

HOUSE BILL 291

J1, E1

11r0613
CF SB 308

By: Delegates Morhaim, Anderson, Arora, Aumann, Barnes, Barve, Bobo, Boteler, Branch, Burns, Cane, Cardin, Carr, Clagett, Cullison, Donoghue, Feldman, Frank, Frush, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Harrison, Haynes, Hixson, Hucker, Ivey, Kach, Kaiser, Kramer, Lafferty, Love, Luedtke, McComas, McConkey, McHale, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Murphy, Nathan-Pulliam, Niemann, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Smigiel, Stein, Stukes, Tarrant, F. Turner, Valderrama, Vaughn, Washington, and Weir

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Assigned to: Health and Government Operations and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Public Health – ~~Medical Marijuana~~ Maryland Medical Marijuana Model**
3 **Program Work Group**

4 FOR the purpose of ~~making marijuana a Schedule II controlled dangerous substance;~~
5 ~~prohibiting certain persons from distributing or dispensing marijuana to certain~~
6 ~~persons; providing for a certain penalty; requiring the Department of Health~~
7 ~~and Mental Hygiene (DHMH) to issue a certain request for proposals to select~~
8 ~~authorized growers of marijuana for medical use; providing for certain~~
9 ~~requirements of authorized growers; prohibiting an authorized grower from~~
10 ~~holding any other permit issued under a certain provision of law or being a~~
11 ~~physician who prepares a certain written certification; requiring DHMH, jointly~~
12 ~~with the Department of Agriculture, to adopt certain regulations; requiring~~
13 ~~DHMH to establish a certain registration program to authorize certain entities~~
14 ~~to distribute marijuana for medical purposes; authorizing DHMH to charge a~~
15 ~~certain fee for the issuance of a certain permit; requiring certain entities and~~
16 ~~individuals to apply for a certain criminal history records check and to submit to~~
17 ~~certain drug testing; requiring the Department to assign a certain identification~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~number to certain permit holders for certain purposes; requiring certain permit holders to display a certain permit at certain times; requiring certain permit holders to report certain changes to DHMH within a certain time period; authorizing a patient or primary caregiver to provide certain reimbursement to certain entities; prohibiting certain individuals issued a certain permit from holding any other permit issued under a certain provision of law or being a physician who prepares a certain written certification; prohibiting a physician that prepares a certain written certification from holding a permit issued under a certain provision of law; requiring DHMH, in consultation with the Board of Pharmacy and stakeholders to develop certain regulations on or before a certain date; requiring DHMH to establish a registry of qualifying patients and primary caregivers and to issue a certain registry identification card to certain individuals under certain circumstances; requiring DHMH to approve or deny an application or renewal for a registry identification card within a certain time period and in a certain manner; requiring a registry identification card to include certain information; requiring an individual who has been issued a registry identification card to provide a certain notification to DHMH under certain circumstances; requiring certain physicians to provide notice to certain patients and the Department regarding the withdrawal of a patient's written certification under certain circumstances; requiring the Department to send a certain notice; requiring certain patients and certain primary caregivers to send to the Department a certain registry identification card under certain circumstances and to dispose of any marijuana within the patient's possession within a certain number of days; requiring DHMH to maintain a confidential list of the individuals to whom DHMH has issued registry identification cards; providing that certain individuals and entities may not be subject to certain penalties or denied certain rights for the medical use of marijuana; providing that the possession of a registry identification card does not constitute probable cause to conduct a certain search by a government agency; providing that an individual may not be subject to arrest or prosecution for certain offenses for being in the presence of the medical use of marijuana; requiring certain pharmacies or dispensing centers to dispense a certain amount of usable marijuana to certain individuals for a certain period of time except under certain circumstances; prohibiting certain pharmacies and dispensing centers from dispensing more than a certain amount of marijuana to certain individuals within a certain period of time except under certain circumstances; authorizing certain pharmacies or dispensing centers to dispense more than a certain amount of marijuana to certain individuals under certain circumstances; requiring certain pharmacies and dispensing centers to maintain certain records; requiring qualifying patients, primary caregivers, and certain pharmacies and dispensing centers to follow certain procedures; providing that a patient may be registered at only one pharmacy or dispensing center at a time; establishing procedures for a patient to change an authorized pharmacy or dispensing center; requiring the Secretary of Health and Mental Hygiene to establish a system to monitor the dispensation of marijuana for medical use in the State; providing that a person who knowingly gives certain false information is subject to a certain penalty; requiring certain physicians;~~

1 ~~pharmacies, and dispensing centers to provide certain information to the~~
 2 ~~Secretary; providing for the construction of this Act; providing that this Act may~~
 3 ~~not be construed to provide immunity to certain persons; providing that this Act~~
 4 ~~may not be construed to require certain insurance reimbursement; requiring~~
 5 ~~DHMH to submit certain reports to the Governor and General Assembly on or~~
 6 ~~before certain dates; requiring DHMH to adopt certain regulations on or before~~
 7 ~~a certain date; authorizing DHMH to accept certain funds; requiring DHMH to~~
 8 ~~use certain fees in a certain manner; requiring DHMH to distribute certain~~
 9 ~~funds to drug rehabilitation programs throughout the State; defining certain~~
 10 ~~terms; and generally relating to marijuana for medical use requiring the~~
 11 ~~Secretary of Health and Mental Hygiene to convene a Work Group to develop a~~
 12 ~~model program to facilitate patient access to marijuana for medical purposes;~~
 13 ~~providing for the membership and staffing of the Work Group; providing for the~~
 14 ~~designation of the chair of the Work Group; prohibiting a member of the Work~~
 15 ~~Group from receiving certain compensation; authorizing a member of the Work~~
 16 ~~Group to receive certain reimbursement; specifying the duties of the Work~~
 17 ~~Group; requiring the Work Group to make a certain report to certain~~
 18 ~~committees of the General Assembly on or before a certain date; providing for~~
 19 ~~the termination of a certain provision of this Act; and generally relating to~~
 20 medical marijuana.

21 ~~BY renumbering~~

22 ~~Article — Criminal Law~~

23 ~~Section 5-403(d), (e), and (f), respectively~~

24 ~~to be Section 5-403(e), (f), and (g), respectively~~

25 ~~Annotated Code of Maryland~~

26 ~~(2002 Volume and 2010 Supplement)~~

27 ~~BY repealing and reenacting, with amendments,~~

28 ~~Article — Criminal Law~~

29 ~~Section 5-402(d)(1)~~

30 ~~Annotated Code of Maryland~~

31 ~~(2002 Volume and 2010 Supplement)~~

32 ~~BY adding to~~

33 ~~Article — Criminal Law~~

34 ~~Section 5-403(d) and 5-611~~

35 ~~Annotated Code of Maryland~~

36 ~~(2002 Volume and 2010 Supplement)~~

37 ~~BY adding to~~

38 ~~Article — Health — General~~

39 ~~Section 13-3001 through 13-3013 to be under the new subtitle “Subtitle 30-~~
 40 ~~Medical Marijuana”~~

41 ~~Annotated Code of Maryland~~

42 ~~(2009 Replacement Volume and 2010 Supplement)~~

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 2 MARYLAND, That ~~Section(s) 5-403(d), (e), and (f), respectively, of Article Criminal~~
 3 ~~Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-403(e), (f),~~
 4 ~~and (g), respectively.~~

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

7 ~~Article Criminal Law~~

8 ~~5-402.~~

9 ~~(d) (1) A material, compound, mixture, or preparation that contains any of~~
 10 ~~the following hallucinogenic or hallucinogenic-like substances is a substance listed in~~
 11 ~~Schedule I:~~

- 12 ~~(i) bufotenine;~~
- 13 ~~(ii) diethyltryptamine;~~
- 14 ~~(iii) dimethyltryptamine;~~
- 15 ~~(iv) 4-methyl-2,5-dimethoxyamphetamine;~~
- 16 ~~(v) ibogaine;~~
- 17 ~~(vi) lysergic acid diethylamide;~~
- 18 ~~[(vii) marijuana;]~~
- 19 ~~[(viii) (VII) mescaline;~~
- 20 ~~[(ix) (VIII) peyote;~~
- 21 ~~[(x) (IX) psilocybin;~~
- 22 ~~[(xi) (X) psilocyn;~~
- 23 ~~[(xii) (XI) tetrahydrocannabinol;~~
- 24 ~~[(xiii) (XII) thiophene analog of phencyclidine;~~
- 25 ~~[(xiv) (XIII) 2,5-dimethoxyamphetamine;~~
- 26 ~~[(xv) (XIV) 4-bromo-2,5-dimethoxyamphetamine;~~

- 1 ~~[(xvi)] (XV) 4-methoxyamphetamine;~~
 2 ~~[(xvii)] (XVI) 3, 4-methylenedioxyamphetamine;~~
 3 ~~[(xviii)] (XVII) 3, 4-methylenedioxymethamphetamine~~
 4 ~~(MDMA);~~
 5 ~~[(xix)] (XVIII) 5-methoxy 3, 4-methylenedioxyamphetamine;~~
 6 ~~[(xx)] (XIX) 3, 4, 5-trimethoxyamphetamine;~~
 7 ~~[(xxi)] (XX) N-methyl 3-piperidyl benzilate;~~
 8 ~~[(xxii)] (XXI) N-ethyl 3-piperidyl benzilate;~~
 9 ~~[(xxiii)] (XXII) N-ethyl 1-phenylecyclohexylamine;~~
 10 ~~[(xxiv)] (XXIII) 1-(1-phenylecyclohexyl) pyrrolidine;~~
 11 ~~[(xxv)] (XXIV) 1-(1-(2-thienyl) cyclohexyl) piperidine;~~
 12 ~~[(xxvi)] (XXV) 1-methyl 4-phenyl 4-propionoxypiperidine~~
 13 ~~(MPPP); and~~
 14 ~~[(xxvii)] (XXVI) 1-(2-phenylethyl) 4-phenyl 4-acetyloxypiperidine~~
 15 ~~(PEPAP);~~
 16 ~~5-403.~~

17 ~~(D) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT~~
 18 ~~CONTAINS MARIJUANA IS A SUBSTANCE LISTED IN SCHEDULE II.~~

19 ~~5-611.~~

20 ~~(A) A PERSON WHO IS EMPLOYED BY A PHARMACY OR A DISPENSING~~
 21 ~~CENTER REGISTERED WITH THE DEPARTMENT OF HEALTH AND MENTAL~~
 22 ~~HYGIENE TO DISPENSE MARIJUANA UNDER TITLE 13, SUBTITLE 30 OF THE~~
 23 ~~HEALTH GENERAL ARTICLE MAY NOT DISTRIBUTE OR DISPENSE MARIJUANA~~
 24 ~~EXCEPT TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED PRIMARY~~
 25 ~~CAREGIVER.~~

26 ~~(B) A PERSON WHO IS REGISTERED WITH THE DEPARTMENT OF~~
 27 ~~HEALTH AND MENTAL HYGIENE AS A QUALIFYING PATIENT OR A PATIENT'S~~
 28 ~~PRIMARY CAREGIVER UNDER TITLE 13, SUBTITLE 30 OF THE~~
 29 ~~HEALTH GENERAL ARTICLE MAY NOT DISTRIBUTE OR DISPENSE MARIJUANA~~

~~1 TO ANOTHER PERSON WHO IS NOT A REGISTERED QUALIFYING PATIENT OR
2 PRIMARY CAREGIVER.~~

~~3 (C) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION
4 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
5 NOT EXCEEDING 7 YEARS OR A FINE NOT EXCEEDING \$7,000 OR BOTH.~~

~~6 Article Health General~~

~~7 SUBTITLE 30. MEDICAL MARIJUANA.~~

~~8 13-3001.~~

~~9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.~~

~~11 (B) "AUTHORIZED GROWER" MEANS AN ENTITY THAT:~~

~~12 (1) IS SELECTED BY THE DEPARTMENT UNDER THIS SUBTITLE TO
13 CULTIVATE MARIJUANA; AND~~

~~14 (2) MAY DISPENSE MARIJUANA CULTIVATED BY THE ENTITY TO A
15 PHARMACY THAT HOLDS A REGISTRATION PERMIT TO DISTRIBUTE MARIJUANA
16 UNDER THIS SUBTITLE OR TO A DISPENSING CENTER FOR A FEE.~~

~~17 (C) "BONA FIDE PHYSICIAN PATIENT RELATIONSHIP" MEANS A
18 RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR
19 THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT'S MEDICAL
20 CONDITION.~~

~~21 (D) "DEBILITATING MEDICAL CONDITION" MEANS A CHRONIC OR
22 DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A
23 CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES
24 ONE OR MORE OF THE FOLLOWING:~~

~~25 (1) CACHEXIA OR WASTING SYNDROME;~~

~~26 (2) SEVERE OR CHRONIC PAIN;~~

~~27 (3) SEVERE NAUSEA;~~

~~28 (4) SEIZURES;~~

~~29 (5) SEVERE AND PERSISTENT MUSCLE SPASMS; OR~~

1 ~~(6) AS DOCUMENTED BY THE PHYSICIAN WITH WHOM THE~~
2 ~~PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, ANY OTHER~~
3 ~~CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.~~

4 ~~(E) "DISPENSING CENTER" MEANS AN ENTITY REGISTERED UNDER~~
5 ~~THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,~~
6 ~~TRANSPORTS, SUPPLIES, OR DISPENSES MARIJUANA OR RELATED SUPPLIES~~
7 ~~AND EDUCATIONAL MATERIALS.~~

8 ~~(F) "MARIJUANA" HAS THE MEANING STATED IN § 5-101 OF THE~~
9 ~~CRIMINAL LAW ARTICLE.~~

10 ~~(G) "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION,~~
11 ~~CULTIVATION, MANUFACTURE, USE, DELIVERY, SALE, TRANSFER, OR~~
12 ~~TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE~~
13 ~~ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A PATIENT'S~~
14 ~~CONDITION OR SYMPTOMS.~~

15 ~~(H) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED BY THE STATE~~
16 ~~BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS~~
17 ~~ARTICLE TO PRACTICE MEDICINE.~~

18 ~~(I) (1) "PRIMARY CAREGIVER" MEANS A RESIDENT OF THE STATE~~
19 ~~WHO:~~

20 ~~(i) IS AT LEAST 18 YEARS OLD;~~

21 ~~(ii) HAS AGREED TO ASSIST WITH ONLY ONE QUALIFYING~~
22 ~~PATIENT'S MEDICAL USE OF MARIJUANA AT A TIME;~~

23 ~~(iii) HAS BEEN DESIGNATED AS PRIMARY CAREGIVER ON~~
24 ~~THE QUALIFYING PATIENT'S APPLICATION OR RENEWAL FOR A REGISTRY~~
25 ~~IDENTIFICATION CARD OR IN OTHER WRITTEN NOTIFICATION TO THE~~
26 ~~DEPARTMENT; AND~~

27 ~~(iv) HAS SATISFIED THE CRIMINAL HISTORY RECORDS~~
28 ~~CHECK REQUIRED UNDER § 13-3004 OF THIS SUBTITLE.~~

29 ~~(2) "PRIMARY CAREGIVER" DOES NOT INCLUDE THE QUALIFYING~~
30 ~~PATIENT'S PHYSICIAN.~~

31 ~~(J) "QUALIFYING PATIENT" MEANS A RESIDENT OF THE STATE WHO:~~

32 ~~(1) IS AT LEAST 18 YEARS OLD; AND~~

1 ~~(2) HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION BY A~~
2 ~~PHYSICIAN PURSUANT TO A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.~~

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

6 ~~(L) (1) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND~~
7 ~~FLOWERS OF MARIJUANA AND ANY MIXTURE OR PREPARATION OF THE DRIED~~
8 ~~LEAVES AND FLOWERS.~~

9 ~~(2) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS,~~
10 ~~STALKS, OR ROOTS OF THE PLANT.~~

11 ~~(M) "WRITTEN CERTIFICATION" MEANS A CERTIFICATION THAT MEETS~~
12 ~~THE REQUIREMENTS OF § 13-3004(A)(2) OF THIS SUBTITLE.~~

13 ~~13-3002.~~

14 ~~(A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO~~
15 ~~SELECT AUTHORIZED GROWERS OF MARIJUANA FOR MEDICAL USE IN THE~~
16 ~~STATE.~~

17 ~~(B) (1) THE INITIAL REQUEST FOR PROPOSALS ISSUED UNDER THIS~~
18 ~~SECTION SHALL BE FOR AN AMOUNT SET BY THE DEPARTMENT IN~~
19 ~~REGULATIONS.~~

20 ~~(2) THE DEPARTMENT MAY SET THE MINIMUM PROPOSAL~~
21 ~~AMOUNT FOR ANY SUBSEQUENT REQUEST FOR PROPOSALS ISSUED BY THE~~
22 ~~DEPARTMENT UNDER THIS SECTION.~~

23 ~~(3) THE DEPARTMENT SHALL SELECT THE FEWEST NUMBER OF~~
24 ~~AUTHORIZED GROWERS UNDER THIS SECTION AS NECESSARY TO PROVIDE AN~~
25 ~~APPROPRIATE SUPPLY OF MEDICAL MARIJUANA TO MEET THE ANTICIPATED~~
26 ~~DEMAND OF ALL QUALIFYING PATIENTS IN THE STATE.~~

27 ~~(C) AN AUTHORIZED GROWER SHALL:~~

28 ~~(1) CULTIVATE THE MARIJUANA IN THE STATE;~~

29 ~~(2) MEET CERTAIN SECURITY AND SAFETY STANDARDS THAT MAY~~
30 ~~BE VERIFIED BY AN OUTSIDE ENTITY AS APPROVED BY THE DEPARTMENT;~~

1 ~~(3) SUBMIT TO PHARMACOLOGICAL TESTING OF THE MARIJUANA~~
2 ~~TO ENSURE:~~

3 ~~(I) CONSISTENCY OF THE MARIJUANA CULTIVATED UNDER~~
4 ~~THIS SUBTITLE; AND~~

5 ~~(II) THAT THERE IS NO ADULTERATION OR CONTAMINATION~~
6 ~~OF THE MARIJUANA; AND~~

7 ~~(4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK AND TO~~
8 ~~PERIODIC DRUG TESTING, AS DETERMINED BY THE DEPARTMENT IN~~
9 ~~REGULATIONS, FOR ANY EMPLOYEE OF THE AUTHORIZED GROWER AS~~
10 ~~PROVIDED FOR IN THIS SUBTITLE.~~

11 ~~(D) AN AUTHORIZED GROWER MAY NOT:~~

12 ~~(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR~~

13 ~~(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION~~
14 ~~SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.~~

15 ~~(E) (1) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF POSSESSION~~
16 ~~OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE AN~~
17 ~~EMPLOYEE OF AN AUTHORIZED GROWER, UNLESS THE CONVICTION WAS FOR A~~
18 ~~VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF~~
19 ~~MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.~~

20 ~~(2) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY MAY~~
21 ~~NOT BE AN EMPLOYEE OF AN AUTHORIZED GROWER.~~

22 ~~(F) THE DEPARTMENT, JOINTLY WITH THE DEPARTMENT OF~~
23 ~~AGRICULTURE, SHALL ADOPT REGULATIONS TO BE FOLLOWED BY AN~~
24 ~~AUTHORIZED GROWER, INCLUDING:~~

25 ~~(1) THE STANDARDS TO BE USED IN CULTIVATING THE~~
26 ~~MARIJUANA;~~

27 ~~(2) THE SECURITY FEATURES TO BE REQUIRED ON THE PREMISES~~
28 ~~AND IN TRANSPORT TO AN ENTITY THAT OBTAINS A PERMIT TO DISPENSE~~
29 ~~MARIJUANA;~~

30 ~~(3) THE LOCATION OF THE AUTHORIZED GROWER, INCLUDING~~
31 ~~THE CONSIDERATION OF THE PROXIMITY OF THE ENTITY TO SCHOOLS; AND~~

~~(4) THE ESTABLISHMENT OF A SYSTEM TO TRACK THE AMOUNT OF MARIJUANA DISPENSED AND TO WHOM THE MARIJUANA IS DISPENSED.~~

~~13-3003.~~

~~(A) (1) (i) THE DEPARTMENT SHALL ESTABLISH A REGISTRATION PROGRAM TO AUTHORIZE ENTITIES TO DISTRIBUTE MARIJUANA FOR MEDICAL PURPOSES.~~

~~(ii) THE DEPARTMENT SHALL CHARGE A REASONABLE FEE FOR THE ISSUANCE OF A REGISTRATION PERMIT UNDER THIS SECTION THAT IS BASED ON THE AMOUNT OF THE MARIJUANA DISTRIBUTED BY THE ENTITY.~~

~~(2) THE FOLLOWING ENTITIES MAY REGISTER WITH THE DEPARTMENT TO DISTRIBUTE MARIJUANA FOR MEDICAL PURPOSES:~~

~~(i) A PHARMACY THAT HOLDS A PHARMACY PERMIT ISSUED BY THE BOARD OF PHARMACY; OR~~

~~(ii) A DISPENSING CENTER AS PROVIDED FOR IN THIS SECTION.~~

~~(B) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A PERMIT TO PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT:~~

~~(1) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE FOR OPERATING THE PHARMACY OR DISPENSING CENTER;~~

~~(2) THE NAMES OF ANY EMPLOYEES, WHETHER VOLUNTEER OR PAID;~~

~~(3) THE LOCATION OF THE PHARMACY OR DISPENSING CENTER;~~

~~(4) THE SECURITY MEASURES THAT WILL BE FOLLOWED BY THE PHARMACY OR DISPENSING CENTER IN RECEIVING, STORING, AND DISPENSING THE MARIJUANA;~~

~~(5) THE METHOD BY WHICH THE PHARMACY OR DISPENSING CENTER WILL ACCOUNT FOR THE AMOUNT OF MARIJUANA RECEIVED AND DISPENSED; AND~~

~~(6) ANY OTHER INFORMATION THAT THE DEPARTMENT CONSIDERS NECESSARY.~~

1 ~~(C) (1) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA~~
2 ~~UNDER THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A~~
3 ~~STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH~~
4 ~~EMPLOYEE OF THE ENTITY.~~

5 ~~(2) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY~~
6 ~~RECORDS CHECK, THE ENTITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:~~

7 ~~(I) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE~~
8 ~~FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE~~
9 ~~CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF~~
10 ~~INVESTIGATION;~~

11 ~~(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO~~
12 ~~STATE CRIMINAL HISTORY RECORDS; AND~~

13 ~~(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE~~
14 ~~FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY~~
15 ~~RECORDS CHECK.~~

16 ~~(3) THE CENTRAL REPOSITORY SHALL FORWARD TO THE~~
17 ~~EMPLOYEE AND THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY~~
18 ~~RECORD INFORMATION.~~

19 ~~(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY~~
20 ~~UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.~~

21 ~~(5) (I) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF~~
22 ~~POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE~~
23 ~~ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR PHARMACY OR BE AN~~
24 ~~EMPLOYEE OF A DISPENSING CENTER OR PHARMACY, UNLESS THE CONVICTION~~
25 ~~WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF~~
26 ~~MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.~~

27 ~~(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A~~
28 ~~FELONY MAY NOT BE ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR~~
29 ~~PHARMACY OR BE AN EMPLOYEE OF A DISPENSING CENTER OR PHARMACY.~~

30 ~~(D) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA~~
31 ~~UNDER THIS SUBTITLE SHALL REQUIRE EACH EMPLOYEE OF THE ENTITY TO~~
32 ~~SUBMIT TO PERIODIC DRUG TESTING AS DETERMINED BY THE DEPARTMENT IN~~
33 ~~REGULATIONS.~~

1 ~~(E) (1) THE DEPARTMENT SHALL ISSUE A PERMIT TO AN INDIVIDUAL~~
2 ~~TO OPERATE A DISPENSING CENTER OR PHARMACY IF:~~

3 ~~(I) THE REQUIREMENTS OF THIS SECTION ARE MET; AND~~

4 ~~(II) THE DEPARTMENT HAS VERIFIED THE INFORMATION~~
5 ~~CONTAINED IN THE APPLICATION.~~

6 ~~(2) THE DEPARTMENT SHALL APPROVE OR DENY AN~~
7 ~~APPLICATION WITHIN 60 DAYS AFTER RECEIPT OF A COMPLETED APPLICATION.~~

8 ~~(3) (I) THE DEPARTMENT SHALL ASSIGN TO EACH INDIVIDUAL~~
9 ~~WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION A UNIQUE DISPENSING~~
10 ~~CENTER OR PHARMACY IDENTIFICATION NUMBER.~~

11 ~~(II) THE IDENTIFICATION NUMBER ASSIGNED UNDER THIS~~
12 ~~PARAGRAPH SHALL:~~

13 ~~1. BE PRINTED ON A REGISTRY IDENTIFICATION~~
14 ~~CARD ISSUED UNDER § 13-3004 OF THIS SUBTITLE; AND~~

15 ~~2. IDENTIFY THE ONLY DISPENSING CENTER OR~~
16 ~~PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS~~
17 ~~AUTHORIZED TO OBTAIN MARIJUANA.~~

18 ~~(4) A DENIAL OF AN APPLICATION SHALL BE CONSIDERED A~~
19 ~~FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE~~
20 ~~ADMINISTRATIVE PROCEDURE ACT.~~

21 ~~(F) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS~~
22 ~~SECTION SHALL DISPLAY THE PERMIT AT THE PHARMACY OR DISPENSING~~
23 ~~CENTER AT ALL TIMES WHEN THE PHARMACY OR DISPENSING CENTER IS IN~~
24 ~~POSSESSION OF THE MARIJUANA.~~

25 ~~(G) A PERMIT HOLDER SHALL REPORT ANY CHANGE IN INFORMATION~~
26 ~~TO THE DEPARTMENT NO LATER THAN 10 DAYS AFTER THE CHANGE OR THE~~
27 ~~PERMIT WILL BE CONSIDERED VOID.~~

28 ~~(H) A PATIENT OR A PRIMARY CAREGIVER OF THE PATIENT MAY~~
29 ~~REIMBURSE THE PHARMACY OR DISPENSING CENTER FOR REASONABLE COSTS~~
30 ~~ASSOCIATED WITH THE PRODUCTION OF MARIJUANA FOR THE CARDHOLDER.~~

31 ~~(I) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS~~
32 ~~SECTION MAY NOT:~~

1 ~~(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR~~

2 ~~(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION~~
3 ~~SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.~~

4 ~~(J) ON OR BEFORE JULY 1, 2012, THE DEPARTMENT, IN~~
5 ~~CONSULTATION WITH THE BOARD OF PHARMACY AND STAKEHOLDERS, SHALL~~
6 ~~DEVELOP REGULATIONS REGARDING THE PROCEDURES TO BE FOLLOWED BY~~
7 ~~PHARMACIES AND DISPENSING CENTERS IN DISPENSING MARIJUANA UNDER~~
8 ~~THIS SUBTITLE.~~

9 ~~13-3004.~~

10 ~~(A) (1) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF~~
11 ~~QUALIFYING PATIENTS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD~~
12 ~~WITH A PHOTOGRAPH TO A QUALIFYING PATIENT WHO SUBMITS THE~~
13 ~~FOLLOWING INFORMATION TO THE DEPARTMENT:~~

14 ~~(I) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A~~
15 ~~QUALIFYING PATIENT;~~

16 ~~(II) AN APPLICATION OR RENEWAL FEE THAT MAY BE~~
17 ~~BASED ON A SLIDING SCALE AS DETERMINED BY THE SECRETARY;~~

18 ~~(III) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE~~
19 ~~QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF~~
20 ~~IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;~~

21 ~~(IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF~~
22 ~~THE QUALIFYING PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN~~
23 ~~CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH; AND~~

24 ~~(V) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE~~
25 ~~QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY.~~

26 ~~(2) THE WRITTEN CERTIFICATION REQUIRED UNDER PARAGRAPH~~
27 ~~(1)(I) OF THIS SUBSECTION SHALL:~~

28 ~~(I) BE PREPARED BY A PHYSICIAN:~~

29 ~~1. WITH WHOM THE PATIENT HAS A BONA FIDE~~
30 ~~PHYSICIAN-PATIENT RELATIONSHIP;~~

~~2. WHO IS THE PRIMARY CARE PHYSICIAN, HOSPICE PHYSICIAN, OR PHYSICIAN RESPONSIBLE FOR ONGOING TREATMENT OF THE PATIENT'S DEBILITATING MEDICAL CONDITION; AND~~

~~3. WHOSE TREATMENT OF THE PATIENT MAY NOT BE LIMITED TO AUTHORIZATION FOR THE PATIENT TO USE MEDICAL MARIJUANA OR CONSULTATION FOR THAT PURPOSE; AND~~

~~(H) INCLUDE A STATEMENT BY THE PHYSICIAN THAT:~~

~~1. IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A DEBILITATING MEDICAL CONDITION FOR WHICH:~~

~~A. RECOGNIZED DRUGS OR TREATMENTS WOULD NOT BE EFFECTIVE; OR~~

~~B. OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND~~

~~2. THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.~~

~~(3) A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT HOLD ANY PERMIT ISSUED UNDER THIS SUBTITLE.~~

~~(B) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF PRIMARY CAREGIVERS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A PRIMARY CAREGIVER WHO SUBMITS THE FOLLOWING INFORMATION TO THE DEPARTMENT:~~

~~(1) AN APPLICATION OR RENEWAL FEE THAT MAY BE BASED ON A SLIDING SCALE AS DETERMINED BY THE SECRETARY;~~

~~(2) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;~~

~~(3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION; AND~~

1 ~~(4) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRIMARY~~
2 ~~CAREGIVER.~~

3 ~~(c) BEFORE ISSUING AN IDENTIFICATION CARD, THE DEPARTMENT~~
4 ~~SHALL:~~

5 ~~(1) VERIFY THE INFORMATION CONTAINED IN THE APPLICATION~~
6 ~~OR RENEWAL FORM SUBMITTED UNDER THIS SECTION; AND~~

7 ~~(2) REQUIRE THE QUALIFYING PATIENT OR THE PRIMARY~~
8 ~~CAREGIVER TO CHOOSE THE DISPENSING CENTER OR PHARMACY FROM WHICH~~
9 ~~THE REGISTRANT WILL BE OBTAINING THE MARIJUANA.~~

10 ~~(d) (1) THE DEPARTMENT SHALL:~~

11 ~~(i) APPROVE OR DENY AN APPLICATION OR RENEWAL~~
12 ~~WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION OR RENEWAL; AND~~

13 ~~(ii) ISSUE A REGISTRY IDENTIFICATION CARD WITHIN 5~~
14 ~~DAYS OF APPROVING THE APPLICATION OR RENEWAL.~~

15 ~~(2) THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL~~
16 ~~ONLY IF THE APPLICANT FAILS TO PROVIDE THE INFORMATION REQUIRED~~
17 ~~UNDER THIS SECTION OR IF THE DEPARTMENT DETERMINES THAT THE~~
18 ~~INFORMATION WAS FALSIFIED.~~

19 ~~(3) DENIAL OF THE APPLICATION SHALL BE CONSIDERED A FINAL~~
20 ~~AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE~~
21 ~~ADMINISTRATIVE PROCEDURE ACT.~~

22 ~~(e) (1) THE DEPARTMENT SHALL REQUIRE EACH APPLICANT~~
23 ~~SEEKING TO SERVE AS PRIMARY CAREGIVER TO APPLY TO THE CENTRAL~~
24 ~~REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS~~
25 ~~CHECK.~~

26 ~~(2) THE DEPARTMENT SHALL PROVISIONALLY APPROVE AN~~
27 ~~APPLICATION TO SERVE AS PRIMARY CAREGIVER PENDING THE RESULTS OF A~~
28 ~~CRIMINAL HISTORY RECORDS CHECK.~~

29 ~~(3) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY~~
30 ~~RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL~~
31 ~~REPOSITORY;~~

1 ~~(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE~~
2 ~~FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE~~
3 ~~CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF~~
4 ~~INVESTIGATION;~~

5 ~~(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO~~
6 ~~STATE CRIMINAL HISTORY RECORDS; AND~~

7 ~~(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE~~
8 ~~FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY~~
9 ~~RECORDS CHECK.~~

10 ~~(4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE~~
11 ~~APPLICANT AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY~~
12 ~~RECORD INFORMATION.~~

13 ~~(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY~~
14 ~~UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.~~

15 ~~(6) (I) AN APPLICANT WHO HAS BEEN CONVICTED OF~~
16 ~~POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT~~
17 ~~SERVE AS A PRIMARY CAREGIVER, UNLESS THE CONVICTION OCCURRED ON OR~~
18 ~~AFTER OCTOBER 1, 2011, AND WAS FOR A VIOLATION OF FEDERAL LAW~~
19 ~~RELATING TO POSSESSION OR SALE OF MARIJUANA FOR CONDUCT THAT IS~~
20 ~~LEGAL UNDER THIS SUBTITLE.~~

21 ~~(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A~~
22 ~~FELONY MAY NOT BE ISSUED A REGISTRY IDENTIFICATION CARD TO SERVE AS A~~
23 ~~PRIMARY CAREGIVER.~~

24 ~~(7) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS CHECK~~
25 ~~FROM THE CENTRAL REPOSITORY, THE SECRETARY SHALL NOTIFY THE~~
26 ~~APPLICANT IN WRITING OF THE APPLICANT'S QUALIFICATION OR~~
27 ~~DISQUALIFICATION FOR SERVING AS A PRIMARY CAREGIVER.~~

28 ~~(F) (1) A REGISTRY IDENTIFICATION CARD SHALL CONTAIN THE~~
29 ~~FOLLOWING INFORMATION:~~

30 ~~(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE~~
31 ~~QUALIFYING PATIENT;~~

32 ~~(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE~~
33 ~~QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY;~~

1 ~~(III) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE~~
2 ~~REGISTRY IDENTIFICATION CARD;~~

3 ~~(IV) PHOTO IDENTIFICATION OF THE CARDHOLDER;~~

4 ~~(V) THE IDENTIFICATION CODE OF THE AUTHORIZED~~
5 ~~DISPENSING CENTER OR PHARMACY; AND~~

6 ~~(VI) ANY OTHER INFORMATION PROVIDED FOR BY THE~~
7 ~~DEPARTMENT IN REGULATIONS.~~

8 ~~(2) (i) A PATIENT WHO HAS BEEN ISSUED A REGISTRY~~
9 ~~IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN~~
10 ~~THE PATIENT'S NAME, ADDRESS, PHYSICIAN OR PRIMARY CAREGIVER, OR~~
11 ~~CHANGE IN STATUS OF THE PATIENT'S DEBILITATING MEDICAL CONDITION~~
12 ~~WITHIN 10 DAYS OF THE CHANGE OR THE REGISTRY IDENTIFICATION CARD~~
13 ~~SHALL BE CONSIDERED VOID.~~

14 ~~(ii) A PRIMARY CAREGIVER WHO HAS BEEN ISSUED A~~
15 ~~REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY~~
16 ~~CHANGE IN THE PRIMARY CAREGIVER'S NAME OR ADDRESS WITHIN 10 DAYS OF~~
17 ~~THE CHANGE OR THE REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED~~
18 ~~VOID.~~

19 ~~(iii) 1. IF THERE IS A CHANGE IN THE STATUS OF A~~
20 ~~PATIENT'S DEBILITATING MEDICAL CONDITION THAT REQUIRES A PHYSICIAN~~
21 ~~TO WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION, THE PHYSICIAN SHALL~~
22 ~~PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE DEPARTMENT WITHIN 10~~
23 ~~DAYS OF THE CHANGE.~~

24 ~~2. ON RECEIPT OF A PHYSICIAN'S NOTICE OF~~
25 ~~WITHDRAWAL OF A PATIENT'S WRITTEN CERTIFICATION, THE DEPARTMENT~~
26 ~~SHALL:~~

27 ~~A. REVOKE THE PATIENT'S AND, IF APPLICABLE,~~
28 ~~THE PATIENT'S PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD; AND~~

29 ~~B. SEND THE PATIENT AND, IF APPLICABLE, THE~~
30 ~~PATIENT'S PRIMARY CAREGIVER A REVOCATION NOTICE REQUIRING THE~~
31 ~~IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.~~

32 ~~3. ON RECEIPT OF A REVOCATION NOTICE UNDER~~
33 ~~SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A PATIENT AND, IF~~
34 ~~APPLICABLE, A PATIENT'S PRIMARY CAREGIVER SHALL:~~

1 ~~A. IMMEDIATELY SEND THE DEPARTMENT THE~~
2 ~~REGISTRY IDENTIFICATION CARD OF THE PATIENT AND, IF APPLICABLE, THE~~
3 ~~PATIENT'S PRIMARY CAREGIVER; AND~~

4 ~~B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN~~
5 ~~THE PATIENT'S POSSESSION.~~

6 ~~(C) (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST~~
7 ~~OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY~~
8 ~~IDENTIFICATION CARDS AND THE AUTHORIZED DISPENSING CENTER OR~~
9 ~~PHARMACY OF EACH REGISTERED QUALIFYING PATIENT.~~

10 ~~(2) THE NAMES OF INDIVIDUALS AND OTHER IDENTIFYING~~
11 ~~INFORMATION OF THE LIST:~~

12 ~~(I) ARE CONFIDENTIAL;~~

13 ~~(II) MAY NOT BE CONSIDERED A PUBLIC RECORD; AND~~

14 ~~(III) MAY NOT BE DISCLOSED EXCEPT TO:~~

15 ~~1. AUTHORIZED EMPLOYEES OF THE DEPARTMENT~~
16 ~~AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR~~

17 ~~2. AUTHORIZED EMPLOYEES OF STATE OR LOCAL~~
18 ~~LAW ENFORCEMENT, TO VERIFY THAT AN INDIVIDUAL WHO IS ENGAGED IN THE~~
19 ~~SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS LAWFULLY IN~~
20 ~~POSSESSION OF A REGISTRY IDENTIFICATION CARD.~~

21 ~~(H) A REGISTRY IDENTIFICATION CARD IS VALID FOR 1 YEAR.~~

22 ~~13-3005.~~

23 ~~(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH~~
24 ~~THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST,~~
25 ~~PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING CIVIL~~
26 ~~PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD,~~
27 ~~NOR BE DENIED ANY RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF~~
28 ~~MARIJUANA:~~

29 ~~(1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER~~
30 ~~WHO:~~

1 ~~(I) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR~~

2 ~~(H) HOLDS A VALID REGISTRY IDENTIFICATION CARD AND~~
3 ~~IS IN POSSESSION OF AN AUTHORIZED AMOUNT OF USABLE MARIJUANA~~
4 ~~PURCHASED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;~~

5 ~~(2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S~~
6 ~~EMPLOYEE;~~

7 ~~(3) A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER~~
8 ~~THIS SUBTITLE OR A DISPENSING CENTER OR AN EMPLOYEE OF A PHARMACY OR~~
9 ~~DISPENSING CENTER;~~

10 ~~(4) A PHYSICIAN; OR~~

11 ~~(5) ANY OTHER PERSON.~~

12 ~~(B) THE POSSESSION OF, OR THE APPLICATION FOR, A REGISTRY~~
13 ~~IDENTIFICATION CARD DOES NOT ALONE CONSTITUTE PROBABLE CAUSE TO~~
14 ~~SEARCH AN INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL POSSESSING OR~~
15 ~~APPLYING FOR THE REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT~~
16 ~~THE INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A~~
17 ~~GOVERNMENTAL UNIT.~~

18 ~~(C) AN INDIVIDUAL MAY NOT BE SUBJECT TO ARREST OR PROSECUTION~~
19 ~~FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR ANY OTHER OFFENSE FOR~~
20 ~~BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AS~~
21 ~~ALLOWED UNDER THIS SUBTITLE.~~

22 ~~13-3006.~~

23 ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
24 ~~SUBSECTION, AN AGENT OF A PHARMACY THAT HOLDS A REGISTRATION PERMIT~~
25 ~~UNDER THIS SUBTITLE OR A DISPENSING CENTER MAY DISPENSE AN AMOUNT~~
26 ~~OF USABLE MARIJUANA THAT DOES NOT EXCEED 6 OUNCES FOR A 30-DAY~~
27 ~~PERIOD TO A REGISTERED QUALIFYING PATIENT OR THE QUALIFYING~~
28 ~~PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:~~

29 ~~(i) PRESENTS A VALID REGISTRY IDENTIFICATION CARD~~
30 ~~WITH THE IDENTIFICATION CODE OF THE PHARMACY OR DISPENSING CENTER;~~
31 ~~AND~~

1 ~~(H) IS REGISTERED WITH THAT PHARMACY OR DISPENSING~~
2 ~~CENTER WITH THE DEPARTMENT AS THE PATIENT'S AUTHORIZED PHARMACY~~
3 ~~OR DISPENSING CENTER.~~

4 ~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
5 ~~SUBSECTION, AN APPROVED PHARMACY OR DISPENSING CENTER MAY NOT~~
6 ~~DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED~~
7 ~~QUALIFYING PATIENT OR THE PATIENT'S REGISTERED PRIMARY CAREGIVER IN~~
8 ~~A SINGLE 30 DAY PERIOD.~~

9 ~~(3) AN APPROVED PHARMACY OR DISPENSING CENTER MAY~~
10 ~~DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED~~
11 ~~QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER IF THE PATIENT OR~~
12 ~~THE PATIENT'S PRIMARY CAREGIVER PRESENTS THE AGENT OF THE PATIENT'S~~
13 ~~DESIGNATED APPROVED PHARMACY OR DISPENSING CENTER A SIGNED,~~
14 ~~WRITTEN CERTIFICATION STATING THAT THE PATIENT NEEDS A SPECIFIED~~
15 ~~AMOUNT OF MARIJUANA THAT IS GREATER THAN 6 OUNCES FOR A SINGLE~~
16 ~~30 DAY PERIOD.~~

17 ~~(B) ON RECEIPT OF THE INFORMATION REQUIRED UNDER SUBSECTION~~
18 ~~(A) OF THIS SECTION, THE APPROVED PHARMACY OR DISPENSING CENTER~~
19 ~~SHALL VERIFY AND LOG THE INFORMATION PRESENTED.~~

20 ~~(C) (1) EACH APPROVED PHARMACY AND DISPENSING CENTER~~
21 ~~SHALL MAINTAIN INTERNAL RECORDS OF EACH MARIJUANA DISPENSING~~
22 ~~TRANSACTION.~~

23 ~~(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS~~
24 ~~SUBSECTION SHALL INCLUDE:~~

25 ~~(I) THE AMOUNT OF MARIJUANA DISPENSED;~~

26 ~~(H) THE REGISTRY IDENTIFICATION NUMBER OF THE~~
27 ~~INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT~~
28 ~~INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S~~
29 ~~PRIMARY CAREGIVER; AND~~

30 ~~(HH) THE DATE AND TIME OF THE TRANSACTION.~~

31 ~~(3) A RECORD MAINTAINED UNDER THIS SUBSECTION:~~

32 ~~(I) IS CONFIDENTIAL; AND~~

1 ~~(H) MAY NOT INCLUDE NAMES OR OTHER PERSONAL~~
2 ~~IDENTIFYING INFORMATION.~~

3 ~~(D) (1) A PATIENT MAY BE REGISTERED AT ONLY ONE PHARMACY OR~~
4 ~~DISPENSING CENTER AT ANY TIME.~~

5 ~~(2) (i) IF A REGISTERED QUALIFYING PATIENT NEEDS TO~~
6 ~~CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER,~~
7 ~~THE PATIENT SHALL:~~

8 ~~1. REGISTER THE CHANGE WITH THE DEPARTMENT;~~
9 ~~AND~~

10 ~~2. PAY A \$15 FEE TO THE DEPARTMENT.~~

11 ~~(H) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST~~
12 ~~TO CHANGE A PATIENT'S DESIGNATED PHARMACY OR DISPENSING CENTER~~
13 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:~~

14 ~~1. UPDATE THE REGISTERED QUALIFYING~~
15 ~~PATIENT'S RECORD AND THE PATIENT'S PRIMARY CAREGIVER RECORD, IF ANY;~~
16 ~~AND~~

17 ~~2. NOTIFY THE PATIENT THAT THE DESIGNATION~~
18 ~~CHANGE REQUEST HAS BEEN PROCESSED.~~

19 ~~(H) ON RECEIPT OF A PATIENT'S OLD REGISTRY~~
20 ~~IDENTIFICATION CARD, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY~~
21 ~~IDENTIFICATION CARD TO A PATIENT WHO REGISTERS WITH A DIFFERENT~~
22 ~~AUTHORIZED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I)~~
23 ~~OF THIS PARAGRAPH.~~

24 ~~(IV) THE DEPARTMENT MAY LIMIT THE NUMBER OF TIMES A~~
25 ~~PATIENT MAY CHANGE A DESIGNATION OF A PHARMACY OR DISPENSING~~
26 ~~CENTER TO ONE TIME EVERY 30 DAYS.~~

27 ~~13-3007.~~

28 ~~THE SECRETARY SHALL ESTABLISH A SYSTEM TO MONITOR THE~~
29 ~~DISPENSATION OF MARIJUANA IN THE STATE FOR MEDICAL USE AS~~
30 ~~AUTHORIZED UNDER THIS SUBTITLE.~~

31 ~~13-3008.~~

~~A PERSON WHO KNOWINGLY GIVES FALSE INFORMATION OR MAKES A MATERIAL MISSTATEMENT IN AN APPLICATION FOR REGISTRATION OR A PERMIT OR IN AN APPLICATION FOR A RENEWAL OF A REGISTRATION OR PERMIT UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

~~13-3009.~~

~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY INDIVIDUAL TO:~~

~~(1) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE OF MARIJUANA;~~

~~(2) SMOKE MARIJUANA IN ANY PUBLIC PLACE;~~

~~(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR~~

~~(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:~~

~~(i) 1. IS RENTED FROM A LANDLORD; AND~~

~~2. IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY; OR~~

~~(ii) IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING ADOPTED BY ONE OF THE FOLLOWING ENTITIES:~~

~~1. THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF A CONDOMINIUM REGIME; OR~~

~~2. THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION.~~

~~(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROVIDE IMMUNITY TO A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR REGULATING THE USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION OF CONTROLLED DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL DRUGS, OR HARMFUL DRUGS OR ANY CONSPIRACY OR ATTEMPT TO COMMIT ANY OF THOSE OFFENSES.~~

1 ~~13-3010.~~

2 ~~NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE A PUBLIC~~
3 ~~OR PRIVATE HEALTH INSURER TO REIMBURSE AN INDIVIDUAL FOR THE COSTS~~
4 ~~ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.~~

5 ~~13-3011.~~

6 ~~(A) BEGINNING OCTOBER 1, 2012, AND EACH OCTOBER 1~~
7 ~~THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN~~
8 ~~ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE~~
9 ~~GENERAL ASSEMBLY ON:~~

10 ~~(1) THE NUMBER OF APPLICATIONS FOR REGISTRY~~
11 ~~IDENTIFICATION CARDS;~~

12 ~~(2) THE NUMBER OF QUALIFYING PATIENTS AND PRIMARY~~
13 ~~CAREGIVERS REGISTERED;~~

14 ~~(3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF~~
15 ~~THE QUALIFYING PATIENTS;~~

16 ~~(4) THE ENTITIES SELECTED TO GROW MARIJUANA;~~

17 ~~(5) THE ENTITIES RECEIVING PERMITS TO DISPENSE MARIJUANA;~~

18 ~~(6) THE NUMBER OF REGISTRY IDENTIFICATION CARDS~~
19 ~~REVOKED;~~

20 ~~(7) THE NUMBER OF PERMITS TO ENTITIES TO GROW OR~~
21 ~~DISPENSE MARIJUANA REVOKED; AND~~

22 ~~(8) THE NUMBER OF PHYSICIANS PROVIDING WRITTEN~~
23 ~~CERTIFICATIONS FOR PATIENTS.~~

24 ~~(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION~~
25 ~~MAY NOT CONTAIN ANY IDENTIFYING INFORMATION OF PATIENTS, PRIMARY~~
26 ~~CAREGIVERS, ENTITIES SELECTED TO GROW OR DISPENSE MARIJUANA, OR~~
27 ~~PHYSICIANS.~~

28 ~~(C) ON OR BEFORE OCTOBER 1, 2013, AND EVERY 2 YEARS~~
29 ~~THEREAFTER, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN~~

1 ~~ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE~~
2 ~~GENERAL ASSEMBLY ON:~~

3 ~~(1) WHETHER THERE ARE SUFFICIENT NUMBERS OF APPROVED~~
4 ~~PHARMACIES AND DISPENSING CENTERS TO MEET THE NEEDS OF REGISTERED~~
5 ~~QUALIFYING PATIENTS THROUGHOUT THE STATE;~~

6 ~~(2) WHETHER THE MAXIMUM AMOUNT OF MEDICAL MARIJUANA~~
7 ~~ALLOWED UNDER THIS SUBTITLE IS SUFFICIENT TO MEET THE MEDICAL NEEDS~~
8 ~~OF QUALIFYING PATIENTS; AND~~

9 ~~(3) WHETHER ANY APPROVED PHARMACY OR DISPENSING~~
10 ~~CENTER HAS CHARGED EXCESSIVE PRICES FOR MARIJUANA THAT THE~~
11 ~~PHARMACY OR CENTER DISPENSED.~~

12 ~~13-3012.~~

13 ~~ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT SHALL ADOPT~~
14 ~~REGULATIONS TO IMPLEMENT THIS SUBTITLE.~~

15 ~~13-3013.~~

16 ~~(A) THE DEPARTMENT MAY ACCEPT FROM ANY SOURCE GRANTS OR~~
17 ~~CONTRIBUTIONS TO BE USED IN CARRYING OUT THIS SUBTITLE.~~

18 ~~(B) ANY FEES COLLECTED UNDER THIS SUBTITLE SHALL BE USED TO~~
19 ~~OFFSET THE COST OF THE DEPARTMENT'S ADMINISTRATION OF THIS SUBTITLE.~~

20 ~~(C) ANY FUNDS RECEIVED BY THE DEPARTMENT IN EXCESS OF THE~~
21 ~~AMOUNT REQUIRED TO FULFILL THIS SUBTITLE SHALL BE DISTRIBUTED TO~~
22 ~~DRUG REHABILITATION PROGRAMS THROUGHOUT THE STATE.~~

23 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
24 ~~October 1, 2011.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (e) A member of the Work Group:

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

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

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

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

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

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

12 (ii) include provisions that:

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

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

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

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

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

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

25 B. program operation beginning in January 2013.

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

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

30 (ii) identifying sources of marijuana;

- 1 (iii) determining patient eligibility and informed consent;
- 2 (iv) conducting any associated research projects;
- 3 (v) reporting data and outcomes;
- 4 (vi) instituting strict controls against illegal diversion; and
- 5 (vii) securing grants or other sources of funding to facilitate the
6 affordability of the program.

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 June 1, 2011. It shall remain effective for a period of 1 year and, at the end of May 31,
18 2012, with no further action required by the General Assembly, this Act shall be
19 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.