

Chapter 601

(Senate Bill 874)

AN ACT concerning

Natalie M. LaPrade Medical Cannabis Commission – ~~Secure Transportation Companies~~ Immunity

FOR the purpose of providing that certain immunity provisions relating to medical cannabis apply to the possession of medical cannabis; prohibiting a ~~secure transportation company and a courier of a secure transportation company authorized under certain regulations to transport products containing medical cannabis~~ certain ~~third-party vendors~~ authorized by the Natalie M. LaPrade Medical Cannabis Commission to take certain actions from being subject to certain arrest, prosecution, or certain penalties or being denied certain rights or privileges ~~based on the transportation of products containing medical cannabis on a certain basis~~; and generally relating to the Natalie M. LaPrade Medical Cannabis Commission.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–3313
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General

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 **OR POSSESSION OF MEDICAL** cannabis:

(1) A qualifying patient:

(i) In possession of an amount of 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 provider 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 § 13–3306 of this subtitle or a grower agent registered under § 13–3306 of this subtitle;
- (3) A certifying provider;
- (4) A caregiver;
- (5) A dispensary licensed under § 13–3307 of this subtitle or a dispensary agent registered under § 13–3308 of this subtitle;
- (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; **OR**

(8) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO TEST, TRANSPORT, OR DISPOSE OF MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, OR MEDICAL CANNABIS WASTE UNDER THE PROVISIONS OF THIS SUBTITLE.

~~**(B) A SECURE TRANSPORTATION COMPANY OR A COURIER OF A SECURE TRANSPORTATION COMPANY AUTHORIZED UNDER REGULATIONS ADOPTED BY THE COMMISSION TO TRANSPORT PRODUCTS CONTAINING MEDICAL CANNABIS MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, OR BE DENIED ANY RIGHT OR PRIVILEGE BASED ON THE TRANSPORTATION OF PRODUCTS CONTAINING MEDICAL CANNABIS.**~~

~~(b)~~ **(c)** (1) A person may not distribute, possess, manufacture, or use cannabis that has been diverted from 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.