

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 923  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “cards;” insert “requiring the Commission to develop and maintain a certain Web site; increasing the membership of the Commission;”; in line 15, strike “and certain family members” and substitute “and the spouse”; in line 16, strike beginning with “being” through the first “or” and substitute “receiving”; in line 17, after “in” insert a comma; strike beginning with the second “medical” in line 17 down through “center” in line 18 and substitute “dispensary; authorizing a certifying physician to receive certain compensation if the certifying physician obtains certain approval and discloses certain information”; and in line 24, strike “medical treatment center” and substitute “medical marijuana grower or dispensary”.

On page 2, in line 2, after “caregiver;” insert “prohibiting a caregiver from serving more than a certain number of qualifying patients at any time; prohibiting a qualifying patient from having more than a certain number of caregivers;”; in lines 4 and 5, in each instance, strike “a registration” and substitute “an approval”; in line 10, after “license;” insert “requiring the Commission to establish a certain application review process for granting medical marijuana grower licenses; prohibiting the Commission from issuing more than one medical marijuana grower license to an applicant; requiring a medical marijuana grower to pay a certain fee;”; in line 15, after “licensure;” insert “requiring a medical marijuana grower agent to be registered with the Commission; requiring a medical marijuana grower to apply to the Commission for a registration card for each grower agent by submitting certain information to the Commission;”; in line 17, strike “and” and substitute a comma; in line 18, after “administration” insert “, and are located in agricultural zones”; strike beginning with “prohibiting” in line 23 down through “center;” in line 27; in line 29, strike “and” and substitute a comma; strike beginning with “medical” in line 29 down through “centers” in line 30 and substitute “dispensaries, qualified patients, and caregivers; authorizing a medical marijuana grower to distribute marijuana at certain facilities; authorizing a”.

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qualifying patient or caregiver to obtain medical marijuana from certain facilities"; in lines 32 and 34, in each instance, strike "medical marijuana treatment center" and substitute "dispensary"; strike beginning with "authorizing" in line 35 down through "grower" in line 42 and substitute "requiring the Commission to establish a certain application review process for granting dispensary licenses and to actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries"; strike beginning with "medical" in line 44 down through "centers" in line 45 and substitute "dispensaries"; and in line 47, strike "medical marijuana treatment centers" and substitute "dispensaries".

On page 3, in line 6, strike "medical marijuana treatment center" and substitute "dispensary"; in line 24, strike "each year" and substitute "in certain years"; in the same line, strike "incidents of" and substitute "any change in"; and in line 27, after the first semicolon insert "requiring the Commission to report to the General Assembly on or before a certain date on the level of competition in the market for medical marijuana; requiring the Commission, in consultation with the Comptroller, to study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states and to report the Commission's findings and recommendations to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 4, after line 25, insert:

**“(F) “DISPENSARY” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.**

**(G) “DISPENSARY AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A DISPENSARY.”;**

and in line 26, strike “**(F)**” and substitute “**(H)**”.

On page 5, in line 1, strike “**(G)**” and substitute “**(I)**”; and strike in their entirety lines 4 through 13, inclusive.

**AMENDMENT NO. 3**

On page 7, after line 13, insert:

**“(E) THE COMMISSION SHALL DEVELOP AND MAINTAIN A WEB SITE THAT:**

**(1) PROVIDES INFORMATION ON HOW AN INDIVIDUAL CAN OBTAIN MEDICAL MARIJUANA IN THE STATE AND HOW AN INDIVIDUAL CAN FIND A CERTIFYING PHYSICIAN; AND**

**(2) PROVIDES CONTACT INFORMATION FOR LICENSED GROWERS AND LICENSED DISPENSARIES.”;**

in line 15, strike “12” and substitute “**15**”; and in line 18, strike “11” and substitute “**14**”.

**AMENDMENT NO. 4**

On page 8, in line 3, strike “and”; and in line 5, after “States” insert “;

**(X) AN INDIVIDUAL WITH EXPERIENCE IN HORTICULTURE, RECOMMENDED BY THE DEPARTMENT OF AGRICULTURE;**

(XI) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND EXTENSION; AND

(XII) ONE REPRESENTATIVE OF THE OFFICE OF THE COMPTROLLER”.

AMENDMENT NO. 5

On page 13, strike in their entirety lines 27 through 31, inclusive, and substitute:

“(E) (1) A CERTIFYING PHYSICIAN OR THE SPOUSE OF A CERTIFYING PHYSICIAN MAY NOT RECEIVE ANY GIFTS FROM OR HAVE AN OWNERSHIP INTEREST IN A MEDICAL MARIJUANA GROWER OR A DISPENSARY.

(2) A CERTIFYING PHYSICIAN MAY RECEIVE COMPENSATION FROM A MEDICAL MARIJUANA GROWER OR DISPENSARY IF:

(I) THE CERTIFYING PHYSICIAN OBTAINS THE APPROVAL OF THE COMMISSION BEFORE RECEIVING THE COMPENSATION; AND

(II) DISCLOSES THE AMOUNT OF COMPENSATION RECEIVED FROM THE MEDICAL MARIJUANA GROWER OR DISPENSARY TO THE COMMISSION.”.

On page 14, in line 13, strike “TREATMENT CENTER” and substitute “GROWER”; in line 14, after “COMMISSION” insert “OR A DISPENSARY LICENSED BY THE COMMISSION”; after line 17, insert:

“(6) (I) A CAREGIVER MAY SERVE NO MORE THAN FIVE QUALIFYING PATIENTS AT ANY TIME.

**(II) A QUALIFYING PATIENT MAY HAVE NO MORE THAN TWO CAREGIVERS.**;

and strike beginning with “FOR” in line 29 down through “REGISTRATION” in line 30 and substitute “TO THE COMMISSION FOR APPROVAL”.

On page 15, strike beginning with the second “A” in line 1 down through “REGISTRATION” in line 2 and substitute “AN APPLICATION FOR APPROVAL”; in line 18, strike “AND”; in line 20, after “SUBTITLE” insert “; AND”

**(III) QUALIFYING PATIENTS AND CAREGIVERS**;

in line 19, strike “MEDICAL MARIJUANA TREATMENT CENTERS” and substitute “DISPENSARIES”; in line 21, after “(2)” insert “**(I)**”; in the same line, strike “The” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**”; in line 22, strike “SHALL” and substitute “MAY LICENSE NO MORE THAN 15 MEDICAL MARIJUANA GROWERS.”

**(II) BEGINNING JUNE 1, 2016, THE COMMISSION MAY**;

after line 25, insert:

**“(III) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING MEDICAL MARIJUANA GROWER LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION.**

**(IV) THE COMMISSION MAY NOT ISSUE MORE THAN ONE MEDICAL MARIJUANA GROWER LICENSE TO EACH APPLICANT.**

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(V) A GROWER SHALL PAY AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS SUBTITLE.”;

in line 30, after “SHALL” insert “:

(I) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A LICENSED GROWER; AND

(II)”;

in the same line, strike “OBTAIN” and substitute “OBTAIN”; and after line 32, insert:

“(5) (I) A LICENSED GROWER SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH GROWER AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(II) 1. WITHIN 1 BUSINESS DAY AFTER A GROWER AGENT CEASES TO BE ASSOCIATED WITH A GROWER, THE GROWER SHALL:

A. NOTIFY THE COMMISSION; AND

B. RETURN THE GROWER AGENT’S REGISTRATION CARD TO THE COMMISSION.

2. ON RECEIPT OF A NOTICE DESCRIBED IN SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH, THE COMMISSION SHALL:

**A. IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE GROWER AGENT; AND**

**B. IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.**

**(III) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A GROWER AGENT.**

On page 16, in lines 1, 5, 7, 14, and 25, strike “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively, and substitute “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively; after line 13, insert:

**“(III) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS LOCATED IN AGRICULTURAL ZONES.”**;

and strike in their entirety lines 27 through 31, inclusive.

On page 17, in line 8, strike “**AND**”; in line 9, strike “**MEDICAL MARIJUANA TREATMENT CENTERS**” and substitute “**DISPENSARIES**”; and in line 10, after “**SUBTITLE**” insert “;

**(3) QUALIFIED PATIENTS; AND**

**(4) CAREGIVERS.**

**(C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER’S FACILITY OR AT A SATELLITE FACILITY OF THE GROWER.**

**(2) A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA FROM A GROWER’S FACILITY OR FROM A SATELLITE FACILITY OF THE GROWER**”;

and in lines 11, 14, 17, and 19, strike “**(C)**”, “**(D)**”, “**(E)**”, and “**(F)**”, respectively, and substitute “**(D)**”, “**(E)**”, “**(F)**”, and “**(G)**”, respectively.

**AMENDMENT NO. 6**

On page 17, in lines 22, 24, and 30, in each instance, strike “**MEDICAL MARIJUANA TREATMENT CENTER**” and substitute “**DISPENSARY**”; and in line 27, strike “**DEPARTMENT**” and substitute “**COMMISSION**”.

On page 18, strike beginning with “**MEDICAL**” in line 3 down through “**CENTER**” in line 4 and substitute “**DISPENSARY**”; strike beginning with “**MEDICAL**” in line 6 down through “**CENTER**” in line 7 and substitute “**DISPENSARY**”; strike in their entirety lines 10 through 24, inclusive, and substitute:

**“(C) THE COMMISSION SHALL:**

**(1) ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING DISPENSARY LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION; AND**

**(2) ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING DISPENSARIES.**”;

in line 25, strike “**(E)**” and substitute “**(D)**”; and in lines 25, 26, and 34, in each instance, strike “**MEDICAL MARIJUANA TREATMENT CENTER**” substitute “**DISPENSARY**”.

On page 19, in lines 2, 6, and 20, in each instance, strike “MEDICAL MARIJUANA TREATMENT CENTER” and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 7 down through “CENTER” in line 8 and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 10 down through “CENTER” in line 11 and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 11 down through “CENTER” in line 12 and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 12 down through “CENTER” in line 13 and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 15 down through “CENTER” in line 16 and substitute “DISPENSARY”; and strike beginning with “MEDICAL” in line 24 down through “CENTER” in line 25 and substitute “DISPENSARY”.

On page 21, in line 19, strike “MEDICAL MARIJUANA TREATMENT CENTER” and substitute “DISPENSARY”; strike beginning with “MEDICAL” in line 20 down through “CENTER” in line 21 and substitute “DISPENSARY”; in line 25, after “subtitle” insert a comma; in the same line, strike “or from”; and in line 26, after “patient” insert “, A CAREGIVER, A LICENSED GROWER, OR A LICENSED DISPENSARY”.

On page 22, in line 30, strike “REGISTRATION” and substitute “APPROVAL”; and in the same line, strike “WITH” and substitute “BY”.

#### AMENDMENT NO. 7

On page 23, in line 13, strike “each” and substitute “any”; in the same line, after “year” insert “in which the results of the Maryland Youth Behavior Survey are published”; strike beginning with “and” in line 13 down through “Hygiene” in line 14; in line 18, strike “incidents of” and substitute “any change in”; strike beginning with “, including” in line 18 down through “Act” in line 19; after line 27, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the Natalie M. LaPrade Medical Marijuana Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the level of competition in the market for medical marijuana and:

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(1) whether the supply of medical marijuana exceeds the demand, and, if so, whether the oversupply has caused the diversion of medical marijuana to persons not authorized by law to possess it; or

(2) whether the demand exceeds the supply, and, if so, whether additional medical marijuana grower licenses are necessary to meet the demand for medical marijuana by qualifying patients and caregivers issued identification cards under Title 13, Subtitle 33 of the Health – General Article in an affordable, accessible, secure, and efficient manner.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Marijuana Commission, in consultation with the Comptroller, shall study the taxation of medical marijuana and the impact that medical marijuana laws have had on banking and financial transactions in other states that have implemented medical marijuana laws.

(b) The study required under subsection (a) of this section shall include an examination of federal laws and policies related to the taxation of medical marijuana and banking and financial transactions affected by medical marijuana laws.

(c) On or before December 1, 2014, the Commission shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding taxation of medical marijuana in this State and the impact of medical marijuana laws on banking and financial transactions.”;

and in line 28, strike “4.” and substitute “6.”.