

HOUSE BILL 1321

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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

AN ACT concerning

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



for and to certify certain independent testing laboratories; providing that a laboratory and an agent of a laboratory are not subject to certain criminal prosecution; providing for the registration of a medical marijuana treatment center agent; providing for the registration of independent testing laboratories and agents of a laboratory; requiring a medical marijuana treatment center to provide a certain notice to the Commission; requiring a certain independent testing laboratory to provide a certain notice to the Commission; requiring the Commission to respond to a certain notice in a certain manner; providing for the registration of certain qualifying patients and personal care givers; requiring the Commission to set certain fees; authorizing certain documentation to constitute registration under certain circumstances; authorizing the Commission to revoke a certain registration under certain circumstances; requiring the Commission to maintain certain information in a certain manner; prohibiting the Commission from registering a qualifying patient who is under a certain age unless certain conditions are met; authorizing a person to petition the Commission to add to a certain list of debilitating medical conditions; requiring the Commission to develop certain regulations; providing that certain persons are not subject to prosecution or certain penalties or adverse actions when acting in accordance with this Act; providing that a school or landlord may not penalize a certain patient, except under certain circumstances; providing that certain patients remain qualified for certain medical treatment and procedures; providing that certain patients may not be denied certain parental rights, except under certain circumstances; providing that a person may not be criminally prosecuted for proximity to a certain patient under certain circumstances; providing that this Act does not require a certain reimbursement; providing that this Act does not require a health care professional to authorize the use of medical marijuana; requiring the Commission to adopt certain regulations; defining certain terms; and generally relating to medical marijuana.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3301 through 13–3304 and 13–3306 through 13–3311 to be under the amended subtitle “Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission – Treatment, Certification, Licensing, and Registration”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3305

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health – General

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

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

Article – Health – General

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

13-3301.

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

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

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

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

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

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

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

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

(G) “DEBILITATING MEDICAL CONDITION” MEANS:

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

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

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

(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

(II) SEVERE OR CHRONIC PAIN;

(III) SEVERE NAUSEA;

(IV) SEIZURES; OR

(V) SEVERE OR PERSISTENT MUSCLE SPASMS; OR

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

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

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

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

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

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

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

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

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

(O) “PERSONAL CAREGIVER” MEANS:

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

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

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

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

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

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

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

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

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

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

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

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

13-3302.

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

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

(c) The purpose of the Commission is to:

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

(2) Approve or deny applications for programs;

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

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

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

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

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

(8) ISSUE RULES RELATING TO INDEPENDENT TESTING LABORATORIES;

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

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

13-3303.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A member of the Commission:

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

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

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

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

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

(2) The Commission shall administer the Fund.

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

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

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

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

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

(8) The Fund consists of:

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

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

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

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

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

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

13–3304.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The reviewers shall:

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

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

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

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

13-3306.

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

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

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

(1) The federal government; or

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

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

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

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

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

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

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

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

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

13-3307.

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

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

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

(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

(II) SEVERE OR CHRONIC PAIN;

- (III) SEVERE NAUSEA;
- (IV) SEIZURES; OR
- (V) SEVERE OR PERSISTENT MUSCLE SPASMS.

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

- (1) RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE AS EFFECTIVE;
- (2) OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; OR
- (3) THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.

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

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

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

- (1) PROGRAMS approved to operate under this subtitle; AND
- (2) MEDICAL MARIJUANA TREATMENT CENTERS.

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

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

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

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

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

(2) **A MEDICAL MARIJUANA TREATMENT CENTER.**

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

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

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

13-3310.

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

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

13-3311.

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

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

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

(2) **ISSUE A CULTIVATION REGISTRATION IF:**

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

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

2. AN APPLICATION THAT INCLUDES:

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

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

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

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

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

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

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

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

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

13-3312.

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

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

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

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

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

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

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

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

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

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

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

13-3313.

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

(1) AT LEAST 21 YEARS OLD; AND

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

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

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

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

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

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

13-3314.

(A) A LABORATORY AGENT SHALL BE:

(1) AT LEAST 21 YEARS OLD; AND

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

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

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

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

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

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

13-3315.

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

(1) WRITTEN CERTIFICATION FROM A PHYSICIAN; AND

(2) AN APPLICATION, INCLUDING:

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

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

13-3316.

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

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

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

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

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

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

13-3317.

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

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

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

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

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

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

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

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

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

13-3318.

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

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

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

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

13-3319.

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

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

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

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

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

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

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

13-3320.

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

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

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

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

13-3321.

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

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

[13-3309.] **13-3322.**

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

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

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

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

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

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

(4) **A CERTIFYING PHYSICIAN;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Smoking marijuana in any public place;

(4) Smoking marijuana in a motor vehicle; or

(5) Smoking marijuana on a private property that:

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

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

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

1. The board of directors of the council of unit owners of a condominium regime; or
2. The governing body of a homeowners association.

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

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

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

[13-3311.] 13-3324.

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

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

13-3325.

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

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