

HB0617/316981/1

BY: Health and Government Operations Committee and the
Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 617

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, after “Delegates” insert “Johnson,”; in the same line, after “Kipke,” insert “Lisanti,”; in the same line, strike “and Szeliga” and substitute “Szeliga, Pendergrass, Pena–Melnyk, Barron, Carr, Charles, Cullison, Hill, Krebs, Morgan, Reilly, Rosenberg, Sample–Hughes, and K. Young”; after line 3, insert “(Connor and Raina’s Law)”; in line 6, strike “an adult” and substitute “a certain number of additional adults”; in the same line, after “patient;” insert “specifying that the definition of “caregiver” does not include certain designated school personnel;”; in the same line, strike “altering” and substitute “specifying”; in line 7, after “have;” insert “authorizing a qualifying patient under the age of 18 years to obtain medical cannabis from certain designated school personnel;”; strike beginning with “repealing” in line 7 down through “purpose” in line 9 and substitute “exempting certain caregivers and designated school personnel from civil and criminal penalties relating to the administration of medical cannabis, subject to a certain exception; authorizing caregivers of certain students who are qualifying medical cannabis patients to administer medical cannabis to a student on school property, during school–sponsored activities, and on school buses”; strike beginning with “requiring” in line 13 down through “schools;” in line 17; in lines 12 and 19, in each instance, strike “after–school”; and strike beginning with “requiring” in line 19 down through “schools;” in line 20 and substitute “requiring the Maryland Board of Nursing and the Commission to submit a certain report on or before a certain date; making this Act an emergency measure;”.

On page 2, in line 2, after “13–3301(c)” insert a comma; in the same line, strike “and 13–3304(g)(6)” and substitute “13–3304(g)(5) and (6), and 13–3313(a)(8) and (9)”; and after line 4, insert:

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“BY adding to

Article – Health – General

Section 13–3304(g)(7) and (8) and 13–3313(a)(10)

Annotated Code of Maryland

(2019 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 15, after “(c)” insert “**(1)**”; in line 16, strike “(1)” and substitute “**(I)**”; in line 18, strike “(2)” and substitute “**(II)**”; in line 19, strike “(I)” and substitute “**1.**”; in line 20, strike “(II) AN” and substitute “**2. NOT MORE THAN TWO**”; in the same line, strike “ADULT” and substitute “**ADULTS**”; and after line 21, insert:

“(2) “CAREGIVER” DOES NOT INCLUDE ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7–446 OF THE EDUCATION ARTICLE.”.

AMENDMENT NO. 3

On page 2, after line 22, insert:

“(g) (5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis grower licensed by the Commission or a dispensary licensed by the Commission.

(ii) A qualifying patient under the age of 18 years may obtain medical cannabis only through [the]:

- 1. THE qualifying patient’s caregiver; OR**

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2. ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE.

AMENDMENT NO. 4

On page 2, in line 23, strike “(g)”; in the same line, strike the opening bracket; in line 25, strike the brackets; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A”; in the same line, strike “FOUR”; after line 26, insert:

“(III) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY HAVE NO MORE THAN FOUR CAREGIVERS.

(7) ANY DESIGNATED SCHOOL PERSONNEL DESCRIBED IN PARAGRAPH (5)(II) OF THIS SUBSECTION:

(I) MAY ADMINISTER TO A STUDENT ONLY MEDICAL CANNABIS:

1. THAT IS OBTAINED THROUGH THE STUDENT’S CAREGIVER; AND

2. IN ACCORDANCE WITH DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER’S WRITTEN INSTRUCTIONS; AND

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(II) ARE NOT REQUIRED TO REGISTER WITH THE COMMISSION UNDER THIS SUBTITLE.

(8) BEGINNING JUNE 1, 2020, A CAREGIVER MAY ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT OF THE CAREGIVER ON SCHOOL PROPERTY, DURING SCHOOL-SPONSORED ACTIVITIES, AND WHILE ON A SCHOOL BUS.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, 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:

(8) A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; [or]

(9) 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; OR

(10) DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE UNLESS THE ACT OR OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL MISCONDUCT.”;

and in line 29, strike “1” and substitute “31”.

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AMENDMENT NO. 5

On page 3, in line 1, strike “REGARDING” and substitute “ALLOWING”; in line 5, strike “INCLUDE” and substitute “ESTABLISH”; after line 5, insert:

“(1) THE SCHOOL PERSONNEL WHO ARE AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

“(2) SPECIFIC LOCATIONS, INCLUDING A REQUIREMENT THAT A SCHOOL ALLOW THE ADMINISTRATION OF MEDICAL CANNABIS IN THE SCHOOL BUILDING, WHERE MEDICAL CANNABIS MAY BE ADMINISTERED TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;”;

in lines 4 and 18, in each instance, strike “AFTER-SCHOOL”; in line 6, strike “(1)” and substitute “(3)”; in the same line, strike “SCHOOL NURSES” and substitute “ANY DESIGNATED SCHOOL PERSONNEL”; strike beginning with “ISSUES” in line 6 down through “INCLUDING:” in line 7 and substitute “SAFETY CONSIDERATIONS FOR PATIENT USE OF MEDICAL CANNABIS AS IT RELATES TO A SCHOOL SETTING;”; strike in their entirety lines 8 through 15, inclusive; in line 16, strike “(2)” and substitute “(4)”; strike beginning with the comma in line 18 down through “ASSESSMENT” in line 21; in line 22, strike “(3)” and substitute “(5)”; strike in their entirety lines 24 through 26, inclusive; after line 23, insert:

“(6) A PLAN FOR THE ADMINISTRATION OF MEDICAL CANNABIS THAT MUST INCLUDE LABELING AS WELL AS DOSING, TIMING, AND DELIVERY

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**ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER’S WRITTEN
INSTRUCTIONS;**

**(7) A CLEAR PROHIBITION ON ANY METHOD OF ADMINISTRATION
OF MEDICAL CANNABIS THAT INCLUDES SMOKING OR VAPING;”;**

in line 27, strike “(5)” and substitute “(8)”; in line 29, strike “AND”; and after line 29,
insert:

**“(9) WHETHER THE MEDICAL CANNABIS MAY BE RETAINED ON
SCHOOL GROUNDS AT THE END OF THE SCHOOL DAY OR SCHOOL-SPONSORED
ACTIVITY OR WHETHER IT MUST BE RETURNED TO THE STUDENT’S CAREGIVER;
AND”.**

AMENDMENT NO. 6

On page 4, in line 1, strike “(6)” and substitute “(10)”; in the same line, after
“OTHER” insert “NECESSARY GUIDELINES ON”; in lines 3 and 21, in each instance,
strike “AFTER-SCHOOL”; strike in their entirety lines 5 through 16, inclusive; in line
17, strike “(D)” and substitute “(C)”; in the same line, strike “(1)”; strike in their
entirety lines 22 through 28, inclusive, and substitute:

**“(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A SCHOOL
NURSE MAY NOT BE REQUIRED TO ADMINISTER MEDICAL CANNABIS TO A
STUDENT WHO IS A QUALIFYING PATIENT.**

**SECTION 2. AND BE IT FURTHER ENACTED, That in developing the
guidelines under § 7-446(a) of the Education Article, as enacted by Section 1 of this Act,
the Maryland Board of Nursing and the Natalie M. LaPrade Medical Cannabis
Commission shall:**

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(1) consider whether it is necessary to amend Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient; and

(2) on or before December 31, 2020, make recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article, on any amendments to Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient.”;

in line 29, strike “2.” and substitute “3.”; strike beginning with “shall” in line 29 down through “2020” in line 30 and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and shall take effect from the date it is enacted”.