

HB0291/706785/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 291
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Medical Marijuana” and substitute “Maryland Medical Marijuana Model Program Work Group”.

On pages 1 through 3, strike beginning with “making” in line 3 on page 1 down through “use” in line 2 on page 3 and substitute “requiring the Secretary of Health and Mental Hygiene to convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes; providing for the membership and staffing of the Work Group; providing for the designation of the chair of the Work Group; prohibiting a member of the Work Group from receiving certain compensation; authorizing a member of the Work Group to receive certain reimbursement; specifying the duties of the Work Group; requiring the Work Group to make a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; and generally relating to medical marijuana”.

On page 3, strike in their entirety lines 3 through 24, inclusive; and strike beginning with “Section(s)” in line 26 down through “follows” in line 30.

AMENDMENT NO. 2

On pages 3 through 23, strike in their entirety the lines beginning with line 31 on page 3 through line 32 on page 23, inclusive, and substitute:

“(a) The Secretary of Health and Mental Hygiene shall convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes.

(Over)

(b) The Work Group shall include the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee; and

(4) the following members, appointed by the Governor:

(i) one member of the public who supports the use of marijuana for medical purposes;

(ii) one member of the public designated by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;

(iii) three physicians licensed in the State, who specialize in addiction, pain, oncology, neurology, or clinical research;

(iv) one nurse licensed in the State, with experience in hospice care, nominated by a State research institution or trade association;

(v) one pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) one scientist with experience in the science of marijuana, nominated by a State research institution;

(vii) one representative of the Maryland State's Attorneys' Association;

(viii) one representative of the Maryland Chiefs of Police;

(ix) one representative of the Maryland Sheriffs' Association;

(x) one representative of the Maryland Fraternal Order of Police; and

(xi) an attorney who is knowledgeable about medical marijuana laws in the United States.

(c) The Governor shall designate the chair of the Work Group.

(d) The Department of Health and Mental Hygiene and the Governor's Office of Crime Control and Prevention shall provide staff for the Work Group.

(e) A member of the Work Group:

(1) may not receive compensation as a member of the Work Group;
but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) (i) The Work Group shall assess the feasibility of and develop a State-specific proposal, including draft legislation, for providing access to marijuana to patients in the State for medical purposes.

(ii) The proposal required under subparagraph (i) of this paragraph shall strongly consider a program model that is analogous to a compassionate use protocol for unapproved drugs.

(2) The draft legislation required under paragraph (1) of this subsection shall:

(i) outline the key elements of the program model; and

(ii) include provisions that:

1. provide for oversight and responsibility by programs located in academic medical research institutions in the State;

2. provide for the licensing of a program by the State;

3. establish a program application and review process that includes consideration of best practices and procedures for obtaining review input that is external to the Department of Health and Mental Hygiene;

4. expand the base of information on the use of marijuana for medical purposes on a scientific and policy implementation basis; and

5. implement a program as soon as feasible and incorporate the goals of:

A. regulations adopted and applications received by September 1, 2012; and

B. program operation beginning in January 2013.

(3) The Work Group shall provide guidance on the criteria for assessing program applications, including an applying program's plans for:

(i) determining the medical conditions to be treated and the duration of therapy proposed;

(ii) identifying sources of marijuana;

(iii) determining patient eligibility and informed consent;

(iv) conducting any associated research projects;

(v) reporting data and outcomes;

(vi) instituting strict controls against illegal diversion; and

(vii) securing grants or other sources of funding to facilitate the affordability of the program.

(g) The Work Group may consult with experts and stakeholders in conducting its duties.

(h) On or before December 1, 2011, the Secretary shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Judicial Proceedings Committee, the House Health and Government Operations Committee, and the House Judiciary Committee on the findings of the Work Group, including draft legislation that establishes a program to provide access to marijuana to patients in the State for medical purposes under a model analogous to a compassionate use protocol for unapproved drugs.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. It shall remain effective for a period of 1 year and, at the end of May 31,

(Over)

2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.