

# HOUSE BILL 18

J1, J2

9lr0826

(PRE-FILED)

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By: **Delegate Glenn**

Requested: November 20, 2018

Introduced and read first time: January 9, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers**

3 FOR the purpose of altering the definition of “certifying provider” to include certain  
4 physical therapists, psychologists, and physician assistants; altering the  
5 membership of the Natalie M. LaPrade Medical Cannabis Commission; making  
6 stylistic changes; making a conforming change; providing for the effective date of this  
7 Act; and generally relating to the Natalie M. LaPrade Medical Cannabis  
8 Commission.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 13–3301(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 13–3301(c)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Health – General  
21 Section 13–3303(a)  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2018 Supplement)  
24 (As enacted by Chapter 598 of the Acts of the General Assembly of 2018)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Health – General**

13–3301.

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

(c) “Certifying provider” means an individual who:

(1) (i) 1. 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; and

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

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

2. Is in good standing with the State Board of Dental Examiners;

(iii) 1. Has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. Is in good standing with the State Board of Podiatric Medical Examiners; [or]

(iv) 1. Has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

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

**(v) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE PHYSICAL THERAPY ISSUED BY THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS UNDER TITLE 13 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

**2. IS IN GOOD STANDING WITH THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS;**

**(vi) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE PSYCHOLOGY ISSUED BY THE STATE BOARD OF EXAMINERS OF**

1 **PSYCHOLOGISTS UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

2 **2. IS IN GOOD STANDING WITH THE STATE BOARD OF**  
3 **EXAMINERS OF PSYCHOLOGISTS; OR**

4 **(VII) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO**  
5 **PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS**  
6 **UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;**

7 **2. HAS AN ACTIVE DELEGATION AGREEMENT WITH A**  
8 **PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND**

9 **3. IS IN GOOD STANDING WITH THE STATE BOARD OF**  
10 **PHYSICIANS;**

11 **(2) [Has] IF THE CERTIFYING PROVIDER IS A PHYSICIAN, DENTIST,**  
12 **PODIATRIST, NURSE PRACTITIONER, OR NURSE MIDWIFE, HAS a State controlled**  
13 **dangerous substances registration; and**

14 **(3) Is registered with the Commission to make cannabis available to**  
15 **patients for medical use in accordance with regulations adopted by the Commission.**

16 13-3303.

17 **(a) The Commission consists of the following 13 members:**

18 **(1) The Secretary of Health, or the Secretary's designee; and**

19 **(2) The following 5 members, appointed by the Governor with the advice**  
20 **and consent of the Senate:**

21 **(i) Two licensed noncertified providers who are [physicians,**  
22 **dentists, podiatrists,]:**

23 **1. PHYSICIANS;**

24 **2. DENTISTS;**

25 **3. PODIATRISTS;**

26 **4. [nurse] NURSE practitioners[, or];**

27 **5. [nurse] NURSE midwives;**

28 **6. PHYSICAL THERAPISTS;**

1                                   **7.     PSYCHOLOGISTS; OR**

2                                   **8.     PHYSICIAN ASSISTANTS;**

3                                   (ii)    One nurse or other health care provider licensed in the State who  
4 has experience in hospice care, nominated by a State hospice trade association;

5                                   (iii)   One pharmacist licensed in the State, nominated by a State  
6 research institution or trade association; and

7                                   (iv)    One scientist who has experience in the science of cannabis,  
8 nominated by a State research institution.

9                                   (3)    Four members appointed by the Governor with the advice and consent  
10 of the Senate;

11                                  (4)    One member appointed by the Governor from a list of three individuals  
12 recommended by the President of the Senate;

13                                  (5)    One member appointed by the Governor from a list of three individuals  
14 recommended by the Speaker of the House of Delegates; and

15                                  (6)    One member appointed by the Governor from either of the two lists  
16 described in items (4) and (5) of this subsection.

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2019, the effective date of Chapter 598 of the Acts of the General Assembly of  
19 2018. If the effective date of Chapter 598 is amended, this Act shall take effect on the taking  
20 effect of Chapter 598.

21                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2019.