  
3 **TO OPERATE A PROGRAM UNDER THIS SUBTITLE.**

4           **(C) THE DEPARTMENT SHALL ESTABLISH REQUIREMENTS FOR**  
5 **SECURITY AND THE MANUFACTURING PROCESS THAT A GROWER MUST MEET IN**  
6 **ORDER TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A**  
7 **REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.**

8           **(D) THE DEPARTMENT MAY INSPECT GROWERS LICENSED UNDER THIS**  
9 **SECTION TO ENSURE COMPLIANCE WITH THIS SECTION.**

10           **(E) THE DEPARTMENT MAY IMPOSE PENALTIES OR RESCIND THE**  
11 **LICENSE OF A GROWER THAT DOES NOT MEET THE STANDARDS FOR LICENSURE**  
12 **SET BY THE DEPARTMENT.**

13 **13-3109.**

14           **(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH**  
15 **THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST,**  
16 **PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A**  
17 **CIVIL PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING**  
18 **BOARD, OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF**  
19 **MARIJUANA:**

20                   **(1) A PATIENT ENROLLED IN A PROGRAM APPROVED UNDER THIS**  
21 **SUBTITLE WHO IS IN POSSESSION OF AN AMOUNT OF MARIJUANA AUTHORIZED**  
22 **UNDER THE PROGRAM;**

23                   **(2) A GROWER LICENSED UNDER § 13-3108 OF THIS SUBTITLE OR**  
24 **AN EMPLOYEE OF THE LICENSED GROWER WHO IS ACTING IN ACCORDANCE**  
25 **WITH THE TERMS OF THE LICENSE; OR**

26                   **(3) AN ACADEMIC MEDICAL CENTER, AN EMPLOYEE OF THE**  
27 **ACADEMIC MEDICAL CENTER, OR ANY OTHER PERSON ASSOCIATED WITH THE**  
28 **OPERATION OF A PROGRAM APPROVED UNDER THIS SUBTITLE FOR ACTIVITIES**  
29 **CONDUCTED IN ACCORDANCE WITH THE PROGRAM APPROVED UNDER THIS**  
30 **SUBTITLE.**

31           **(B) (1) A PERSON MAY NOT DISTRIBUTE, POSSESS, MANUFACTURE,**  
32 **OR USE MARIJUANA THAT HAS BEEN DIVERTED FROM A PROGRAM APPROVED**  
33 **UNDER THIS SUBTITLE OR FROM A PATIENT WHO IS ENROLLED IN A PROGRAM**  
34 **APPROVED UNDER THIS SUBTITLE.**



