
By: **Delegates Murphy, Brinkley, Dembrow, Pendergrass, Montague, Snodgrass, Baldwin, Hecht, Kagan, Valderrama, Turner, Rosso, Marriott, Rzepkowski, La Vay, Pitkin, Riley, C. Davis, Menes, Greenip, Gladden, Grosfeld, Dewberry, Klausmeier, DeCarlo, Carlson, Bates, Hubers, Redmer, Ports, Barve, Bobo, Boutin, Cole, Dobson, Dypski, Fulton, Griffith, Hammen, Hurson, Kirk, Kopp, Krysiak, McHale, McIntosh, Minnick, Mohorovic, Morhaim, Nathan-Pulliam, Oaks, Paige, Phillips, and Rosenberg**

Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Darrell Putnam 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.

1 BY renumbering
2 Article - Criminal Law
3 Section 5-619(b), (c), (d), (e), and (f), respectively
4 to be Section 5-619(c), (d), (e), (f), and (g), respectively
5 Annotated Code of Maryland
6 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
7 2002)

8 BY repealing and reenacting, without amendments,
9 Article - Criminal Law
10 Section 5-601(a)
11 Annotated Code of Maryland
12 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
13 2002)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 5-619(e)
17 Annotated Code of Maryland
18 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly or
19 2002)
20 (As enacted by Section 1 of this Act)

21 BY adding to
22 Article - Criminal Law
23 Section 5-619(b); and 5-631 to be under the new part "Part V. Medical Use of
24 Marijuana"
25 Annotated Code of Maryland
26 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
27 2002)

28 BY adding to
29 Article - Health - General
30 Section 20-701 and 20-702 to be under the new subtitle "Subtitle 7. Registry
31 Identification Cards"
32 Annotated Code of Maryland
33 (2000 Replacement Volume and 2001 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That Section(s) 5-619(b), (c), (d), (e), and (f), respectively, of Article -
36 Criminal Law of the Annotated Code of Maryland (as enacted by Chapter ____ (H.B.
37 11) of the Acts of the General Assembly of 2002) be renumbered to be Section(s)
38 5-619(c), (d), (e), (f), and (g), respectively.

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

3 **Article - Criminal Law**

4 5-601.

5 (a) Except as otherwise provided in this title, a person may not:

6 (1) possess or administer to another a controlled dangerous substance,
7 unless obtained directly or by prescription or order from an authorized provider
8 acting in the course of professional practice; or

9 (2) obtain or attempt to obtain a controlled dangerous substance, or
10 procure or attempt to procure the administration of a controlled dangerous substance
11 by:

12 (i) fraud, deceit, misrepresentation, or subterfuge;

13 (ii) the counterfeiting or alteration of a prescription or a written
14 order;

15 (iii) the concealment of a material fact;

16 (iv) the use of a false name or address;

17 (v) falsely assuming the title of or representing to be a
18 manufacturer, distributor, or authorized provider; or

19 (vi) making, issuing, or presenting a false or counterfeit
20 prescription or written order.

21 5-619.

22 (B) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO
23 POSSESS MARIJUANA UNDER § 5-631 OF THIS SUBTITLE.

24 (e) (1) Unless authorized under this title, a person may not use or possess
25 with intent to use drug paraphernalia to:

26 (i) plant, propagate, cultivate, grow, harvest, manufacture,
27 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
28 contain, or conceal a controlled dangerous substance; or

29 (ii) inject, ingest, inhale, or otherwise introduce into the human
30 body a controlled dangerous substance.

31 (2) A person who violates this subsection is guilty of a misdemeanor and
32 on conviction is subject to:

33 (i) for a first violation, a fine not exceeding \$500; and

1 (ii) for each subsequent violation, imprisonment not exceeding 2
2 years or a fine not exceeding \$2,000 or both.

3 (3) A person who is convicted of violating this subsection for the first
4 time and who previously has been convicted of violating subsection [(e)(4)] (F)(4) of
5 this section is subject to the penalty specified under paragraph (2)(ii) of this
6 subsection.

7 5-629. RESERVED.

8 5-630. RESERVED.

9 PART V. MEDICAL USE OF MARIJUANA.

10 5-631.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

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

16 (I) IS NOT MORE THAN IS REASONABLY NECESSARY TO ENSURE
17 THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF
18 ALLEVIATING THE SYMPTOMS OF EFFECTS OF A QUALIFYING PATIENT'S
19 DEBILITATING MEDICAL CONDITION; AND

20 (II) DOES NOT EXCEED THREE MATURE MARIJUANA PLANTS, FOUR
21 IMMATURE PLANTS, AND THREE OUNCES OF USABLE MARIJUANA.

22 (3) "DEBILITATING MEDICAL CONDITION" MEANS:

23 (I) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN
24 IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, OR THE
25 TREATMENT OF THESE CONDITIONS;

26 (II) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
27 CONDITION, OR ITS TREATMENT, THAT PRODUCES ONE OF MORE OF THE
28 FOLLOWING:

29 1. CACHEXIA OR WASTING SYNDROME, SEVERE PAIN, OR
30 SEVERE NAUSEA;

31 2. SEIZURES, INCLUDING THOSE THAT ARE
32 CHARACTERISTIC OF EPILEPSY; OR

33 3. SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING
34 THOSE THAT ARE CHARACTERISTIC OF MULTIPLE SCLEROSIS OR CROHN'S DISEASE;
35 OR

1 (III) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT
2 APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER ITS
3 AUTHORITY TO ADOPT REGULATIONS FOR CONSIDERING REQUESTS SUBMITTED BY
4 PHYSICIANS OR POTENTIALLY QUALIFYING PATIENTS TO ADD DEBILITATING
5 MEDICAL CONDITIONS TO THOSE INCLUDED UNDER ITEMS (I) AND (II) OF THIS
6 PARAGRAPH.

7 (4) "MARIJUANA" INCLUDES MARIJUANA CONCENTRATE.

8 (5) "MEDICAL USE" MEANS:

9 (I) THE ACQUISITION, POSSESSION, CULTIVATION, USE, OR
10 TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE
11 ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS OF EFFECTS OF
12 THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION; OR

13 (II) THE TRANSFER BETWEEN A QUALIFYING PATIENT AND THE
14 QUALIFYING PATIENT'S PRIMARY CAREGIVER OF MARIJUANA OR PARAPHERNALIA
15 RELATING TO THE ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS
16 OR EFFECTS OF THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

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

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

24 (8) "PRIMARY CAREGIVER" MEANS AN INDIVIDUAL, OTHER THAN THE
25 QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S PHYSICIAN, WHO IS AT
26 LEAST 18 YEARS OF AGE AND HAS AGREED TO UNDERTAKE RESPONSIBILITY FOR
27 MANAGING THE WELL-BEING OF A PATIENT WITH RESPECT TO THE MEDICAL USE OF
28 MARIJUANA.

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

31 (10) (I) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND
32 FLOWERS OF A MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION OF THE
33 DRIED LEAVES AND FLOWERS THAT ARE APPROPRIATE FOR THE MEDICAL USE OF
34 MARIJUANA.

35 (II) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS, STALKS,
36 OR ROOTS OF A MARIJUANA PLANT.

37 (11) "WRITTEN CERTIFICATION" MEANS A QUALIFYING PATIENT'S
38 MEDICAL RECORDS OR A STATEMENT SIGNED BY A QUALIFYING PATIENT'S
39 PHYSICIAN STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER

1 HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL
2 HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA
3 FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT HAS A
4 DEBILITATING MEDICAL CONDITION AND THE POTENTIAL BENEFITS OF THE
5 MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR
6 THE QUALIFYING PATIENT.

7 (B) (1) THE GENERAL ASSEMBLY FINDS THAT STATE LAW SHOULD
8 DISTINGUISH BETWEEN THE MEDICAL AND NONMEDICAL USES OF MARIJUANA.

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

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

12 (II) TO ENSURE THAT SERIOUSLY ILL INDIVIDUALS WHO ENGAGE
13 IN THE MEDICAL USE OF MARIJUANA ON THEIR PHYSICIAN'S ADVICE ARE NOT
14 ARRESTED AND INCARCERATED FOR USING MARIJUANA FOR MEDICAL PURPOSES;
15 AND

16 (III) TO ENSURE THAT THIS SECTION DOES NOT SUGGEST THAT THE
17 STATE OF MARYLAND ENDORSES THE RECREATIONAL USE OF MARIJUANA.

18 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

19 (1) A QUALIFYING PATIENT WHO HAS IN THE QUALIFYING PATIENT'S
20 POSSESSION A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT
21 UNDER § 20-702 OF THE HEALTH - GENERAL ARTICLE MAY NOT BE SUBJECT TO
22 ARREST OR PROSECUTION, OR BE PENALIZED IN ANY MANNER, FOR THE MEDICAL
23 USE OF MARIJUANA, IF:

24 (I) THE QUANTITY OF MARIJUANA DOES NOT EXCEED AN
25 ADEQUATE SUPPLY; AND

26 (II) MARIJUANA CULTIVATION OCCURS IN A SECURE INDOOR
27 FACILITY;

28 (2) WHEN THE ACQUISITION, POSSESSION, CULTIVATION,
29 TRANSPORTATION, OR ADMINISTRATION OF MARIJUANA BY A QUALIFYING PATIENT
30 IS NOT PRACTICABLE, THE LEGAL PROTECTIONS ESTABLISHED BY THIS SECTION
31 FOR A QUALIFYING PATIENT SHALL EXTEND TO THE QUALIFYING PATIENT'S
32 PRIMARY CAREGIVER, IF:

33 (I) THE PRIMARY CAREGIVER'S ACTIONS ARE NECESSARY FOR THE
34 QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA; AND

35 (II) A PRIMARY CAREGIVER MAY ONLY SERVE ONE QUALIFYING
36 PATIENT AT ANY GIVEN TIME AND A QUALIFYING PATIENT MAY ONLY HAVE ONE
37 PRIMARY CAREGIVER AT ANY GIVEN TIME; AND

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

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

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

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

22 (E) AN INDIVIDUAL MAY NOT BE ARRESTED OR PROSECUTED FOR A CRIME
23 SOLELY FOR BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF
24 MARIJUANA.

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

27 (2) THE DEFENSE SHALL BE PRESUMED VALID IF THE EVIDENCE SHOWS
28 THAT:

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

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

39 (G) THE AUTHORIZATION FOR THE MEDICAL USE OF MARIJUANA UNDER THIS
40 SECTION DOES NOT APPLY TO:

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

4 (2) THE SMOKING OF MARIJUANA IN PUBLIC, INCLUDING ON PUBLIC
5 TRANSPORTATION; AND

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

9 (H) INSURANCE COVERAGE IS NOT REQUIRED FOR THE MEDICAL USE OF
10 MARIJUANA.

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

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

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

19 **Article - Health - General**

20 **SUBTITLE 7. REGISTRY IDENTIFICATION CARDS.**

21 20-701.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (B) "DEBILITATING MEDICAL CONDITION" HAS THE MEANING STATED IN §
25 5-631 OF THE CRIMINAL LAW ARTICLE.

26 (C) "MARIJUANA" HAS THE MEANING STATED IN § 5-631 OF THE CRIMINAL
27 LAW ARTICLE.

28 (D) "MEDICAL USE" HAS THE MEANING STATED IN § 5-631 OF THE CRIMINAL
29 LAW ARTICLE.

30 (E) "PATIENT" HAS THE MEANING STATED IN § 5-631 OF THE CRIMINAL LAW
31 ARTICLE.

32 (F) "PHYSICIAN" HAS THE MEANING STATED IN § 5-631 OF THE CRIMINAL LAW
33 ARTICLE.

1 (G) "PRIMARY CAREGIVER" HAS THE MEANING STATED IN § 5-631 OF THE
2 CRIMINAL LAW ARTICLE.

3 (H) "QUALIFYING PATIENT" HAS THE MEANING STATED IN § 5-631 OF THE
4 CRIMINAL LAW ARTICLE.

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

8 20-702.

9 (A) (1) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT SHALL ADOPT
10 REGULATIONS FOR THE CONSIDERATION OF APPLICATIONS FOR REGISTRY
11 IDENTIFICATION CARDS, AND FOR RENEWING REGISTRY IDENTIFICATION CARDS,
12 FOR QUALIFYING PATIENTS AND PRIMARY CAREGIVERS.

13 (2) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT SHALL ADOPT
14 REGULATIONS FOR THE CONSIDERATION OF PETITIONS SUBMITTED BY PHYSICIANS
15 OR PATIENTS TO ADD DEBILITATING MEDICAL CONDITIONS TO THOSE INCLUDED IN
16 § 5-631(A)(3). THE REGULATIONS SHALL REQUIRE THAT THE DEPARTMENT PROVIDE
17 PUBLIC NOTICE OF AND A PUBLIC HEARING ON A PETITION. AFTER THE PUBLIC
18 HEARING, THE DEPARTMENT HAS 180 DAYS TO ACT UPON A PETITION. THE
19 APPROVAL OR DENIAL OF THE PETITION BY THE DEPARTMENT IS CONSIDERED A
20 FINAL ACTION AND IS SUBJECT TO JUDICIAL REVIEW.

21 (B) THE DEPARTMENT SHALL ISSUE REGISTRY IDENTIFICATION CARDS TO
22 QUALIFYING PATIENTS, AND TO QUALIFYING PATIENTS' PRIMARY CAREGIVERS, IF
23 ANY, WHO SUBMIT, IN ACCORDANCE WITH THE DEPARTMENT'S REGULATIONS:

24 (1) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A QUALIFYING
25 PATIENT;

26 (2) A REGISTRATION FEE, NOT TO EXCEED \$25 FOR EACH QUALIFYING
27 PATIENT;

28 (3) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE QUALIFYING
29 PATIENT;

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

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

35 (C) (1) THE DEPARTMENT SHALL VERIFY THE INFORMATION CONTAINED IN
36 AN APPLICATION SUBMITTED UNDER THIS SECTION, AND SHALL APPROVE OR DENY
37 AN APPLICATION WITHIN 30 DAYS AFTER RECEIVING OF THE APPLICATION.

1 (2) THE DEPARTMENT MAY DENY AN APPLICATION ONLY IF THE
2 APPLICANT DID NOT PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION,
3 OR IF THE DEPARTMENT DETERMINES THAT THE INFORMATION PROVIDED IS FALSE.

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

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

10 (2) A REGISTRY IDENTIFICATION CARD:

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

12 (II) SHALL CONTAIN:

13 1. THE NAME, ADDRESS, AND DATE OF BIRTH OF THE
14 QUALIFYING PATIENT, AND OF THE QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF
15 ANY;

16 2. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
17 REGISTRY IDENTIFICATION CARD; AND

18 3. ANY OTHER INFORMATION THAT THE DEPARTMENT MAY
19 SPECIFY BY REGULATION.

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

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

23 (II) THE QUALIFYING PATIENT'S PHYSICIAN OR PRIMARY
24 CAREGIVER; OR

25 (III) THE STATUS OF THE QUALIFYING PATIENT'S DEBILITATING
26 MEDICAL CONDITION.

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

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

33 (F) THE POSSESSION OF OR APPLICATION FOR A REGISTRY IDENTIFICATION
34 CARD MAY NOT, IN ITSELF, CONSTITUTE PROBABLE CAUSE TO SEARCH THE PERSON
35 OR PROPERTY OF AN INDIVIDUAL POSSESSING OR APPLYING FOR THE REGISTRY
36 IDENTIFICATION CARD, OR OTHERWISE SUBJECT THE PERSON OR PROPERTY OF AN

1 INDIVIDUAL POSSESSING THE REGISTRY IDENTIFICATION CARD TO INSPECTION BY
2 ANY GOVERNMENTAL UNIT.

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

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

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

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this
14 Act or the application thereof to any person or circumstance is held invalid for any
15 reason in a court of competent jurisdiction, the invalidity does not affect other
16 provisions or any other application of this Act which can be given effect without the
17 invalid provision or application, and for this purpose the provisions of this Act are
18 declared severable.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2002.