

HOUSE BILL 881

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CF SB 923

By: Delegates Morhaim, Anderson, Arora, Barve, Bobo, Boteler, Branch, Braveboy, Cane, Cardin, Carr, Carter, Clagett, Cullison, Donoghue, Dumais, Dwyer, Elliott, Frank, Fraser-Hidalgo, Glass, Glenn, Guzzone, Haynes, Hixson, Hogan, Hubbard, Huckler, Ivey, Kach, A. Kelly, Lafferty, McIntosh, McMillan, A. Miller, Minnick, Mizeur, Murphy, Niemann, Oaks, Ready, Reznik, B. Robinson, S. Robinson, Smigiel, Stein, Swain, Tarrant, F. Turner, V. Turner, Valderrama, Waldstreicher, M. Washington, Weir, and Zucker

Introduced and read first time: February 5, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Marijuana – Natalie M. LaPrade Medical Marijuana Commission**

3 FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana
4 Commission to include the registration and regulation of certain physicians;
5 authorizing the Commission to set reasonable fees to cover certain costs;
6 altering the contents of the Natalie M. LaPrade Medical Marijuana Commission
7 Fund to include certain fees collected by the Commission; requiring the
8 Commission to approve certain individuals as certifying physicians; requiring a
9 physician to submit a certain proposal to the Commission to be registered as a
10 certifying physician; encouraging and authorizing the Commission to approve
11 certain applications; requiring each certifying physician to submit a certain
12 annual report to the Commission; authorizing a certifying physician to apply for
13 a renewal of a registration on a certain basis; requiring the Commission to
14 grant or deny a renewal of a registration based on a certifying physician's
15 performance in complying with certain regulations; providing that a certifying
16 physician shall be protected from certain penalties for certain actions; altering
17 the contents of a certain report the Commission is required to make to the
18 Governor and General Assembly each year; altering the number of medical
19 marijuana growers the Commission may license; encouraging the Commission
20 to license medical marijuana growers that grow certain strains of marijuana;
21 authorizing an entity licensed to grow marijuana under certain provisions of
22 law to provide marijuana to certain patients or certain caregivers; adding to the
23 persons that may not be subject to arrest, prosecution, or certain penalties, or
24 be denied any right or privilege, for the medical use of marijuana; providing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 that a person may not distribute, possess, manufacture, or use marijuana that
2 has been diverted from a qualifying patient; requiring the Commission to adopt
3 certain regulations; defining certain terms; making certain conforming changes;
4 and generally relating to the Natalie M. LaPrade Medical Marijuana
5 Commission and medical marijuana.

6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 13–3301 through 13–3303 and 13–3307 through 13–3311
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2013 Supplement)

11 BY adding to
12 Article – Health – General
13 Section 13–3307 and 13–3313
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Health – General
18 Section 13–3304 through 13–3306
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2013 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 13–3301.

25 (a) In this subtitle the following words have the meanings indicated.

26 (b) “Academic medical center” means a hospital that:

27 (1) Operates a medical residency program for physicians; and

28 (2) Conducts research that is overseen by the federal Department of
29 Health and Human Services and involves human subjects.

30 (c) **“CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL WHO:**

31 (1) **IS LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER**
32 **TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE;**

1 **(2) IS ON STAFF AT A HOSPITAL OR WITH A HOSPICE PROGRAM IN**
2 **THE STATE; AND**

3 **(3) REGISTERS WITH THE COMMISSION TO MAKE MARIJUANA**
4 **AVAILABLE TO PATIENTS FOR MEDICAL USE.**

5 **[(c)] (D)** “Commission” means the Natalie M. LaPrade Medical Marijuana
6 Commission established under this subtitle.

7 **[(d)] (E)** “Fund” means the Natalie M. LaPrade Medical Marijuana
8 Commission Fund established under § 13–3303 of this subtitle.

9 **[(e)] (F)** “Program” means an investigational use–type program overseen by
10 an academic medical center through which marijuana is made available to patients for
11 medical use.

12 **(G) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO:**

13 **(1) IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION**
14 **GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S**
15 **CERTIFYING PHYSICIAN; AND**

16 **(2) (I) HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION**
17 **BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE**
18 **PHYSICIAN–PATIENT RELATIONSHIP; OR**

19 **(II) IS ENROLLED IN A RESEARCH PROGRAM WITH A**
20 **REGISTERED ACADEMIC MEDICAL CENTER.**

21 **(H) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT:**

22 **(1) IS ISSUED BY A CERTIFYING PHYSICIAN TO A QUALIFYING**
23 **PATIENT WITH WHOM THE PHYSICIAN HAS A BONA FIDE PHYSICIAN–PATIENT**
24 **RELATIONSHIP; AND**

25 **(2) INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE**
26 **PHYSICIAN’S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL**
27 **ASSESSMENT OF THE PATIENT’S MEDICAL HISTORY AND CURRENT MEDICAL**
28 **CONDITION, THE PATIENT HAS A CONDITION:**

29 **(I) THAT MEETS THE INCLUSION CRITERIA AND DOES NOT**
30 **MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN’S**
31 **APPLICATION; AND**

1 **(II) FOR WHICH:**

2 **1. RECOGNIZED DRUGS OR TREATMENT WOULD NOT**
3 **BE EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE**
4 **EFFECTS OR A GREATER RISK OF ADDICTION; AND**

5 **2. THE POTENTIAL BENEFITS OF THE MEDICAL USE**
6 **OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE**
7 **PATIENT.**

8 13-3302.

9 (a) There is a Natalie M. LaPrade Medical Marijuana Commission.

10 (b) The Commission is an independent commission that functions within the
11 Department.

12 (c) The purpose of the Commission is to:

13 (1) Develop requests for applications for academic medical centers to
14 operate programs in accordance with this subtitle;

15 (2) Approve or deny applications for programs;

16 (3) Approve or deny applications for renewal of programs; [and]

17 (4) Monitor and oversee programs approved for operation under this
18 subtitle; **AND**

19 **(5) REGISTER AND REGULATE CERTIFYING PHYSICIANS.**

20 13-3303.

21 (a) The Commission consists of the following 12 members:

22 (1) The Secretary of Health and Mental Hygiene, or the Secretary's
23 designee; and

24 (2) The following 11 members, appointed by the Governor:

25 (i) One member of the public who supports the use of
26 marijuana for medical purposes and who is or was a patient who found relief from the
27 use of medical marijuana;

28 (ii) One member of the public designated by the Maryland
29 Chapter of the National Council on Alcoholism and Drug Dependence;

1 (iii) Three physicians licensed in the State who specialize in
2 addiction, pain, oncology, neurology, or clinical research;

3 (iv) One nurse licensed in the State who has experience in
4 hospice care, nominated by a State research institution or trade association;

5 (v) One pharmacist licensed in the State, nominated by a State
6 research institution or trade association;

7 (vi) One scientist who has experience in the science of
8 marijuana, nominated by a State research institution;

9 (vii) One representative of the Maryland State's Attorneys'
10 Association;

11 (viii) One representative of the Maryland Chiefs of Police; and

12 (ix) An attorney who is knowledgeable about medical marijuana
13 laws in the United States.

14 (b) (1) The term of a member is 4 years.

15 (2) The terms of the members are staggered as required by the terms
16 provided for members on October 1, 2013.

17 (3) At the end of a term, a member continues to serve until a successor
18 is appointed and qualifies.

19 (4) A member may not serve more than three consecutive full terms.

20 (5) A member who is appointed after a term has begun serves only for
21 the rest of the term and until a successor is appointed and qualifies.

22 (c) The Governor shall designate the chair from among the members of the
23 Commission.

24 (d) A majority of the full authorized membership of the Commission is a
25 quorum.

26 (e) A member of the Commission:

27 (1) May not receive compensation as a member of the Commission; but

28 (2) Is entitled to reimbursement for expenses under the Standard
29 State Travel Regulations, as provided in the State budget.

1 (f) The Commission may employ a staff, including contractual staff, in
2 accordance with the State budget.

3 (G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE
4 COSTS OF OPERATING THE COMMISSION.

5 [(g)] (H) (1) There is a Natalie M. LaPrade Medical Marijuana
6 Commission Fund.

7 (2) The Commission shall administer the Fund.

8 (3) The Fund is a special continuing, nonlapsing fund that is not
9 subject to § 7-302 of the State Finance and Procurement Article.

10 (4) The State Treasurer shall hold the Fund separately, and the
11 Comptroller shall account for the Fund.

12 (5) The Fund shall be invested and reinvested in the same manner as
13 other State funds, and any investment earnings shall be retained to the credit of the
14 Fund.

15 (6) The Fund shall be subject to an audit by the Office of Legislative
16 Audits as provided for in § 2-1220 of the State Government Article.

17 (7) The Comptroller shall pay out money from the Fund as directed by
18 the Commission.

19 (8) The Fund consists of:

20 (i) Any money appropriated in the State budget to the Fund;

21 (ii) Any other money from any other source accepted for the
22 benefit of the Fund, in accordance with any conditions adopted by the Commission for
23 the acceptance of donations or gifts to the Fund; AND

24 (III) ANY FEES COLLECTED BY THE COMMISSION UNDER
25 THIS SUBTITLE.

26 (9) No part of the Fund may revert or be credited to:

27 (i) The General Fund of the State; or

28 (ii) Any other special fund of the State.

29 (10) Expenditures from the Fund may be made only in accordance with
30 the State budget.

1 13-3304.

2 (a) The Commission shall issue at least annually a request for applications
3 for academic medical centers to operate medical marijuana compassionate use
4 programs.

5 (b) An application submitted by an academic medical center to operate a
6 program under this subtitle shall:

7 (1) Specify the medical conditions to be treated under the program to
8 be operated by the academic medical center, proposed on the basis of evidence;

9 (2) Specify the criteria by which the academic medical center will
10 include and exclude patients from participation in the program;

11 (3) Specify how patients will be assessed for addiction before and
12 during treatment using marijuana through the program;

13 (4) Describe the source of the marijuana to be used in a program and
14 include scientific details of the type of marijuana to be used in the program;

15 (5) Specify the length of treatment and dosage permitted under the
16 program;

17 (6) Describe how health care providers will be eligible to participate in
18 the program and what training they will receive;

19 (7) Include a description of whether and how caregivers will interact
20 with patients participating in the program;

21 (8) Demonstrate approval of the program by the academic medical
22 center's institutional review board;

23 (9) Describe the plan for defining and monitoring the success or failure
24 of treatment using marijuana through the program;

25 (10) Include a plan for monitoring aggregate data and outcomes and
26 publishing results from the program, as appropriate;

27 (11) Include a description of the sources of funding for the program,
28 including any research grants;

29 (12) Describe any required training for health care providers and
30 patients participating in the program on diversion-related issues;

1 (13) Describe steps the academic medical center will take to prevent
2 and monitor for diversion and address violations of its diversion policy;

3 (14) Describe how the program will dispose of any unused marijuana;
4 and

5 (15) Describe how the academic medical center and the program will
6 meet any other criteria established by the Commission related to diversion or other
7 aspects of programs overseen by the Commission.

8 (c) The Commission shall set application fees and renewal fees that cover its
9 expenses in reviewing and approving applications and providing oversight to
10 programs.

11 13–3305.

12 (a) The Commission shall establish an application review process that
13 includes reviewers with expertise in scientific research and analysis, medical training,
14 and law enforcement.

15 (b) The reviewers shall:

16 (1) Review, evaluate, and rate applications for medical marijuana
17 compassionate use programs submitted by academic medical centers based on the
18 procedures and guidelines established by the Commission; and

19 (2) Make recommendations to the Commission, based on the ratings
20 awarded to proposals by the reviewers, for approval of applications from medical
21 marijuana compassionate use programs.

22 (c) The Commission may grant a 1–year approval to a program, which may
23 be renewed by the Commission.

24 (d) The Commission may approve no more than five programs to operate at
25 one time.

26 13–3306.

27 (a) (1) An academic medical center approved to operate a program under
28 this subtitle shall provide to the Commission updated data each day on patients and
29 caregivers participating in each program overseen by the academic medical center.

30 (2) The Commission shall make the data available in real time to law
31 enforcement.

32 (b) An academic medical center operating a program approved under this
33 subtitle may use marijuana obtained only from:

1 (1) The federal government; or

2 (2) A medical marijuana grower licensed under this subtitle.

3 (c) If an academic medical center utilizes caregivers as part of a program
4 approved under this subtitle, the academic medical center shall:

5 (1) Limit the number of patients a caregiver is allowed to serve to no
6 more than five; and

7 (2) Limit the number of caregivers that serve a particular patient to
8 no more than two.

9 (d) An academic medical center operating a program approved under this
10 subtitle shall report annually to the Commission, in the form specified by the
11 Commission, on:

12 (1) The number of patients served through the program;

13 (2) The county of residence of the patients served by the program;

14 (3) The conditions treated under the program;

15 (4) Any outcomes data on the results of treatment through the
16 program; and

17 (5) Any research studies conducted under the program.

18 (e) An academic medical center operating a program approved under this
19 subtitle shall apply annually to the Commission for renewal of approval of the
20 program, in accordance with any procedures established by the Commission.

21 (f) An academic medical center operating a program approved under this
22 subtitle is subject to inspection by the Commission to ensure that the program is
23 operating according to the conditions of approval established by the Commission.

24 (g) The Commission may rescind approval of a program if the Commission
25 finds that the program is not in compliance with the conditions of approval established
26 by the Commission.

27 **13-3307.**

28 **(A) THE COMMISSION SHALL APPROVE AS A CERTIFYING PHYSICIAN AN**
29 **INDIVIDUAL WHO:**

1 **(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

2 **(2) SUBMITS APPLICATION MATERIALS THAT ARE SATISFACTORY**
3 **TO THE COMMISSION.**

4 **(B) TO BE REGISTERED AS A CERTIFYING PHYSICIAN, A PHYSICIAN**
5 **SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:**

6 **(1) THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE**
7 **OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE**
8 **PATIENT'S QUALIFYING MEDICAL CONDITIONS;**

9 **(2) THE REASONS THE PHYSICIAN WILL USE TO EXCLUDE**
10 **PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS**
11 **SUBTITLE;**

12 **(3) THE PHYSICIAN'S PLAN FOR SCREENING A PATIENT FOR**
13 **DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING PATIENT IS ISSUED A**
14 **WRITTEN CERTIFICATION; AND**

15 **(4) THE PHYSICIAN'S PLAN FOR THE ONGOING ASSESSMENT AND**
16 **FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.**

17 **(C) THE COMMISSION IS ENCOURAGED TO APPROVE APPLICATIONS**
18 **FOR THE FOLLOWING MEDICAL CONDITIONS:**

19 **(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
20 **CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR**
21 **RECEIVING PALLIATIVE CARE; OR**

22 **(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
23 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**
24 **MEDICAL CONDITION THAT PRODUCES:**

25 **(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;**

26 **(II) SEVERE OR CHRONIC PAIN;**

27 **(III) SEVERE NAUSEA;**

28 **(IV) SEIZURES; OR**

29 **(V) SEVERE OR PERSISTENT MUSCLE SPASMS.**

1 (D) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE
2 ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL
3 MEDICINE IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE RELIEVED
4 BY THE MEDICAL USE OF MARIJUANA.

5 (E) (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN ANNUAL
6 REPORT TO THE COMMISSION.

7 (2) THE ANNUAL REPORT SHALL INCLUDE:

8 (I) THE NUMBER OF PATIENTS SERVED;

9 (II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;

10 (III) ANY MEDICAL CONDITION FOR WHICH MEDICAL
11 MARIJUANA WAS RECOMMENDED; AND

12 (IV) A SUMMARY OF CLINICAL OUTCOMES, INCLUDING
13 ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.

14 (3) THE ANNUAL REPORT MAY NOT INCLUDE ANY PERSONAL
15 INFORMATION THAT IDENTIFIES A PATIENT.

16 (F) (1) A CERTIFYING PHYSICIAN MAY APPLY BIENNIALY FOR A
17 RENEWAL OF A REGISTRATION.

18 (2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF A
19 REGISTRATION BASED ON THE PHYSICIAN'S PERFORMANCE IN COMPLYING
20 WITH REGULATIONS ADOPTED BY THE COMMISSION.

21 (G) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL AND
22 CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS
23 AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN
24 CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.

25 [13-3307.] 13-3308.

26 On or before January 1 each year, the Commission shall report to the Governor
27 and, in accordance with § 2-1246 of the State Government Article, the General
28 Assembly on [programs]:

29 (1) PROGRAMS approved to operate under this subtitle; AND

1 **(2) PHYSICIANS CERTIFIED UNDER THIS SUBTITLE.**

2 **[13–3308.] 13–3309.**

3 (a) (1) The Commission shall license medical marijuana growers to
4 operate in the State to provide marijuana to programs approved for operation under
5 this subtitle.

6 (2) The Commission may license no more than five medical marijuana
7 growers [for each approved program].

8 **(3) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL**
9 **MARIJUANA GROWERS THAT GROW STRAINS OF MARIJUANA WITH**
10 **DEMONSTRATED SUCCESS IN ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES**
11 **OR CONDITIONS.**

12 (b) An entity licensed to grow marijuana under this section may provide
13 marijuana [only to]:

14 **(1) TO PATIENTS PARTICIPATING IN A PROGRAM OPERATED BY**
15 **an academic medical center [approved to operate a program] under this subtitle; OR**

16 **(2) TO A QUALIFYING PATIENT OF A CERTIFYING PHYSICIAN OR**
17 **THE QUALIFYING PATIENT’S DESIGNATED CERTIFIED CAREGIVER.**

18 (c) The Commission shall establish requirements for security and the
19 manufacturing process that a grower must meet in order to obtain a license under this
20 section, including a requirement for a product–tracking system.

21 (d) The Commission may inspect growers licensed under this section to
22 ensure compliance with this section.

23 (e) The Commission may impose penalties or rescind the license of a grower
24 that does not meet the standards for licensure set by the Commission.

25 **[13–3309.] 13–3310.**

26 (a) Any of the following persons acting in accordance with the provisions of
27 this subtitle may not be subject to arrest, prosecution, or any civil or administrative
28 penalty, including a civil penalty or disciplinary action by a professional licensing
29 board, or be denied any right or privilege, for the medical use of marijuana:

30 (1) A **QUALIFYING** patient [enrolled]:

1 **(I) ENROLLED** in a program approved under this subtitle who
2 is in possession of an amount of marijuana authorized under the program; **OR**

3 **(II) IN POSSESSION OF AN AMOUNT OF MARIJUANA**
4 **AUTHORIZED BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH THIS**
5 **SUBTITLE;**

6 (2) A grower licensed under [§ 13-3308] **§ 13-3309** of this subtitle or
7 an employee of the licensed grower who is acting in accordance with the terms of the
8 license; [or]

9 (3) An academic medical center, an employee of the academic medical
10 center, or any other person associated with the operation of a program approved under
11 this subtitle for activities conducted in accordance with the program approved under
12 this subtitle; **OR**

13 **(4) A CERTIFYING PHYSICIAN.**

14 (b) (1) A person may not distribute, possess, manufacture, or use
15 marijuana that has been diverted from a program approved under this subtitle or from
16 a **QUALIFYING** patient [who is enrolled in a program approved under this subtitle].

17 (2) A person who violates this subsection is guilty of a felony and on
18 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
19 \$10,000 or both.

20 (3) The penalty under this subsection is in addition to any penalties
21 that a person may be subject to for manufacture, possession, or distribution of
22 marijuana under the Criminal Law Article.

23 **[13-3310.] 13-3311.**

24 (a) This subtitle may not be construed to authorize any individual to engage
25 in, and does not prevent the imposition of any civil, criminal, or other penalties for, the
26 following:

27 (1) Undertaking any task under the influence of marijuana, when
28 doing so would constitute negligence or professional malpractice;

29 (2) Operating, navigating, or being in actual physical control of any
30 motor vehicle, aircraft, or boat while under the influence of marijuana;

31 (3) Smoking marijuana in any public place;

32 (4) Smoking marijuana in a motor vehicle; or

1 (5) Smoking marijuana on a private property that:

2 (i) 1. Is rented from a landlord; and

3 2. Is subject to a policy that prohibits the smoking of
4 marijuana on the property; or

5 (ii) Is subject to a policy that prohibits the smoking of
6 marijuana on the property of an attached dwelling adopted by one of the following
7 entities:

8 1. The board of directors of the council of unit owners of
9 a condominium regime; or

10 2. The governing body of a homeowners association.

11 (b) This subtitle may not be construed to provide immunity to a person who
12 violates the provisions of this subtitle from criminal prosecution for a violation of any
13 law prohibiting or regulating the use, possession, dispensing, distribution, or
14 promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or
15 harmful drugs, or any conspiracy or attempt to commit any of those offenses.

16 **[13-3311.] 13-3312.**

17 (a) Notwithstanding § 12-315 of the State Government Article, a State
18 employee who incurs counsel fees in connection with a federal criminal investigation
19 or prosecution solely related to the employee's good faith discharge of public
20 responsibilities under this subtitle is eligible for reimbursement of counsel fees as
21 authorized by § 12-314 of the State Government Article.

22 (b) The Governor may suspend implementation of this subtitle on making a
23 determination that there is a reasonable chance of federal prosecution of State
24 employees for involvement with implementation of this subtitle.

25 **13-3313.**

26 **THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
27 **PROVISIONS OF THIS SUBTITLE.**

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 July 1, 2014.