

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 995  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Oversight Commission” and substitute “- Caregivers – Certificate of Qualifying Patient”.

On pages 1 through 3, strike beginning with “making” in line 3 on page 1 down through “Fund” in line 29 on page 3, and substitute “establishing that it is an affirmative defense to a prosecution for the possession of marijuana or the possession of certain drug paraphernalia that the defendant was a certain caregiver and possessed the marijuana or drug paraphernalia for a certain purpose; establishing that a certain qualifying patient who has been issued and possesses a certain written certification is not subject to arrest, citation, prosecution, or civil or administrative penalty by a professional licensing board or denied a right or privilege for the medical use of marijuana, under certain circumstances; establishing that a qualifying patient may not be denied certain rights relating to child custody or visitation or presumed guilty of certain charges based solely on certain conduct; establishing that a qualifying patient is not disqualified from certain medical care; providing that a certain physician is not subject to arrest, prosecution, or civil or administrative penalty for providing a certain written certification or making certain statements; establishing that this Act does not prevent certain sanctions from being imposed on a physician; providing that marijuana, marijuana paraphernalia, and certain other property may not be seized or forfeited under certain circumstances; establishing that a certain individual is not subject to arrest or prosecution for a certain offense solely for being in a certain location; providing that a certain written certification issued under the laws of another jurisdiction has the same force and effect as a written certification in this State; providing that possession of a certain written certification may not be the basis for a certain finding of probable cause; establishing that a certain written certification issued to a minor is not valid except under certain circumstances; establishing that this Act does not authorize certain conduct or prohibit the imposition of certain”

(Over)

penalties; providing that this Act does not require a public or private health care insurer to make a certain reimbursement; providing a statutory form for a written certification of qualifying patient;”.

On page 3, strike in their entirety lines 32 through 37, inclusive; in line 40, strike “5-402(d)(1)” and substitute “5-601 and 5-619”; and strike in their entirety lines 43 and 44.

On page 4, strike in their entirety lines 1 through 3, inclusive; in line 6, strike “13-3101 through 13-3116” and substitute “24-1801 through 24-1806”; in the same line, strike “31.” and substitute “18.”; and strike beginning with “Section(s)” in line 11 down through “That” in line 14.

AMENDMENT NO. 2

On pages 4 through 6, strike in their entirety the lines beginning with line 17 on page 4 through line 19 on page 6, inclusive, and substitute:

“5-601.

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

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

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

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

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

(iii) the concealment of a material fact;

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

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

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

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

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

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

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

**3. “CAREGIVER” MEANS A RESIDENT OF THE STATE**

**WHO:**

**A. IS AT LEAST 21 YEARS OLD OR, IF THE INDIVIDUAL IS PROVIDING CARE TO A FAMILY MEMBER, SPOUSE, OR DOMESTIC PARTNER, IS AT LEAST 18 YEARS OLD;**

**B. HAS NOT BEEN CONVICTED OF A FELONY FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE;**

**C. HAS NOT BEEN CONVICTED OF A FELONY FOR A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCES LAW; AND**

**D. IS ONE OF NO MORE THAN TWO CAREGIVERS DESIGNATED BY A PATIENT TO PROVIDE PHYSICAL OR MEDICAL ASSISTANCE TO THE PATIENT, PROVIDED THE PATIENT HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.**

**[3.] 4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:**

**A. cachexia or wasting syndrome;**

**B. severe or chronic pain;**

**C. severe nausea;**

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician-patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. IN A PROSECUTION FOR THE POSSESSION OF MARIJUANA UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT POSSESSED MARIJUANA BECAUSE THE DEFENDANT WAS A CAREGIVER AND THE MARIJUANA WAS INTENDED FOR MEDICAL USE BY AN INDIVIDUAL WITH A DEBILITATING MEDICAL CONDITION.

[2.] 3. [The] AN affirmative defense UNDER THIS PARAGRAPH may not be used if the defendant was:

- A. using marijuana in a public place; or
- B. in possession of more than 1 ounce of marijuana.

5-619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

- (1) any statement by an owner or a person in control of the object concerning its use;
- (2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;
- (3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;
- (4) a residue of a controlled dangerous substance on the object;
- (5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person

knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

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

(Over)

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

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

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

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

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

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

(4) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “CAREGIVER” MEANS A RESIDENT OF THE STATE

WHO:



A. IS AT LEAST 21 YEARS OLD OR, IF THE INDIVIDUAL IS PROVIDING CARE TO A FAMILY MEMBER, SPOUSE, OR DOMESTIC PARTNER, IS AT LEAST 18 YEARS OLD;

B. HAS NOT BEEN CONVICTED OF A FELONY FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE;

C. HAS NOT BEEN CONVICTED OF A FELONY FOR A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCES LAW; AND

D. IS ONE OF NO MORE THAN TWO CAREGIVERS DESIGNATED BY A PATIENT TO PROVIDE PHYSICAL OR MEDICAL ASSISTANCE TO THE PATIENT, PROVIDED THE PATIENT HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.

[3.] 4. “Debilating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

(Over)

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.

(iii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed drug paraphernalia related to marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO MARIJUANA, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT POSSESSED DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE THE DEFENDANT WAS A

CAREGIVER AND THE DRUG PARAPHERNALIA RELATED TO MARIJUANA THAT  
WAS INTENDED FOR MEDICAL USE BY AN INDIVIDUAL WITH A DEBILITATING  
MEDICAL CONDITION.

[2.] 3. [The] AN affirmative defense UNDER THIS  
SUBPARAGRAPH may not be used if the defendant was:

A. using marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

(d) (1) Unless authorized under this title, a person may not deliver or sell,  
or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing,  
or under circumstances where one reasonably should know, that the drug  
paraphernalia will be used to:

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

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

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

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

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

(Over)

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

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

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

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

#### AMENDMENT NO. 3

On page 6, in line 21, strike “**31.**” and substitute “**18.**”; and in line 22, strike “**13-3101.**” and substitute “**24-1801.**”.

#### AMENDMENT NO. 4

On pages 6 through 38, strike in their entirety the lines beginning with line 25 on page 6 through line 24 on page 38, inclusive, and substitute:

“(B) “BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP” HAS THE MEANING STATED IN § 5-601 OF THE CRIMINAL LAW ARTICLE.

“(C) “DEBILITATING MEDICAL CONDITION” HAS THE MEANING STATED IN § 5-601 OF THE CRIMINAL LAW ARTICLE.

“(D) “MARIJUANA” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

“(E) (1) “MEDICAL USE” MEANS THE ACQUISITION, POSSESSION, PREPARATION, USE, DELIVERY, TRANSFER, OR TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A QUALIFYING PATIENT’S DEBILITATING MEDICAL CONDITION.

“(2) “MEDICAL USE” DOES NOT INCLUDE THE USE OF MARIJUANA BY A DESIGNATED CAREGIVER WHO IS NOT A QUALIFYING PATIENT.

“(F) “PHYSICIAN” MEANS:

“(1) AN INDIVIDUAL LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE; OR

“(2) IN RELATION TO A VISITING QUALIFYING PATIENT, AN INDIVIDUAL LICENSED TO PRESCRIBE DRUGS TO INDIVIDUALS IN THE STATE OF THE PATIENT’S RESIDENCE AND WHO POSSESSES CERTIFICATION FROM THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION TO PRESCRIBE CONTROLLED SUBSTANCES.

(Over)

(G) “QUALIFYING PATIENT” MEANS:

(1) A RESIDENT OF THE STATE WHO SUFFERS FROM A DEBILITATING MEDICAL CONDITION AND POSSESSES A WRITTEN CERTIFICATION ISSUED TO THE PATIENT BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP; OR

(2) AN INDIVIDUAL WHO:

(i) IS NOT A RESIDENT OF MARYLAND OR WHO HAS BEEN A RESIDENT OF MARYLAND FOR FEWER THAN 30 DAYS;

(ii) SUFFERS FROM A DEBILITATING MEDICAL CONDITION;  
AND

(iii) POSSESSES A VALID WRITTEN CERTIFICATION OR AN EQUIVALENT DOCUMENT ISSUED UNDER THE LAWS OF ANOTHER STATE THAT ALLOWS THE INDIVIDUAL TO ENGAGE IN THE MEDICAL USE OF MARIJUANA.

(H) (1) “WRITTEN CERTIFICATION” MEANS A DOCUMENT THAT:

(i) IS IN THE FORM OR SUBSTANTIALLY IN THE FORM PROVIDED IN § 24-1806 OF THIS SUBTITLE;

(ii) IS SIGNED AND DATED BY A PHYSICIAN;

(iii) IS VALID FOR 1 YEAR; AND

(IV) STATES THAT IN THE PHYSICIAN'S PROFESSIONAL OPINION A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION.

(2) "WRITTEN CERTIFICATION" DOES NOT INCLUDE A DOCUMENT THAT IS NOT PROVIDED IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY.

24-1802.

(A) A QUALIFYING PATIENT IS NOT SUBJECT TO ARREST, CITATION, PROSECUTION, OR CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING DISCIPLINARY ACTION, BY A PROFESSIONAL LICENSING BOARD, AND MAY NOT BE DENIED A RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF MARIJUANA.

(B) A PERSON OTHERWISE ENTITLED TO CUSTODY OF, OR VISITATION OR PARENTING TIME WITH, A MINOR MAY NOT:

(1) BE DENIED THE RIGHT SOLELY FOR CONDUCT ALLOWED UNDER THIS SUBTITLE; OR

(2) BE PRESUMED GUILTY OF NEGLIGENCE OR CHILD ENDANGERMENT.

(C) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A QUALIFYING PATIENT'S AUTHORIZED USE OF MARIJUANA IN ACCORDANCE WITH THIS SUBTITLE IS THE EQUIVALENT OF THE AUTHORIZED

(Over)

USE OF ANY OTHER MEDICATION USED AT THE DIRECTION OF A PHYSICIAN, AND DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A QUALIFYING PATIENT FROM NEEDED MEDICAL CARE.

(D) (1) A PHYSICIAN IS NOT SUBJECT TO ARREST, PROSECUTION, OR CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING DISCIPLINARY ACTION, BY THE MARYLAND BOARD OF PHYSICIANS OR OTHER OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU AND MAY NOT BE DENIED A RIGHT OR PRIVILEGE SOLELY FOR PROVIDING WRITTEN CERTIFICATIONS OR FOR OTHERWISE STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION.

(2) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PREVENT A PROFESSIONAL LICENSING BOARD FROM SANCTIONING A PHYSICIAN FOR FAILING TO PROPERLY EVALUATE A PATIENT'S MEDICAL CONDITION.

(E) MARIJUANA, MARIJUANA PARAPHERNALIA, PROPERTY, OR INTEREST IN PROPERTY THAT IS POSSESSED, OWNED, OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA BY A QUALIFYING PATIENT AS ALLOWED UNDER THIS SUBTITLE, OR ACTS INCIDENTAL TO THE POSSESSION, OWNERSHIP, OR USE, MAY NOT BE SEIZED OR FORFEITED ON THE BASIS OF THE USE OR POSSESSION OF MARIJUANA OR MARIJUANA PARAPHERNALIA.

(F) AN INDIVIDUAL IS NOT SUBJECT TO ARREST, OR PROSECUTION FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR OTHER OFFENSE SOLELY FOR BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA BY A QUALIFYING PATIENT AS ALLOWED UNDER THIS SUBTITLE.



(G) A VALID WRITTEN CERTIFICATION, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, OR TERRITORY OF THE UNITED STATES THAT ALLOWS, IN THE JURISDICTION OF ISSUANCE, A PATIENT TO POSSESS MARIJUANA FOR MEDICAL PURPOSES, HAS THE SAME FORCE AND EFFECT AS A WRITTEN CERTIFICATION ISSUED IN THIS STATE.

(H) THE POSSESSION OF A WRITTEN CERTIFICATION MAY NOT BE THE BASIS FOR A FINDING OF PROBABLE CAUSE TO SEARCH AN INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL, OR OTHERWISE SUBJECT THE INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A GOVERNMENTAL UNIT.

24-1803.

A WRITTEN CERTIFICATION IS NOT VALID FOR A PATIENT WHO IS A MINOR UNLESS THE WRITTEN CERTIFICATION IS ACCOMPANIED BY A STATEMENT FROM A CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE MINOR AFFIRMING THAT:

(1) THE PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN; AND

(2) THE CUSTODIAL PARENT OR LEGAL GUARDIAN AGREED TO:

(I) ALLOW THE MINOR'S MEDICAL USE OF MARIJUANA; AND

(II) CONTROL THE ACQUISITION OF THE MARIJUANA AND THE FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE MINOR.

(Over)

24-1804.

THIS SUBTITLE DOES NOT AUTHORIZE AN INDIVIDUAL TO ENGAGE IN OR PREVENT THE IMPOSITION OF CIVIL, CRIMINAL, OR OTHER PENALTIES FOR:

(1) PERFORMING A TASK UNDER THE INFLUENCE OF MARIJUANA WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE;

(2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE OF MARIJUANA;

(3) SMOKING MARIJUANA IN A PUBLIC PLACE;

(4) SMOKING MARIJUANA IN A MOTOR VEHICLE; OR

(5) SMOKING 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:

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

2. THE GOVERNING BODY OF A HOMEOWNER'S  
ASSOCIATION.

24-1805.

THIS SUBTITLE DOES NOT REQUIRE A PUBLIC OR PRIVATE HEALTH  
INSURER TO REIMBURSE AN INDIVIDUAL FOR THE COSTS ASSOCIATED WITH THE  
MEDICAL USE OF MARIJUANA.

24-1806.

<u>“WRITTEN CERTIFICATION OF QUALIFYING PATIENT</u>	
<u>PHYSICIAN’S NAME:</u>	<u>MARYLAND BOARD OF PHYSICIANS NUMBER:</u>
<u>PHYSICIAN’S ADDRESS (STREET):</u>	
<u>(CITY, STATE, ZIP CODE):</u>	<u>TELEPHONE:</u>
<u>PATIENT INFORMATION:</u>	
<u>PATIENT’S NAME:</u>	<u>PATIENT’S DATE OF BIRTH:</u>

(Over)

<u>PATIENT'S ADDRESS IN PHYSICIAN'S RECORDS:</u>	
<u>EXPIRATION</u>	
<u>DATE OF CERTIFICATION (12 MONTHS FROM DATE OF PHYSICIAN'S SIGNATURE):</u>	

BY SIGNING THIS FORM, I HEREBY CERTIFY THAT THE ABOVE-NAMED PATIENT IN POSSESSION OF THIS WRITTEN CERTIFICATION HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION, AS DEFINED IN § 24-1801 OF THE HEALTH - GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.

BY SIGNING THIS FORM, I FURTHER CERTIFY THAT I AM THE PHYSICIAN OF RECORD FOR THE ABOVE-NAMED PATIENT, AND THAT EVIDENCE OF MY ASSESSMENT, DIAGNOSIS, AND TREATMENT OF THE CONDITION FOR WHICH I AM PROVIDING THIS CERTIFICATION CAN BE FOUND IN THE PATIENT'S MEDICAL RECORDS WHICH I MAINTAIN. I FURTHER CERTIFY THAT I HAVE A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP WITH THIS PATIENT, AS DEFINED IN § 24-1801 OF THE HEALTH - GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

BASED ON MY ASSESSMENT, DIAGNOSIS, AND TREATMENT OF THIS PATIENT, IT IS MY CONCLUSION THAT THE ABOVE-NAMED PATIENT MAY BENEFIT FROM THE MEDICAL USE OF MARIJUANA AND HAS A QUALIFYING DEBILITATING MEDICAL CONDITION.

PRINTED NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**KEY DEFINITIONS**

**A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP IS DEFINED IN § 24-1801 OF THE HEALTH - GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND AS FOLLOWS:**

**“BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP” MEANS A RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT’S DEBILITATING MEDICAL CONDITION.**

**A DEBILITATING MEDICAL CONDITION IS DEFINED IN § 24-1801 OF THE HEALTH - GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FOLLOWS:**

**“DEBILITATING MEDICAL CONDITION” MEANS A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES ONE OR MORE OF THE FOLLOWING, AS DOCUMENTED BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP:**

- (1) CACHEXIA OR WASTING SYNDROME;**
- (2) SEVERE OR CHRONIC PAIN;**
- (3) SEVERE NAUSEA;**
- (4) SEIZURES;**

(Over)

(5) SEVERE AND PERSISTENT MUSCLE SPASMS; OR

(6) ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO  
CONVENTIONAL MEDICINE.

A WRITTEN CERTIFICATION IS DEFINED IN § 24-1801 OF THE HEALTH -  
GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FOLLOWS:

“WRITTEN CERTIFICATION” MEANS A DOCUMENT IN THE FORM OR  
SUBSTANTIALLY IN THE FORM PROVIDED IN § 24-1806 OF THE HEALTH -  
GENERAL ARTICLE, SIGNED AND DATED BY A PHYSICIAN, THAT IS VALID FOR 1  
YEAR, AND THAT STATES THAT IN THE PHYSICIAN’S PROFESSIONAL OPINION A  
PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM  
THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT’S  
DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE  
DEBILITATING MEDICAL CONDITION. A WRITTEN CERTIFICATION MAY BE MADE  
ONLY IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP  
AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE  
QUALIFYING PATIENT’S MEDICAL HISTORY.””.

AMENDMENT NO. 5

On page 38, strike in their entirety lines 25 through 30, inclusive.

On page 39, in line 1, strike “4.” and substitute “2.”.