

## Chapter 251

## (House Bill 490)

AN ACT concerning

**Natalie M. LaPrade Medical ~~Marijuana~~ Cannabis Commission – Miscellaneous Revisions**

FOR the purpose of renaming the Natalie M. LaPrade Medical Marijuana Commission to be the Natalie M. LaPrade Medical Cannabis Commission; renaming the Natalie M. LaPrade Medical Marijuana Commission Fund to be the Natalie M. LaPrade Medical Cannabis Commission Fund; altering the purpose of the ~~Natalie M. LaPrade Medical Marijuana~~ Commission; altering the information that is to be included in the Web site developed and maintained by the Commission; increasing and altering the membership of the Commission; ~~requiring a certain application submitted by an academic medical center to include certain documentation; repealing a requirement that a certain application submitted by an academic medical center include certain information; repealing a requirement that the Commission establish a certain application review process; requiring the Commission to approve an application submitted by a certain academic medical center that meets certain requirements; extending the time period for which the Commission may grant an approval to a certain program; prohibiting the Commission from placing certain requirements on certain programs; altering the frequency with which a certain academic medical center is required to provide certain data to the Commission; repealing a requirement that a certain academic medical center apply annually to the Commission for renewal of a certain program; authorizing a certain academic medical center to apply to the Commission for a renewal of approval of a certain program on expiration of the program; repealing a provision of law providing that a certain academic medical center is subject to certain inspection; authorizing the Commission to conduct a certain review of certain academic medical centers; altering the circumstances under which the Commission may rescind approval of a certain program; altering the circumstances under which the Commission is required to approve a certifying physician~~ altering the definition of “written certification” to provide that it may include a certain statement from a certifying physician related to a certain supply of medical cannabis; repealing a requirement that the Commission issue at least annually a request for applications from certain academic medical centers; repealing a requirement that an application submitted by a certain academic medical center contain certain information; repealing a requirement that the Commission set certain fees related to certain programs; repealing a requirement that the Commission establish a certain application review process; repealing the authority of the Commission to approve certain programs; repealing a requirement that an approved academic center provide certain data to the Commission, use certain marijuana, use caregivers in a certain manner, and report certain data to the Commission in a certain manner; repealing the authority of the Commission to approve and rescind approval of certain academic medical centers to operate a certain program; repealing the authority of the Commission to approve certifying

physicians; authorizing the Commission to register certifying physicians under certain circumstances; altering the information to be included in a certain proposal; altering the medical conditions that the Commission is encouraged to approve when part of a physician application; prohibiting a certifying physician or the physician's spouse from receiving certain gifts or having an ownership interest in a processor; authorizing a certifying physician to receive compensation from a processor under certain circumstances; expanding the class of patients with whom a qualifying physician may discuss medical cannabis; repealing a certain requirement that each certifying physician submit a certain annual report to the Commission; repealing a requirement that the Commission report to the Governor on certain programs; increasing the time period for which an initial grower license is valid; repealing the authority of a grower to provide marijuana to certain programs; authorizing a grower to provide cannabis to certain processors and laboratories; extending the date on which the Commission is authorized to issue certain licenses to certain growers; repealing a provision of law requiring the Commission to encourage licensing certain growers located in agricultural zones; repealing a provision of law relating to the distribution of marijuana by certain growers; authorizing a grower to dispense cannabis from a certain facility; repealing a provision of law authorizing a qualifying patient or caregiver to obtain medical marijuana from certain facilities; authorizing a qualifying patient or caregiver to obtain medical cannabis from a facility of a grower licensed as a dispensary; authorizing certain growers to grow and process medical cannabis on the same premises; providing that a dispensary license is valid for certain time periods on initial licensure and on renewal; requiring the Commission to establish certain security and product handling procedures that certain dispensaries must meet; authorizing the Commission to inspect certain dispensaries; authorizing the Commission to impose certain penalties and rescind certain licenses under certain circumstances; requiring a licensed dispensary to submit a quarterly report that includes certain information to the Commission; prohibiting the quarterly report from including any personal information that identifies a patient; requiring certain processors to be licensed by the Commission; requiring an applicant for a processor license to submit a certain fee and application to the Commission; requiring the Commission to establish a certain application review process for granting processor licenses; providing that a processor license is valid for certain time periods on initial licensure and renewal; providing that a processor or a processor agent may not be penalized or arrested under State law for certain actions; requiring the Commission to establish certain security and product handling procedures that certain processors must meet; authorizing the Commission to inspect certain processors; requiring a processor agent to be a certain age, register with the Commission, and obtain a certain criminal history records check; requiring a processor to apply to the Commission for a registration card for each processor agent by submitting certain information; requiring a processor to provide certain notice to the Commission and return a certain registration card to the Commission under certain circumstances and within a certain time period; requiring the Commission to revoke a certain registration card under certain circumstances and notify the Department of State Police under certain circumstances; prohibiting the Commission from registering certain individuals as processor agents; requiring the

Commission to register at least a certain number of private independent testing laboratories; requiring an independent testing laboratory to meet certain application requirements and standards and to pay a certain fee as a condition of registration; authorizing the Commission to inspect certain independent testing laboratories; requiring the Commission to adopt certain regulations; repealing certain provisions of law establishing certain immunity for certain qualifying patients and academic centers; providing that a qualifying patient in possession of an amount of medical cannabis that is greater than a certain supply, a processor, a processor agent, and certain medical facilities may not be subject to arrest, prosecution, certain penalties or disciplinary action, or be denied any right or privilege under certain circumstances; providing that certain provisions of law do not apply to vaporizing cannabis; providing that this Act may not be construed to prohibit a person from being concurrently licensed by the Commission as a grower, a dispensary, or a processor; prohibiting the Commission from requiring an individual to meet certain additional requirements to be approved as a certifying physician; prohibiting the Commission from limiting a medical condition to one class of physician for treatment; altering a certain definition definitions; repealing certain definitions; defining certain terms; altering certain terminology; making certain conforming and stylistic changes; making this Act an emergency measure; and generally relating to the Natalie M. LaPrade Medical Marijuana Cannabis Commission.

~~BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 13-3301(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Health – General  
~~Section 13-3301(d), 13-3302, 13-3303(a), and 13-3304 through 13-3307~~ Section 13-3301 through 13-3303, 13-3302, 13-3303(a) and (h)(1), 13-3307 through 13-3311, 13-3313, and 13-3314 to be under the amended subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission”  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing  
Article – Health – General  
Section 13-3304, 13-3305, and 13-3306  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY adding to  
Article – Health – General  
Section 13-3309, 13-3310, and 13-3311  
Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3312

Annotated Code of Maryland

(2009 Replacement Volume and 2014 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] CANNABIS Commission.

13–3301.

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

~~(d) “Certifying physician” means an individual who:~~

~~(1) Is licensed by the State Board of Physicians under Title 14 of the Health Occupations Article to practice medicine AND IS IN GOOD STANDING WITH THE BOARD; and~~

~~(2) Is approved by the Commission to make marijuana available to patients for medical use in accordance with regulations adopted by the Commission.~~

(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) [“Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical use of [marijuana] CANNABIS; and

(2) For a qualifying patient under the age of 18 years, a parent or legal guardian.

[(d)] (C) “Certifying physician” means an individual who:

~~(1) Is licensed~~ **HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE THAT WAS ISSUED** by the State Board of Physicians under Title 14 of the Health Occupations Article ~~to practice medicine AND HAS;~~

**(2) IS IN GOOD STANDING WITH THE STATE BOARD OF PHYSICANS;**

**(3) HAS A STATE CONTROLLED DANGEROUS SUBSTANCES LICENSE REGISTRATION;** and

~~(2)~~ **(4) Is [approved by] REGISTERED WITH the Commission to make [marijuana] CANNABIS available to patients for medical use in accordance with regulations adopted by the Commission.**

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

**[(f)] (E) “Dispensary” means an entity licensed under this subtitle that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, related products CONTAINING CANNABIS including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.**

**[(g)] (F) “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.**

**[(h)] (G) “Fund” means the Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission Fund established under § 13–3303 of this subtitle.**

**(H) “GROWER” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT:**

~~(H) 1.~~ **(1) CULTIVATES, MANUFACTURES, PROCESSES, PACKAGES, OR DISPENSES MEDICAL CANNABIS; OR**

~~2.~~ **(II) PROCESSES MEDICAL CANNABIS PRODUCTS; AND**

~~(H) 2.~~ **(2) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO A QUALIFYING PATIENT, CAREGIVER, PROCESSOR, DISPENSARY, OR INDEPENDENT TESTING LABORATORY.**

**(I) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY, OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.**

**[(i)] (J)** “Medical [marijuana] CANNABIS grower agent” means an owner, an employee, a volunteer, an officer, or a director of a [medical marijuana] grower [licensed under this subtitle].

**(K)** “PROCESSOR” MEANS AN ENTITY THAT:

**(1)** TRANSFORMS MEDICAL CANNABIS INTO ANOTHER PRODUCT OR EXTRACT; AND

**(2)** PACKAGES AND LABELS MEDICAL CANNABIS.

**(L)** “PROCESSOR AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A PROCESSOR.

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

**[(k)] (M)** “Qualifying patient” means [a resident of the State] AN INDIVIDUAL who:

**(1)** **[(i)]** Has been provided with a written certification by a certifying physician in accordance with a bona fide physician-patient relationship; [or

**(ii)** Is enrolled in a research program with a registered academic medical center;] and

**(2)** If under the age of 18 years, has a caregiver.

**[(l)] (N)** “Written certification” means a certification that:

**(1)** Is issued by a certifying physician to a qualifying patient with whom the physician has a bona fide physician-patient relationship; and

**(2)** Includes a written statement certifying that, in the physician’s professional opinion, after having completed [a full] AN assessment of the patient’s medical history and current medical condition, the patient has a condition:

**(i)** That meets the inclusion criteria and does not meet the exclusion criteria of the certifying physician’s application; and

**(ii)** For which the potential benefits of the medical use of [marijuana] CANNABIS would likely outweigh the health risks for the patient; AND

**(3) MAY INCLUDE A WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN’S PROFESSIONAL OPINION, A 30-DAY SUPPLY OF MEDICAL CANNABIS WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT.**

13-3302.

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

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

(c) The purpose of the Commission is to **DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS TO IMPLEMENT PROGRAMS TO MAKE MEDICAL CANNABIS AVAILABLE TO QUALIFYING PATIENTS IN A SAFE AND EFFECTIVE MANNER.**

~~(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;~~

~~(4) Monitor and oversee programs approved for operation under this subtitle.] **APPROVE ACADEMIC MEDICAL CENTERS TO OPERATE PROGRAMS;**~~

~~[(5)] (2) Approve certifying physicians;~~

~~[(6)] (3) Publish and disseminate any information that relates to the medical use of marijuana and related research; and~~

~~[(7)] (4) Research issues related to the medical use of marijuana.~~

(d) (1) The Commission shall develop identification cards for qualifying patients and caregivers.

(2) (i) The Department shall adopt regulations that establish the requirements for identification cards provided by the Commission.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall include:

1. The information to be included on an identification card;

2. The method through which the Commission will distribute identification cards; and

3. The method through which the Commission will track identification cards.

(e) The Commission shall develop and maintain a Web site that:

(1) Provides information on how an individual can obtain medical ~~marijuana~~ CANNABIS in the State ~~and how an individual can find a certifying physician;~~ and

(2) Provides contact information for ~~licensed growers and~~ licensed dispensaries.

13-3303.

(a) The Commission consists of the following ~~[15]~~ **16** members:

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

(2) The following ~~[14]~~ **15** members, appointed by the Governor:

(i) ~~[One member]~~ **TWO MEMBERS** of the public who ~~[supports]~~ **SUPPORT** the use of ~~marijuana~~ CANNABIS for medical purposes and who ~~[is or was a patient]~~ **ARE OR WERE PATIENTS** who found relief from the use of medical ~~marijuana~~ CANNABIS;

(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~~ CANNABIS, 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] **LAW ENFORCEMENT**;

(ix) An attorney who is knowledgeable about medical ~~marijuana~~ **CANNABIS** laws in the United States;

(x) An individual with experience in horticulture, recommended by the Department of Agriculture;

(xi) One representative of the University of Maryland Extension; and

(xii) One representative of the Office of the Comptroller.

*(h) (1) There is a Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission Fund.*

~~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 [.] **INCLUDE DOCUMENTATION THAT THE ACADEMIC MEDICAL CENTER WILL OPERATE ACCORDING TO THE ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES, INCLUDING PROCEDURES RELATED TO PATIENT CARE, PROVIDER EDUCATION AND TRAINING, DIVERSION, CONFIDENTIALITY, DATA COLLECTION, SAFETY, AND SECURITY.**~~

~~[(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 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 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.~~

~~13-3305.~~

~~(a) The Commission shall [establish an application review process that includes reviewers with expertise in scientific research and analysis, medical training, and law enforcement] APPROVE AN APPLICATION FROM AN ACADEMIC MEDICAL CENTER THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(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.~~

~~(e) The Commission may grant a [1 year] 5-YEAR approval to a program, which may be renewed by the Commission.~~

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

~~(D) IN APPROVING A PROGRAM, THE COMMISSION MAY NOT PLACE REQUIREMENTS ON THE PROGRAM THAT ARE IN ADDITION TO THE ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.~~

~~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] WEEK on patients and 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 patients a caregiver is allowed to serve to no more than five; and~~

~~(2) Limit the number of 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 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] MAY apply [annually] to the Commission for renewal of approval of the program ON THE EXPIRATION 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] REVIEW by the Commission to ensure that the program is operating according to the [conditions of approval established by the Commission] **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.**~~

~~(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] **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.**~~

~~13-3307.~~ **13-3304.**

(a) The Commission shall ~~approve~~ **REGISTER** as a certifying physician an individual who:

(1) Meets the requirements of this subtitle; and

(2) Submits application materials that [are satisfactory to the Commission] **MEET THE REQUIREMENTS OF THIS SUBTITLE.**

(b) To be ~~approved~~ **REGISTERED** as a certifying physician, a physician shall submit a proposal to the Commission that includes:

(1) The reasons for including a patient under the care of the physician for the purposes of this subtitle, including the patient's qualifying medical conditions;

**(2) AN ATTESTATION THAT A STANDARD PATIENT EVALUATION WILL BE COMPLETED, INCLUDING A HISTORY, A PHYSICAL EXAMINATION, A REVIEW OF SYMPTOMS, AND OTHER PERTINENT MEDICAL INFORMATION; AND**

~~(2) The reasons the physician will use to exclude patients from the care of the physician for the purposes of this subtitle;~~

~~(3) The physician’s plan for screening a patient for dependence, both before and after the qualifying patient is issued a written certification; and~~

~~(4)~~ **(3)** The physician’s plan for the ongoing assessment and follow-up care of a patient and for collecting and analyzing data.

**(C) THE COMMISSION MAY NOT REQUIRE AN INDIVIDUAL TO MEET REQUIREMENTS IN ADDITION TO THE REQUIREMENTS LISTED IN SUBSECTIONS (A) AND (B) OF THIS SECTION TO BE ~~APPROVED~~ REGISTERED AS A CERTIFYING PHYSICIAN.**

**[(c)] (D) (1)** The Commission is encouraged to approve physician applications for the following medical conditions:

**[(1)] (I)** A chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care; or

**[(2)] (II)** A chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

- [(i)] 1.** Cachexia, anorexia, or wasting syndrome;
- [(ii)] 2.** Severe OR CHRONIC pain;
- [(iii)] 3.** Severe nausea;
- [(iv)] 4.** Seizures; or
- [(v)] 5.** Severe or persistent muscle spasms.

**(2) THE COMMISSION MAY NOT LIMIT TREATMENT OF A PARTICULAR MEDICAL CONDITION TO ONE CLASS OF PHYSICIANS.**

**[(d)] (E)** The Commission may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of ~~marijuana~~ CANNABIS.

**[(e)] (F) (1)** A certifying physician or the spouse of a certifying physician may not receive any gifts from or have an ownership interest in a medical ~~marijuana~~ CANNABIS grower, A PROCESSOR, or a dispensary.

**(2)** A certifying physician may receive compensation from a medical ~~marijuana~~ CANNABIS grower, A PROCESSOR, or dispensary if:

(i) The certifying physician obtains the approval of the Commission before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical ~~marijuana~~ CANNABIS grower, PROCESSOR, or dispensary to the Commission.

~~[(f)]~~ **(G)** (1) A qualifying patient may be a patient of the certifying physician or may be referred to the certifying physician.

(2) A certifying physician shall provide each written certification to the Commission.

(3) On receipt of a written certification provided under paragraph (2) of this subsection, the Commission shall issue an identification card to each qualifying patient or caregiver named in the written certification.

(4) A certifying physician may discuss medical ~~marijuana~~ CANNABIS with a ~~qualifying~~ patient.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical ~~marijuana~~ CANNABIS only from a medical ~~marijuana~~ CANNABIS grower licensed by the Commission or a dispensary licensed by the Commission.

(ii) A qualifying patient under the age of 18 years may obtain medical ~~marijuana~~ CANNABIS only through the qualifying patient's caregiver.

(6) (i) A caregiver may serve no more than five qualifying patients at any time.

(ii) A qualifying patient may have no more than two caregivers.

~~[(g)]~~ **(H)** ~~(1) Each certifying physician shall submit an annual report to the Commission.~~

~~(2) The annual report shall include:~~

~~(i) The number of patients served;~~

~~(ii) The county of residence of each patient served;~~

~~(iii) Any medical condition for which medical marijuana CANNABIS was recommended; and~~

~~(iv) A summary of clinical outcomes, including adverse events and any cases of suspected diversion.~~

~~(3) The annual report may not include any personal information that identifies a patient.~~

~~[(h)](1)~~ (1) A certifying physician may ~~apply~~ **REGISTER** biennially ~~to the Commission for approval.~~

(2) The Commission shall grant or deny a renewal of ~~an application~~ **A REGISTRATION** for approval based on the physician’s performance in complying with regulations adopted by the Commission.

**[13-3308.] 13-3305.**

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[:

- (1) Programs approved to operate under this subtitle; and
- (2) Physicians] PHYSICIANS certified under this subtitle.

**[13-3309.] 13-3306.**

(a) (1) The Commission shall license medical [marijuana] CANNABIS growers that meet all requirements established by the Commission to operate in the State to provide [marijuana] CANNABIS to:

(i) [Programs approved for operation under this subtitle] PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(ii) Dispensaries licensed by the Commission under this subtitle;  
[and]

(iii) Qualifying patients and caregivers; AND

(IV) INDEPENDENT TESTING LABORATORIES REGISTERED WITH THE COMMISSION UNDER THIS SUBTITLE.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Commission may license no more than 15 medical [marijuana] CANNABIS growers.

(ii) Beginning June 1, [2016.] 2018, the Commission may issue the number of licenses necessary to meet the demand for medical [marijuana] CANNABIS by

qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

(iii) The Commission shall establish an application review process for granting medical [marijuana] CANNABIS grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.

(iv) The Commission may not issue more than one medical [marijuana] CANNABIS grower license to each applicant.

(v) A grower shall pay an application fee in an amount to be determined by the Commission consistent with this subtitle.

(3) The Commission shall set standards for licensure as a medical [marijuana] CANNABIS grower to ensure public safety and safe access to medical [marijuana] CANNABIS, which may include a requirement for the posting of security.

(4) Each medical [marijuana] CANNABIS grower agent shall:

(i) Be registered with the Commission before the agent may volunteer or work for a licensed grower; and

(ii) Obtain a State and national criminal history records check in accordance with § 13–3312 of this subtitle.

(5) (i) A licensed grower shall apply to the Commission for a registration card for each grower agent by submitting the name, address, and date of birth of the agent.

(ii) 1. Within 1 business day after a grower agent ceases to be associated with a grower, the grower shall:

A. Notify the Commission; and

B. Return the grower agent's registration card to the Commission.

2. On receipt of a notice described in subsubparagraph 1A of this subparagraph, the Commission shall:

A. Immediately revoke the registration card of the grower agent; and

B. If the registration card was not returned to the Commission, notify the Department of State Police.

(iii) The Commission may not register a person who has been convicted of a felony drug offense as a grower agent.

(6) (i) A medical [marijuana] CANNABIS grower license is valid for [2] 4 years on initial licensure.

(ii) A medical [marijuana] CANNABIS grower license is valid for 2 years on renewal.

(7) An application to operate as a medical [marijuana] CANNABIS grower may be submitted in paper or electronic form.

(8) (i) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that grow strains of [marijuana] CANNABIS, including strains with high cannabidiol content, with demonstrated success in alleviating symptoms of specific diseases or conditions.

(ii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that prepare medical [marijuana] CANNABIS in a range of routes of administration.

~~(iii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers located in agricultural zones.~~

(9) (i) The Commission shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical [marijuana] CANNABIS growers; and

2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

(ii) Beginning June 1, 2016, a grower licensed under this subtitle to operate as a medical [marijuana] CANNABIS grower shall report annually to the Commission on the minority owners and employees of the grower.

(10) An entity seeking licensure as a medical [marijuana] CANNABIS grower shall meet local zoning and planning requirements.

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

(1) [Programs approved for operation under this subtitle] PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(2) Dispensaries licensed by the Commission under this subtitle;

(3) Qualified patients; [and]

(4) Caregivers; AND

**(5) INDEPENDENT TESTING LABORATORIES REGISTERED WITH THE COMMISSION UNDER THIS SUBTITLE.**

(c) (1) An entity licensed to grow ~~marijuana~~ CANNABIS under this section may [distribute marijuana at the grower's facility or at a satellite facility of the grower] DISPENSE CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

(2) A qualifying patient or caregiver may obtain medical [marijuana from a grower's facility or from a satellite facility of the grower] CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

**(3) AN ENTITY LICENSED TO GROW MEDICAL CANNABIS UNDER THIS SECTION MAY GROW AND PROCESS MEDICAL CANNABIS ON THE SAME PREMISES.**

(d) An entity licensed to grow medical [marijuana] CANNABIS under this section shall ensure that safety precautions established by the Commission are followed by any facility operated by the grower.

(e) 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.

(f) The Commission may inspect [growers] A GROWER licensed under this section to ensure compliance with this [section] SUBTITLE.

(g) 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.] 13-3307.**

(a) A dispensary shall be licensed by the Commission.

(b) To be licensed as a dispensary, an applicant shall submit to the Commission:

(1) An application fee in an amount to be determined by the Commission consistent with this subtitle; and

(2) An application that includes:

(i) The legal name and physical address of the proposed dispensary;

(ii) The name, address, and date of birth of each principal officer and each director, none of whom may have served as a principal officer or director for a dispensary that has had its [registration certificate] LICENSE revoked; and

(iii) Operating procedures that the dispensary will use, consistent with Commission regulations for oversight, including storage of [marijuana] CANNABIS AND PRODUCTS CONTAINING CANNABIS only in enclosed and locked facilities.

(c) The Commission shall:

(1) Establish an application review process for granting dispensary licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission; and

(2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

**(D) (1) A DISPENSARY LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.**

**(2) A DISPENSARY LICENSE IS VALID FOR 2 YEARS ON RENEWAL.**

**[(d)] (E) A dispensary licensed under this section or a dispensary agent registered under [§ 13-3311] § 13-3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, or educational materials for use by a qualifying patient or a caregiver.**

**(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A DISPENSARY MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.**

**(G) THE COMMISSION MAY INSPECT A DISPENSARY LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.**

**(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A DISPENSARY THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.**

**(I) (1) EACH DISPENSARY LICENSED UNDER THIS SECTION SHALL SUBMIT TO THE COMMISSION A QUARTERLY REPORT.**

**(2) THE QUARTERLY REPORT SHALL INCLUDE:****(I) THE NUMBER OF PATIENTS SERVED;****(II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;****(III) THE MEDICAL CONDITION FOR WHICH MEDICAL CANNABIS WAS RECOMMENDED;****(IV) THE TYPE AND AMOUNT OF MEDICAL CANNABIS DISPENSED; AND****(V) IF AVAILABLE, A SUMMARY OF CLINICAL OUTCOMES, INCLUDING ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.****(3) THE QUARTERLY REPORT MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT IDENTIFIES A PATIENT.****[13-3311.] 13-3308.****(a) A dispensary agent shall:****(1) Be at least 21 years old;****(2) Be registered with the Commission before the agent may volunteer or work [at] FOR a dispensary; and****(3) Obtain a State and national criminal history records check in accordance with § 13-3312 of this subtitle.****(b) A dispensary shall apply to the Commission for a registration card for each dispensary agent by submitting the name, address, and date of birth of the agent.****(c) (1) Within 1 business day after a dispensary agent ceases to be associated with a dispensary, the dispensary shall:****(i) Notify the Commission; and****(ii) Return the dispensary agent's registration card to the Commission.****(2) On receipt of a notice described in paragraph (1) of this subsection, the Commission shall:**

(i) Immediately revoke the registration card of the dispensary agent; and

(ii) If the registration card was not returned to the Commission, notify the Department of State Police.

(d) The Commission may not register [a person] AN INDIVIDUAL who has been convicted of a felony drug offense as a dispensary agent.

**13-3309.**

**(A) A PROCESSOR SHALL BE LICENSED BY THE COMMISSION.**

**(B) TO BE LICENSED AS A PROCESSOR, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:**

**(1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION IN ACCORDANCE WITH THIS SUBTITLE; AND**

**(2) AN APPLICATION THAT INCLUDES:**

**(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED PROCESSOR;**

**(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A LICENSEE UNDER THIS SUBTITLE THAT HAS HAD ITS LICENSE REVOKED; AND**

**(III) OPERATING PROCEDURES THAT THE PROCESSOR WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF CANNABIS, EXTRACTS, AND PRODUCTS CONTAINING CANNABIS ONLY IN ENCLOSED AND LOCKED FACILITIES.**

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

**(D) (1) A PROCESSOR LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.**

**(2) A PROCESSOR LICENSE IS VALID FOR 2 YEARS ON RENEWAL.**

**(E) A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A LICENSEE UNDER THIS SUBTITLE OR A QUALIFYING PATIENT OR A CAREGIVER.**

**(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A PROCESSOR MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.**

**(G) THE COMMISSION MAY INSPECT A PROCESSOR LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.**

**(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A PROCESSOR THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.**

**13-3310.**

**(A) A PROCESSOR AGENT SHALL:**

**(1) BE AT LEAST 21 YEARS OLD;**

**(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A PROCESSOR; AND**

**(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.**

**(B) A PROCESSOR SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH PROCESSOR AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.**

**(C) (1) WITHIN 1 BUSINESS DAY AFTER A PROCESSOR AGENT CEASES TO BE ASSOCIATED WITH A PROCESSOR, THE PROCESSOR SHALL:**

**(I) NOTIFY THE COMMISSION; AND**

**(II) RETURN THE PROCESSOR AGENT'S REGISTRATION CARD TO THE COMMISSION.**

(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE PROCESSOR AGENT; AND

(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(D) THE COMMISSION MAY NOT REGISTER AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A PROCESSOR AGENT.

13-3311.

(A) THE COMMISSION SHALL REGISTER AT LEAST ONE PRIVATE INDEPENDENT TESTING LABORATORY TO TEST CANNABIS AND PRODUCTS CONTAINING CANNABIS THAT ARE TO BE SOLD IN THE STATE.

(B) TO BE REGISTERED AS AN INDEPENDENT TESTING LABORATORY, A LABORATORY SHALL:

(1) MEET THE APPLICATION REQUIREMENTS ESTABLISHED BY THE COMMISSION;

(2) PAY ANY APPLICABLE FEE REQUIRED BY THE COMMISSION; AND

(3) MEET THE STANDARDS AND REQUIREMENTS FOR ACCREDITATION, INSPECTION, AND TESTING ESTABLISHED BY THE COMMISSION.

(C) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:

(1) THE STANDARDS AND REQUIREMENTS TO BE MET BY AN INDEPENDENT LABORATORY TO OBTAIN A REGISTRATION;

(2) THE STANDARDS OF CARE TO BE FOLLOWED BY AN INDEPENDENT TESTING LABORATORY;

(3) THE INITIAL AND RENEWAL TERMS FOR AN INDEPENDENT LABORATORY REGISTRATION AND THE RENEWAL PROCEDURE; AND

(4) THE BASES AND PROCESSES FOR DENIAL, REVOCATION, AND SUSPENSION OF A REGISTRATION OF AN INDEPENDENT TESTING LABORATORY.

**(D) THE COMMISSION MAY INSPECT AN INDEPENDENT TESTING LABORATORY REGISTERED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.**

13-3312.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Commission and to the applicant the criminal history record information of the applicant.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Commission may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) Confidential and may not be redisseminated; and

(2) Used only for the registration purpose authorized by this subtitle.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository, as provided in § 10-223 of the Criminal Procedure Article.

13-3313.

(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] CANNABIS:

(1) A qualifying patient:

(i) [Enrolled in a program approved under this subtitle who is in possession of an amount of marijuana authorized under the program; or

(ii)] In possession of an amount of [marijuana] MEDICAL CANNABIS determined by the Commission to constitute a 30-day supply; OR

**(II) IN POSSESSION OF AN AMOUNT OF MEDICAL CANNABIS THAT IS GREATER THAN A 30-DAY SUPPLY IF THE QUALIFYING PATIENT'S CERTIFYING PHYSICIAN STATED IN THE WRITTEN CERTIFICATION THAT A 30-DAY SUPPLY WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT;**

(2) A grower licensed under [§ 13-3309] § 13-3306 of this subtitle or [an employee of the licensed grower who is acting in accordance with the terms of the license] A GROWER AGENT REGISTERED UNDER § 13-3306 OF THIS SUBTITLE;

(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)] (4) A caregiver;

[(6)] (5) A dispensary licensed under [§ 13-3310] § 13-3307 of this subtitle or a dispensary agent registered under [§ 13-3311] § 13-3308 of this subtitle; [or]

**(6) A PROCESSOR LICENSED UNDER § 13-3309 OF THIS SUBTITLE OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE; OR**

(7) A hospital, MEDICAL FACILITY, or hospice program where a qualifying patient is receiving treatment.

(b) (1) A person may not distribute, possess, manufacture, or use [marijuana] CANNABIS that has been diverted from [a program approved under this subtitle.] a qualifying patient, a caregiver, a licensed grower, or a licensed dispensary.

(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 for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

13-3314.

(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 OR CANNABIS, 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 OR CANNABIS;

(3) Smoking marijuana OR CANNABIS in any public place;

(4) Smoking marijuana OR CANNABIS in a motor vehicle; or

(5) [Smoking] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, SMOKING marijuana OR CANNABIS 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 OR CANNABIS on the property; or

(ii) Is subject to a policy that prohibits the smoking of marijuana OR CANNABIS 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) THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION DO NOT APPLY TO VAPORIZING CANNABIS.

[(b)] (C) 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)] (D) This subtitle may not be construed to require a hospital, MEDICAL FACILITY, or hospice program to report to the Commission any disciplinary action taken by the hospital, MEDICAL FACILITY, or hospice program against a certifying physician, including the revocation of privileges, after the ~~approval~~ REGISTRATION of the certifying physician by the Commission.

(E) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM BEING CONCURRENTLY LICENSED BY THE COMMISSION AS A GROWER, A DISPENSARY, OR A PROCESSOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 12, 2015.**