

# SENATE BILL 860

E4, J1

9lr0668

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By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Immunity – Revocation of**  
3 **Release**

4 FOR the purpose of prohibiting certain persons from being subject to revocation of  
5 mandatory supervision, parole, or probation for the medical use of or possession of  
6 medical cannabis; and generally relating to immunity from revocation of release.

7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 13–3313  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume and 2018 Supplement)

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

14 **Article – Health – General**

15 13–3313.

16 (a) Any of the following persons acting in accordance with the provisions of this  
17 subtitle may not be subject to arrest, prosecution, **REVOCAION OF MANDATORY**  
18 **SUPERVISION, PAROLE, OR PROBATION**, or any civil or administrative penalty, including  
19 a civil penalty or disciplinary action by a professional licensing board, or be denied any  
20 right or privilege, for the medical use of or possession of medical cannabis:

21 (1) A qualifying patient:

22 (i) In possession of an amount of medical cannabis determined by  
23 the Commission to constitute a 30–day supply; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) In possession of an amount of medical cannabis that is greater  
2 than a 30-day supply if the qualifying patient's certifying provider stated in the written  
3 certification that a 30-day supply would be inadequate to meet the medical needs of the  
4 qualifying patient;

5 (2) A grower licensed under § 13-3306 of this subtitle or a grower agent  
6 registered under § 13-3306 of this subtitle;

7 (3) A certifying provider;

8 (4) A caregiver;

9 (5) A dispensary licensed under § 13-3307 of this subtitle or a dispensary  
10 agent registered under § 13-3308 of this subtitle;

11 (6) A processor licensed under § 13-3309 of this subtitle or a processor  
12 agent registered under § 13-3310 of this subtitle;

13 (7) A hospital, medical facility, or hospice program where a qualifying  
14 patient is receiving treatment; or

15 (8) A third-party vendor authorized by the Commission to test, transport,  
16 or dispose of medical cannabis, medical cannabis products, or medical cannabis waste  
17 under the provisions of this subtitle.

18 (b) (1) A person may not distribute, possess, manufacture, or use cannabis  
19 that has been diverted from a qualifying patient, a caregiver, a licensed grower, or a  
20 licensed dispensary.

21 (2) A person who violates this subsection is guilty of a felony and on  
22 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000  
23 or both.

24 (3) The penalty under this subsection is in addition to any penalties that a  
25 person may be subject to for manufacture, possession, or distribution of marijuana under  
26 the Criminal Law Article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.