
By: **Delegates Murphy, Brinkley, Dembrow, Pendergrass, Montague,
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Marriott, Rzepkowski, La Vay, Pitkin, Riley, C. Davis, Menes, Greenip,
Gladden, Grosfeld, Dewberry, Klausmeier, DeCarlo, Carlson, Kittleman,
Hubers, and Redmer**

Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **The Darrell Putman Compassionate Use Act**

3 FOR the purpose of allowing certain individuals who have certain medical conditions
4 to possess marijuana and related drug paraphernalia under certain
5 circumstances; allowing certain individuals related to qualifying patients to
6 possess marijuana and related drug paraphernalia under certain circumstances;
7 providing that certain physicians who make certain statements are not in
8 violation of certain laws; prohibiting certain property related to the medical use
9 of marijuana from being treated in a certain manner under certain
10 circumstances; providing that certain individuals who are in certain locations
11 with a qualifying patient are not in violation of certain laws under certain
12 circumstances; establishing a certain defense and presumption; providing that
13 authorization for the medical use of marijuana provided under this Act does not
14 apply under certain circumstances; providing that insurance coverage is not
15 required for the medical use of marijuana; providing that accommodation of the
16 medical use of marijuana may not be required in any place of employment;
17 prohibiting certain fraudulent representations regarding the medical use of
18 marijuana; establishing certain penalties; providing that certain laws relating
19 to drug paraphernalia do not apply to the medical use of marijuana; requiring
20 the Department of Health and Mental Hygiene to issue certain registry
21 identification cards to certain individuals under certain circumstances;
22 requiring an individual who possesses a registry identification card to notify the
23 Department of certain changes; requiring the Department to maintain a list of
24 individuals to whom a registry identification card has been issued; requiring the
25 Department to adopt certain regulations; declaring the findings and intent of
26 the General Assembly; making technical changes; defining certain terms;
27 making provisions of this Act severable; and generally relating to the medical
28 use of marijuana.

29 BY renumbering

30 Article 27 - Crimes and Punishments

1 Section 287A(b), (d), and (e), respectively
2 to be Section 287A(c), (e), and (f), respectively
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article 27 - Crimes and Punishments
7 Section 287(a)
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 2000 Supplement)

10 BY adding to
11 Article 27 - Crimes and Punishments
12 Section 287A(b) and 292
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 287A(c)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2000 Supplement)

20 BY adding to
21 Article - Health - General
22 Section 20-701 and 20-702 to be under the new subtitle "Subtitle 7. Registry
23 Identification Cards"
24 Annotated Code of Maryland
25 (2000 Replacement Volume)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That Section(s) 287A(b), (d), and (e), respectively, of Article 27 - Crimes
28 and Punishments of the Annotated Code of Maryland be renumbered to be Section(s)
29 287A(c), (e), and (f), respectively.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
31 read as follows:

1

Article 27 - Crimes and Punishments

2 287.

3 Except as authorized by this subheading, it is unlawful for any person:

4 (a) To possess or administer to another any controlled dangerous substance,
5 unless such substance was obtained directly, or pursuant to a valid prescription or
6 order from a practitioner, while acting in the course of his professional practice.

7 287A.

8 (B) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO
9 POSSESS MARIJUANA UNDER § 292 OF THIS SUBHEADING.

10 [(c)] (D) It is unlawful for any person to use, or to possess with intent to use,
11 drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
12 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
13 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a
14 controlled dangerous substance in violation of this subheading. Any person who
15 violates this subsection is guilty of a misdemeanor and upon conviction for a first
16 offense may be fined not more than \$500. A person who is convicted of a subsequent
17 violation of this subsection may be imprisoned for not more than 2 years or fined not
18 more than \$2,000 or both. Any person convicted of violating this subsection who
19 previously has been convicted of violating subsection [(d)(2)] (E)(2) OF THIS SECTION
20 shall be subject to the same penalties specified for subsequent violations of this
21 subsection.

22 292.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "ADEQUATE SUPPLY" MEANS AN AMOUNT OF MARIJUANA
26 COLLECTIVELY POSSESSED BY A QUALIFYING PATIENT AND THE QUALIFYING
27 PATIENT'S PRIMARY CAREGIVER THAT:

28 (I) IS NOT MORE THAN IS REASONABLY NECESSARY TO ENSURE
29 THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF
30 ALLEVIATING THE SYMPTOMS OR EFFECTS OF A QUALIFYING PATIENT'S
31 DEBILITATING MEDICAL CONDITION; AND

32 (II) DOES NOT EXCEED THREE MATURE MARIJUANA PLANTS, FOUR
33 IMMATURE MARIJUANA PLANTS, AND 1 OUNCE OF USABLE MARIJUANA PER EACH
34 MATURE PLANT.

35 (3) "DEBILITATING MEDICAL CONDITION" MEANS:

1 (I) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN
2 IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, OR THE
3 TREATMENT OF THESE CONDITIONS;

4 (II) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
5 CONDITION, OR ITS TREATMENT, THAT PRODUCES ONE OR MORE OF THE
6 FOLLOWING:

7 1. CACHEXIA OR WASTING SYNDROME, SEVERE PAIN, OR
8 SEVERE NAUSEA;

9 2. SEIZURES, INCLUDING THOSE THAT ARE
10 CHARACTERISTIC OF EPILEPSY; OR

11 3. SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING
12 THOSE THAT ARE CHARACTERISTIC OF MULTIPLE SCLEROSIS OR CROHN'S DISEASE;
13 OR

14 (III) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT
15 APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER ITS
16 AUTHORITY TO ADOPT REGULATIONS FOR CONSIDERING REQUESTS SUBMITTED BY
17 PHYSICIANS OR POTENTIALLY QUALIFYING PATIENTS TO ADD DEBILITATING
18 MEDICAL CONDITIONS TO THOSE INCLUDED UNDER ITEMS (I) AND (II) OF THIS
19 PARAGRAPH.

20 (4) "MARIJUANA" INCLUDES MARIJUANA CONCENTRATE.

21 (5) "MEDICAL USE" MEANS:

22 (I) THE ACQUISITION, POSSESSION, CULTIVATION, USE, OR
23 TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE
24 ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS OR EFFECTS OF A
25 QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION; OR

26 (II) THE TRANSFER BETWEEN A QUALIFYING PATIENT AND THE
27 QUALIFYING PATIENT'S PRIMARY CAREGIVER OF MARIJUANA OR PARAPHERNALIA
28 RELATING TO THE ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS
29 OR EFFECTS OF THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

30 (6) "PATIENT" MEANS AN INDIVIDUAL WHO HAS BEEN DIAGNOSED WITH
31 A MEDICAL CONDITION BY A PHYSICIAN AND FOR WHOM THE POTENTIAL BENEFITS
32 OF THE MEDICAL USE OF MARIJUANA TO TREAT THE MEDICAL CONDITION WOULD
33 LIKELY OUTWEIGH THE HEALTH RISKS FOR THE INDIVIDUAL.

34 (7) "PHYSICIAN" MEANS AN INDIVIDUAL WHO HAS A LICENSE TO
35 PRACTICE MEDICINE, AND IS LICENSED TO PRESCRIBE DRUGS, UNDER TITLE 14 OF
36 THE HEALTH OCCUPATIONS ARTICLE.

37 (8) "PRIMARY CAREGIVER" MEANS AN INDIVIDUAL, OTHER THAN THE
38 QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S PHYSICIAN, WHO IS AT

1 LEAST 18 YEARS OLD AND HAS AGREED TO UNDERTAKE RESPONSIBILITY FOR
2 MANAGING THE WELL-BEING OF A PATIENT WITH RESPECT TO THE MEDICAL USE OF
3 MARIJUANA.

4 (9) "QUALIFYING PATIENT" MEANS AN INDIVIDUAL WHO HAS BEEN
5 DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.

6 (10) (I) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND
7 FLOWERS OF A MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION OF THE
8 DRIED LEAVES AND FLOWERS, THAT ARE APPROPRIATE FOR THE MEDICAL USE OF
9 MARIJUANA.

10 (II) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS, STALKS,
11 AND ROOTS OF A MARIJUANA PLANT.

12 (11) "WRITTEN CERTIFICATION" MEANS A QUALIFYING PATIENT'S
13 MEDICAL RECORDS OR A STATEMENT SIGNED BY A QUALIFYING PATIENT'S
14 PHYSICIAN STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER
15 HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL
16 HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA
17 FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT HAS A
18 DEBILITATING MEDICAL CONDITION AND THE POTENTIAL BENEFITS OF THE
19 MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR
20 THE QUALIFYING PATIENT.

21 (B) (1) THE GENERAL ASSEMBLY FINDS THAT STATE LAW SHOULD MAKE A
22 DISTINCTION BETWEEN THE MEDICAL AND NONMEDICAL USE OF MARIJUANA.

23 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY:

24 (I) TO ENSURE THAT PHYSICIANS ARE NOT PENALIZED FOR
25 DISCUSSING MARIJUANA AS A TREATMENT OPTION WITH THEIR PATIENTS; AND

26 (II) TO ENSURE THAT SERIOUSLY ILL INDIVIDUALS WHO ENGAGE
27 IN THE MEDICAL USE OF MARIJUANA ON THEIR PHYSICIANS' ADVICE ARE NOT
28 ARRESTED AND INCARCERATED FOR USING MARIJUANA FOR MEDICAL PURPOSES.

29 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY:

30 (1) A QUALIFYING PATIENT WHO HAS IN THE QUALIFYING PATIENT'S
31 POSSESSION WRITTEN CERTIFICATION, OR A REGISTRY IDENTIFICATION CARD
32 ISSUED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER § 20-702 OF
33 THE HEALTH - GENERAL ARTICLE, SHALL NOT BE SUBJECT TO ARREST OR
34 PROSECUTION, OR BE PENALIZED IN ANY MANNER, FOR THE MEDICAL USE OF
35 MARIJUANA, PROVIDED THE QUANTITY OF MARIJUANA DOES NOT EXCEED AN
36 ADEQUATE SUPPLY;

37 (2) WHEN THE ACQUISITION, POSSESSION, CULTIVATION,
38 TRANSPORTATION, OR ADMINISTRATION OF MARIJUANA BY A QUALIFYING PATIENT
39 IS NOT PRACTICABLE, THE LEGAL PROTECTIONS ESTABLISHED BY THIS SECTION

1 FOR A QUALIFYING PATIENT SHALL EXTEND TO THE QUALIFYING PATIENT'S
2 PRIMARY CAREGIVER, PROVIDED THAT THE PRIMARY CAREGIVER'S ACTIONS ARE
3 NECESSARY FOR THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA; AND

4 (3) A PHYSICIAN MAY NOT BE SUBJECTED TO ARREST OR CRIMINAL
5 PROSECUTION, OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR PROVIDING WRITTEN
6 CERTIFICATION FOR THE MEDICAL USE OF MARIJUANA TO QUALIFYING PATIENTS.

7 (D) (1) ANY PROPERTY THAT IS POSSESSED, OWNED, OR USED IN
8 CONNECTION WITH THE MEDICAL USE OF MARIJUANA OR ACTS INCIDENTAL TO THE
9 MEDICAL USE OF MARIJUANA MAY NOT BE HARMED, NEGLECTED, INJURED, OR
10 DESTROYED WHILE IN THE POSSESSION OF STATE OR LOCAL LAW ENFORCEMENT
11 OFFICIALS, PROVIDED THAT LAW ENFORCEMENT AGENCIES SEIZING LIVE
12 MARIJUANA PLANTS AS EVIDENCE SHALL NOT BE RESPONSIBLE FOR THE CARE AND
13 MAINTENANCE OF THE PLANTS.

14 (2) ANY PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
15 MAY NOT BE FORFEITED UNDER ANY PROVISION OF STATE OR LOCAL LAW
16 PROVIDING FOR THE FORFEITURE OF PROPERTY OTHER THAN AS A SENTENCE
17 IMPOSED AFTER CONVICTION OF A CRIMINAL OFFENSE OR ENTRY OF A PLEA OF
18 GUILTY TO A CRIMINAL OFFENSE.

19 (3) MARIJUANA, PARAPHERNALIA, AND OTHER PROPERTY SEIZED IN
20 CONNECTION WITH THE CLAIMED MEDICAL USE OF MARIJUANA SHALL BE
21 RETURNED IMMEDIATELY ON THE DETERMINATION BY A COURT OR PROSECUTOR
22 THAT THE QUALIFYING PATIENT OR PRIMARY CAREGIVER IS ENTITLED TO THE
23 PROTECTIONS CONTAINED IN THIS SECTION, AS MAY BE EVIDENCED BY A DECISION
24 NOT TO PROSECUTE, A DISMISSAL OF CHARGES, OR AN ACQUITTAL.

25 (E) AN INDIVIDUAL MAY NOT BE ARRESTED OR PROSECUTED FOR A CRIMINAL
26 OFFENSE SOLELY FOR BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE
27 OF MARIJUANA.

28 (F) (1) A PATIENT OR PRIMARY CAREGIVER MAY ASSERT THE MEDICAL USE
29 OF MARIJUANA AS A DEFENSE TO ANY PROSECUTION INVOLVING MARIJUANA.

30 (2) THE DEFENSE SHALL BE PRESUMED VALID IF THE EVIDENCE SHOWS
31 THAT:

32 (I) THE PATIENT'S MEDICAL RECORDS INDICATE THAT, IN THE
33 PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL
34 ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL
35 CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT
36 RELATIONSHIP, THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA
37 WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT; AND

38 (II) THE PATIENT AND THE PATIENT'S PRIMARY CAREGIVER WERE
39 COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS
40 MEDICALLY JUSTIFIED TO ADDRESS THE PATIENT'S DEBILITATING MEDICAL
41 CONDITION.

1 (G) THE AUTHORIZATION FOR THE MEDICAL USE OF MARIJUANA UNDER THIS
2 SECTION SHALL NOT APPLY TO:

3 (1) THE MEDICAL USE OF MARIJUANA IN A WAY THAT ENDANGERS THE
4 HEALTH OR WELL-BEING OF ANOTHER PERSON, SUCH AS DRIVING OR OPERATING
5 HEAVY MACHINERY WHILE UNDER THE INFLUENCE OF MARIJUANA;

6 (2) THE SMOKING OF MARIJUANA IN PUBLIC, INCLUDING ON PUBLIC
7 TRANSPORTATION; AND

8 (3) THE USE OF MARIJUANA BY A QUALIFYING PATIENT, PRIMARY
9 CAREGIVER, OR ANY OTHER INDIVIDUAL FOR PURPOSES OTHER THAN MEDICAL USE
10 AUTHORIZED UNDER THIS SECTION.

11 (H) INSURANCE COVERAGE IS NOT REQUIRED FOR THE MEDICAL USE OF
12 MARIJUANA.

13 (I) THE ACCOMMODATION OF THE MEDICAL USE OF MARIJUANA MAY NOT BE
14 REQUIRED IN ANY PLACE OF EMPLOYMENT.

15 (J) (1) A PERSON MAY NOT MAKE A FRAUDULENT REPRESENTATION TO A
16 LAW ENFORCEMENT OFFICIAL OF ANY FACT OR CIRCUMSTANCE RELATING TO THE
17 MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION.

18 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
20 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

21 **Article - Health - General**

22 **SUBTITLE 7. REGISTRY IDENTIFICATION CARDS.**

23 20-701.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "DEBILITATING MEDICAL CONDITION" HAS THE MEANING STATED IN
27 ARTICLE 27, § 292(A) OF THE CODE.

28 (C) "MARIJUANA" HAS THE MEANING STATED IN ARTICLE 27, § 292(A) OF THE
29 CODE.

30 (D) "MEDICAL USE" HAS THE MEANING STATED IN ARTICLE 27, § 292(A) OF THE
31 CODE.

32 (E) "PATIENT" HAS THE MEANING STATED IN ARTICLE 27, § 292(A) OF THE
33 CODE.

1 (F) "PHYSICIAN" HAS THE MEANING STATED IN ARTICLE 27, § 292(A) OF THE
2 CODE.

3 (G) "PRIMARY CAREGIVER" HAS THE MEANING STATED IN ARTICLE 27, § 292(A)
4 OF THE CODE.

5 (H) "QUALIFYING PATIENT" HAS THE MEANING STATED IN ARTICLE 27, § 292(A)
6 OF THE CODE.

7 (I) "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE
8 DEPARTMENT THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT OR
9 PRIMARY CAREGIVER.

10 20-702.

11 (A) ON OR BEFORE JANUARY 1, 2002, THE DEPARTMENT SHALL ADOPT
12 REGULATIONS GOVERNING THE MANNER IN WHICH THE DEPARTMENT WILL
13 CONSIDER APPLICATIONS FOR REGISTRY IDENTIFICATION CARDS, AND FOR
14 RENEWING REGISTRY IDENTIFICATION CARDS, FOR QUALIFYING PATIENTS AND
15 PRIMARY CAREGIVERS.

16 (B) THE DEPARTMENT SHALL ISSUE REGISTRY IDENTIFICATION CARDS TO
17 QUALIFYING PATIENTS, AND TO QUALIFYING PATIENTS' PRIMARY CAREGIVERS, IF
18 ANY, WHO SUBMIT, IN ACCORDANCE WITH THE DEPARTMENT'S REGULATIONS, THE
19 FOLLOWING:

20 (1) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A QUALIFYING
21 PATIENT;

22 (2) A REGISTRATION FEE, NOT TO EXCEED \$25 PER QUALIFYING
23 PATIENT;

24 (3) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE QUALIFYING
25 PATIENT;

26 (4) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
27 QUALIFYING PATIENT'S PHYSICIAN; AND

28 (5) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE QUALIFYING
29 PATIENT'S PRIMARY CAREGIVER, IF THE QUALIFYING PATIENT HAS DESIGNATED A
30 PRIMARY CAREGIVER AT THE TIME OF APPLICATION.

31 (C) (1) THE DEPARTMENT SHALL VERIFY THE INFORMATION CONTAINED IN
32 AN APPLICATION SUBMITTED UNDER THIS SECTION, AND SHALL APPROVE OR DENY
33 AN APPLICATION WITHIN 30 DAYS AFTER RECEIPT OF THE APPLICATION.

34 (2) THE DEPARTMENT MAY DENY AN APPLICATION ONLY IF THE
35 APPLICANT DID NOT PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION,
36 OR IF THE DEPARTMENT DETERMINES THAT THE INFORMATION PROVIDED WAS
37 FALSIFIED.

1 (3) AN INDIVIDUAL WHOSE APPLICATION HAS BEEN DENIED MAY NOT
2 REAPPLY FOR AT LEAST 6 MONTHS AFTER THE DATE OF THE DENIAL, UNLESS
3 AUTHORIZED TO DO SO BY THE DEPARTMENT OR A COURT OF COMPETENT
4 JURISDICTION.

5 (D) (1) THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD
6 WITHIN 5 DAYS AFTER APPROVING AN APPLICATION.

7 (2) A REGISTRY IDENTIFICATION CARD:

8 (I) SHALL EXPIRE 1 YEAR AFTER THE DATE OF ISSUANCE; AND

9 (II) SHALL CONTAIN:

10 1. THE NAME, ADDRESS, AND DATE OF BIRTH OF THE
11 QUALIFYING PATIENT, AND OF THE QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF
12 ANY;

13 2. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
14 REGISTRY IDENTIFICATION CARD; AND

15 3. ANY OTHER INFORMATION THAT THE DEPARTMENT MAY
16 SPECIFY IN ITS REGULATIONS.

17 (E) (1) AN INDIVIDUAL WHO POSSESSES A REGISTRY IDENTIFICATION CARD
18 SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN:

19 (I) THE INDIVIDUAL'S NAME OR ADDRESS;

20 (II) THE QUALIFYING PATIENT'S PHYSICIAN OR PRIMARY
21 CAREGIVER; OR

22 (III) THE STATUS OF THE QUALIFYING PATIENT'S DEBILITATING
23 MEDICAL CONDITION.

24 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
25 SHALL BE GIVEN WITHIN 10 DAYS AFTER THE OCCURRENCE OF A CHANGE
26 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

27 (3) IF NOTICE IS NOT GIVEN AS REQUIRED UNDER THIS SUBSECTION,
28 THE INDIVIDUAL'S REGISTRY IDENTIFICATION CARD SHALL BE DEEMED NULL AND
29 VOID.

30 (F) THE POSSESSION OF OR APPLICATION FOR A REGISTRY IDENTIFICATION
31 CARD SHALL NOT, IN ITSELF, CONSTITUTE PROBABLE CAUSE TO SEARCH THE
32 PERSON OR PROPERTY OF AN INDIVIDUAL POSSESSING OR APPLYING FOR THE
33 REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT THE PERSON OR
34 PROPERTY OF AN INDIVIDUAL POSSESSING THE REGISTRY IDENTIFICATION CARD TO
35 INSPECTION BY ANY GOVERNMENTAL AGENCY.

1 (G) (1) THE DEPARTMENT SHALL MAINTAIN A LIST OF THE INDIVIDUALS TO
2 WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.

3 (2) THE NAMES OF INDIVIDUALS ON THE LIST SHALL BE CONFIDENTIAL
4 AND NOT SUBJECT TO DISCLOSURE EXCEPT TO:

5 (I) AUTHORIZED EMPLOYEES OF THE DEPARTMENT AS
6 NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR

7 (II) AUTHORIZED EMPLOYEES OF STATE OR LOCAL LAW
8 ENFORCEMENT AGENCIES FOR THE PURPOSE OF VERIFYING THAT AN INDIVIDUAL
9 WHO IS ENGAGED IN THE SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS
10 LAWFULLY IN POSSESSION OF A REGISTRY IDENTIFICATION CARD.

11 SECTION 3. AND BE IT FURTHER ENACTED, That, within 90 days after the
12 effective date of this Act, the Department of Health and Mental Hygiene shall adopt
13 regulations governing the manner in which it will consider petitions submitted by
14 physicians or patients to add debilitating medical conditions to those included in the
15 definition of "debilitating medical condition" contained in Article 27, § 292(a)(3) of the
16 Code, as enacted by Section 2 of this Act. The regulations shall require that, in
17 considering a petition submitted by a physician or patient, the Department shall
18 provide public notice of, and an opportunity to comment in a public hearing on, the
19 petition. After public hearing, the Department shall approve or deny a petition within
20 180 days after its submission. The approval or denial shall be considered a final
21 action by the Department, subject to judicial review.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, if any provision of this
23 Act or the application thereof to any person or circumstance is held invalid for any
24 reason in a court of competent jurisdiction, the invalidity does not affect other
25 provisions or any other application of this Act which can be given effect without the
26 invalid provision or application, and for this purpose the provisions of this Act are
27 declared severable.

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2001.