

**2021 MDMDA SB 884 Reciprocity.pdf**

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## TESTIMONY ON BEHALF OF THE MARYLAND MEDICAL DISPENSARY ASSOCIATION

Senate Bill 884—Medical Cannabis—Visiting Qualifying Patients

### **SUPPORT**

Senate Finance Committee

March 11, 2021

The Maryland Medical Dispensary Association (MDMDA) was established in May, 2017 in order to promote the common interests and goals of the Medical Cannabis Dispensaries in Maryland. MDMDA advocates for laws, regulations and public policies that foster a healthy, professional and secure medical cannabis industry in the State. MDMDA works on the State and local level to advance the interests of licensed dispensaries as well as to provide a forum for the exchange of information in the Medical Cannabis Industry.

Senate Bill 190 allows a visiting qualifying patient to participate in Maryland's medical cannabis program so long as the visiting patient provides a licensed medical dispensary with appropriate photographic identification and certification that the individual participates in the medical cannabis program in his/her state of residence. A number of states already have programs in place that would allow reciprocity, including Washington, DC. The MDMDA supports such programs as they allow patients who are traveling, whether for business or for pleasure, the ability to obtain medication more easily. Considering the number of Americans who rely on medical cannabis to manage their health care conditions—nearly two million according to 2018 statistics--reciprocity is a commonsense measure.

For this simple and straightforward reason, we urge the Senate Finance Committee to vote favorably on Senate Bill 884.

**SB 884 ASA support letter .pdf**

Uploaded by: McDonald, Dustin

Position: FAV



March 9, 2021

The Honorable Delores Kelley  
Chair  
Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Brian Feldman  
Vice Chair  
Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, MD 21401

**RE: Support SB 884: Medical Cannabis - Visiting Qualifying Patients**

Dear Chair Kelley and Vice Chair Feldman:

On behalf of Americans for Safe Access, the oldest and largest national organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research, I am writing to urge support for SB 884 - *Medical Cannabis - Visiting Qualifying Patients*.

Despite the fact that 36 states have reformed their laws to provide for safe and legal access to cannabis for qualifying patients, patients traveling across these states as well as those who have not reformed their laws on cannabis still face a confusing system of federal and state laws regarding safe and legal access to cannabis. A patient may live in a state that authorizes possession and use of medical cannabis, but travel to a state that does not permit visiting patients to secure safe and legal access to medicine they need to treat underlying health conditions or mitigate related symptoms. Meanwhile federal law does not authorize state medical cannabis patients to travel across state lines with their cannabis medicine.

This confusing framework of laws creates significant challenges for patients who need to travel with their medication for work or pleasure. Traveling patients must choose between traveling, the ability to treat their health condition or choosing to violate federal and/or state law to travel with their medication across state lines or buy cannabis from unlicensed retailers in the state they are visiting.

To date 17 states, the District of Columbia and two U.S. territories maintain laws that permit qualified out-of-state medical cannabis patients to secure safe and legal access when visiting their states. These laws are critical to helping patients maintain legally compliant access to



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*ASA is the largest national nonprofit organization of patients, medical cannabis providers, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research with over 100,000 advocates in all 50 states.*

medication they need to treat their health condition when traveling. To keep patients up-to-date on the status of state laws that permit access, possession and use for visiting patients, ASA created the [Medical Cannabis Patient's Guide for U.S. Travel](#)<sup>1</sup>. This document provides a summary of each state reciprocity law to help patients who need to travel with their medical cannabis do so in a manner that is legally compliant. Maryland's addition to this guide would be welcome, particularly given the roughly 42 million visitors who come to Maryland each year<sup>2</sup>.

Many of these visitors are patients hailing from one of 36 states or the District of Columbia with a legal medical cannabis program. And whether that medicine is a federally-compliant FDA approved product or a state-compliant cannabis product, these visiting patients maintain the same needs as Maryland patients regarding safe and legal access to it. As such Americans for Safe Access urges the Maryland Finance Committee and the Maryland General Assembly to approve SB 884.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Dustin McDonald". The signature is written in a cursive, flowing style.

Dustin McDonald, Interim Policy Director  
Americans for Safe Access

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<sup>1</sup> <https://www.safeaccessnow.org/travel>

<sup>2</sup> [file:///C:/Users/mcdon/Downloads/https\\_\\_\\_industry.visitmaryland.org\\_wp-content\\_uploads\\_2020\\_10\\_Maryland\\_FY19\\_AnnualReport-Rev100220\\_V11.pdf](file:///C:/Users/mcdon/Downloads/https___industry.visitmaryland.org_wp-content_uploads_2020_10_Maryland_FY19_AnnualReport-Rev100220_V11.pdf)

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Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



March 11, 2021

The Honorable Delores Kelley  
Chair, Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SB 884 – Medical Cannabis – Visiting Qualifying Patient – Letter of Information**

Dear Chair Kelley and Committee Members:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for Senate Bill (SB) 884 entitled “Medical Cannabis – Visiting Qualifying Patient.” SB 884 authorizes a visiting qualifying medical cannabis patient who resides in another state to obtain medical cannabis at a licensed dispensary in Maryland upon providing to the dispensary (1) documentation that the individual has a valid medical cannabis certification issued by the individual’s state of residence; and (2) photographic identification or a valid driver’s license issued by the individual’s state of residence.

Medical cannabis is legal in 34 states and the District of Columbia. The vast majority of these jurisdictions require patients to be a resident of, or live in, the state. States prohibit access for non-residents because the federal Controlled Substances Act prohibits the manufacture, distribution, transport, possession or use of cannabis, and subsequently (1) interstate transport of cannabis remains illegal; and (2) state protections for patients against arrest or prosecution do not extend beyond state lines. This means an out-of-state patient who purchases medical cannabis in Maryland may not be protected under any other state law. Furthermore, allowing out-of-state patients to obtain medical cannabis from Maryland dispensaries significantly increases the risk of interstate transport of cannabis from the State.

The Commission notes that as introduced, SB 884 establishes a system for permitting out-of-state patients to purchase medical cannabis without regulatory oversight which creates a high potential for diversion (i.e. the transfer of legally obtained medical cannabis from the patient to another person for any illicit use). As referenced above, medical cannabis remains illegal at the federal level under the Controlled Substances Act, and federal authorities may enforce laws involving cannabis where they have jurisdiction. Since the federal government has jurisdiction over interstate commerce, the sole act of transporting cannabis across state lines is a federal offense, regardless of whether cannabis is legal in the state where it is being transported. Guidance from the U.S. Justice Department states that due to limited resources, the federal government will not enforce the federal cannabis prohibition in states that legalized cannabis *except where lack of federal enforcement would undermine federal priorities*. One of the eight federal priority areas identified by the U.S. Department of Justice includes enforcing drug cases involving “Diversion of cannabis from states where it is legal under state law in some form to other states.”

Furthermore, as introduced, SB884 puts out-of-state patients first and Marylanders second. The bill does not contain any requirement that out-of-state patients register with the Commission, nor

does the bill limit or track out-of-state patients or purchases in any way. This means that the Commission has no ability to monitor which out-of-state patients are purchasing medical cannabis in Maryland, or the amount that is being purchased. Maryland law limits the amount of medical cannabis that registered patients may purchase within a 30-day period and tracks that allotment through the State’s seed-to-sale inventory system. SB 884 would not require the same tracking or limitation on quantity for out-of-state patients, permitting out-of-state patients to purchase an unlimited amount of medical cannabis at the expense of similarly situated Maryland residents.

If the General Assembly is interested in extending access to medical cannabis in Maryland to out-of-state patients, the Commission proposes that the bill be amended to treat out-of-state patients the same as Maryland residents. This means (1) out-of-state patients must possess a valid medical cannabis patient license or registration from another state, and (2) requiring the out-of-state patient to register with the Commission. This would enable the Commission to track the medical cannabis products sold to ensure that the patient does not receive more than the authorized amount and that products are not diverted to non-patients. These amendments are set forth below.

**Article – Health-General**  
13-3301.

**(P) “VISITING QUALIFYING PATIENT” MEANS AN INDIVIDUAL WHO PROVIDES TO A DISPENSARY:**

**(1) ~~DOCUMENTATION THAT THE INDIVIDUAL HAS A VALID MEDICAL CANNABIS CERTIFICATION ISSUED BY THE INDIVIDUAL’S STATE OF RESIDENCE;~~ HOLDS A VALID MEDICAL CANNABIS PATIENT LICENSE OR REGISTRATION ISSUED BY ANOTHER STATE; AND**

**(2) ~~Photographic identification or a valid driver’s license issued by the individual’s state of residence.~~ REGISTERS WITH THE COMMISSION.**

The Commission appreciates the work the General Assembly has done over the past seven years to advance the medical cannabis program. If you would like to discuss this further, please contact Taylor Kasky, Director, Policy and Government Affairs, at (443) 915-5297 or at [taylors.kasky@maryland.gov](mailto:taylors.kasky@maryland.gov).

Sincerely,



William Tilburg, JD, MPH  
Executive Director  
Maryland Medical Cannabis Commission

cc: Members of the Senate Finance Committee  
Enclosure – Attachment – States with Reciprocity for Out-of-State Medical Cannabis Patients



## ATTACHMENT

### STATES WITH RECIPROCITY FOR OUT-OF-STATE MEDICAL CANNABIS PATIENTS

The following states authorize a visiting qualifying medical cannabis patient to obtain medical cannabis at a licensed dispensary in the visiting state:

**Arkansas.** Arkansas accepts out-of-state medical cannabis ID cards. Out-of-state medical cannabis patients must complete the out-of-state registration and pay a \$50 visiting patient application fee. Those approved may purchase medical cannabis in Arkansas for 30 days.  
[https://www.dfa.arkansas.gov/images/uploads/medicalMarijuanaCommission/ABC\\_MMRules.pdf](https://www.dfa.arkansas.gov/images/uploads/medicalMarijuanaCommission/ABC_MMRules.pdf)

**Hawaii.** Out-of-state medical cannabis patients may apply for registration for an \$49.50 application fee. Using the online registration system, qualified patients can obtain an electronic registration card up to 60 days before their arrival in Hawaii. The process requires applicants to submit an ID and their medical cannabis registration from their home state. The registration card is valid for 60 days, and patients can apply twice in a calendar year.  
Act 116, Session Laws of Hawaii 2018, Section 2.

**Maine.** Dispensaries accept medical cannabis credentials from other states if those states allow them to use their credentials to purchase medical cannabis in Maine.  
PL 2017, c. 452, §3 (AMD)

**Michigan.** A qualifying medical cannabis patient, who is not a resident of the state or who has been a resident of the state for less than 30 days, may purchase medical cannabis in Michigan using an out-of-state medical cannabis registration card.  
MI Compiled Laws §333.26423

**Nevada.** Nevada recognizes nonresident medical cannabis identification cards. Each dispensary that recognizes a nonresident ID card shall enter the information it obtains into the electronic verification system.  
NAC 453A.454

**New Mexico.** New Mexico recognizes out-of-state medical cannabis cardholders as reciprocal patients. A reciprocal patient means an individual who holds proof of authorization to participate in the medical cannabis program in another state of the United States, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe, or pueblo.  
NM Stat §26-2B-3

**Oklahoma.** Oklahoma provides a medical cannabis temporary adult patient license, which allows a person with a valid medical cannabis license from another state to legally buy, use, and grow medical cannabis and medical cannabis products in Oklahoma.  
OAC 310:681-2-1 and OAC 310:681-2-2

**Rhode Island.** Rhode Island accepts out-of-state medical cannabis cards. Out-of-state cards are limited to states that track medical cannabis sales.

**Washington, DC.** As of 2019, patients from any state with a medical cannabis program may use their medical cannabis cards to purchase medical cannabis at a DC dispensary.