

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1068 (Delegate K. Young)
Health and Government Operations

Natalie M. LaPrade Medical Marijuana Commission - Nonresident Cardholders

This bill defines a “nonresident cardholder” and requires the Natalie M. LaPrade Medical Marijuana Commission to adopt regulations to establish a process for a nonresident cardholder to become a qualifying patient. As a qualifying patient, a nonresident cardholder may obtain medical marijuana from a medical marijuana grower or dispensary licensed by the commission and receive protection from legal repercussions and civil penalties.

Fiscal Summary

State Effect: The commission can review applications, issue “nonresident” cards to qualified applicants, and promulgate the required regulations within existing budgeted resources. Revenues are not affected. The number of additional cards issued is expected to be minimal.

Local Effect: None.

Small Business Effect: Minimal. Nonresident cardholders may minimally increase medical marijuana sales for licensed dispensers and growers that are small businesses.

Analysis

Bill Summary: A “nonresident cardholder” is someone who (1) personally has a chronic or debilitating disease, medical condition, or other condition that meets established condition criteria or is the parent, guardian, conservator, caregiver, or another individual with authority to consent to the medical treatment of an individual who has such a condition; (2) is not a resident of the State or has been a resident of the State for less than

45 days; (3) was issued a valid registry identification card by another state or country that allows the individual to use marijuana for medical purposes; and (4) has submitted documentation to and received confirmation of the registration from the commission.

The commission must issue a confirmation of registration to a nonresident cardholder within seven days of receiving documentation that the individual meets the definition established under the bill.

Current Law: Chapter 403 of 2013 established, and Chapters 240 and 256 of 2014 expanded, the Natalie M. LaPrade Medical Marijuana Commission and Fund to implement and administer a medical marijuana program in Maryland. The program allows for approval, licensing, and registration of participating academic medical centers, growers, dispensaries, and grower- and dispenser-agents. The program establishes a framework to certify physicians and qualifying patients to provide qualifying patients with medical marijuana legally under State law. The commission proposed regulations in late 2014, but the program is not yet operational. Although medical marijuana may be ready for distribution by the end of fiscal 2016, it is more likely that medical marijuana will be available for patients the following year.

A “qualifying patient” is someone who either has been provided a written certification by a certifying physician in accordance with a bona fide physician-patient relationship or is enrolled in a research program with an approved academic medical center. Additionally, if younger than age 18, a qualifying patient must have a caregiver. A “caregiver” is a person who has agreed to assist with a qualifying patient’s medical use of marijuana and, for a qualifying patient younger than age 18, a parent or legal guardian. A caregiver may serve no more than five qualifying patients at a time, and a qualifying patient may have no more than two caregivers.

A qualifying patient (who is enrolled in an approved program or in possession of an amount of marijuana determined by the commission to constitute a 30-day supply), certifying physician, caregiver, grower, academic medical center, dispensary, dispensary agent, or hospital or hospice program where a qualifying patient is receiving treatment is not subject to arrest, prosecution, or any civil or administrative penalty (including action by a professional licensing board) and may not be denied any right or privilege for the medical use of marijuana.

Background: According to the National Conference of State Legislatures, 23 states, the District of Columbia, and Guam now allow for comprehensive public medical marijuana and cannabis programs. Further, recently approved efforts in 11 states allow for the use of “low THC, high cannabidiol (or CBD)” products for medical reasons in limited situations or as a legal defense. According to the Marijuana Policy Project, 7 states recognize out-of-state identification cards.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, National Conference of State Legislatures, Marijuana Policy Project, Department of Legislative Services

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md/ljm

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