
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~~ Rosenberg, and Hutchins**

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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

CHAPTER _____

1 AN ACT concerning

2 **Darrell ~~Putnam~~ 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;~~

1 requiring an individual who possesses a registry identification card to notify the
 2 Department of certain changes; requiring the Department to maintain a list of
 3 individuals to whom a registry identification card has been issued; requiring the
 4 Department to adopt certain regulations; declaring the findings and intent of
 5 the General Assembly; making technical changes; defining certain terms;
 6 making provisions of this Act severable; and generally relating to the medical
 7 use of marijuana in certain marijuana prosecutions to introduce, and requiring
 8 the court to consider as a mitigating factor, certain evidence related to medical
 9 necessity under certain circumstances; establishing certain penalties under
 10 certain circumstances; making provisions of this Act severable; and generally
 11 relating to evidence of medical necessity in marijuana-related prosecutions.

12 ~~BY renumbering~~

13 ~~Article—Criminal Law~~
 14 ~~Section 5-619(b), (c), (d), (e), and (f), respectively~~
 15 ~~to be Section 5-619(c), (d), (e), (f), and (g), respectively~~
 16 ~~Annotated Code of Maryland~~
 17 ~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of~~
 18 ~~2002)~~

19 ~~BY repealing and reenacting, without amendments,~~

20 ~~Article—Criminal Law~~
 21 ~~Section 5-601(a)~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of~~
 24 ~~2002)~~

25 BY repealing and reenacting, with amendments,

26 ~~Article - Criminal Law~~
 27 ~~Section 5-619(e) 5-601(c) and 5-619(d)~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly or~~
 30 ~~2002)~~
 31 ~~(As enacted by Section 1 of this Act)~~

32 ~~BY adding to~~

33 ~~Article—Criminal Law~~
 34 ~~Section 5-619(b); and 5-631 to be under the new part "Part V. Medical Use of~~
 35 ~~Marijuana"~~
 36 ~~Annotated Code of Maryland~~
 37 ~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of~~
 38 ~~2002)~~

39 ~~BY adding to~~

40 ~~Article—Health—General~~

1 Section 20-701 and 20-702 to be under the new subtitle "Subtitle 7. Registry
 2 Identification Cards"
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume and 2001 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That Section(s) 5-619(b), (c), (d), (e), and (f), respectively, of Article—
 7 Criminal Law of the Annotated Code of Maryland (as enacted by Chapter ____ (H.B.
 8 44) of the Acts of the General Assembly of 2002) be renumbered to be Section(s)
 9 5-619(e), (d), (e), (f), and (g), respectively.

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

12 **Article - Criminal Law**

13 5-601.

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

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

18 (2) obtain or attempt to obtain a controlled dangerous substance, or
 19 procure or attempt to procure the administration of a controlled dangerous substance
 20 by:

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

22 (ii) the counterfeiting or alteration of a prescription or a written
 23 order;

24 (iii) the concealment of a material fact;

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

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

28 (vi) making, issuing, or presenting a false or counterfeit
 29 prescription or written order.

30 (c) (1) Except as provided in [paragraph (2)]PARAGRAPHS (2) AND (3) of this
 31 subsection, a person who violates this section is guilty of a misdemeanor and on
 32 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
 33 \$25,000 or both.

1 (2) A person whose violation of this section involves the use or possession
2 of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding
3 \$1,000 or both.

4 (3) (I) IN A PROSECUTION FOR THE USE OR POSSESSION OF
5 MARIJUANA, THE DEFENDANT MAY INTRODUCE AND THE COURT SHALL CONSIDER
6 AS A MITIGATING FACTOR ANY EVIDENCE OF MEDICAL NECESSITY.

7 (II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF
8 THE COURT FINDS THAT THE PERSON USED OR POSSESSED MARIJUANA BECAUSE OF
9 MEDICAL NECESSITY, ON CONVICTION OF A VIOLATION OF THIS SECTION, THE
10 MAXIMUM PENALTY THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT
11 EXCEEDING \$100.

12 5-619.

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

15 ~~(e)~~ (d) (1) Unless authorized under this title, a person may not use or
16 possess with intent to use drug paraphernalia to:

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

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

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

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

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

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

31 (4) (I) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING
32 DRUG PARAPHERNALIA RELATED TO MARIJUANA, THE DEFENDANT MAY INTRODUCE
33 AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR ANY EVIDENCE OF
34 MEDICAL NECESSITY.

35 (II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF
36 THE COURT FINDS THAT THE PERSON USED OR POSSESSED DRUG PARAPHERNALIA
37 RELATED TO MARIJUANA BECAUSE OF MEDICAL NECESSITY, ON CONVICTION OF A

1 VIOLATION OF THIS SUBSECTION, THE MAXIMUM PENALTY THAT THE COURT MAY
2 IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.

3 ~~5-629. RESERVED.~~

4 ~~5-630. RESERVED.~~

5 ~~PART V. MEDICAL USE OF MARIJUANA.~~

6 ~~5-631.~~

7 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
8 ~~INDICATED.~~

9 (2) ~~"ADEQUATE SUPPLY" MEANS AN AMOUNT OF MARIJUANA~~
10 ~~COLLECTIVELY POSSESSED BY A QUALIFYING PATIENT AND THE QUALIFYING~~
11 ~~PATIENT'S PRIMARY CAREGIVER THAT:~~

12 (I) ~~IS NOT MORE THAN IS REASONABLY NECESSARY TO ENSURE~~
13 ~~THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF~~
14 ~~ALLEVIATING THE SYMPTOMS OF EFFECTS OF A QUALIFYING PATIENT'S~~
15 ~~DEBILITATING MEDICAL CONDITION; AND~~

16 (II) ~~DOES NOT EXCEED THREE MATURE MARIJUANA PLANTS, FOUR~~
17 ~~IMMATURE PLANTS, AND THREE OUNCES OF USABLE MARIJUANA.~~

18 (3) ~~"DEBILITATING MEDICAL CONDITION" MEANS:~~

19 (I) ~~CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN~~
20 ~~IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, OR THE~~
21 ~~TREATMENT OF THESE CONDITIONS;~~

22 (II) ~~A CHRONIC OR DEBILITATING DISEASE OR MEDICAL~~
23 ~~CONDITION, OR ITS TREATMENT, THAT PRODUCES ONE OF MORE OF THE~~
24 ~~FOLLOWING:~~

25 1. ~~CACHEXIA OR WASTING SYNDROME, SEVERE PAIN, OR~~
26 ~~SEVERE NAUSEA;~~

27 2. ~~SEIZURES, INCLUDING THOSE THAT ARE~~
28 ~~CHARACTERISTIC OF EPILEPSY; OR~~

29 3. ~~SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING~~
30 ~~THOSE THAT ARE CHARACTERISTIC OF MULTIPLE SCLEROSIS OR CROHN'S DISEASE;~~
31 ~~OR~~

32 (III) ~~ANY OTHER MEDICAL CONDITION OR ITS TREATMENT~~
33 ~~APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER ITS~~
34 ~~AUTHORITY TO ADOPT REGULATIONS FOR CONSIDERING REQUESTS SUBMITTED BY~~
35 ~~PHYSICIANS OR POTENTIALLY QUALIFYING PATIENTS TO ADD DEBILITATING~~

~~1 MEDICAL CONDITIONS TO THOSE INCLUDED UNDER ITEMS (I) AND (II) OF THIS
2 PARAGRAPH.~~

~~3 (4) "MARIJUANA" INCLUDES MARIJUANA CONCENTRATE.~~

~~4 (5) "MEDICAL USE" MEANS:~~

~~5 (I) THE ACQUISITION, POSSESSION, CULTIVATION, USE, OR
6 TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE
7 ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS OF EFFECTS OF
8 THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION; OR~~

~~9 (II) THE TRANSFER BETWEEN A QUALIFYING PATIENT AND THE
10 QUALIFYING PATIENT'S PRIMARY CAREGIVER OF MARIJUANA OR PARAPHERNALIA
11 RELATING TO THE ADMINISTRATION OF MARIJUANA TO ALLEVIATE THE SYMPTOMS
12 OR EFFECTS OF THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.~~

~~13 (6) "PATIENT" MEANS AN INDIVIDUAL WHO HAS BEEN DIAGNOSED WITH
14 A MEDICAL CONDITION BY A PHYSICIAN AND FOR WHOM THE POTENTIAL BENEFITS
15 OF THE MEDICAL USE OF MARIJUANA TO TREAT THE MEDICAL CONDITION WOULD
16 LIKELY OUTWEIGH THE HEALTH RISKS TO THE INDIVIDUAL.~~

~~17 (7) "PHYSICIAN" MEANS AN INDIVIDUAL WHO HAS A LICENSE TO
18 PRACTICE MEDICINE AND IS LICENSED TO PRESCRIBE DRUGS UNDER TITLE 14 OF
19 THE HEALTH OCCUPATIONS ARTICLE.~~

~~20 (8) "PRIMARY CAREGIVER" MEANS AN INDIVIDUAL, OTHER THAN THE
21 QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S PHYSICIAN, WHO IS AT
22 LEAST 18 YEARS OF AGE AND HAS AGREED TO UNDERTAKE RESPONSIBILITY FOR
23 MANAGING THE WELL BEING OF A PATIENT WITH RESPECT TO THE MEDICAL USE OF
24 MARIJUANA.~~

~~25 (9) "QUALIFYING PATIENT" MEANS AN INDIVIDUAL WHO HAS BEEN
26 DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.~~

~~27 (10) (I) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND
28 FLOWERS OF A MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION OF THE
29 DRIED LEAVES AND FLOWERS THAT ARE APPROPRIATE FOR THE MEDICAL USE OF
30 MARIJUANA.~~

~~31 (II) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS, STALKS,
32 OR ROOTS OF A MARIJUANA PLANT.~~

~~33 (11) "WRITTEN CERTIFICATION" MEANS A QUALIFYING PATIENT'S
34 MEDICAL RECORDS OR A STATEMENT SIGNED BY A QUALIFYING PATIENT'S
35 PHYSICIAN STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER
36 HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL
37 HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA
38 FIDE PHYSICIAN PATIENT RELATIONSHIP, THE QUALIFYING PATIENT HAS A
39 DEBILITATING MEDICAL CONDITION AND THE POTENTIAL BENEFITS OF THE~~

~~1 MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR
2 THE QUALIFYING PATIENT.~~

~~3 (B) (1) THE GENERAL ASSEMBLY FINDS THAT STATE LAW SHOULD
4 DISTINGUISH BETWEEN THE MEDICAL AND NONMEDICAL USES OF MARIJUANA.~~

~~5 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY:~~

~~6 (I) TO ENSURE THAT PHYSICIANS ARE NOT PENALIZED FOR
7 DISCUSSING MARIJUANA AS A TREATMENT OPTION WITH THEIR PATIENTS;~~

~~8 (II) TO ENSURE THAT SERIOUSLY ILL INDIVIDUALS WHO ENGAGE
9 IN THE MEDICAL USE OF MARIJUANA ON THEIR PHYSICIAN'S ADVICE ARE NOT
10 ARRESTED AND INCARCERATED FOR USING MARIJUANA FOR MEDICAL PURPOSES;
11 AND~~

~~12 (III) TO ENSURE THAT THIS SECTION DOES NOT SUGGEST THAT THE
13 STATE OF MARYLAND ENDORSES THE RECREATIONAL USE OF MARIJUANA.~~

~~14 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:~~

~~15 (1) A QUALIFYING PATIENT WHO HAS IN THE QUALIFYING PATIENT'S
16 POSSESSION A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT
17 UNDER § 20-702 OF THE HEALTH GENERAL ARTICLE MAY NOT BE SUBJECT TO
18 ARREST OR PROSECUTION, OR BE PENALIZED IN ANY MANNER, FOR THE MEDICAL
19 USE OF MARIJUANA, IF:~~

~~20 (I) THE QUANTITY OF MARIJUANA DOES NOT EXCEED AN
21 ADEQUATE SUPPLY; AND~~

~~22 (II) MARIJUANA CULTIVATION OCCURS IN A SECURE INDOOR
23 FACILITY;~~

~~24 (2) WHEN THE ACQUISITION, POSSESSION, CULTIVATION,
25 TRANSPORTATION, OR ADMINISTRATION OF MARIJUANA BY A QUALIFYING PATIENT
26 IS NOT PRACTICABLE, THE LEGAL PROTECTIONS ESTABLISHED BY THIS SECTION
27 FOR A QUALIFYING PATIENT SHALL EXTEND TO THE QUALIFYING PATIENT'S
28 PRIMARY CAREGIVER, IF:~~

~~29 (I) THE PRIMARY CAREGIVER'S ACTIONS ARE NECESSARY FOR THE
30 QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA; AND~~

~~31 (II) A PRIMARY CAREGIVER MAY ONLY SERVE ONE QUALIFYING
32 PATIENT AT ANY GIVEN TIME AND A QUALIFYING PATIENT MAY ONLY HAVE ONE
33 PRIMARY CAREGIVER AT ANY GIVEN TIME; AND~~

~~34 (3) A PHYSICIAN MAY NOT BE SUBJECTED TO ARREST OR CRIMINAL
35 PROSECUTION, OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR PROVIDING WRITTEN
36 CERTIFICATION FOR THE MEDICAL USE OF MARIJUANA TO QUALIFYING PATIENTS.~~

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

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

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

19 ~~(E) AN INDIVIDUAL MAY NOT BE ARRESTED OR PROSECUTED FOR A CRIME~~
20 ~~SOLELY FOR BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF~~
21 ~~MARIJUANA.~~

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

24 ~~(2) THE DEFENSE SHALL BE PRESUMED VALID IF THE EVIDENCE SHOWS~~
25 ~~THAT:~~

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

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

36 ~~(G) THE AUTHORIZATION FOR THE MEDICAL USE OF MARIJUANA UNDER THIS~~
37 ~~SECTION DOES NOT APPLY TO:~~

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

1 (4) "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE
2 DEPARTMENT THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT OR
3 PRIMARY CAREGIVER.

4 20-702.

5 (A) (1) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT SHALL ADOPT
6 REGULATIONS FOR THE CONSIDERATION OF APPLICATIONS FOR REGISTRY
7 IDENTIFICATION CARDS, AND FOR RENEWING REGISTRY IDENTIFICATION CARDS,
8 FOR QUALIFYING PATIENTS AND PRIMARY CAREGIVERS.

9 (2) ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT SHALL ADOPT
10 REGULATIONS FOR THE CONSIDERATION OF PETITIONS SUBMITTED BY PHYSICIANS
11 OR PATIENTS TO ADD DEBILITATING MEDICAL CONDITIONS TO THOSE INCLUDED IN
12 § 5-631(A)(3). THE REGULATIONS SHALL REQUIRE THAT THE DEPARTMENT PROVIDE
13 PUBLIC NOTICE OF AND A PUBLIC HEARING ON A PETITION. AFTER THE PUBLIC
14 HEARING, THE DEPARTMENT HAS 180 DAYS TO ACT UPON A PETITION. THE
15 APPROVAL OR DENIAL OF THE PETITION BY THE DEPARTMENT IS CONSIDERED A
16 FINAL ACTION AND IS SUBJECT TO JUDICIAL REVIEW.

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

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

22 (2) A REGISTRATION FEE, NOT TO EXCEED \$25 FOR EACH 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 RECEIVING 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 IS FALSE.

37 (3) AN INDIVIDUAL WHOSE APPLICATION HAS BEEN DENIED MAY NOT
38 REAPPLY FOR AT LEAST 6 MONTHS AFTER THE DATE OF THE DENIAL, UNLESS

1 AUTHORIZED TO DO SO BY THE DEPARTMENT OR A COURT OF COMPETENT
2 JURISDICTION.

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

5 (2) A REGISTRY IDENTIFICATION CARD:

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

7 (II) SHALL CONTAIN:

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

11 2. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
12 REGISTRY IDENTIFICATION CARD; AND

13 3. ANY OTHER INFORMATION THAT THE DEPARTMENT MAY
14 SPECIFY BY REGULATION.

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

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

18 (II) THE QUALIFYING PATIENT'S PHYSICIAN OR PRIMARY
19 CAREGIVER; OR

20 (III) THE STATUS OF THE QUALIFYING PATIENT'S DEBILITATING
21 MEDICAL CONDITION.

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

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

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

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

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

3 ~~(I) AUTHORIZED EMPLOYEES OF THE DEPARTMENT AS~~
4 ~~NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR~~

5 ~~(II) AUTHORIZED EMPLOYEES OF STATE OR LOCAL LAW~~
6 ~~ENFORCEMENT UNITS FOR THE PURPOSE OF VERIFYING THAT AN INDIVIDUAL WHO~~
7 ~~IS ENGAGED IN THE SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA~~
8 ~~LAWFULLY POSSESSES A REGISTRY IDENTIFICATION CARD.~~

9 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That, if any provision of this
10 Act or the application thereof to any person or circumstance is held invalid for any
11 reason in a court of competent jurisdiction, the invalidity does not affect other
12 provisions or any other application of this Act which can be given effect without the
13 invalid provision or application, and for this purpose the provisions of this Act are
14 declared severable.

15 SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2002.