

HOUSE BILL 1321

J1, E1

4lr1029

By: Delegates Glenn, Anderson, Barnes, Beidle, Bobo, Branch, Braveboy, Bromwell, Cardin, Carr, Carter, Clagett, Cullison, DeBoy, Donoghue, Frush, Gilchrist, Glass, Gutierrez, Guzzone, Harper, Haynes, Howard, Hubbard, Hucker, Ivey, Kach, Kaiser, A. Kelly, Kramer, Lafferty, McConkey, McIntosh, McMillan, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Reznik, B. Robinson, S. Robinson, Simmons, Smigiel, Stein, Stukes, Summers, Swain, Tarrant, F. Turner, V. Turner, Valderrama, Vaughn, A. Washington, M. Washington, Wilson, and Zucker

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Marijuana Commission – Treatment,**
3 **Certification, Licensing, and Registration**

4 FOR the purpose of expanding the scope of authority and the duties of the Natalie M.
5 LaPrade Medical Marijuana Commission relating to the treatment of certain
6 patients qualified to use medical marijuana; authorizing the Commission to set
7 certain fees; providing that the fees are part of a certain fund; encouraging the
8 Commission to approve certain applications; authorizing the Commission to
9 approve certain applications under certain circumstances; providing that
10 certain certifying physicians are not subject to certain civil and criminal
11 penalties; requiring the Commission to make a certain annual report regarding
12 certain medical marijuana treatment centers; authorizing the Commission to
13 license medical marijuana growers to provide marijuana to a medical marijuana
14 treatment center; requiring the Commission to issue certain regulations within
15 a certain time period; requiring a certain medical marijuana treatment center to
16 register with the Department of Health and Mental Hygiene; authorizing the
17 Department to register certain medical marijuana treatment centers;
18 authorizing the Department to issue a certain number of registrations during a
19 certain time period; limiting the number of medical marijuana treatment
20 centers in a county or Baltimore City; encouraging the Commissioner to favor a
21 certain type of medical marijuana treatment centers; providing that medical
22 marijuana treatment centers and agents for a center are not subject to certain
23 criminal prosecution; requiring the Commission to establish certain standards

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 for and to certify certain independent testing laboratories; providing that a
2 laboratory and an agent of a laboratory are not subject to certain criminal
3 prosecution; providing for the registration of a medical marijuana treatment
4 center agent; providing for the registration of independent testing laboratories
5 and agents of a laboratory; requiring a medical marijuana treatment center to
6 provide a certain notice to the Commission; requiring a certain independent
7 testing laboratory to provide a certain notice to the Commission; requiring the
8 Commission to respond to a certain notice in a certain manner; providing for the
9 registration of certain qualifying patients and personal care givers; requiring
10 the Commission to set certain fees; authorizing certain documentation to
11 constitute registration under certain circumstances; authorizing the
12 Commission to revoke a certain registration under certain circumstances;
13 requiring the Commission to maintain certain information in a certain manner;
14 prohibiting the Commission from registering a qualifying patient who is under a
15 certain age unless certain conditions are met; authorizing a person to petition
16 the Commission to add to a certain list of debilitating medical conditions;
17 requiring the Commission to develop certain regulations; providing that certain
18 persons are not subject to prosecution or certain penalties or adverse actions
19 when acting in accordance with this Act; providing that a school or landlord
20 may not penalize a certain patient, except under certain circumstances;
21 providing that certain patients remain qualified for certain medical treatment
22 and procedures; providing that certain patients may not be denied certain
23 parental rights, except under certain circumstances; providing that a person
24 may not be criminally prosecuted for proximity to a certain patient under
25 certain circumstances; providing that this Act does not require a certain
26 reimbursement; providing that this Act does not require a health care
27 professional to authorize the use of medical marijuana; requiring the
28 Commission to adopt certain regulations; defining certain terms; and generally
29 relating to medical marijuana.

30 BY repealing and reenacting, with amendments,
31 Article – Health – General
32 Section 13–3301 through 13–3304 and 13–3306 through 13–3311 to be under
33 the amended subtitle “Subtitle 33. Natalie M. LaPrade Medical
34 Marijuana Commission – Treatment, Certification, Licensing, and
35 Registration”
36 Annotated Code of Maryland
37 (2009 Replacement Volume and 2013 Supplement)

38 BY repealing and reenacting, without amendments,
39 Article – Health – General
40 Section 13–3305
41 Annotated Code of Maryland
42 (2009 Replacement Volume and 2013 Supplement)

43 BY adding to
44 Article – Health – General

1 Section 13–3307, 13–3310, 13–3311, 13–3312, 13–3313, 13–3314, 13–3315,
2 13–3316, 13–3317, 13–3318, 13–3319, 13–3320, 13–3321, and 13–3325
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2013 Supplement)

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

7 **Article – Health – General**

8 Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission – **TREATMENT,**
9 **CERTIFICATION, LICENSING, AND REGISTRATION.**

10 13–3301.

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

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

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

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

16 (c) **“CARDHOLDER” MEANS A QUALIFYING PATIENT, A PERSONAL**
17 **CAREGIVER, A MEDICAL MARIJUANA TREATMENT CENTER, AN AGENT OF A**
18 **MEDICAL MARIJUANA TREATMENT CENTER, OR A LABORATORY AGENT WHO HAS**
19 **BEEN ISSUED AND POSSESSES A VALID REGISTRATION CARD.**

20 (d) **“CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL LICENSED BY THE**
21 **STATE BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS**
22 **ARTICLE TO PRACTICE MEDICINE WHO IS IN GOOD STANDING TO WRITE**
23 **PRESCRIPTIONS.**

24 [(c)] (e) “Commission” means the Natalie M. LaPrade Medical Marijuana
25 Commission established under this subtitle.

26 (f) **“CULTIVATION REGISTRATION” MEANS A REGISTRATION ISSUED TO**
27 **A MEDICAL MARIJUANA TREATMENT CENTER FOR GROWING MARIJUANA FOR**
28 **MEDICAL USE UNDER THE TERMS OF THIS SUBTITLE.**

29 (g) **“DEBILITATING MEDICAL CONDITION” MEANS:**

30 (1) **CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN**
31 **IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME**

1 **(AIDS), HEPATITIS C, AMYOTROPHIC LATERAL SCLEROSIS (ALS), CROHN'S**
2 **DISEASE, PARKINSON'S DISEASE, MULTIPLE SCLEROSIS, OR POST TRAUMATIC**
3 **STRESS DISORDER; OR**

4 **(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
5 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**
6 **MEDICAL CONDITION THAT PRODUCES:**

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

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

9 **(III) SEVERE NAUSEA;**

10 **(IV) SEIZURES; OR**

11 **(V) SEVERE OR PERSISTENT MUSCLE SPASMS; OR**

12 **(3) ANOTHER DISEASE OR CONDITION APPROVED BY THE**
13 **COMMISSION THROUGH THE PROCESS SET FORTH IN § 13-3307 OF THIS**
14 **SUBTITLE.**

15 **(H) "ENCLOSED AND LOCKED FACILITY" MEANS A CLOSET, A ROOM, A**
16 **GREENHOUSE, OR ANY OTHER AREA EQUIPPED WITH LOCKS OR OTHER**
17 **SECURITY DEVICES, ACCESSIBLE ONLY TO A MEDICAL MARIJUANA TREATMENT**
18 **CENTER AGENT, PATIENT, OR PERSONAL CAREGIVER.**

19 **[(d)] (I) "Fund" means the Natalie M. LaPrade Medical Marijuana**
20 **Commission Fund established under § 13-3303 of this subtitle.**

21 **(J) "INDEPENDENT TESTING LABORATORY" MEANS A FACILITY**
22 **LICENSED BY THE COMMISSION TO TEST MARIJUANA, EDIBLE MARIJUANA**
23 **PRODUCTS, AND MARIJUANA-INFUSED PRODUCTS THAT ARE TO BE SOLD IN THE**
24 **STATE.**

25 **(K) "LABORATORY AGENT" MEANS AN EMPLOYEE, A STAFF VOLUNTEER,**
26 **AN OFFICER, OR A BOARD MEMBER OF AN INDEPENDENT TESTING**
27 **LABORATORY.**

28 **(L) "MEDICAL MARIJUANA TREATMENT CENTER" MEANS AN ENTITY**
29 **REGISTERED UNDER THIS SUBTITLE THAT ACQUIRES, CULTIVATES, POSSESSES,**
30 **PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR**
31 **ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED**

1 SUPPLIES, RELATED PRODUCTS LIKE FOOD, TINCTURES, AEROSOLS, OILS, OR
2 OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT
3 OR THE PERSONAL CAREGIVER OF A QUALIFYING PATIENT.

4 (M) “MEDICAL MARIJUANA TREATMENT CENTER AGENT” MEANS AN
5 EMPLOYEE, A STAFF VOLUNTEER, AN OFFICER, OR A BOARD MEMBER OF A
6 MEDICAL MARIJUANA TREATMENT CENTER.

7 (N) “MEDICAL USE OF MARIJUANA” INCLUDES THE ACQUISITION,
8 POSSESSION, PROCESSING, TRANSFER, TRANSPORTATION, SALE, DISTRIBUTION,
9 DISPENSING, AUTHORIZED CULTIVATION, OR ADMINISTRATION OF MARIJUANA
10 OR RELATED PRODUCTS LIKE FOOD, TINCTURES, AEROSOLS, OILS, OR
11 OINTMENTS FOR THE USE AND BENEFIT OF A QUALIFYING PATIENT IN THE
12 TREATMENT OF A DEBILITATING MEDICAL CONDITION OR A SYMPTOM OF THE
13 CONDITION.

14 (O) “PERSONAL CAREGIVER” MEANS:

15 (1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING
16 PATIENT’S MEDICAL USE OF MARIJUANA; OR

17 (2) AN EMPLOYEE OF A HOSPICE PROVIDER, NURSING FACILITY,
18 OR MEDICAL FACILITY PROVIDING CARE TO A QUALIFYING PATIENT.

19 [(e)] (P) “Program” means an investigational use-type program overseen by
20 an academic medical center through which marijuana is made available to patients for
21 medical use.

22 (Q) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO IS
23 AT LEAST 21 YEARS OLD, UNLESS THE COMMISSION GRANTS AN EXCEPTION AT
24 THE RECOMMENDATION OF THE PATIENT’S CERTIFYING PHYSICIAN, AND WHO:

25 (1) HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION BY A
26 CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE
27 PHYSICIAN-PATIENT RELATIONSHIP; OR

28 (2) IS ENROLLED IN A RESEARCH PROGRAM WITH A REGISTERED
29 ACADEMIC MEDICAL CENTER.

30 (R) “REGISTRATION CARD” MEANS A PERSONAL IDENTIFICATION CARD
31 ISSUED BY THE COMMISSION TO A QUALIFYING PATIENT, PERSONAL
32 CAREGIVER, OR MEDICAL MARIJUANA TREATMENT CENTER AGENT.

1 **(S) “60-DAY SUPPLY” MEANS THE AMOUNT OF MARIJUANA THAT A**
2 **QUALIFYING PATIENT WOULD REASONABLY BE EXPECTED TO NEED FOR**
3 **PERSONAL MEDICAL USE OVER A PERIOD OF 60 DAYS.**

4 **(T) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION ISSUED BY A**
5 **CERTIFYING PHYSICIAN TO A QUALIFYING PATIENT WITH WHOM THE PHYSICIAN**
6 **HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP THAT INCLUDES A**
7 **WRITTEN STATEMENT CERTIFYING THAT IN THE PHYSICIAN’S PROFESSIONAL**
8 **OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT’S**
9 **MEDICAL HISTORY AND CURRENT MEDICAL CONDITION:**

10 **(1) THE PATIENT HAS A DEBILITATING MEDICAL CONDITION OR A**
11 **CONDITION THAT MEETS THE INCLUSION CRITERIA FOR A PROGRAM APPROVED**
12 **TO OPERATE UNDER THIS SUBTITLE; AND**

13 **(2) (I) RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE**
14 **EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE**
15 **EFFECTS OR A GREATER RISK OF ADDICTION; OR**

16 **(II) THE POTENTIAL BENEFITS OF THE MEDICAL USE OF**
17 **MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.**

18 13-3302.

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

20 (b) The Commission is an independent commission that functions within the
21 Department.

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

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

25 (2) Approve or deny applications for programs;

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

27 (4) Monitor and oversee programs approved for operation under this
28 subtitle;

29 **(5) ISSUE RULES RELATING TO MEDICAL MARIJUANA TREATMENT**
30 **CENTERS;**

1 **(6) APPROVE OR DENY APPLICATIONS FOR MEDICAL MARIJUANA**
2 **TREATMENT CENTERS;**

3 **(7) DEVELOP A CONFIDENTIAL MEANS TO DOCUMENT OUTCOMES**
4 **OF QUALIFYING PATIENTS WHO UTILIZE MEDICAL MARIJUANA TREATMENT**
5 **CENTERS;**

6 **(8) ISSUE RULES RELATING TO INDEPENDENT TESTING**
7 **LABORATORIES;**

8 **(9) APPROVE OR DENY APPLICATIONS FOR INDEPENDENT**
9 **TESTING LABORATORIES; AND**

10 **(10) APPROVE OR DENY NEW DEBILITATING MEDICAL CONDITIONS**
11 **THAT QUALIFY FOR MEDICAL USE OF MARIJUANA.**

12 13-3303.

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

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

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

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

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

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

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

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

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

30 (vii) One representative of the Maryland State's Attorneys'
31 Association;

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

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

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

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

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

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

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

12 (c) The Governor shall designate the chair from among the members of the
13 Commission.

14 (d) A majority of the full authorized membership of the Commission is a
15 quorum.

16 (e) A member of the Commission:

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

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

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

22 **(G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE**
23 **COSTS OF OPERATING THE COMMISSION.**

24 **[(g)] (H)** (1) There is a Natalie M. LaPrade Medical Marijuana
25 Commission Fund.

26 (2) The Commission shall administer the Fund.

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

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

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

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

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

10 (8) The Fund consists of:

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

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

15 **(III) ANY FEES COLLECTED BY THE COMMISSION UNDER**
16 **THIS SUBTITLE.**

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

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

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

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

22 13–3304.

23 (a) The Commission shall issue at least annually a request for applications
24 for academic medical centers to operate medical marijuana compassionate use
25 programs.

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

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

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

1 (3) Specify how **QUALIFYING** patients will be assessed for addiction
2 before and during treatment using marijuana through the program;

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

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

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

9 (7) Include a description of whether and how **PERSONAL** caregivers
10 will interact with patients participating in the program;

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

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

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

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

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

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

23 (14) Describe how the program will dispose of any unused marijuana;
24 and

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

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

31 13-3305.

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

4 (b) The reviewers shall:

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

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

11 (c) The Commission may grant a 1-year approval to a program, which may
12 be renewed by the Commission.

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

15 13-3306.

16 (a) (1) An academic medical center approved to operate a program under
17 this subtitle shall provide to the Commission updated data each day on **QUALIFYING**
18 patients and **PERSONAL** caregivers participating in each program overseen by the
19 academic medical center.

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

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

24 (1) The federal government; or

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

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

28 (1) Limit the number of **QUALIFYING** patients a **PERSONAL** caregiver
29 is allowed to serve to no more than five; and

30 (2) Limit the number of **PERSONAL** caregivers that serve a particular
31 patient to no more than two.

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

- 4 (1) The number of **QUALIFYING** patients served through the program;
- 5 (2) The county of residence of the patients served by the program;
- 6 (3) The conditions treated under the program;
- 7 (4) Any outcomes data on the results of treatment through the
8 program; and
- 9 (5) Any research studies conducted under the program.

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

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

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

19 **13-3307.**

20 (A) **THE COMMISSION IS ENCOURAGED TO APPROVE APPLICATIONS**
21 **FOR THE FOLLOWING MEDICAL CONDITIONS THAT QUALIFY FOR MEDICAL USE**
22 **OF MARIJUANA:**

23 (1) **A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
24 **CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR**
25 **RECEIVING PALLIATIVE CARE; OR**

26 (2) **A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
27 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**
28 **MEDICAL CONDITION THAT PRODUCES:**

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

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

- 1 **(III) SEVERE NAUSEA;**
2 **(IV) SEIZURES; OR**
3 **(V) SEVERE OR PERSISTENT MUSCLE SPASMS.**

4 **(B) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE**
5 **ANOTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL**
6 **MEDICINE IF:**

7 **(1) RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE AS**
8 **EFFECTIVE;**

9 **(2) OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE**
10 **EFFECTS OR A GREATER RISK OF ADDICTION; OR**

11 **(3) THE POTENTIAL BENEFITS OF THE MEDICAL USE OF**
12 **MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.**

13 **(C) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL AND**
14 **CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS**
15 **AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN**
16 **CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.**

17 **[13-3307.] 13-3308.**

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

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

22 **(2) MEDICAL MARIJUANA TREATMENT CENTERS.**

23 **[13-3308.] 13-3309.**

24 (a) (1) The Commission shall license medical marijuana growers to
25 operate in the State to provide marijuana to programs **AND MEDICAL MARIJUANA**
26 **TREATMENT CENTERS** approved for operation under this subtitle.

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

1 (b) An entity licensed to grow marijuana under this section may provide
2 marijuana [only to an] TO:

3 (1) AN academic medical center approved to operate a program under
4 this subtitle; AND

5 (2) A MEDICAL MARIJUANA TREATMENT CENTER.

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

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

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

13 **13-3310.**

14 (A) WITHIN 120 DAYS AFTER OCTOBER 1, 2014, THE COMMISSION
15 SHALL ISSUE REGULATIONS DEFINING THE QUANTITY OF MARIJUANA THAT
16 COULD REASONABLY BE PRESUMED TO BE A 60-DAY SUPPLY FOR QUALIFYING
17 PATIENTS, BASED ON THE BEST AVAILABLE EVIDENCE.

18 (B) A PRESUMPTION ESTABLISHED IN SUBSECTION (A) OF THIS
19 SECTION MAY BE OVERCOME WITH EVIDENCE OF A PARTICULAR QUALIFYING
20 PATIENT'S APPROPRIATE MEDICAL USE.

21 **13-3311.**

22 (A) A MEDICAL MARIJUANA TREATMENT CENTER SHALL REGISTER
23 WITH THE DEPARTMENT.

24 (B) NOT LATER THAN 90 DAYS AFTER RECEIVING AN APPLICATION FOR
25 REGISTRATION OF A MEDICAL MARIJUANA TREATMENT CENTER, THE
26 DEPARTMENT MAY:

27 (1) REGISTER THE MEDICAL MARIJUANA TREATMENT CENTER TO
28 ACQUIRE, PROCESS, POSSESS, TRANSFER, TRANSPORT, SELL, DISTRIBUTE,
29 DISPENSE, AND ADMINISTER MARIJUANA FOR MEDICAL USE; AND

30 (2) ISSUE A CULTIVATION REGISTRATION IF:

1 **(I) THE PROSPECTIVE MEDICAL MARIJUANA TREATMENT**
2 **CENTER HAS SUBMITTED:**

3 **1. AN APPLICATION FEE IN AN AMOUNT TO BE**
4 **DETERMINED BY THE DEPARTMENT CONSISTENT WITH THIS SUBTITLE; AND**

5 **2. AN APPLICATION THAT INCLUDES:**

6 **A. THE LEGAL NAME AND PHYSICAL ADDRESS OF**
7 **THE MEDICAL MARIJUANA TREATMENT CENTER AND THE PHYSICAL ADDRESS**
8 **OF ONE ADDITIONAL LOCATION, IF ANY, WHERE MARIJUANA WILL BE**
9 **CULTIVATED;**

10 **B. THE NAME, ADDRESS, AND DATE OF BIRTH OF**
11 **EACH PRINCIPAL OFFICER AND BOARD MEMBER, NONE OF WHOM MAY HAVE**
12 **SERVED AS A PRINCIPAL OFFICER OR BOARD MEMBER FOR A MEDICAL**
13 **MARIJUANA TREATMENT CENTER THAT HAS HAD ITS REGISTRATION**
14 **CERTIFICATE REVOKED; AND**

15 **C. OPERATING PROCEDURES THAT THE MEDICAL**
16 **MARIJUANA TREATMENT CENTER WILL USE CONSISTENT WITH DEPARTMENT**
17 **REGULATIONS FOR OVERSIGHT, INCLUDING CULTIVATION AND STORAGE OF**
18 **MARIJUANA ONLY IN ENCLOSED AND LOCKED FACILITIES.**

19 **(C) (1) IN THE FIRST YEAR AFTER OCTOBER 1, 2014, THE**
20 **COMMISSION MAY ISSUE REGISTRATIONS FOR UP TO 20 MEDICAL MARIJUANA**
21 **TREATMENT CENTERS.**

22 **(2) A MAXIMUM OF FIVE MEDICAL MARIJUANA TREATMENT**
23 **CENTERS MAY BE LOCATED IN ANY ONE COUNTY OR BALTIMORE CITY.**

24 **(3) IF THE COMMISSION DETERMINES ON OR AFTER OCTOBER 1,**
25 **2016, THAT THE NUMBER OF MEDICAL MARIJUANA TREATMENT CENTERS IS**
26 **INSUFFICIENT TO MEET PATIENT NEEDS, THE COMMISSION MAY INCREASE OR**
27 **MODIFY THE NUMBER OF REGISTERED MEDICAL MARIJUANA TREATMENT**
28 **CENTERS.**

29 **(4) THE COMMISSION IS ENCOURAGED TO FAVOR VERTICALLY**
30 **INTEGRATED MEDICAL MARIJUANA TREATMENT CENTERS THAT HAVE**
31 **CULTIVATION REGISTRATIONS.**

32 **(D) A MEDICAL MARIJUANA TREATMENT CENTER OR A MEDICAL**
33 **MARIJUANA TREATMENT CENTER AGENT REGISTERED UNDER THIS SUBTITLE**

1 MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING,
2 POSSESSING, CULTIVATING, PROCESSING, TRANSFERRING, TRANSPORTING,
3 SELLING, DISTRIBUTING, AND DISPENSING MARIJUANA, PRODUCTS
4 CONTAINING MARIJUANA, AND RELATED SUPPLIES AND EDUCATIONAL
5 MATERIALS FOR USE BY A QUALIFYING PATIENT OR A PERSONAL CAREGIVER.

6 13-3312.

7 (A) THE COMMISSION SHALL ESTABLISH STANDARDS FOR AND CERTIFY
8 ONE OR MORE PRIVATE AND INDEPENDENT TESTING LABORATORIES TO TEST
9 MARIJUANA, EDIBLE MARIJUANA PRODUCTS, AND MARIJUANA-INFUSED
10 PRODUCTS THAT ARE TO BE SOLD IN THE STATE.

11 (B) THE COMMISSION SHALL REQUIRE AN INDEPENDENT TESTING
12 LABORATORY ESTABLISHED UNDER THIS SECTION TO BE ABLE TO ACCURATELY
13 DETERMINE, WITH RESPECT TO MARIJUANA, EDIBLE MARIJUANA PRODUCTS,
14 AND MARIJUANA-INFUSED PRODUCTS THAT ARE SOLD OR WILL BE SOLD AT
15 MEDICAL MARIJUANA TREATMENT CENTERS IN THE STATE:

16 (1) THE CONCENTRATION OF THC AND CANNABIDIOL IN A
17 PRODUCT;

18 (2) WHETHER THE TESTED MATERIAL IN A PRODUCT IS ORGANIC
19 OR NONORGANIC;

20 (3) THE PRESENCE AND IDENTIFICATION IN A PRODUCT OF
21 MOLDS AND FUNGUS; AND

22 (4) THE PRESENCE AND CONCENTRATION OF FERTILIZERS AND
23 OTHER NUTRIENTS IN A PRODUCT.

24 (C) TO OBTAIN CERTIFICATION BY THE COMMISSION ON BEHALF OF AN
25 INDEPENDENT TESTING LABORATORY, AN APPLICANT SHALL:

26 (1) APPLY SUCCESSFULLY AS REQUIRED IN ACCORDANCE WITH
27 REGULATIONS ISSUED BY THE COMMISSION; AND

28 (2) PAY THE REQUIRED FEES ESTABLISHED BY THE COMMISSION.

29 (D) AN INDEPENDENT TESTING LABORATORY AND A LABORATORY
30 AGENT REGISTERED UNDER THIS SUBTITLE MAY NOT BE ARRESTED OR
31 PENALIZED UNDER STATE LAW FOR ACQUIRING, POSSESSING, CULTIVATING,
32 PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, AND

1 DISPENSING MARIJUANA, PRODUCTS CONTAINING MARIJUANA, AND RELATED
2 SUPPLIES AND EDUCATIONAL MATERIALS FOR USE BY A MEDICAL MARIJUANA
3 TREATMENT CENTER OR A MEDICAL MARIJUANA TREATMENT CENTER AGENT
4 FOR ACTIVITY AUTHORIZED BY THIS SUBTITLE.

5 **13-3313.**

6 (A) A MEDICAL MARIJUANA TREATMENT CENTER AGENT SHALL BE:

7 (1) AT LEAST 21 YEARS OLD; AND

8 (2) REGISTERED WITH THE COMMISSION BEFORE THE AGENT
9 MAY VOLUNTEER OR WORK AT A MEDICAL MARIJUANA TREATMENT CENTER.

10 (B) A MEDICAL MARIJUANA TREATMENT CENTER SHALL APPLY TO THE
11 COMMISSION FOR A REGISTRATION CARD FOR EACH AFFILIATED MEDICAL
12 MARIJUANA TREATMENT CENTER AGENT BY SUBMITTING THE NAME, ADDRESS,
13 AND DATE OF BIRTH OF THE AGENT.

14 (C) (1) A REGISTERED MEDICAL MARIJUANA TREATMENT CENTER
15 SHALL NOTIFY THE COMMISSION WITHIN 1 BUSINESS DAY IF A MEDICAL
16 MARIJUANA TREATMENT CENTER AGENT CEASES TO BE ASSOCIATED WITH THE
17 CENTER.

18 (2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF
19 THIS SUBSECTION, THE COMMISSION SHALL IMMEDIATELY REVOKE THE
20 REGISTRATION CARD OF THE MEDICAL MARIJUANA TREATMENT CENTER
21 AGENT.

22 (D) (1) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS
23 BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A MEDICAL MARIJUANA
24 TREATMENT CENTER AGENT.

25 (2) THE COMMISSION MAY CONDUCT CRIMINAL HISTORY
26 RECORDS CHECKS WITH THE CRIMINAL JUSTICE INFORMATION SYSTEM
27 CENTRAL REPOSITORY TO ENFORCE THIS SUBSECTION.

28 **13-3314.**

29 (A) A LABORATORY AGENT SHALL BE:

30 (1) AT LEAST 21 YEARS OLD; AND

1 **(2) REGISTERED WITH THE COMMISSION BEFORE BEING**
2 **AUTHORIZED TO VOLUNTEER OR WORK AT AN INDEPENDENT TESTING**
3 **LABORATORY.**

4 **(B) AN INDEPENDENT TESTING LABORATORY SHALL APPLY TO THE**
5 **COMMISSION FOR A REGISTRATION CARD FOR EACH AFFILIATED LABORATORY**
6 **AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
7 **AGENT.**

8 **(C) (1) AN INDEPENDENT TESTING LABORATORY SHALL NOTIFY THE**
9 **COMMISSION WITHIN 1 BUSINESS DAY IF A LABORATORY AGENT CEASES TO BE**
10 **ASSOCIATED WITH THE LABORATORY.**

11 **(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF**
12 **THIS SUBSECTION, THE COMMISSION SHALL IMMEDIATELY REVOKE THE**
13 **REGISTRATION CARD OF THE LABORATORY AGENT.**

14 **(D) (1) THE COMMISSION MAY NOT REGISTER A LABORATORY AGENT**
15 **WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE.**

16 **(2) THE COMMISSION MAY CONDUCT CRIMINAL HISTORY**
17 **RECORDS CHECKS WITH THE CRIMINAL JUSTICE INFORMATION SYSTEM**
18 **CENTRAL REPOSITORY TO ENFORCE THIS SUBSECTION.**

19 **13-3315.**

20 **A QUALIFYING PATIENT MAY APPLY TO THE DEPARTMENT FOR A**
21 **MEDICAL MARIJUANA REGISTRATION CARD BY SUBMITTING:**

22 **(1) WRITTEN CERTIFICATION FROM A PHYSICIAN; AND**

23 **(2) AN APPLICATION, INCLUDING:**

24 **(I) THE APPLICANT'S NAME, ADDRESS UNLESS HOMELESS,**
25 **AND DATE OF BIRTH; AND**

26 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
27 **QUALIFYING PATIENT'S PERSONAL CAREGIVER, IF ANY.**

28 **13-3316.**

29 **(A) WITHIN 120 DAYS AFTER OCTOBER 1, 2014, THE COMMISSION**
30 **SHALL ISSUE REGULATIONS FOR THE IMPLEMENTATION OF THIS SUBTITLE.**

1 **(B) THE COMMISSION SHALL SET APPLICATION FEES FOR MEDICAL**
2 **MARIJUANA TREATMENT CENTERS SO AS TO DEFRAY THE ADMINISTRATIVE**
3 **COSTS OF THE MEDICAL MARIJUANA PROGRAM.**

4 **(C) UNTIL THE APPROVAL OF FINAL REGULATIONS, WRITTEN**
5 **CERTIFICATION BY A PHYSICIAN SHALL CONSTITUTE A REGISTRATION CARD**
6 **FOR A QUALIFYING PATIENT.**

7 **(D) UNTIL THE APPROVAL OF FINAL REGULATIONS, A CERTIFIED MAIL**
8 **RETURN RECEIPT SHOWING COMPLIANCE WITH THIS SUBTITLE BY A**
9 **QUALIFYING PATIENT AND A PHOTOCOPY OF THE APPLICATION SHALL**
10 **CONSTITUTE A REGISTRATION CARD FOR THAT PATIENT'S PERSONAL**
11 **CAREGIVER.**

12 **(E) (1) A PERSONAL CAREGIVER UNDER THIS SUBTITLE MUST BE AT**
13 **LEAST 21 YEARS OLD.**

14 **(2) A PERSONAL CAREGIVER UNDER THIS SUBTITLE IS**
15 **PROHIBITED FROM CONSUMING MARIJUANA OBTAINED FOR THE PERSONAL,**
16 **MEDICAL USE OF THE QUALIFYING PATIENT.**

17 **13-3317.**

18 **(A) A PERSON'S REGISTRATION CARD UNDER THIS SUBTITLE SHALL**
19 **VERIFY:**

20 **(1) FOR A QUALIFYING PATIENT, THAT A PHYSICIAN HAS**
21 **PROVIDED A WRITTEN CERTIFICATION TO THE CARDHOLDER;**

22 **(2) FOR A PERSONAL CAREGIVER, THAT A QUALIFYING PATIENT**
23 **HAS DESIGNATED THE CARDHOLDER AS A PERSONAL CAREGIVER;**

24 **(3) FOR A MEDICAL MARIJUANA TREATMENT CENTER AGENT,**
25 **THAT THE CARDHOLDER HAS MET THE TERMS OF THIS SUBTITLE; AND**

26 **(4) FOR A LABORATORY AGENT, THAT THE CARDHOLDER HAS**
27 **MET THE TERMS OF THIS SUBTITLE.**

28 **(B) A REGISTRATION CARD SHALL DOCUMENT FOR THE COMMISSION**
29 **AND LAW ENFORCEMENT THAT THE CARDHOLDER IS EXEMPT FROM STATE**
30 **CRIMINAL AND CIVIL PENALTIES FOR CONDUCT RELATED TO THE MEDICAL USE**
31 **OF MARIJUANA.**

1 (C) THE COMMISSION, AFTER A HEARING, MAY REVOKE A
2 REGISTRATION CARD ISSUED UNDER THIS SUBTITLE FOR A WILLFUL VIOLATION
3 OF THIS SUBTITLE.

4 (D) THE STANDARD OF PROOF FOR REVOCATION UNDER THIS SECTION
5 SHALL BE A PREPONDERANCE OF THE EVIDENCE.

6 (E) A REVOCATION DECISION UNDER THIS SECTION IS SUBJECT TO
7 REVIEW IN THE CIRCUIT COURT.

8 **13-3318.**

9 (A) THE COMMISSION SHALL MAINTAIN A CONFIDENTIAL LIST OF THE
10 PERSONS ISSUED MEDICAL MARIJUANA REGISTRATION CARDS.

11 (B) INDIVIDUAL NAMES AND OTHER IDENTIFYING INFORMATION ON
12 THE LIST DESCRIBED IN SUBSECTION (A) OF THIS SECTION ARE EXEMPT FROM
13 §§ 10-611 THROUGH 10-630 OF THE STATE GOVERNMENT ARTICLE AND NOT
14 SUBJECT TO DISCLOSURE EXCEPT TO:

15 (1) EMPLOYEES OF THE COMMISSION IN THE COURSE OF
16 OFFICIAL DUTIES; AND

17 (2) STATE LAW ENFORCEMENT OFFICIALS WHEN VERIFYING A
18 CARDHOLDER'S REGISTRATION.

19 **13-3319.**

20 THE COMMISSION MAY NOT ISSUE A REGISTRATION CARD TO A
21 QUALIFYING PATIENT WHO IS UNDER 21 YEARS OLD UNLESS:

22 (1) THE QUALIFYING PATIENT'S PHYSICIAN HAS EXPLAINED THE
23 POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE
24 CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE
25 DECISIONS FOR THE QUALIFYING PATIENT;

26 (2) A CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE
27 FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT SUBMITS A
28 WRITTEN CERTIFICATION FROM A PHYSICIAN; AND

29 (3) THE CUSTODIAL PARENT OR LEGAL GUARDIAN OF THE
30 QUALIFYING PATIENT CONSENTS IN WRITING TO:

1 (I) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF
2 MARIJUANA; AND

3 (II) 1. SERVE AS THE QUALIFYING PATIENT'S PERSONAL
4 CAREGIVER; OR

5 2. GRANT WRITTEN CONSENT THAT ANOTHER
6 DESIGNATED PERSON OVER 21 YEARS OLD SHALL SERVE AS THE PATIENT'S
7 PERSONAL CAREGIVER IN CONTROL OF THE ACQUISITION, DOSAGE, AND
8 FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE QUALIFYING
9 PATIENT.

10 13-3320.

11 (A) A PERSON MAY PETITION THE COMMISSION TO ADD SPECIFIC
12 MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING
13 MEDICAL CONDITIONS SET FORTH IN THIS SUBTITLE.

14 (B) THE COMMISSION SHALL CONSIDER A PETITION UNDER THIS
15 SECTION IN THE MANNER REQUIRED BY DEPARTMENT REGULATION,
16 INCLUDING PUBLIC NOTICE AND HEARING.

17 (C) THE COMMISSION SHALL APPROVE OR DENY A PETITION UNDER
18 THIS SECTION WITHIN 180 DAYS OF SUBMISSION.

19 (D) THE APPROVAL OR DENIAL OF A PETITION UNDER THIS SECTION IS
20 A FINAL DECISION OF THE COMMISSION SUBJECT TO JUDICIAL REVIEW IN
21 ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE.

22 13-3321.

23 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMMISSION
24 SHALL DEVELOP REGULATIONS TO FACILITATE CONFIDENTIAL DATA
25 COLLECTION ON THE MEDICAL PROGRESS AND OUTCOMES OF A QUALIFYING
26 PATIENT WHO OBTAINS MEDICAL MARIJUANA FROM A MEDICAL MARIJUANA
27 TREATMENT CENTER.

28 (B) THE COMMISSION MAY NOT COLLECT INFORMATION UNDER THIS
29 SECTION THAT IDENTIFIES AN INDIVIDUAL QUALIFYING PATIENT OR PERSONAL
30 CAREGIVER OF THE PATIENT.

31 [13-3309.] 13-3322.

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

5 (1) A **QUALIFYING** patient [enrolled in a program approved under this
6 subtitle] who is A **CARDHOLDER** in possession of [an]:

7 **(I) AN amount of marijuana authorized under the program; OR**

8 **(II) NO MORE THAN A 60-DAY SUPPLY OF USEABLE**
9 **MARIJUANA;**

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

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

16 (4) **A CERTIFYING PHYSICIAN;**

17 (5) **A PERSONAL CAREGIVER WHO IS A CARDHOLDER;**

18 (6) **A MEDICAL MARIJUANA TREATMENT CENTER AGENT WHO IS A**
19 **CARDHOLDER; OR**

20 (7) **A LABORATORY AGENT WHO IS A CARDHOLDER.**

21 **(B) A PHYSICIAN OR ANY OTHER HEALTH CARE PROFESSIONAL UNDER**
22 **A PHYSICIAN'S SUPERVISION MAY NOT BE PENALIZED UNDER STATE LAW OR**
23 **DENIED ANY RIGHT OR PRIVILEGE FOR:**

24 **(1) ADVISING A QUALIFYING PATIENT ABOUT THE RISKS AND**
25 **BENEFITS OF MEDICAL USE OF MARIJUANA; OR**

26 **(2) PROVIDING A QUALIFYING PATIENT WITH WRITTEN**
27 **CERTIFICATION, BASED ON A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S**
28 **MEDICAL HISTORY AND CONDITION, THAT THE MEDICAL USE OF MARIJUANA**
29 **MAY BENEFIT THE PATIENT.**

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

4 (2) A person who violates this subsection is [guilty of a felony and on
5 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
6 \$10,000 or both.

7 (3) The penalty under this subsection is in addition to any penalties
8 that a person may be subject to] **NOT ENTITLED TO THE LEGAL PROTECTIONS**
9 **DESCRIBED IN SUBSECTION (A) OF THIS SECTION AND MAY BE SUBJECT TO**
10 **PROSECUTION** for manufacture, possession, or distribution of marijuana under the
11 Criminal Law Article.

12 **(D) (1) (I) A SCHOOL MAY NOT REFUSE TO ENROLL OR OTHERWISE**
13 **PENALIZE A PERSON SOLELY FOR STATUS AS A CARDHOLDER UNLESS**
14 **COMPLYING WITH THIS SUBPARAGRAPH WOULD CAUSE THE SCHOOL TO LOSE A**
15 **MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR**
16 **REGULATIONS.**

17 **(II) A LANDLORD MAY NOT REFUSE TO LEASE TO OR**
18 **OTHERWISE PENALIZE A PERSON SOLELY FOR STATUS AS A CARDHOLDER**
19 **UNLESS COMPLYING WITH THIS SUBPARAGRAPH WOULD CAUSE THE LANDLORD**
20 **TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW**
21 **OR REGULATIONS.**

22 **(2) UNLESS COMPLYING WITH THIS PARAGRAPH WOULD CAUSE**
23 **THE EMPLOYER TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT**
24 **UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT**
25 **DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION, OR IMPOSITION**
26 **OF A TERM OR CONDITION OF EMPLOYMENT OR OTHERWISE PENALIZE A**
27 **PERSON BASED ON:**

28 **(I) THE PERSON'S STATUS AS A CARDHOLDER; OR**

29 **(II) A REGISTERED QUALIFYING PATIENT'S POSITIVE DRUG**
30 **TEST FOR MARIJUANA COMPONENTS OR METABOLITES UNLESS THE PATIENT**
31 **USED, POSSESSED, OR WAS IMPAIRED BY MARIJUANA ON THE PREMISES OF THE**
32 **PLACE OF EMPLOYMENT OR DURING THE HOURS OF EMPLOYMENT.**

33 **(3) FOR THE PURPOSE OF MEDICAL CARE, INCLUDING ORGAN**
34 **TRANSPLANTS, A REGISTERED QUALIFYING PATIENT'S AUTHORIZED USE OF**
35 **MARIJUANA SHALL BE CONSIDERED THE EQUIVALENT OF THE USE OF ANOTHER**
36 **MEDICATION UNDER THE DIRECTION OF A PHYSICIAN AND DOES NOT**

1 CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A
2 REGISTERED QUALIFYING PATIENT FROM MEDICAL CARE.

3 (4) A CARDHOLDER MAY NOT BE DENIED CUSTODY OF OR
4 VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO
5 PRESUMPTION OF NEGLIGENCE OR CHILD ENDANGERMENT FOR CONDUCT
6 ALLOWED UNDER THIS SUBTITLE, UNLESS THE CARDHOLDER'S BEHAVIOR
7 CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS
8 ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

9 (E) THE LAWFUL POSSESSION, CULTIVATION, TRANSFER, TRANSPORT,
10 DISTRIBUTION, OR MANUFACTURE OF MEDICAL MARIJUANA AS AUTHORIZED BY
11 THIS SUBTITLE MAY NOT RESULT IN THE FORFEITURE OR SEIZURE OF
12 PROPERTY.

13 (F) A PERSON MAY NOT BE ARRESTED OR PROSECUTED FOR A
14 CRIMINAL OFFENSE SOLELY FOR BEING IN THE PRESENCE OF MEDICAL
15 MARIJUANA OR FOR THE USE OF MEDICAL MARIJUANA AS AUTHORIZED BY THIS
16 SUBTITLE.

17 [13-3310.] **13-3323.**

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

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

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

25 (3) Smoking marijuana in any public place;

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

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

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

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

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

4 1. The board of directors of the council of unit owners of
5 a condominium regime; or

6 2. The governing body of a homeowners association.

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

12 **(C) THIS SUBTITLE DOES NOT REQUIRE A HEALTH INSURANCE**
13 **PROVIDER OR A GOVERNMENT AGENCY OR OTHER AUTHORITY TO REIMBURSE A**
14 **PERSON FOR THE EXPENSES OF THE MEDICAL USE OF MARIJUANA.**

15 **(D) THIS SUBTITLE DOES NOT REQUIRE A HEALTH CARE PROFESSIONAL**
16 **TO AUTHORIZE THE USE OF MEDICAL MARIJUANA FOR A PATIENT.**

17 **[13-3311.] 13-3324.**

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

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

26 **13-3325.**

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2014.