

# HOUSE BILL 992

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By: **Delegate Angel**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Definitions**

3 FOR the purpose of defining “bona fide provider–patient relationship” for the purposes of  
4 certain provisions of law governing medical cannabis to mean a treatment or  
5 counseling relationship between a provider and a patient in which the provider has  
6 reviewed certain records and completed a certain assessment in person or through  
7 telehealth, has created and maintained certain records, and has a certain reasonable  
8 expectation; defining “telehealth” for the purposes of certain provisions of law  
9 governing medical cannabis; and generally relating to medical cannabis.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 13–3301  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – Health – General**

18 13–3301.

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

20 (B) **“BONA FIDE PROVIDER–PATIENT RELATIONSHIP” MEANS A TREATMENT**  
21 **OR COUNSELING RELATIONSHIP BETWEEN A PROVIDER AND A PATIENT IN WHICH**  
22 **THE PROVIDER HAS:**

23 (1) **REVIEWED THE PATIENT’S RELEVANT MEDICAL RECORDS AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 COMPLETED AN ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT  
2 MEDICAL CONDITION:

3 (I) IN PERSON; OR

4 (II) IF THE PATIENT OR CAREGIVER HAS A HARDSHIP  
5 PREVENTING AN IN-PERSON ASSESSMENT, AS DETERMINED BY THE PROVIDER,  
6 THROUGH TELEHEALTH;

7 (2) CREATED AND MAINTAINED RECORDS OF THE PATIENT'S  
8 CONDITION IN ACCORDANCE WITH MEDICALLY ACCEPTED STANDARDS; AND

9 (3) A REASONABLE EXPECTATION THAT THE PROVIDER WILL  
10 MONITOR THE PROGRESS OF THE PATIENT WHILE USING MEDICAL CANNABIS AND  
11 TAKE ANY MEDICALLY INDICATED ACTION:

12 (I) TO PROVIDE FOLLOW-UP CARE TO THE PATIENT;

13 (II) REGARDING THE EFFICACY OF THE USE OF MEDICAL  
14 CANNABIS AS A TREATMENT OF THE PATIENT'S SEVERE OR DEBILITATING MEDICAL  
15 CONDITION; AND

16 (III) REGARDING ANY ADVERSE EVENT ASSOCIATED WITH THE  
17 USE OF MEDICAL CANNABIS.

18 [(b)] (C) "Caregiver" means:

19 (1) A person who has agreed to assist with a qualifying patient's medical  
20 use of cannabis; and

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

23 [(c)] (D) "Certifying provider" means an individual who:

24 (1) (i) 1. Has an active, unrestricted license to practice medicine  
25 that was issued by the State Board of Physicians under Title 14 of the Health Occupations  
26 Article; and

27 2. Is in good standing with the State Board of Physicians;

28 (ii) 1. Has an active, unrestricted license to practice dentistry  
29 that was issued by the State Board of Dental Examiners under Title 4 of the Health  
30 Occupations Article; and



1            **[(i)] (J)**        “Independent testing laboratory” means a facility, an entity, or a site  
2 that offers or performs tests related to the inspection and testing of cannabis and products  
3 containing cannabis.

4            **[(j)] (K)**        “Medical cannabis grower agent” means an owner, an employee, a  
5 volunteer, an officer, or a director of a grower.

6            **[(k)] (L)**        “Processor” means an entity that:

7                    (1)        Transforms medical cannabis into another product or extract; and

8                    (2)        Packages and labels medical cannabis.

9            **[(l)] (M)**        “Processor agent” means an owner, a member, an employee, a  
10 volunteer, an officer, or a director of a processor.

11           **[(m)] (N)**        “Qualifying patient” means an individual who:

12                    (1)        Has been provided with a written certification by a certifying provider  
13 in accordance with a bona fide provider–patient relationship; and

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

15            **(O)    “TELEHEALTH” MEANS THE USE OF TELECOMMUNICATIONS AND**  
16 **INFORMATION TECHNOLOGIES FOR THE EXCHANGE OF INFORMATION FROM ONE**  
17 **SITE TO ANOTHER FOR THE PROVISION OF HEALTH CARE TO A PATIENT FROM A**  
18 **PROVIDER THROUGH HARDWARE OR INTERNET CONNECTION.**

19           **[(n)] (P)**        “Written certification” means a certification that:

20                    (1)        Is issued by a certifying provider to a qualifying patient with whom the  
21 provider has a bona fide provider–patient relationship; and

22                    (2)        Includes a written statement certifying that, in the provider’s  
23 professional opinion, after having completed an assessment of the patient’s medical history  
24 and current medical condition, the patient has a condition:

25                    (i)        That meets the inclusion criteria and does not meet the exclusion  
26 criteria of the certifying provider’s application; and

27                    (ii)       For which the potential benefits of the medical use of cannabis  
28 would likely outweigh the health risks for the patient; and

29                    (3)        May include a written statement certifying that, in the provider’s  
30 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the  
31 medical needs of the qualifying patient.

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