

# HOUSE BILL 1100

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By: **Delegates Morhaim, McIntosh, Hixson, Barve, Branch, Holmes, Tarrant, Cane, Feldman, Barnes, F. Turner, McHale, Rosenberg, Kaiser, Boteler, Weir, Frank, Aumann, Hubbard, Clagett, Donoghue, Lafferty, Smigiel, Braveboy, Hucker, Kach, Ivey, Glenn, Love, Stein, Vaughn, Haynes, Gutierrez, Carr, Cullison, Stukes, Bobo, Cardin, M. Washington, A. Kelly, Lee, Reznik, Kramer, Gilchrist, Frush, B. Robinson, Valderrama, Zucker, Conaway, Carter, Wilson, Glass, Oaks, Luedtke, S. Robinson, Mizeur, Niemann, Summers, A. Miller, Murphy, V. Turner, Nathan-Pulliam, Minnick, and Arora**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Compassionate Care Act**

3 FOR the purpose of establishing an independent Medical Marijuana Oversight  
4 Commission; providing for the purpose and membership of the Commission;  
5 specifying the terms of the initial members of the Commission; providing for the  
6 appointment of a chair and vice chair of the Commission; providing that a  
7 member of the Commission may not receive certain compensation but is entitled  
8 to certain reimbursement; authorizing the Commission to employ a certain  
9 staff; requiring the Commission to consult with certain experts and to meet with  
10 a certain frequency; providing for the powers and duties of the Commission;  
11 authorizing the Commission to contract with certain entities; requiring the  
12 Commission to adopt certain regulations on or before a certain date; authorizing  
13 the Commission to suspend or revoke certain registrations; authorizing the  
14 Commission to inspect certain entities; requiring the Commission to approve  
15 certain certifications of certain physicians; requiring a physician certification to  
16 be renewed annually; requiring a certain proposal from a physician to the  
17 Commission to include certain information; encouraging the Commission to  
18 approve certain applications; exempting certain physicians from certain  
19 penalties for certain actions; requiring a certifying physician to submit a certain  
20 annual report to the Commission at a certain time; authorizing the Commission  
21 to set certain fees; authorizing an academic medical center to apply to the  
22 Commission to conduct certain research; requiring the Commission to approve  
23 certain applications for registration from academic medical centers; providing

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the expiration and renewal of proposal from a registered academic medical  
2 center; requiring a proposal from an academic medical center to include certain  
3 information; encouraging the Commission to approve certain applications from  
4 academic medical centers; requiring a registered academic medical center to  
5 submit a certain annual report to the Commission at a certain time; requiring  
6 the Commission to issue a request for applications for registration as a grower;  
7 requiring the Commission to require an applicant for registration as a  
8 registered grower to provide certain information; requiring the Commission to  
9 approve the fewest number of registered growers as is reasonable; providing for  
10 the expiration and renewal of a registration as a registered grower; providing  
11 that a registered grower is exempt from certain State and local penalties for  
12 certain actions; requiring a registered grower to meet certain security and  
13 safety standards and submit to certain testing of certain marijuana; requiring a  
14 registered grower to conduct a certain background check on certain employees;  
15 prohibiting a registered grower from holding certain registrations or being a  
16 certifying physician; prohibiting certain individuals from being an employee of a  
17 registered grower unless the registered grower is also an academic medical  
18 center; requiring the Commission to adopt certain regulations after consulting  
19 with the Department of Agriculture and the Department of State Police;  
20 requiring the Commission to establish certain fees; requiring the Commission to  
21 establish a registration program to register dispensing pharmacies, dispensing  
22 centers, and academic medical centers; requiring the Commission to require an  
23 applicant for a dispensing center, a dispensing pharmacy, or an academic  
24 medical center registration to provide certain information to the Commission;  
25 requiring the Commission to charge certain fees for certain applications and for  
26 the issuance of certain registrations; providing that a registered academic  
27 center is not required to be registered as a dispensing center; requiring certain  
28 entities seeking to operate as a dispensing center to perform a certain criminal  
29 history records check on each employee; prohibiting certain individuals from  
30 obtaining a registration to operate a dispensing center or to be an employee of a  
31 dispensing center; requiring certain entities to require employees of the entity  
32 to submit to certain drug testing; requiring the Commission to issue a certain  
33 registration if certain conditions are met; authorizing the Commission to set  
34 reasonable limits on the number of dispensing centers in the State or in a  
35 geographic area; requiring the Commission to assign a certain identification  
36 number to certain entities; providing that a denial of a certain application shall  
37 be considered a final agency decision for a certain purpose; requiring entities  
38 that have been issued a certain registration to display the registration in a  
39 certain manner and to report certain changes to the Commission at a certain  
40 time; prohibiting entities that have been issued a certain registration from  
41 holding certain registrations or being a certifying physician; providing for  
42 certain restrictions on the advertisement of the sale of marijuana; requiring the  
43 Commission, in consultation with State and local law enforcement, to develop  
44 certain regulations providing for the issuance of registry identification cards;  
45 requiring the Commission to issue a registry identification card to certain  
46 patients; requiring a qualifying patient to submit certain information to the  
47 Commission; providing for the manner in which the Commission shall approve,

1 deny, and issue a registry identification card; requiring the Commission to deny  
2 a request for a primary caregiver for certain reasons; requiring each applicant  
3 that serves as a primary caregiver to submit to a certain criminal history  
4 records check; prohibiting certain individuals from serving as primary  
5 caregivers; requiring a registry identification card to include certain  
6 information; requiring a primary caregiver or qualifying patient to provide a  
7 certain notice to the Commission under certain circumstances within a certain  
8 time period; requiring a certifying physician or registered academic medical  
9 center to provide a certain notice to certain patients and the Commission under  
10 certain circumstances and within a certain time period; requiring the  
11 Commission to establish certain procedures and to maintain a certain list of  
12 individuals to whom the Commission has issued registry identification cards;  
13 prohibiting employees of State and local law enforcement from querying certain  
14 records; exempting certain persons from certain penalties when acting in  
15 accordance with this Act; providing that the possession of, or application for, a  
16 registry identification card does not constitute probable cause to conduct a  
17 certain search or inspection; providing that an individual may not be subject to  
18 certain arrest or prosecution for being in the presence or vicinity of the medical  
19 use of marijuana as authorized by this Act; authorizing certain entities to sell or  
20 distribute a certain amount of marijuana in a certain time to certain individuals  
21 under certain circumstances; requiring registered dispensing pharmacies and  
22 registered dispensing centers to follow certain procedures and maintain certain  
23 records; providing that a qualifying patient may be registered at only one  
24 registered dispensing pharmacy or registered dispensing center at any time;  
25 providing for the construction of this Act; providing that this Act may not be  
26 construed to provide certain immunity to certain persons; providing that this  
27 Act may not be construed to require certain insurance reimbursement;  
28 requiring the Commission to submit certain reports to the Governor and the  
29 General Assembly on or before certain dates; authorizing the Commission to  
30 accept certain funds; requiring the Commission to use certain fees in a certain  
31 manner; authorizing the Commission to distribute certain funds to certain  
32 entities for a certain purpose; authorizing the Commission to provide certain  
33 funds to the General Fund; defining certain terms; and generally relating to  
34 marijuana for medical use.

35 BY adding to

36 Article – Health – General

37 Section 13–3101 through 13–3116 to be under the new subtitle “Subtitle 31.  
38 Medical Marijuana”

39 Annotated Code of Maryland

40 (2009 Replacement Volume and 2012 Supplement)

41 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
42 MARYLAND, That the Laws of Maryland read as follows:

43 **Article – Health – General**

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**SUBTITLE 31. MEDICAL MARIJUANA.**2 **13-3101.**

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (B) “BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP” MEANS A  
6 RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR  
7 THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT’S MEDICAL  
8 CONDITION.

9 (C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE  
10 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF  
11 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12 (D) “CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL LICENSED BY THE  
13 STATE BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS  
14 ARTICLE TO PRACTICE MEDICINE WHO HAS COMPLETED:

15 (1) A TRAINING PROGRAM DESIGNED AND APPROVED BY THE  
16 COMMISSION; OR

17 (2) TRAINING WITH A REGISTERED ACADEMIC MEDICAL CENTER  
18 AND IS CERTIFYING PATIENTS UNDER THE DIRECTION OF A REGISTERED  
19 ACADEMIC MEDICAL CENTER.

20 (E) “COMMISSION” MEANS THE MEDICAL MARIJUANA OVERSIGHT  
21 COMMISSION ESTABLISHED UNDER THIS SUBTITLE.

22 (F) “DISPENSING CENTER” MEANS AN ENTITY REGISTERED UNDER  
23 THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,  
24 TRANSPORTS, SUPPLIES, SELLS, OR DISPENSES MARIJUANA OR RELATED  
25 SUPPLIES AND EDUCATIONAL MATERIALS.

26 (G) “DISPENSING PHARMACY” MEANS A PHARMACY REGISTERED  
27 UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,  
28 TRANSPORTS, SELLS, SUPPLIES, OR DISPENSES MARIJUANA OR RELATED  
29 SUPPLIES AND EDUCATIONAL MATERIALS.

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

1           **(I) “MEDICAL USE” MEANS THE ACQUISITION, POSSESSION,**  
2 **CULTIVATION, MANUFACTURE, USE, DELIVERY, SALE, TRANSFER, OR**  
3 **TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE**  
4 **ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED**  
5 **PATIENT’S CONDITION OR SYMPTOMS.**

6           **(J) (1) “PRIMARY CAREGIVER” MEANS A RESIDENT OF THE STATE**  
7 **WHO:**

8                   **(I) IS AT LEAST 18 YEARS OLD;**

9                   **(II) HAS AGREED TO ASSIST WITH THE MEDICAL USE OF**  
10 **MARIJUANA FOR NO MORE THAN FIVE QUALIFYING PATIENTS;**

11                   **(III) HAS BEEN DESIGNATED AS PRIMARY CAREGIVER ON**  
12 **THE QUALIFYING PATIENT’S APPLICATION OR RENEWAL FOR A REGISTRY**  
13 **IDENTIFICATION CARD FOR THE PRIMARY CAREGIVER; AND**

14                   **(IV) HAS SATISFIED THE CRIMINAL HISTORY RECORDS**  
15 **CHECK REQUIRED UNDER § 13-3108 OF THIS SUBTITLE.**

16           **(2) “PRIMARY CAREGIVER” DOES NOT INCLUDE THE QUALIFYING**  
17 **PATIENT’S CERTIFYING PHYSICIAN.**

18           **(K) “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE WHO:**

19                   **(1) IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION**  
20 **GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S**  
21 **CERTIFYING PHYSICIAN; AND**

22                   **(2) (I) HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION**  
23 **BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE**  
24 **PHYSICIAN-PATIENT RELATIONSHIP; OR**

25                   **(II) IS ENROLLED IN A RESEARCH PROGRAM WITH A**  
26 **REGISTERED ACADEMIC MEDICAL CENTER.**

27           **(L) “REGISTERED ACADEMIC MEDICAL CENTER” MEANS A PROGRAM**  
28 **APPROVED BY THE COMMISSION TO CONDUCT RESEARCH REGARDING THE**  
29 **MEDICAL USE OF MARIJUANA BY HUMANS THAT:**

30                   **(1) OPERATES A MEDICAL RESIDENCY PROGRAM FOR**  
31 **PHYSICIANS; AND**

1           **(2) CONDUCTS RESEARCH THAT IS OVERSEEN BY THE U.S.**  
2 **DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THAT INVOLVES HUMAN**  
3 **SUBJECTS.**

4           **(M) “REGISTERED GROWER” MEANS AN ENTITY THAT:**

5                 **(1) IS REGISTERED BY THE COMMISSION UNDER THIS SUBTITLE**  
6 **TO BE EXEMPT FROM STATE AND LOCAL PENALTIES FOR CULTIVATING**  
7 **MARIJUANA IN ACCORDANCE WITH THIS SUBTITLE; AND**

8                 **(2) IS EXEMPT FROM STATE AND LOCAL PENALTIES FOR**  
9 **TRANSFERRING MARIJUANA CULTIVATED BY THE ENTITY TO A DISPENSING**  
10 **PHARMACY OR TO A DISPENSING CENTER FOR A FEE.**

11           **(N) “REGISTRY IDENTIFICATION CARD” MEANS A DOCUMENT ISSUED BY**  
12 **THE COMMISSION THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT**  
13 **OR A PRIMARY CAREGIVER.**

14           **(O) (1) “USABLE MARIJUANA” MEANS THE DRIED LEAVES AND**  
15 **FLOWERS OF MARIJUANA AND ANY MIXTURE OR PREPARATION OF THE DRIED**  
16 **LEAVES AND FLOWERS.**

17                 **(2) “USABLE MARIJUANA” DOES NOT INCLUDE THE SEEDS,**  
18 **STALKS, OR ROOTS OF THE PLANT.**

19           **(P) “WRITTEN CERTIFICATION” MEANS A CERTIFICATION ISSUED BY A**  
20 **CERTIFYING PHYSICIAN TO A QUALIFYING PATIENT WITH WHOM THE PHYSICIAN**  
21 **HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP THAT INCLUDES A**  
22 **WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN’S PROFESSIONAL**  
23 **OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT’S**  
24 **MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A**  
25 **CONDITION THAT MEETS THE INCLUSION CRITERIA AND DOES NOT MEET THE**  
26 **EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN’S APPLICATION, AND FOR**  
27 **WHICH:**

28                 **(1) RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE**  
29 **EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE**  
30 **EFFECTS OR A GREATER RISK OF ADDICTION; AND**

31                 **(2) THE POTENTIAL BENEFITS OF THE MEDICAL USE OF**  
32 **MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.**

1 **13-3102.**

2 (A) **THERE IS AN INDEPENDENT MEDICAL MARIJUANA OVERSIGHT**  
3 **COMMISSION.**

4 (B) **THE PURPOSE OF THE COMMISSION IS TO REGISTER AND**  
5 **REGULATE ACADEMIC MEDICAL CENTERS, CERTIFYING PHYSICIANS, GROWERS,**  
6 **DISPENSING CENTERS, AND DISPENSING PHARMACIES.**

7 (C) **THE COMMISSION CONSISTS OF THE FOLLOWING 12 MEMBERS:**

8 (1) **THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**  
9 **SECRETARY'S DESIGNEE; AND**

10 (2) **THE FOLLOWING 11 MEMBERS, APPOINTED BY THE**  
11 **GOVERNOR:**

12 (I) **ONE MEMBER OF THE PUBLIC WHO SUPPORTS THE USE**  
13 **OF MARIJUANA FOR MEDICAL PURPOSES AND WHO IS OR WAS A PATIENT WHO**  
14 **FOUND RELIEF FROM THE USE OF MEDICAL MARIJUANA;**

15 (II) **ONE MEMBER OF THE PUBLIC DESIGNATED BY THE**  
16 **NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE;**

17 (III) **THREE PHYSICIANS LICENSED IN THE STATE WHO**  
18 **SPECIALIZE IN ADDICTION, PAIN, ONCOLOGY, OR CLINICAL RESEARCH;**

19 (IV) **ONE NURSE LICENSED IN THE STATE WHO HAS**  
20 **EXPERIENCE IN HOSPICE CARE, NOMINATED BY A STATE INSTITUTION OR**  
21 **TRADE ASSOCIATION;**

22 (V) **ONE PHARMACIST LICENSED IN THE STATE NOMINATED**  
23 **BY A STATE RESEARCH INSTITUTION OR TRADE ASSOCIATION;**

24 (VI) **ONE SCIENTIST WHO HAS EXPERIENCE IN THE SCIENCE**  
25 **OF MARIJUANA, NOMINATED BY A STATE RESEARCH INSTITUTION;**

26 (VII) **ONE REPRESENTATIVE OF THE MARYLAND STATE'S**  
27 **ATTORNEY'S ASSOCIATION;**

28 (VIII) **ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF**  
29 **POLICE; AND**

1                   **(IX) AN ATTORNEY WHO IS KNOWLEDGEABLE ABOUT**  
2 **MEDICAL MARIJUANA LAWS IN THE UNITED STATES.**

3           **(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

4                   **(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED.**

5                   **(3) A MEMBER WHO SERVES TWO CONSECUTIVE FULL 4-YEAR**  
6 **TERMS MAY NOT BE REAPPOINTED FOR 4 YEARS AFTER COMPLETION OF THOSE**  
7 **TERMS.**

8                   **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
9 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
10 **APPOINTED AND QUALIFIES.**

11           **(E) ANNUALLY, FROM AMONG THE MEMBERS OF THE COMMISSION:**

12                   **(1) THE GOVERNOR SHALL APPOINT A CHAIR; AND**

13                   **(2) THE CHAIR SHALL APPOINT A VICE CHAIR.**

14           **(F) A MEMBER OF THE COMMISSION:**

15                   **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
16 **COMMISSION; BUT**

17                   **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
18 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**  
19 **BUDGET.**

20           **(G) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING**  
21 **CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET OR FUNDED**  
22 **DIRECTLY BY APPLICATION AND REGISTRATION FEES AND GRANTS TO THE**  
23 **COMMISSION.**

24           **(H) THE COMMISSION SHALL CONSULT WITH EXPERTS IN PERFORMING**  
25 **THE DUTIES OF THE COMMISSION.**

26           **(I) THE COMMISSION SHALL MEET AT LEAST SIX TIMES A YEAR, AT THE**  
27 **TIMES AND PLACES DETERMINED BY THE COMMISSION.**

28 **13-3103.**



1           **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**  
2 **SUBTITLE, THE COMMISSION MAY:**

3                   **(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**  
4 **THIS SUBTITLE;**

5                   **(2) CREATE SUBCOMMITTEES FROM AMONG THE MEMBERS OF**  
6 **THE COMMISSION;**

7                   **(3) APPOINT ADVISORY COMMITTEES THAT MAY INCLUDE**  
8 **INDIVIDUALS AND REPRESENTATIVES OF INTERESTED PUBLIC OR PRIVATE**  
9 **ORGANIZATIONS;**

10                   **(4) APPLY FOR AND ACCEPT ANY FUNDS, PROPERTY, OR**  
11 **SERVICES FROM ANY PERSON OR GOVERNMENT AGENCY;**

12                   **(5) MAKE AGREEMENTS WITH A GRANTOR OR PAYER OF FUNDS,**  
13 **PROPERTY, OR SERVICES;**

14                   **(6) PUBLISH AND DISSEMINATE ANY INFORMATION THAT**  
15 **RELATES TO THE MEDICAL USE OF MARIJUANA AND RELATED RESEARCH; AND**

16                   **(7) SUBJECT TO THE LIMITATIONS OF THIS SUBTITLE, EXERCISE**  
17 **ANY OTHER POWER THAT IS REASONABLY NECESSARY TO CARRY OUT THE**  
18 **PURPOSES OF THIS SUBTITLE.**

19           **(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS**  
20 **SUBTITLE, THE COMMISSION SHALL:**

21                   **(1) ADOPT REGULATIONS THAT RELATE TO THE MEETINGS,**  
22 **MINUTES, AND TRANSACTIONS OF THE COMMISSION;**

23                   **(2) KEEP MINUTES OF EACH MEETING;**

24                   **(3) PREPARE ANNUALLY A BUDGET PROPOSAL THAT INCLUDES**  
25 **THE ESTIMATED INCOME OF THE COMMISSION AND THE PROPOSED EXPENSES**  
26 **FOR THE ADMINISTRATION AND OPERATION OF THE COMMISSION; AND**

27                   **(4) PREPARE FROM THE INFORMATION FILED WITH THE**  
28 **COMMISSION ANY SUMMARY, COMPILATION, OR OTHER SUPPLEMENTARY**  
29 **REPORT THAT WILL ADVANCE THE PURPOSES OF THIS SUBTITLE.**

1           **(C) (1) THE COMMISSION MAY CONTRACT WITH A QUALIFIED,**  
2 **INDEPENDENT THIRD PARTY FOR ANY SERVICE NECESSARY TO CARRY OUT THE**  
3 **POWERS AND DUTIES OF THE COMMISSION.**

4           **(2) UNLESS PERMISSION IS GRANTED SPECIFICALLY BY THE**  
5 **COMMISSION, A THIRD PARTY HIRED BY THE COMMISSION MAY NOT RELEASE,**  
6 **PUBLISH, OR OTHERWISE USE ANY INFORMATION TO WHICH THE THIRD PARTY**  
7 **HAS ACCESS UNDER THE CONTRACT THE THIRD PARTY HAS ENTERED INTO**  
8 **WITH THE COMMISSION.**

9           **(D) THE COMMISSION MAY INSPECT ANY DISPENSING CENTER,**  
10 **REGISTERED GROWER, OR DISPENSING PHARMACY.**

11           **(E) THE COMMISSION SHALL ADVANCE THE DEVELOPMENT OF**  
12 **SCIENTIFIC INFORMATION RELATED TO THE MEDICAL USE OF MARIJUANA.**

13           **(F) (1) ON OR BEFORE SEPTEMBER 1, 2013, THE COMMISSION SHALL**  
14 **ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

15           **(2) REGULATIONS ADOPTED BY THE COMMISSION MAY NOT**  
16 **REQUIRE REGISTERED ACADEMIC MEDICAL CENTERS OR PHYSICIANS TO:**

17                   **(I) DESIGNATE DISPENSING CENTERS OR DISPENSING**  
18 **PHARMACIES FOR PATIENTS;**

19                   **(II) POSSESS, CULTIVATE, OR DISTRIBUTE MARIJUANA; OR**

20                   **(III) HAVE ANY CONTROL OVER THE POSSESSION,**  
21 **CULTIVATION, OR DISTRIBUTION OF MARIJUANA.**

22           **(G) THE COMMISSION MAY SUSPEND OR REVOKE THE REGISTRATIONS**  
23 **OF ACADEMIC MEDICAL CENTERS, DISPENSING CENTERS, DISPENSING**  
24 **PHARMACIES, PHYSICIANS, AND REGISTERED GROWERS THAT VIOLATE THIS**  
25 **SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE.**

26 **13-3104.**

27           **(A) (1) THE COMMISSION SHALL APPROVE AS A CERTIFYING**  
28 **PHYSICIAN AN INDIVIDUAL WHO:**

29                   **(I) MEETS THE REQUIREMENTS OF THIS SUBTITLE;**

1                   **(II) COMPLETES THE TRAINING PROGRAM ESTABLISHED**  
2 **UNDER THIS SECTION; AND**

3                   **(III) SUBMITS APPLICATION MATERIALS THAT ARE**  
4 **SATISFACTORY TO THE COMMISSION.**

5                   **(2) A PHYSICIAN CERTIFICATION MAY BE RENEWED ANNUALLY.**

6           **(B) THE COMMISSION SHALL CONSULT WITH EXPERTS, INCLUDING**  
7 **ACADEMICS AND MEDICAL PROFESSIONALS, TO ESTABLISH A TRAINING**  
8 **PROGRAM TO ENABLE PHYSICIANS TO BECOME CERTIFYING PHYSICIANS.**

9           **(C) TO BE REGISTERED AS A CERTIFYING PHYSICIAN, A PHYSICIAN**  
10 **SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:**

11                   **(1) THE CRITERIA FOR INCLUDING A PATIENT UNDER THE CARE**  
12 **OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING**  
13 **QUALIFYING MEDICAL CONDITIONS;**

14                   **(2) THE CRITERIA THE PHYSICIAN WILL USE TO EXCLUDE**  
15 **PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS**  
16 **SUBTITLE;**

17                   **(3) THE PHYSICIAN'S PLAN FOR SCREENING A PATIENT FOR**  
18 **DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING PATIENT IS ISSUED A**  
19 **WRITTEN CERTIFICATION; AND**

20                   **(4) THE PHYSICIAN'S PLAN FOR THE ONGOING ASSESSMENT AND**  
21 **FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.**

22           **(D) IF THE COMMISSION FINDS THAT A PHYSICIAN'S PROPOSED**  
23 **TREATMENT OF A MEDICAL CONDITION IS WITHIN THE PHYSICIAN'S CLINICAL**  
24 **PRACTICE AREA, THE COMMISSION IS ENCOURAGED TO APPROVE**  
25 **APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:**

26                   **(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**  
27 **CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR**  
28 **RECEIVING PALLIATIVE CARE; AND**

29                   **(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**  
30 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**  
31 **MEDICAL CONDITION THAT PRODUCES:**

1 (I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;

2 (II) SEVERE OR CHRONIC PAIN;

3 (III) SEVERE NAUSEA;

4 (IV) SEIZURES; OR

5 (V) SEVERE AND PERSISTENT MUSCLE SPASMS.

6 (E) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE  
7 ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL  
8 MEDICINE IF:

9 (1) THE FAILURE OF APPROVED MEDICATIONS TO PROVIDE  
10 RELIEF HAS BEEN DOCUMENTED; AND

11 (2) THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE  
12 RELIEVED BY THE MEDICAL USE OF MARIJUANA.

13 (F) (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN ANNUAL  
14 REPORT TO THE COMMISSION NO LATER THAN 60 DAYS BEFORE THE  
15 EXPIRATION OF THE CERTIFYING PHYSICIAN'S REGISTRATION.

16 (2) AN ANNUAL REPORT SUBMITTED UNDER PARAGRAPH (1) OF  
17 THIS SUBSECTION SHALL INCLUDE:

18 (I) THE NUMBER OF PATIENTS SERVED;

19 (II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;

20 (III) ANY MEDICAL CONDITION FOR WHICH MEDICAL  
21 MARIJUANA WAS RECOMMENDED; AND

22 (IV) A SUMMARY OF CLINICAL OUTCOMES, INCLUDING  
23 ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.

24 (3) AN ANNUAL REPORT SUBMITTED UNDER PARAGRAPH (1) OF  
25 THIS SUBSECTION MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT  
26 IDENTIFIES A PATIENT.

27 (G) (1) A CERTIFYING PHYSICIAN MAY APPLY ANNUALLY FOR A  
28 RENEWAL OF A REGISTRATION.

1           **(2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF A**  
2 **REGISTRATION BASED ON THE CERTIFYING PHYSICIAN'S PERFORMANCE,**  
3 **INCLUDING WHETHER THE PHYSICIAN IS PROVIDING CERTIFICATIONS FOR**  
4 **MEDICAL CONDITIONS WITHIN THE PHYSICIAN'S PRACTICE AREA.**

5           **(H) THE COMMISSION SHALL SET A REASONABLE FEE FOR PROCESSING**  
6 **PHYSICIAN APPLICATIONS AND FOR THE TRAINING PROGRAM FOR PHYSICIANS**  
7 **ESTABLISHED UNDER THIS SUBTITLE.**

8           **(I) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL AND**  
9 **CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS**  
10 **AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN**  
11 **CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.**

12 **13-3105.**

13           **(A) (1) AN ACADEMIC MEDICAL CENTER MAY APPLY TO THE**  
14 **COMMISSION TO CONDUCT RESEARCH INVOLVING THE MEDICAL USE OF**  
15 **MARIJUANA.**

16           **(2) THE COMMISSION SHALL APPROVE THE APPLICATION FOR**  
17 **REGISTRATION OF AN ACADEMIC MEDICAL CENTER THAT MEETS THE**  
18 **REQUIREMENTS OF THIS SUBTITLE AND SUBMITS A PROPOSAL THAT IS**  
19 **SATISFACTORY TO THE COMMISSION.**

20           **(3) EACH REGISTERED ACADEMIC MEDICAL CENTER**  
21 **REGISTRATION EXPIRES AFTER 1 YEAR, UNLESS IT IS RENEWED.**

22           **(B) A PROPOSAL FROM AN ACADEMIC MEDICAL CENTER SHALL**  
23 **INCLUDE:**

24           **(1) A LIST OF MEDICAL PROVIDERS WHO INTEND TO**  
25 **PARTICIPATE IN THE PROGRAM AND THE QUALIFICATIONS OF THE MEDICAL**  
26 **PROVIDERS, INCLUDING PROFESSIONAL CREDENTIALS AND TRAINING SPECIFIC**  
27 **TO THE MEDICAL USE OF MARIJUANA;**

28           **(2) THE CRITERIA FOR INCLUDING A PATIENT IN THE PROGRAM,**  
29 **INCLUDING QUALIFYING MEDICAL CONDITIONS;**

30           **(3) THE CRITERIA THE ACADEMIC MEDICAL CENTER WILL USE TO**  
31 **EXCLUDE A PATIENT FROM THE PROGRAM;**

1           **(4) THE ACADEMIC MEDICAL CENTER'S PLAN FOR SCREENING A**  
2 **PATIENT FOR DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING**  
3 **PATIENT IS ISSUED A WRITTEN CERTIFICATION;**

4           **(5) THE ACADEMIC MEDICAL CENTER'S PLAN FOR THE ONGOING**  
5 **ASSESSMENT AND FOLLOW-UP CARE FOR A PATIENT AND FOR COLLECTING AND**  
6 **ANALYZING DATA;**

7           **(6) A LIST OF ANY CLINICAL TRIALS OR ADDITIONAL RESEARCH**  
8 **RELATED TO MEDICAL MARIJUANA THAT THE ACADEMIC MEDICAL CENTER**  
9 **INTENDS TO PURSUE; AND**

10           **(7) A LETTER OF APPROVAL FROM AN INSTITUTIONAL REVIEW**  
11 **BOARD FOR ANY PROPOSED RESEARCH ACTIVITY.**

12           **(C) THE COMMISSION IS ENCOURAGED TO APPROVE**  
13 **OTHERWISE-SATISFACTORY APPLICATIONS FOR REGISTRATION THAT INCLUDE**  
14 **ANY OF THE FOLLOWING MEDICAL CONDITIONS:**

15           **(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**  
16 **CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR**  
17 **RECEIVING PALLIATIVE CARE; AND**

18           **(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**  
19 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**  
20 **MEDICAL CONDITION THAT PRODUCES:**

21                   **(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;**

22                   **(II) SEVERE OR CHRONIC PAIN;**

23                   **(III) SEVERE NAUSEA;**

24                   **(IV) SEIZURES; OR**

25                   **(V) SEVERE AND PERSISTENT MUSCLE SPASMS.**

26           **(D) THE COMMISSION MAY APPROVE APPLICATIONS FOR**  
27 **REGISTRATION THAT INCLUDE ANY OTHER CONDITION THAT IS SEVERE AND**  
28 **RESISTANT TO CONVENTIONAL MEDICINE IF:**

29           **(1) THE FAILURE OF APPROVED MEDICATIONS TO PROVIDE**  
30 **RELIEF HAS BEEN DOCUMENTED; AND**

1           **(2) THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE**  
2 **RELIEVED BY THE MEDICAL USE OF MARIJUANA.**

3           **(E) A REGISTERED ACADEMIC MEDICAL CENTER, A PHYSICIAN**  
4 **PARTICIPATING IN A REGISTERED ACADEMIC MEDICAL CENTER'S PROGRAM,**  
5 **AND STAFF OF A REGISTERED ACADEMIC MEDICAL CENTER SHALL BE**  
6 **PROTECTED FROM CIVIL AND CRIMINAL PENALTIES UNDER STATE AND LOCAL**  
7 **LAW FOR ACTIONS AUTHORIZED BY THIS SUBTITLE, INCLUDING CONDUCTING**  
8 **RESEARCH INVOLVING MEDICAL MARIJUANA AND CERTIFYING PATIENTS TO**  
9 **PARTICIPATE IN THE PROGRAM.**

10           **(F) (1) EACH REGISTERED ACADEMIC MEDICAL CENTER SHALL**  
11 **SUBMIT AN ANNUAL REPORT TO THE COMMISSION NO LATER THAN 60 DAYS**  
12 **BEFORE THE EXPIRATION OF THE ACADEMIC MEDICAL CENTER'S**  
13 **REGISTRATION.**

14           **(2) AN ANNUAL REPORT SUBMITTED UNDER PARAGRAPH (1) OF**  
15 **THIS SUBSECTION SHALL INCLUDE:**

16                   **(I) THE NUMBER OF PATIENTS SERVED;**

17                   **(II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;**

18                   **(III) ANY MEDICAL CONDITION FOR WHICH MEDICAL**  
19 **MARIJUANA WAS RECOMMENDED;**

20                   **(IV) A SUMMARY OF CLINICAL OUTCOMES FOR EACH**  
21 **PATIENT THAT INCLUDES ANY ADVERSE EVENT AND CASE OF SUSPECTED**  
22 **DIVERSION; AND**

23                   **(V) A PROGRESS REPORT ON RESEARCH STUDIES**  
24 **CONDUCTED UNDER THE MEDICAL MARIJUANA PROGRAM.**

25           **(3) AN ANNUAL REPORT SUBMITTED UNDER PARAGRAPH (1) OF**  
26 **THIS SUBSECTION MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT**  
27 **IDENTIFIES A PATIENT.**

28           **(4) THE REGISTERED ACADEMIC MEDICAL CENTER SHALL**  
29 **PREPARE A LAY SUMMARY OF THE REPORT THAT IS AVAILABLE TO THE PUBLIC.**

30           **(G) (1) A REGISTERED ACADEMIC MEDICAL CENTER MAY APPLY**  
31 **ANNUALLY TO RENEW A REGISTRATION.**

1           **(2) THE COMMISSION SHALL GRANT OR DENY AN APPLICATION**  
2 **FOR THE RENEWAL OF A REGISTRATION BASED ON THE REGISTERED ACADEMIC**  
3 **MEDICAL CENTER'S PERFORMANCE, INCLUDING WHETHER THE ACADEMIC**  
4 **MEDICAL CENTER IS PROVIDING APPROPRIATE TRAINING AND OVERSIGHT FOR**  
5 **CERTIFYING PHYSICIANS AND COLLECTING AND ANALYZING DATA.**

6           **(H) THE COMMISSION SHALL SET A REASONABLE FEE FOR PROCESSING**  
7 **ACADEMIC MEDICAL CENTER APPLICATIONS FOR REGISTRATION.**

8 **13-3106.**

9           **(A) THE COMMISSION SHALL ISSUE A REQUEST FOR APPLICATIONS FOR**  
10 **REGISTRATION AS A REGISTERED GROWER.**

11           **(B) (1) THE COMMISSION SHALL REQUIRE AN APPLICANT FOR**  
12 **REGISTRATION AS A REGISTERED GROWER UNDER SUBSECTION (A) OF THIS**  
13 **SECTION TO PROVIDE THE FOLLOWING INFORMATION:**

14                   **(I) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE**  
15 **FOR OPERATING THE CULTIVATION FACILITY;**

16                   **(II) THE LOCATION OF ANY PROPOSED CULTIVATION**  
17 **FACILITY;**

18                   **(III) THE SECURITY MEASURES THAT WILL BE FOLLOWED BY**  
19 **THE REGISTERED GROWER IN CULTIVATING, STORING, AND TRANSPORTING**  
20 **MARIJUANA;**

21                   **(IV) THE METHOD BY WHICH THE REGISTERED GROWER**  
22 **WILL ACCOUNT FOR THE AMOUNT OF MARIJUANA CULTIVATED AND**  
23 **TRANSFERRED TO A DISPENSING CENTER OR DISPENSING PHARMACY;**

24                   **(V) THE TRAINING THAT WILL BE PROVIDED TO**  
25 **EMPLOYEES TO PREVENT DIVERSION;**

26                   **(VI) HOW THE REGISTERED GROWER WILL ADDRESS**  
27 **VIOLATIONS OF THE DIVERSION POLICY; AND**

28                   **(VII) ANY OTHER INFORMATION THAT THE COMMISSION**  
29 **CONSIDERS NECESSARY.**



1           **(2) THE COMMISSION SHALL APPROVE THE FEWEST NUMBER OF**  
2 **REGISTERED GROWERS UNDER THIS SECTION AS IS REASONABLE.**

3           **(3) A REGISTRATION ISSUED UNDER THIS SECTION:**

4                   **(I) SHALL EXPIRE 1 YEAR AFTER THE DATE OF ISSUANCE;**  
5 **AND**

6                   **(II) MAY BE RENEWED ANNUALLY.**

7           **(C) (1) A REGISTERED GROWER IS EXEMPT FROM STATE AND LOCAL**  
8 **PENALTIES FOR CULTIVATING MARIJUANA FOR MEDICAL USE IN ACCORDANCE**  
9 **WITH THIS SUBTITLE.**

10           **(2) A REGISTERED GROWER SHALL:**

11                   **(I) BE PROTECTED FROM CIVIL AND CRIMINAL PENALTIES**  
12 **UNDER STATE AND LOCAL LAW FOR POSSESSING AND CULTIVATING MARIJUANA**  
13 **IN ACCORDANCE WITH THIS SUBTITLE;**

14                   **(II) BE PROTECTED FROM CIVIL AND CRIMINAL PENALTIES**  
15 **UNDER STATE AND LOCAL LAW FOR SELLING, TRANSPORTING, OR**  
16 **TRANSFERRING MARIJUANA TO DISPENSING CENTERS, DISPENSING**  
17 **PHARMACIES, AND REGISTERED ACADEMIC MEDICAL CENTERS IN ACCORDANCE**  
18 **WITH THIS SUBTITLE;**

19                   **(III) MEET CERTAIN SECURITY AND SAFETY STANDARDS**  
20 **THAT MAY BE VERIFIED BY THE COMMISSION;**

21                   **(IV) SUBMIT TO PHARMACOLOGICAL TESTING OF THE**  
22 **MARIJUANA CONDUCTED BY THE REGISTERED GROWER OR A PRIVATE ENTITY**  
23 **TO ENSURE:**

24                           **1. THAT THE MARIJUANA CAN BE LABELED**  
25 **ACCURATELY BASED ON THE POTENCY AND STRAIN OF THE MARIJUANA; AND**

26                           **2. THAT THERE IS NO ADULTERATION OR**  
27 **CONTAMINATION OF THE MARIJUANA; AND**

28                   **(V) CONDUCT A CRIMINAL HISTORY RECORDS CHECK ON**  
29 **ANY EMPLOYEE OF THE REGISTERED GROWER AS PROVIDED FOR IN THIS**  
30 **SUBTITLE UNLESS THE REGISTERED GROWER IS ALSO A REGISTERED ACADEMIC**  
31 **MEDICAL CENTER.**

1           **(D) A REGISTERED GROWER MAY NOT:**

2                   **(1) HOLD ANY OTHER REGISTRATION ISSUED UNDER THIS**  
3 **SUBTITLE UNLESS THE REGISTERED GROWER IS ALSO A REGISTERED ACADEMIC**  
4 **MEDICAL CENTER; OR**

5                   **(2) BE A CERTIFYING PHYSICIAN.**

6           **(E) (1) UNLESS A REGISTERED GROWER IS ALSO A REGISTERED**  
7 **ACADEMIC MEDICAL CENTER, AN INDIVIDUAL WHO HAS BEEN CONVICTED OF**  
8 **SELLING A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE AN EMPLOYEE**  
9 **OF A REGISTERED GROWER UNLESS THE CONVICTION WAS FOR A VIOLATION OF**  
10 **FEDERAL LAW RELATING TO THE SALE OF MARIJUANA FOR CONDUCT THAT IS**  
11 **LEGAL UNDER THIS SUBTITLE.**

12                   **(2) UNLESS A REGISTERED GROWER IS ALSO A REGISTERED**  
13 **ACADEMIC MEDICAL CENTER, AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**  
14 **FELONY MAY NOT BE AN EMPLOYEE OF A REGISTERED GROWER.**

15           **(F) THE COMMISSION, AFTER CONSULTING WITH THE DEPARTMENT OF**  
16 **AGRICULTURE AND THE DEPARTMENT OF STATE POLICE, SHALL ADOPT**  
17 **REGULATIONS TO BE FOLLOWED BY A REGISTERED GROWER, INCLUDING:**

18                   **(1) THE SECURITY FEATURES TO BE REQUIRED ON THE**  
19 **REGISTERED GROWER'S PREMISES, WHICH SHALL INCLUDE A REQUIREMENT**  
20 **FOR SECURITY 24 HOURS PER DAY, 7 DAYS PER WEEK, AND A PROHIBITION ON**  
21 **CULTIVATING MARIJUANA OUTDOORS;**

22                   **(2) THE SECURITY FEATURES TO BE REQUIRED IN TRANSPORT TO**  
23 **AN ENTITY THAT OBTAINS A REGISTRATION TO DISPENSE MARIJUANA;**

24                   **(3) LABELING REQUIREMENTS, THAT SHALL INCLUDE:**

25                           **(I) THE WEIGHT OF MARIJUANA IN EACH PACKAGE; AND**

26                           **(II) THE FOLLOWING TEXT OR SUBSTANTIALLY SIMILAR**  
27 **TEXT: "WARNING: FOR QUALIFYING PATIENTS' MEDICAL USE ONLY. KEEP**  
28 **AWAY FROM CHILDREN. DO NOT OPERATE MACHINERY OR DRIVE WHILE UNDER**  
29 **THE INFLUENCE OF MARIJUANA.";**

30                   **(4) THE LOCATION OF THE REGISTERED GROWER; AND**

1           **(5) REQUIREMENTS TO ENSURE THAT REGISTERED GROWERS**  
2 **ACCURATELY TRACK THE AMOUNT OF MARIJUANA PRODUCED AND DISPENSED**  
3 **AND THE INDIVIDUALS TO WHOM THE MARIJUANA IS DISPENSED.**

4           **(G) THE COMMISSION MAY ESTABLISH A FEE FOR REGISTRATION AND**  
5 **RENEWAL APPLICATIONS FOR REGISTERED GROWERS.**

6           **(H) THE COMMISSION SHALL GRANT OR DENY THE RENEWAL OF**  
7 **REGISTRATION BASED ON THE REGISTERED GROWER'S PERFORMANCE,**  
8 **INCLUDING WHETHER THE REGISTERED GROWER HAS FOLLOWED**  
9 **REGULATIONS, INCLUDING REGULATIONS RELATING TO THE IMPLEMENTATION**  
10 **OF APPROPRIATE PROCEDURES FOR SECURITY AND NONDIVERSION.**

11 **13-3107.**

12           **(A) THE COMMISSION SHALL ESTABLISH A REGISTRATION PROGRAM TO**  
13 **REGISTER ENTITIES THAT ARE EXEMPT FROM STATE AND LOCAL PENALTIES**  
14 **FOR DISTRIBUTING MARIJUANA FOR MEDICAL USE.**

15           **(B) THE FOLLOWING ENTITIES MAY APPLY TO REGISTER WITH THE**  
16 **COMMISSION TO BE EXEMPT FROM STATE AND LOCAL PENALTIES FOR**  
17 **DISTRIBUTING MARIJUANA FOR MEDICAL PURPOSES:**

18                   **(1) A PHARMACY THAT HOLDS A PHARMACY REGISTRATION**  
19 **ISSUED BY THE STATE BOARD OF PHARMACY;**

20                   **(2) A DISPENSING CENTER AS PROVIDED FOR IN THIS SECTION;**  
21 **AND**

22                   **(3) AN ACADEMIC MEDICAL CENTER AS PROVIDED FOR IN THIS**  
23 **SECTION.**

24           **(C) THE COMMISSION SHALL REQUIRE AN APPLICANT FOR**  
25 **REGISTRATION AS A DISPENSING PHARMACY OR DISPENSING CENTER TO**  
26 **PROVIDE THE FOLLOWING:**

27                   **(1) AN APPLICATION FEE;**

28                   **(2) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE FOR**  
29 **OPERATING THE DISPENSING PHARMACY OR DISPENSING CENTER;**

30                   **(3) THE LOCATION OF THE DISPENSING PHARMACY OR**  
31 **DISPENSING CENTER;**

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

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

7           **(6) THE TRAINING THAT WILL BE PROVIDED TO EMPLOYEES TO**  
8 **PREVENT DIVERSION;**

9           **(7) HOW THE DISPENSING PHARMACY OR DISPENSING CENTER**  
10 **WILL ADDRESS VIOLATIONS OF THE DIVERSION POLICY; AND**

11           **(8) ANY OTHER INFORMATION THAT THE COMMISSION**  
12 **CONSIDERS NECESSARY.**

13           **(D) (1) A REGISTERED ACADEMIC MEDICAL CENTER IS NOT**  
14 **REQUIRED TO REGISTER AS A REGISTERED DISPENSING CENTER.**

15           **(2) AN ACADEMIC MEDICAL CENTER MAY APPLY TO THE**  
16 **COMMISSION TO DISPENSE MARIJUANA TO PATIENTS AND TO OPERATE AS A**  
17 **REGISTERED ACADEMIC MEDICAL CENTER.**

18           **(3) AN APPLICATION SUBMITTED UNDER PARAGRAPH (2) OF THIS**  
19 **SUBSECTION SHALL INCLUDE:**

20                   **(I) A SUMMARY OF THE TRAINING THAT WILL BE PROVIDED**  
21 **TO EMPLOYEES AND TO PATIENTS TO PREVENT DIVERSION;**

22                   **(II) A DESCRIPTION OF THE MATERIALS THAT WILL BE**  
23 **PROVIDED TO PATIENTS TO ENSURE INFORMED CONSENT; AND**

24                   **(III) A DESCRIPTION OF HOW THE ACADEMIC MEDICAL**  
25 **CENTER WILL ADDRESS VIOLATIONS OF THE DIVERSION POLICY.**

26           **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
27 **SUBSECTION, AN ENTITY SEEKING TO OPERATE AS A REGISTERED DISPENSING**  
28 **CENTER SHALL PERFORM A CRIMINAL HISTORY RECORDS CHECK ON EACH**  
29 **EMPLOYEE.**

1           **(2) THE CRIMINAL HISTORY RECORDS CHECK REQUIREMENT**  
2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO DISPENSING**  
3 **PHARMACIES OR REGISTERED ACADEMIC MEDICAL CENTERS.**

4           **(3) AS PART OF THE CRIMINAL HISTORY RECORDS CHECK FOR AN**  
5 **EMPLOYEE, AN ENTITY SHALL SUBMIT AN APPLICATION TO THE CENTRAL**  
6 **REPOSITORY WITH:**

7                   **(I) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE**  
8 **FINGERPRINTS; AND**

9                   **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**  
10 **STATE CRIMINAL HISTORY RECORDS.**

11           **(4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
12 **EMPLOYEE, THE DISPENSING CENTER, AND THE COMMISSION THE EMPLOYEE'S**  
13 **CRIMINAL HISTORY RECORD INFORMATION.**

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

16           **(6) (I) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF THE**  
17 **SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE ISSUED A**  
18 **REGISTRATION TO OPERATE A DISPENSING CENTER UNLESS THE CONVICTION**  
19 **WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO SALE OF MARIJUANA FOR**  
20 **CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

21                   **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF THE**  
22 **SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE AN EMPLOYEE**  
23 **OF A DISPENSING CENTER UNLESS THE CONVICTION WAS FOR A VIOLATION OF**  
24 **FEDERAL LAW RELATING TO THE SALE OF MARIJUANA FOR CONDUCT THAT IS**  
25 **LEGAL UNDER THIS SUBTITLE.**

26                   **(III) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**  
27 **FELONY MAY NOT BE ISSUED A REGISTRATION TO OPERATE A DISPENSING**  
28 **CENTER UNLESS THE CONVICTION WAS FOR A VIOLATION OF FEDERAL LAW**  
29 **RELATING TO THE SALE OF MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER**  
30 **THIS SUBTITLE.**

31                   **(IV) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**  
32 **FELONY MAY NOT BE AN EMPLOYEE OF A DISPENSING CENTER UNLESS THE**  
33 **CONVICTION WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO THE SALE**  
34 **OF MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

1           **(F) UNLESS THE ENTITY IS A REGISTERED ACADEMIC MEDICAL**  
2 **CENTER, AN ENTITY SEEKING TO BE EXEMPT FROM STATE AND LOCAL**  
3 **CRIMINAL PENALTIES FOR OPERATING A REGISTERED DISPENSING CENTER OR**  
4 **BEING A REGISTERED GROWER UNDER THIS SUBTITLE SHALL REQUIRE EACH**  
5 **EMPLOYEE OF THE ENTITY TO SUBMIT TO PERIODIC DRUG TESTING AS**  
6 **DETERMINED BY THE COMMISSION IN REGULATIONS.**

7           **(G) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**  
8 **COMMISSION SHALL ISSUE A REGISTRATION TO OPERATE A REGISTERED**  
9 **DISPENSING CENTER OR REGISTERED DISPENSING PHARMACY TO AN**  
10 **APPLICANT IF:**

11                   **(I) THE REQUIREMENTS OF THIS SECTION ARE MET;**

12                   **(II) THE COMMISSION HAS VERIFIED THE INFORMATION**  
13 **CONTAINED IN THE APPLICATION; AND**

14                   **(III) THE APPLICATION IS IN COMPLIANCE WITH ANY**  
15 **REQUIREMENTS ISSUED BY THE COMMISSION.**

16           **(2) THE COMMISSION MAY SET REASONABLE LIMITS ON THE**  
17 **NUMBER OF REGISTERED DISPENSING CENTERS IN THE STATE OR IN A**  
18 **GEOGRAPHIC AREA.**

19           **(3) IF THE COMMISSION LIMITS THE NUMBER OF REGISTERED**  
20 **DISPENSING CENTERS, THE COMMISSION MAY CONSIDER A PROPOSED**  
21 **DISPENSING CENTER'S PLANS FOR SECURITY, PREVENTING DIVERSION, AND**  
22 **PROVIDING LOWER-COST OR FREE MARIJUANA TO QUALIFYING PATIENTS WITH**  
23 **LITTLE OR NO INCOME IN DETERMINING WHETHER TO ISSUE A REGISTRATION.**

24           **(4) THE COMMISSION SHALL APPROVE OR DENY AN APPLICATION**  
25 **TO OPERATE A DISPENSING CENTER OR DISPENSING PHARMACY WITHIN 60**  
26 **DAYS AFTER RECEIPT OF A COMPLETED APPLICATION.**

27           **(5) THE COMMISSION SHALL ASSIGN A UNIQUE IDENTIFICATION**  
28 **NUMBER TO EACH DISPENSING CENTER OR DISPENSING PHARMACY THAT HAS**  
29 **BEEN ISSUED A REGISTRATION UNDER THIS SECTION.**

30           **(6) A DENIAL OF AN APPLICATION SHALL BE CONSIDERED A**  
31 **FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**  
32 **ADMINISTRATIVE PROCEDURE ACT.**

1           **(H) AN ENTITY THAT HAS BEEN ISSUED A REGISTRATION UNDER THIS**  
2 **SECTION SHALL DISPLAY THE REGISTRATION AT THE REGISTERED DISPENSING**  
3 **PHARMACY OR REGISTERED DISPENSING CENTER AT ALL TIMES WHEN THE**  
4 **REGISTERED DISPENSING PHARMACY OR REGISTERED DISPENSING CENTER IS**  
5 **IN POSSESSION OF MARIJUANA.**

6           **(I) AN ENTITY THAT HAS BEEN ISSUED A REGISTRATION UNDER THIS**  
7 **SECTION SHALL REPORT ANY CHANGE IN INFORMATION ON THE REGISTRATION**  
8 **TO THE COMMISSION NO LATER THAN 10 DAYS AFTER THE CHANGE.**

9           **(J) AN ENTITY THAT HAS BEEN ISSUED A REGISTRATION UNDER THIS**  
10 **SECTION MAY NOT:**

11                   **(1) HOLD ANY OTHER REGISTRATION ISSUED UNDER THIS**  
12 **SUBTITLE UNLESS THE ENTITY IS A REGISTERED ACADEMIC MEDICAL CENTER;**  
13 **OR**

14                   **(2) BE A CERTIFYING PHYSICIAN.**

15           **(K) ON OR BEFORE SEPTEMBER 1, 2013, THE COMMISSION, IN**  
16 **CONSULTATION WITH THE STATE BOARD OF PHARMACY, THE STATE POLICE,**  
17 **AND STAKEHOLDERS, SHALL DEVELOP REGULATIONS REGARDING THE**  
18 **PROCEDURES TO BE FOLLOWED BY REGISTERED ACADEMIC MEDICAL CENTERS,**  
19 **REGISTERED DISPENSING PHARMACIES, AND REGISTERED DISPENSING**  
20 **CENTERS IN DISPENSING, STORING, AND TRANSPORTING MARIJUANA UNDER**  
21 **THIS SUBTITLE.**

22           **(L) (1) THE COMMISSION SHALL ESTABLISH A REASONABLE FEE FOR**  
23 **APPLICATIONS AND THE RENEWAL OF REGISTRATIONS FOR DISPENSING**  
24 **CENTERS AND DISPENSING PHARMACIES.**

25                   **(2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL BASED**  
26 **ON THE REGISTERED DISPENSING CENTER OR REGISTERED DISPENSING**  
27 **PHARMACY'S PERFORMANCE, INCLUDING WHETHER THE REGISTERED**  
28 **DISPENSING CENTER OR REGISTERED DISPENSING PHARMACY HAS FOLLOWED**  
29 **REGULATIONS, INCLUDING THE IMPLEMENTATION OF APPROPRIATE**  
30 **PROCEDURES FOR SECURITY AND NONDIVERSION.**

31 **13-3108.**

32           **(A) (1) THE COMMISSION, IN CONSULTATION WITH STATE AND**  
33 **LOCAL LAW ENFORCEMENT, SHALL DEVELOP REGULATIONS PROVIDING FOR**

1 THE ISSUANCE OF REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS  
2 WHO:

3 (I) HAVE RECEIVED A WRITTEN CERTIFICATION FROM A  
4 CERTIFYING PHYSICIAN; OR

5 (II) ARE ENROLLED TO PARTICIPATE IN A REGISTERED  
6 ACADEMIC PROGRAM'S RESEARCH PROGRAM.

7 (2) THE COMMISSION MAY ESTABLISH AN APPLICATION FEE AND  
8 A RENEWAL FEE THAT MAY BE BASED ON A SLIDING SCALE FOR THE ISSUANCE  
9 OF A REGISTRY IDENTIFICATION CARD.

10 (3) THE COMMISSION SHALL ISSUE A REGISTRY IDENTIFICATION  
11 CARD TO A QUALIFYING PATIENT WHO:

12 (I) HAS BEEN ISSUED A VALID WRITTEN CERTIFICATION BY  
13 A CERTIFIED PHYSICIAN; OR

14 (II) HAS BEEN CERTIFIED TO PARTICIPATE IN A MEDICAL  
15 MARIJUANA PROGRAM BY A REGISTERED ACADEMIC MEDICAL CENTER.

16 (4) TO APPLY FOR A REGISTRY IDENTIFICATION CARD, A  
17 QUALIFYING PATIENT SHALL SUBMIT TO THE COMMISSION:

18 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
19 QUALIFYING PATIENT;

20 (II) THE WRITTEN CERTIFICATION ISSUED BY THE  
21 PATIENT'S CERTIFYING PHYSICIAN OR DOCUMENTATION FROM A REGISTERED  
22 ACADEMIC MEDICAL CENTER;

23 (III) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
24 QUALIFYING PATIENT'S PRIMARY CAREGIVER IF THE PATIENT IS SEEKING THE  
25 ASSISTANCE OF A PRIMARY CAREGIVER;

26 (IV) THE APPLICATION OR RENEWAL FEE AS DETERMINED  
27 BY THE COMMISSION; AND

28 (V) IF THE QUALIFYING PATIENT IS SEEKING THE  
29 ASSISTANCE OF A PRIMARY CAREGIVER, THE REASON THAT THE PATIENT  
30 REQUIRES THE ASSISTANCE OF A CAREGIVER TO OBTAIN MARIJUANA.



1           **(B) (1) THE COMMISSION SHALL:**

2                           **(I) APPROVE OR DENY AN APPLICATION FOR A REGISTRY**  
3 **IDENTIFICATION CARD OR RENEWAL WITHIN 30 DAYS AFTER RECEIPT OF THE**  
4 **APPLICATION OR RENEWAL;**

5                           **(II) ISSUE A REGISTRY IDENTIFICATION CARD WITHIN 5**  
6 **DAYS AFTER APPROVING THE APPLICATION OR RENEWAL; AND**

7                           **(III) ENSURE THAT AN INDIVIDUAL IS NOT DESIGNATED AS A**  
8 **PRIMARY CAREGIVER FOR MORE THAN FIVE QUALIFYING PATIENTS.**

9           **(2) THE COMMISSION MAY DENY AN APPLICATION FOR A**  
10 **REGISTRY IDENTIFICATION CARD OR RENEWAL ONLY IF:**

11                           **(I) THE APPLICANT FAILS TO PROVIDE THE INFORMATION**  
12 **REQUIRED UNDER THIS SECTION; OR**

13                           **(II) THE COMMISSION DETERMINES THAT THE**  
14 **INFORMATION IN THE APPLICATION OR RENEWAL WAS FALSIFIED.**

15           **(3) THE COMMISSION SHALL DENY A REQUEST BY A QUALIFYING**  
16 **PATIENT FOR A PRIMARY CAREGIVER IF:**

17                           **(I) THE APPLICANT FAILS TO PROVIDE THE INFORMATION**  
18 **REQUIRED UNDER THIS SECTION;**

19                           **(II) THE COMMISSION DETERMINES THAT THE**  
20 **INFORMATION PROVIDED IN THE APPLICATION OR RENEWAL WAS FALSIFIED;**

21                           **(III) THE QUALIFYING PATIENT DID NOT PROVIDE A**  
22 **CONVINCING REASON WHY THE INDIVIDUAL NEEDED A PRIMARY CAREGIVER;**

23                           **(IV) THE PRIMARY CAREGIVER ALREADY IS REGISTERED TO**  
24 **ASSIST AT LEAST FIVE OR MORE PATIENTS; OR**

25                           **(V) THE PRIMARY CAREGIVER HAS A CONVICTION THAT**  
26 **PRECLUDES PARTICIPATION IN THE PROGRAM.**

27           **(4) A DENIAL BY THE COMMISSION OF AN APPLICATION FOR A**  
28 **REGISTRY IDENTIFICATION CARD UNDER THIS SECTION SHALL BE CONSIDERED**  
29 **A FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**  
30 **ADMINISTRATIVE PROCEDURE ACT.**

1           **(C) (1) THE COMMISSION SHALL REQUIRE EACH APPLICANT**  
2 **SEEKING TO SERVE AS A PRIMARY CAREGIVER TO APPLY TO THE CENTRAL**  
3 **REPOSITORY FOR A CRIMINAL HISTORY RECORDS CHECK.**

4           **(2) THE COMMISSION SHALL APPROVE PROVISIONALLY AN**  
5 **APPLICATION TO SERVE AS A PRIMARY CAREGIVER PENDING THE RESULTS OF A**  
6 **CRIMINAL HISTORY RECORDS CHECK.**

7           **(3) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**  
8 **RECORDS CHECK UNDER THIS SUBSECTION, AN APPLICANT SHALL SUBMIT TO**  
9 **THE CENTRAL REPOSITORY:**

10                   **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**  
11 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**  
12 **CENTRAL REPOSITORY; AND**

13                   **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**  
14 **STATE CRIMINAL HISTORY RECORDS.**

15           **(4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
16 **APPLICANT AND TO THE COMMISSION THE APPLICANT'S CRIMINAL HISTORY**  
17 **RECORD INFORMATION.**

18           **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
19 **UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.**

20           **(6) (I) AN APPLICANT WHO HAS BEEN CONVICTED OF**  
21 **POSSESSION OR THE SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT**  
22 **SERVE AS A PRIMARY CAREGIVER UNLESS THE CONVICTION OCCURRED ON OR**  
23 **AFTER SEPTEMBER 1, 2013, AND WAS FOR A VIOLATION OF FEDERAL LAW**  
24 **RELATING TO POSSESSION OR SALE OF MARIJUANA FOR CONDUCT THAT IS**  
25 **LEGAL UNDER THIS SUBTITLE.**

26                   **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**  
27 **FELONY MAY NOT BE ISSUED A REGISTRY IDENTIFICATION CARD TO SERVE AS A**  
28 **PRIMARY CAREGIVER.**

29           **(7) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS CHECK**  
30 **FROM THE CENTRAL REPOSITORY, THE COMMISSION SHALL NOTIFY THE**  
31 **APPLICANT IN WRITING OF THE APPLICANT'S QUALIFICATION FOR OR**  
32 **DISQUALIFICATION FROM SERVING AS A PRIMARY CAREGIVER.**

1           **(D) (1) A REGISTRY IDENTIFICATION CARD ISSUED UNDER THIS**  
2 **SECTION SHALL CONTAIN THE FOLLOWING INFORMATION:**

3                   **(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**  
4 **QUALIFYING PATIENT;**

5                   **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**  
6 **QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY;**

7                   **(III) THE DATE OF ISSUANCE;**

8                   **(IV) THE EXPIRATION DATE OF THE REGISTRY**  
9 **IDENTIFICATION CARD, WHICH SHALL BE 1 YEAR AFTER THE DATE OF**  
10 **ISSUANCE, UNLESS A DIFFERENT DATE IS INCLUDED ON THE WRITTEN**  
11 **CERTIFICATION;**

12                   **(V) PHOTO IDENTIFICATION OF THE CARDHOLDER;**

13                   **(VI) A RANDOM IDENTIFICATION CARD NUMBER; AND**

14                   **(VII) ANY OTHER INFORMATION REQUIRED BY THE**  
15 **COMMISSION IN REGULATIONS.**

16           **(2) A PRIMARY CAREGIVER OR QUALIFYING PATIENT WHO HAS**  
17 **BEEN ISSUED A REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE**  
18 **COMMISSION OF ANY CHANGE IN THE NAME OF A PRIMARY CAREGIVER OR**  
19 **QUALIFYING PATIENT OR ADDRESS WITHIN 10 DAYS AFTER THE CHANGE, OR**  
20 **THE REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED VOID.**

21           **(3) (I) IF THERE IS A CHANGE IN THE STATUS OF A PATIENT'S**  
22 **QUALIFYING MEDICAL CONDITION THAT REQUIRES A CERTIFYING PHYSICIAN TO**  
23 **WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION OR REQUIRES THE**  
24 **QUALIFYING PATIENT'S REGISTERED ACADEMIC MEDICAL CENTER TO**  
25 **TERMINATE THE QUALIFYING PATIENT'S PARTICIPATION IN ITS PROGRAM, THE**  
26 **CERTIFYING PHYSICIAN OR REGISTERED ACADEMIC MEDICAL CENTER SHALL**  
27 **PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE COMMISSION WITHIN 10**  
28 **DAYS AFTER BECOMING AWARE OF THE CHANGE.**

29                   **(II) ON RECEIPT OF THE NOTICE REQUIRED UNDER**  
30 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL:**

1                   1.    **REVOKE    THE    PATIENT’S    REGISTRY**  
2 **IDENTIFICATION CARD AND, IF APPLICABLE, THE PATIENT’S PRIMARY**  
3 **CAREGIVER’S REGISTRY IDENTIFICATION CARD; AND**

4                   2.    **SEND THE PATIENT AND, IF APPLICABLE, THE**  
5 **PATIENT’S PRIMARY CAREGIVER, A REVOCATION NOTICE REQUIRING THE**  
6 **IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.**

7                   **(III) ON RECEIPT OF A REVOCATION NOTICE UNDER**  
8 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PATIENT AND, IF APPLICABLE, A**  
9 **PATIENT’S PRIMARY CAREGIVER SHALL:**

10                   1.    **IMMEDIATELY SEND TO THE COMMISSION, OR**  
11 **ANY OTHER ENTITY ISSUING REGISTRY IDENTIFICATION CARDS, THE REGISTRY**  
12 **IDENTIFICATION CARD OF THE PATIENT AND, IF APPLICABLE, THE PATIENT’S**  
13 **PRIMARY CAREGIVER; AND**

14                   2.    **WITHIN 15 DAYS, DISPOSE OF ANY MARIJUANA IN**  
15 **THE PATIENT’S POSSESSION BY TRANSFERRING THE MARIJUANA TO A**  
16 **REGISTERED DISPENSING CENTER OR REGISTERED DISPENSING PHARMACY.**

17                   **(E) THE COMMISSION SHALL ESTABLISH PROCEDURES FOR EACH**  
18 **REGISTERED QUALIFYING PATIENT TO DESIGNATE A SINGLE REGISTERED**  
19 **DISPENSING CENTER OR REGISTERED DISPENSING PHARMACY WITH THE**  
20 **COMMISSION.**

21                   **(F) (1) THE COMMISSION SHALL MAINTAIN A LIST OF THE**  
22 **INDIVIDUALS TO WHOM THE COMMISSION HAS ISSUED REGISTRY**  
23 **IDENTIFICATION CARDS.**

24                   **(2) THE LIST MAINTAINED BY THE COMMISSION UNDER**  
25 **PARAGRAPH (1) OF THIS SUBSECTION:**

26                   **(I) IS CONFIDENTIAL;**

27                   **(II) MAY NOT BE CONSIDERED A PUBLIC RECORD; AND**

28                   **(III) MAY NOT BE DISCLOSED EXCEPT TO:**

29                   1.    **AUTHORIZED EMPLOYEES OF THE COMMISSION**  
30 **AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE COMMISSION; OR**

1                   **2. AUTHORIZED EMPLOYEES OF STATE OR LOCAL**  
2 **LAW ENFORCEMENT TO VERIFY THAT AN INDIVIDUAL WHO IS ENGAGED IN THE**  
3 **SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS LAWFULLY IN**  
4 **POSSESSION OF A REGISTRY IDENTIFICATION CARD.**

5                   **(3) EMPLOYEES OF STATE AND LOCAL LAW ENFORCEMENT MAY**  
6 **NOT QUERY RECORDS FOR INDIVIDUALS NOT IMMEDIATELY BEING CONSIDERED**  
7 **IN CASES OF SUSPECTED MARIJUANA MISUSE OR WHO PRESENT LAW**  
8 **ENFORCEMENT WITH A REGISTRY IDENTIFICATION CARD.**

9                   **(4) AUTHORIZED EMPLOYEES OF STATE OR LOCAL LAW**  
10 **ENFORCEMENT MAY PROVIDE THE COMMISSION WITH A REGISTRY**  
11 **IDENTIFICATION NUMBER ASSOCIATED WITH A REGISTRY IDENTIFICATION**  
12 **CARD AND RECEIVE VERIFICATION OF THE NAME, ADDRESS, AND CURRENT**  
13 **PROGRAM STATUS FOR THE PATIENT ASSOCIATED WITH THE REGISTRY**  
14 **IDENTIFICATION NUMBER.**

15 **13-3109.**

16                   **(A) THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE**  
17 **PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST,**  
18 **PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING CIVIL**  
19 **PENALTY OR DISCIPLINARY ACTION, BY A PROFESSIONAL LICENSING BOARD, OR**  
20 **BE DENIED ANY RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF MARIJUANA:**

21                   **(1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER**  
22 **WHO HOLDS A VALID REGISTRY IDENTIFICATION CARD AND IS IN POSSESSION**  
23 **OF AN ALLOWABLE AMOUNT OF USABLE MARIJUANA PURCHASED OR ACQUIRED**  
24 **IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;**

25                   **(2) A REGISTERED GROWER OR A REGISTERED GROWER'S**  
26 **EMPLOYEE;**

27                   **(3) IF A QUALIFYING PATIENT IS UNABLE TO DISPOSE OF**  
28 **MARIJUANA AND THE PATIENT DOES NOT HAVE A PRIMARY CAREGIVER, AN**  
29 **INDIVIDUAL TRANSPORTING THE QUALIFYING PATIENT'S MARIJUANA TO A**  
30 **REGISTERED DISPENSING CENTER OR REGISTERED DISPENSING PHARMACY;**

31                   **(4) A DISPENSING PHARMACY THAT HOLDS A REGISTRATION**  
32 **UNDER THIS SUBTITLE OR A REGISTERED DISPENSING CENTER OR AN**  
33 **EMPLOYEE OF A REGISTERED DISPENSING PHARMACY OR REGISTERED**  
34 **DISPENSING CENTER;**

1           **(5) A CERTIFYING PHYSICIAN;**

2           **(6) A REGISTERED ACADEMIC MEDICAL CENTER AND THE STAFF**  
3 **OF THE REGISTERED ACADEMIC MEDICAL CENTER; AND**

4           **(7) A LABORATORY CONDUCTING TESTING OF MEDICAL**  
5 **MARIJUANA, INCLUDING TESTING FOR POTENCY AND CONTAMINANTS, OR AN**  
6 **EMPLOYEE OF A LABORATORY CONDUCTING TESTING OF MEDICAL MARIJUANA.**

7           **(B) THE POSSESSION OF, OR THE APPLICATION FOR, A REGISTRY**  
8 **IDENTIFICATION CARD DOES NOT CONSTITUTE PROBABLE CAUSE TO SEARCH AN**  
9 **INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL POSSESSING OR APPLYING**  
10 **FOR THE REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT THE**  
11 **INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A**  
12 **GOVERNMENTAL UNIT.**

13           **(C) AN INDIVIDUAL MAY NOT BE SUBJECT TO ARREST OR PROSECUTION**  
14 **FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR ANY OTHER OFFENSE FOR**  
15 **BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AS**  
16 **AUTHORIZED BY THIS SUBTITLE.**

17 **13-3110.**

18           **(A) AN AGENT OF A REGISTERED DISPENSING PHARMACY OR A**  
19 **REGISTERED DISPENSING CENTER MAY SELL OR DISPENSE AN AMOUNT OF**  
20 **USABLE MARIJUANA THAT DOES NOT EXCEED THE AMOUNT SET BY THE**  
21 **COMMISSION IN A 30-DAY PERIOD TO A QUALIFYING PATIENT OR THE**  
22 **QUALIFYING PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:**

23           **(1) PRESENTS A VALID REGISTRY IDENTIFICATION CARD; AND**

24           **(2) HAS IDENTIFIED THE REGISTERED DISPENSING PHARMACY**  
25 **OR REGISTERED DISPENSING CENTER AS THE SOLE REGISTERED DISPENSING**  
26 **PHARMACY OR REGISTERED DISPENSING CENTER FROM WHICH THE PATIENT**  
27 **CAN RECEIVE MARIJUANA, IN ACCORDANCE WITH COMMISSION REGULATIONS.**

28           **(B) ON RECEIPT OF THE INFORMATION REQUIRED UNDER SUBSECTION**  
29 **(A) OF THIS SECTION, THE APPROVED REGISTERED DISPENSING PHARMACY OR**  
30 **REGISTERED DISPENSING CENTER SHALL VERIFY THE INFORMATION**  
31 **PRESENTED.**

1           **(C) (1) EACH APPROVED REGISTERED DISPENSING PHARMACY AND**  
2 **REGISTERED DISPENSING CENTER SHALL MAINTAIN INTERNAL RECORDS OF**  
3 **EACH MARIJUANA-DISPENSING TRANSACTION.**

4           **(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS**  
5 **SUBSECTION SHALL INCLUDE:**

6                   **(I) THE AMOUNT OF MARIJUANA DISPENSED;**

7                   **(II) THE REGISTRY IDENTIFICATION NUMBER OF THE**  
8 **INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT**  
9 **INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S**  
10 **PRIMARY CAREGIVER;**

11                   **(III) THE STRAIN OF MARIJUANA DISPENSED; AND**

12                   **(IV) THE DATE AND TIME OF THE TRANSACTION.**

13           **(3) A RECORD MAINTAINED UNDER THIS SUBSECTION:**

14                   **(I) IS CONFIDENTIAL; AND**

15                   **(II) MAY NOT INCLUDE NAMES OR OTHER PERSONAL**  
16 **IDENTIFYING INFORMATION.**

17           **(D) (1) A QUALIFYING PATIENT MAY BE REGISTERED AT ONLY ONE**  
18 **REGISTERED DISPENSING PHARMACY OR REGISTERED DISPENSING CENTER AT**  
19 **ANY TIME.**

20                   **(2) THE COMMISSION SHALL ESTABLISH PROCEDURES TO ALLOW**  
21 **A QUALIFYING PATIENT TO CHANGE THE REGISTERED DISPENSING PHARMACY**  
22 **OR REGISTERED DISPENSING CENTER DESIGNATED BY THE PATIENT FOR A \$15**  
23 **FEE.**

24                   **(3) THE COMMISSION MAY LIMIT THE NUMBER OF TIMES A**  
25 **QUALIFYING PATIENT MAY CHANGE A DESIGNATION OF A REGISTERED**  
26 **DISPENSING PHARMACY OR REGISTERED DISPENSING CENTER TO ONCE EVERY**  
27 **30 DAYS.**

28 **13-3111.**

29           **A PERSON WHO KNOWINGLY GIVES FALSE INFORMATION OR MAKES A**  
30 **MATERIAL MISSTATEMENT IN AN APPLICATION FOR REGISTRATION OR IN AN**

1 APPLICATION FOR A RENEWAL OF A REGISTRATION UNDER THIS SUBTITLE IS  
2 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO  
3 IMPRISONMENT NOT EXCEEDING 1 YEAR, A FINE NOT EXCEEDING \$1,000, OR  
4 BOTH.

5 13-3112.

6 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY  
7 INDIVIDUAL TO ENGAGE IN THE FOLLOWING, AND IT DOES NOT PREVENT THE  
8 IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR:

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

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

15 (3) SMOKING MARIJUANA IN ANY PUBLIC PLACE;

16 (4) SMOKING MARIJUANA IN A MOTOR VEHICLE; OR

17 (5) SMOKING MARIJUANA ON PRIVATE PROPERTY THAT:

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

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

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

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

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

28 (B) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROVIDE IMMUNITY TO  
29 A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE FROM CRIMINAL  
30 PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR REGULATING



1 THE USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION OF  
2 CONTROLLED DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL  
3 DRUGS, OR HARMFUL DRUGS, OR ANY CONSPIRACY OR ATTEMPT TO COMMIT  
4 ANY OF THOSE OFFENSES.

5 13-3113.

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

9 13-3114.

10 (A) THE SALE OF MARIJUANA MAY NOT BE ADVERTISED ON  
11 BILLBOARDS, TELEVISION, OR RADIO.

12 (B) (1) THE COMMISSION MAY DEVELOP ADDITIONAL RULES  
13 RESTRICTING THE TIME, PLACE, AND MANNER THAT MARIJUANA SALES MAY BE  
14 ADVERTISED.

15 (2) RESTRICTIONS ON ADVERTISING MAY NOT PREVENT  
16 APPROPRIATE SIGNS ON THE PROPERTY OF THE REGISTERED DISPENSING  
17 PHARMACY OR REGISTERED DISPENSING CENTER OR LISTINGS IN BUSINESS  
18 DIRECTORIES, INCLUDING PHONE BOOKS.

19 13-3115.

20 (A) BEGINNING OCTOBER 1, 2014, AND EACH OCTOBER 1  
21 THEREAFTER, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN  
22 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
23 GENERAL ASSEMBLY ON:

24 (1) THE NUMBER OF APPLICATIONS FOR REGISTRY  
25 IDENTIFICATION CARDS;

26 (2) THE NUMBER OF QUALIFYING PATIENTS AND PRIMARY  
27 CAREGIVERS REGISTERED BY THE COMMISSION;

28 (3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF  
29 THE QUALIFYING PATIENTS;

30 (4) THE NUMBER OF ACADEMIC MEDICAL CENTERS REGISTERED  
31 AND THE SCOPE OF THE PROGRAMS IN THE ACADEMIC MEDICAL CENTERS;

1           **(5) THE ENTITIES RECEIVING REGISTRATIONS TO GROW**  
2 **MARIJUANA;**

3           **(6) THE ENTITIES RECEIVING REGISTRATIONS TO DISPENSE**  
4 **MARIJUANA;**

5           **(7) THE NUMBER OF REGISTRY IDENTIFICATION CARDS**  
6 **REVOKED;**

7           **(8) THE NUMBER OF REGISTRATIONS ISSUED TO ENTITIES TO**  
8 **GROW OR DISPENSE MARIJUANA THAT WERE REVOKED; AND**

9           **(9) THE NUMBER OF CERTIFYING PHYSICIANS PROVIDING**  
10 **WRITTEN CERTIFICATIONS FOR PATIENTS.**

11           **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**  
12 **MAY NOT CONTAIN ANY IDENTIFYING INFORMATION OF QUALIFYING PATIENTS,**  
13 **PRIMARY CAREGIVERS, ENTITIES SELECTED TO GROW OR DISPENSE**  
14 **MARIJUANA, OR CERTIFYING PHYSICIANS.**

15           **(C) ON OR BEFORE OCTOBER 1, 2014, AND ONCE EVERY 2 YEARS**  
16 **THEREAFTER, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN**  
17 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
18 **GENERAL ASSEMBLY ON:**

19           **(1) WHETHER THERE ARE SUFFICIENT NUMBERS OF REGISTERED**  
20 **DISPENSING PHARMACIES AND REGISTERED DISPENSING CENTERS TO MEET**  
21 **THE NEEDS OF REGISTERED QUALIFYING PATIENTS THROUGHOUT THE STATE;**

22           **(2) WHETHER THE NUMBER AND SCOPE OF ACADEMIC**  
23 **PROGRAMS AND THE NUMBER OF CERTIFYING PHYSICIANS IS SUFFICIENT TO**  
24 **MEET THE NEEDS OF PATIENTS IN THE STATE;**

25           **(3) WHETHER ANY REGISTERED DISPENSING PHARMACY OR**  
26 **REGISTERED DISPENSING CENTER HAS CHARGED EXCESSIVE PRICES FOR**  
27 **MARIJUANA THAT THE DISPENSING PHARMACY OR DISPENSING CENTER**  
28 **DISPENSED; AND**

29           **(4) ANY NEW AND EMERGING DOCUMENTED SCIENTIFIC**  
30 **EVIDENCE OF THE EFFICACIOUS MEDICAL USE OF MARIJUANA, INCLUDING**  
31 **SYMPTOMS OR CONDITIONS FOR WHICH MARIJUANA MAY BE AN EFFECTIVE**  
32 **TREATMENT.**

1 13-3116.

2 (A) THE COMMISSION MAY ACCEPT FROM ANY SOURCE GRANTS OR  
3 CONTRIBUTIONS TO BE USED IN CARRYING OUT THIS SUBTITLE.

4 (B) ANY FEES COLLECTED UNDER THIS SUBTITLE:

5 (1) SHALL BE USED TO OFFSET THE COSTS OF THE COMMISSION'S  
6 ADMINISTRATION OF THIS SUBTITLE; AND

7 (2) SHALL BE SET AT AN AMOUNT HIGH ENOUGH TO ENSURE  
8 THAT THE TOTAL AMOUNT OF FEES ASSESSED, PLUS CONTRIBUTIONS, AND  
9 GRANTS COLLECTED ARE SUFFICIENT TO COVER THE COSTS OF ADMINISTERING  
10 THIS SUBTITLE.

11 (C) (1) THE COMMISSION MAY DISTRIBUTE ANY FUNDS RECEIVED  
12 THAT EXCEED THE AMOUNT OF FUNDING NEEDED TO FULFILL ITS DUTIES  
13 UNDER THIS SUBTITLE TO ACADEMIC INSTITUTIONS OR REGISTERED ACADEMIC  
14 MEDICAL CENTERS IN THE STATE TO STUDY THE IMPACT OF THE MEDICAL  
15 MARIJUANA PROGRAM OR TO CONDUCT CLINICAL OR OBSERVATIONAL  
16 RESEARCH ON THE MEDICAL EFFICACY OF MARIJUANA, INCLUDING:

17 (I) CLINICAL TRIALS;

18 (II) SELF-REPORTED INITIAL AND LONG-TERM  
19 EFFECTIVENESS AND SAFETY OF PATIENTS;

20 (III) PHYSICIAN REPORTS ON INITIAL AND LONG-TERM  
21 EFFECTIVENESS AND SAFETY OF PATIENTS;

22 (IV) ASSESSMENTS OF SAFETY AND ACCEPTABILITY OF  
23 MEDICAL MARIJUANA USE AMONG THE GENERAL PUBLIC AND FAMILY MEMBERS  
24 OF QUALIFYING PATIENTS;

25 (V) IMPACT ON PATIENT ILLICIT AND PRESCRIPTION DRUG  
26 USE BEFORE, DURING, AND AFTER USE OF MEDICAL MARIJUANA;

27 (VI) IMPACT ON THE QUALITY OF LIFE OF THE PATIENT OR  
28 THE PATIENT'S FAMILY; AND

29 (VII) IMPACT ON ILLICIT DRUG USE IN THE STATE AND  
30 ASSOCIATED CRIME STATISTICS.

1           **(2) THE COMMISSION MAY PROVIDE TO THE GENERAL FUND ANY**  
2 **FUNDS RECEIVED THAT EXCEED THE AMOUNT OF FUNDING NEEDED TO FULFILL**  
3 **THE COMMISSION'S DUTIES UNDER THIS SUBTITLE THAT REMAIN AFTER**  
4 **DISTRIBUTIONS ARE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
6 appointed members of the Medical Marijuana Oversight Commission, established  
7 under Section 1 of this Act, shall expire as follows:

8                   (1) four members in 2015;

9                   (2) four members in 2016; and

10                  (3) four members in 2017.

11           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 June 1, 2013.