

**HB1101/616480/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1101  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Morhaim” insert “, Glenn, Hammen, Pendergrass, Elliott”; in the same line, strike “Glenn,”; in line 2, strike “Medical Marijuana – Academic Medical Centers” and substitute “Natalie M. LaPrade Medical Marijuana Commission”; in line 3, after the second “the” insert “Natalie M. LaPrade”; in the same line, after “Commission;” insert “providing that the Commission is an independent commission that functions within the Department of Health and Mental Hygiene;”; in line 8, after “staff;” insert “establishing the Natalie M. LaPrade Medical Marijuana Commission Fund; requiring the Commission to administer the Fund; providing that the Fund is a special continuing, nonlapsing fund that is not subject to a certain provision of law; requiring the State Treasurer to hold the Fund and the State Comptroller to account for the Fund; requiring the Fund to be invested and reinvested in a certain manner and the investment earnings be retained to the credit of the Fund; requiring the Fund to be subject to a certain audit; requiring the Comptroller to pay out money from the Fund as directed by the Commission; providing that the Fund consists of certain money; prohibiting any part of the Fund from reverting or being credited to the General Fund of the State or any other special fund of the State; providing that expenditures from the Fund may be made only in accordance with the State budget;”; in line 15, after “approval;” insert “limiting the number of programs that the Commission may approve to operate at one time;”; in line 16, strike “Department of Health and Mental Hygiene” and substitute “Commission”; and in line 17, strike “Department” and substitute “Commission”.

On page 2, in lines 5, 7, 8, and 9, in each instance, strike “Department” and substitute “Commission”; in line 6, after “purpose;” insert “limiting the number of medical marijuana growers that the Commission may license;”; in line 13, after “Act;” insert “authorizing the State to pay for the defense of certain State employees under”.

(Over)

certain circumstances; authorizing the Governor to suspend implementation of the Act under certain circumstances; establishing that a certain requirement that certain interest accrue to the General Fund of the State does not apply to the Natalie M. LaPrade Medical Marijuana Commission Fund; during a certain fiscal year, requiring the Commission to develop certain policies, procedures, regulations, and guidelines for implementation of the Act; requiring the Commission to provide a certain report to the Governor and General Assembly on or before a certain date;”; in line 17, strike “13-3110” and substitute “13-3111”; after line 20, insert:

“BY repealing and reenacting, without amendments,  
Article - State Finance and Procurement  
Section 6-226(a)(2)(i)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,  
Article - State Finance and Procurement  
Section 6-226(a)(2)(ii)69. and 70.  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)

BY adding to  
Article - State Finance and Procurement  
Section 6-226(a)(2)(ii)71.  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)”;

and in line 24, strike “**MEDICAL MARIJUANA**” and substitute “**NATALIE M. LAPRADE MEDICAL MARIJUANA COMMISSION**”.

AMENDMENT NO. 2

On page 2, in line 34, after “THE” insert “NATALIE M. LAPRADE”; and after line 35, insert:

**“(D) “FUND” MEANS THE NATALIE M. LAPRADE MEDICAL MARIJUANA COMMISSION FUND ESTABLISHED UNDER § 13-3103 OF THIS SUBTITLE.”**

On page 3, in line 1, strike “(D)” and substitute “(E)”; and in line 5, after the second “A” insert “NATALIE M. LAPRADE”.

On page 5, after line 8, insert:

**“(G) (1) THERE IS A NATALIE M. LAPRADE MEDICAL MARIJUANA COMMISSION FUND.**

**(2) THE COMMISSION SHALL ADMINISTER THE FUND.**

**(3) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(4) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS, AND ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT OF THE FUND.**

**(6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

(Over)

**(7) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS DIRECTED BY THE COMMISSION.**

**(8) THE FUND CONSISTS OF:**

**(i) ANY MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

**(ii) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED BY THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND.**

**(9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

**(i) THE GENERAL FUND OF THE STATE; OR**

**(ii) ANY OTHER SPECIAL FUND OF THE STATE.**

**(10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.”.**

On page 11, before line 10, insert:

**“Article – State Finance and Procurement**

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

69. the Maryland Legal Services Corporation Fund; [and]

70. Mortgage Loan Servicing Practices Settlement Fund;

AND

71. NATALIE M. LAPRADE MEDICAL MARIJUANA COMMISSION FUND.”.

AMENDMENT NO. 3

On page 3, after line 5, insert:

“(B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS WITHIN THE DEPARTMENT.”;

and in line 6, strike “(B)” and substitute “(C)”.

On page 7, after line 9, insert:

“(D) THE COMMISSION MAY APPROVE NO MORE THAN FIVE PROGRAMS TO OPERATE AT ONE TIME.”;

(Over)

and in lines 12 and 15, in each instance, strike “DEPARTMENT” and substitute “COMMISSION”.

On page 8, in line 28, after “(A)” insert “(1)”; in the same line, strike “DEPARTMENT” and substitute “COMMISSION”; and after line 30, insert:

**“(2) THE COMMISSION MAY LICENSE NO MORE THAN FIVE MEDICAL MARIJUANA GROWERS FOR EACH APPROVED PROGRAM.”**

On page 9, in lines 4, 8, 10, and 12, in each instance, strike “DEPARTMENT” and substitute “COMMISSION”.

AMENDMENT NO. 4

On page 11, after line 9, insert:

**“13-3111.**

**(A) NOTWITHSTANDING § 12-315 OF THE STATE GOVERNMENT ARTICLE, A STATE EMPLOYEE WHO INCURS COUNSEL FEES IN CONNECTION WITH A FEDERAL CRIMINAL INVESTIGATION OR PROSECUTION SOLELY RELATED TO THE EMPLOYEE’S GOOD FAITH DISCHARGE OF PUBLIC RESPONSIBILITIES UNDER THIS SUBTITLE IS ELIGIBLE FOR REIMBURSEMENT OF COUNSEL FEES AS AUTHORIZED BY § 12-314 OF THE STATE GOVERNMENT ARTICLE.**

**(B) THE GOVERNOR MAY SUSPEND IMPLEMENTATION OF THIS SUBTITLE ON MAKING A DETERMINATION THAT THERE IS A REASONABLE CHANCE OF FEDERAL PROSECUTION OF STATE EMPLOYEES FOR INVOLVEMENT WITH IMPLEMENTATION OF THIS SUBTITLE.”**

AMENDMENT NO. 5

On page 11, after line 15, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That during fiscal year 2014, the Commission shall develop policies, procedures, regulations, and guidelines for implementation of this Act, including:

- (a) the request for proposals;
- (b) the application review process;
- (c) the application renewal process;
- (d) the inspection process;
- (e) data requirements for participating programs;
- (f) the annual report format; and
- (g) the Commission’s requirements for licensing, including security and the product-tracking system.

SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1, 2013, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on sources of funding for the implementation of the provisions of Section 1 of this Act and suggested fees to support the implementation of this Act beginning July 1, 2014.”;

and in line 16, strike “3.” and substitute “5.”.