

HOUSE BILL 881

J1

(4lr1079)

ENROLLED BILL

— Health and Government Operations/Judicial Proceedings —

Introduced by Delegates Glenn, Morhaim, Anderson, Arora, Barve, Bobo, Boteler, Branch, Braveboy, Cane, Cardin, Carr, Carter, Clagett, Cullison, Donoghue, Dumais, Dwyer, Elliott, Frank, Fraser-Hidalgo, Glass, Glenn, Guzzone, Haynes, Hixson, Hogan, Hubbard, Hucker, Ivey, Kach, A. Kelly, Lafferty, McIntosh, McMillan, A. Miller, Minnick, Mizeur, Murphy, Niemann, Oaks, Ready, Reznik, B. Robinson, S. Robinson, Smigiel, Stein, Swain, Tarrant, F. Turner, V. Turner, Valderrama, Waldstreicher, M. Washington, Weir, ~~and Zucker~~ Zucker, Hammen, Pendergrass, Bromwell, Costa, Kipke, Nathan-Pulliam, Pena-Melnyk, Barnes, Beidle, DeBoy, Frush, Gilchrist, Gutierrez, Harper, Howard, Kaiser, Kramer, McConkey, Mitchell, Simmons, Stukes, Summers, Vaughn, A. Washington, and Wilson

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

- 1 AN ACT concerning
- 2 **Medical Marijuana – Natalie M. LaPrade Medical Marijuana Commission**
- 3 FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana
- 4 Commission to include the ~~registration~~ approval ~~and regulation~~ of certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1 physicians, the publishing and dissemination of certain information, and the
2 research of certain issues; requiring the Commission to develop certain
3 identification cards; requiring the Commission to develop and maintain a
4 certain Web site; *increasing the membership of the Commission; requiring the*
5 *Department of Health and Mental Hygiene to adopt certain regulations;*
6 authorizing the Commission to set reasonable fees to cover certain costs;
7 altering the contents of the Natalie M. LaPrade Medical Marijuana Commission
8 Fund to include certain fees collected by the Commission; requiring the
9 Commission to approve certain individuals as certifying physicians; requiring a
10 physician to submit a certain proposal to the Commission to be ~~registered~~
11 *approved* as a certifying physician; encouraging and authorizing the
12 Commission to approve certain applications; *prohibiting a certifying physician*
13 *and the spouse of a certifying physician from receiving gifts from, or having any*
14 *financial interest in, a medical marijuana grower or a dispensary; authorizing a*
15 *certifying physician to receive certain compensation if the certifying physician*
16 *obtains certain approval and discloses certain information; providing that a*
17 *qualifying patient may be a patient of the certifying physician or referred to the*
18 *certifying physician; requiring a certifying physician to provide each written*
19 *certification to the Commission; requiring the Commission to issue certain*
20 *identification cards under certain circumstances; authorizing a certifying*
21 *physician to discuss medical marijuana with certain patients; providing that*
22 *certain qualifying patients and caregivers may obtain medical marijuana only*
23 *from a ~~licensed~~ medical marijuana grower or dispensary licensed by the*
24 *Commission; providing that certain qualifying patients may obtain medical*
25 *marijuana only through the patient's caregiver; prohibiting a caregiver from*
26 *servicing more than a certain number of qualifying patients at any time;*
27 *prohibiting a qualifying patient from having more than a certain number of*
28 *caregivers; requiring each certifying physician to submit a certain annual report*
29 *to the Commission; authorizing a certifying physician to apply for a renewal of a*
30 *registration ~~an approval~~ on a certain basis; requiring the Commission to grant*
31 *or deny a renewal of a registration ~~an approval~~ based on a certifying physician's*
32 *performance in complying with certain regulations; ~~providing that a certifying~~
33 ~~physician shall be protected from certain penalties for certain actions;~~ altering*
34 *the contents of a certain report the Commission is required to make to the*
35 *Governor and General Assembly each year; altering the number of medical*
36 *marijuana growers the Commission may license; ~~providing for the term of an~~
37 ~~initial and renewed medical marijuana grower license; providing for the form of~~
38 ~~an application to operate as a medical marijuana grower;~~ *requiring the*
39 *Commission to establish a certain application review process for granting*
40 *medical marijuana grower licenses; prohibiting the Commission from issuing*
41 *more than one medical marijuana grower license to an applicant; requiring a*
42 *medical marijuana grower to pay a certain fee; altering the entities to which a*
43 *licensed medical marijuana grower may provide marijuana; providing for the*
44 *term of an initial and a renewal medical marijuana grower license; providing for*
45 *the form of an application to operate as a medical marijuana grower; requiring*
46 *the Commission to set certain standards for licensure; requiring a medical*
47 *marijuana grower agent to be registered with the Commission; requiring a**

1 medical marijuana grower to apply to the Commission for a registration card for
2 each grower agent by submitting certain information to the Commission;
3 requiring each medical marijuana grower agent to obtain a criminal history
4 records check; encouraging the Commission to license medical marijuana
5 growers that grow certain strains of marijuana ~~and~~, prepare medical marijuana
6 in a range of routes of administration, and are located in agricultural zones;
7 requiring the Commission to actively seek to achieve racial, ethnic, and
8 geographic diversity and to encourage certain applicants when licensing medical
9 marijuana growers; requiring certain growers to submit a certain annual report
10 to the Commission beginning on a certain date; requiring an entity seeking
11 licensure as a medical marijuana grower to meet local zoning and planning
12 requirements; ~~prohibiting the Commission from setting certain site and~~
13 ~~planning requirements;~~ prohibiting a medical marijuana grower agent and
14 certain family members of a medical marijuana grower agent from being
15 employed by, and receiving any compensation or gifts from, or having any
16 financial interest in a certifying physician or a medical marijuana treatment
17 center; authorizing an entity licensed to grow marijuana under certain
18 provisions of law to provide marijuana to certain patients or certain caregivers
19 ~~and~~ only to certain programs, certain licensed dispensaries, qualified patients,
20 and caregivers; authorizing a medical marijuana grower to distribute marijuana
21 at certain facilities; authorizing a qualifying patient or caregiver to obtain
22 medical marijuana from certain facilities; requiring an entity licensed to grow
23 marijuana under certain provisions of law to ensure that certain safety
24 precautions are followed by certain facilities; requiring a dispensary to be
25 licensed by the Commission; requiring an applicant to be licensed as a
26 dispensary to submit to the Commission a certain application fee and a certain
27 application; requiring the Commission to establish a certain application review
28 process for granting dispensary licenses and to actively seek to achieve racial,
29 ethnic, and geographic diversity when licensing dispensaries; prohibiting certain
30 entities and agents from being arrested or penalized for certain actions; requiring
31 the medical marijuana treatment center agents to meet certain qualifications;
32 requiring dispensaries to apply to the Commission for registration cards for
33 certain agents by submitting certain information; requiring, under certain
34 circumstances, dispensaries to notify the Commission and return registration
35 cards of certain agents to the Commission within a certain time period; requiring
36 the Commission, on receipt of a certain notice, to immediately revoke certain
37 registrations and, under certain circumstances, notify the Department of State
38 Police that certain registration cards have not been returned; prohibiting the
39 Commission from registering certain persons as dispensary agents; requiring an
40 applicant for certain criminal history records checks to submit to the Criminal
41 Justice Information System Central Repository of the Department of Public
42 Safety and Correctional Services certain sets of fingerprints and certain fees;
43 requiring the Central Repository to forward to the Commission and the applicant
44 certain information; authorizing, under certain circumstances, the Commission
45 to accept an alternate method of criminal history records checks as permitted by
46 certain individuals; providing that certain information obtained from the
47 Central Repository is confidential, may not be disseminated, and may be used

1 only for a certain purpose; authorizing the subject of a certain criminal history
 2 records check to contest the contents of a certain statement; adding to the persons
 3 that may not be subject to arrest, prosecution, or certain penalties, or be denied
 4 any right or privilege, for the medical use of marijuana; providing that a person
 5 may not distribute, possess, manufacture, or use marijuana that has been
 6 diverted from a qualifying patient; providing that this Act may not be construed
 7 to require a hospital or hospice program to report certain information to the
 8 Commission; requiring the Commission to adopt certain regulations on or before
 9 a certain date; requiring the Commission to report to certain committees of the
 10 General Assembly on or before a certain date in certain years on any change in
 11 marijuana use by minors; requiring the Commission to study and report its
 12 recommendations to the General Assembly on how to provide access to medical
 13 marijuana for certain veterans; requiring the Commission to report to the
 14 General Assembly on or before a certain date on the level of competition in the
 15 market for medical marijuana; requiring the Commission, in consultation with
 16 the Comptroller, to study the taxation of medical marijuana and the impact that
 17 medical marijuana laws have had on banking and financial transactions in
 18 other states and to report the Commission's findings and recommendations to the
 19 General Assembly on or before a certain date; defining certain terms; making
 20 certain conforming changes; and generally relating to the Natalie M. LaPrade
 21 Medical Marijuana Commission and medical marijuana.

22 BY repealing and reenacting, with amendments,
 23 Article – Health – General
 24 Section 13–3301 through 13–3303 and 13–3307 through 13–3311
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2013 Supplement)

27 BY adding to
 28 Article – Health – General
 29 Section 13–3307 ~~and 13–3313~~, 13–3310, 13–3311, 13–3312, and 13–3316
 30 Annotated Code of Maryland
 31 (2009 Replacement Volume and 2013 Supplement)

32 BY repealing and reenacting, without amendments,
 33 Article – Health – General
 34 Section 13–3304 through 13–3306
 35 Annotated Code of Maryland
 36 (2009 Replacement Volume and 2013 Supplement)

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

39 **Article – Health – General**

40 13–3301.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Academic medical center” means a hospital that:

3 (1) Operates a medical residency program for physicians; and

4 (2) Conducts research that is overseen by the federal Department of
5 Health and Human Services and involves human subjects.

6 **(C) “CAREGIVER” MEANS:**

7 **(1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING**
8 **PATIENT’S MEDICAL USE OF MARIJUANA; AND**

9 **(2) FOR A QUALIFIED PATIENT UNDER THE AGE OF 18 YEARS, A**
10 **PARENT OR LEGAL GUARDIAN.**

11 ~~(c)~~ **(D) “CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL WHO:**

12 **(1) IS LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER**
13 **TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE;**
14 **AND**

15 **(2) IS ~~ON STAFF OR IS A MEMBER OF THE MEDICAL STAFF AT A~~**
16 **HOSPITAL OR WITH A HOSPICE PROGRAM IN THE STATE; AND**

17 **(3) ~~REGISTERS WITH~~ APPROVED BY THE COMMISSION TO MAKE**
18 **MARIJUANA AVAILABLE TO PATIENTS FOR MEDICAL USE *IN ACCORDANCE WITH***
19 **REGULATIONS ADOPTED BY THE COMMISSION.**

20 [(c)] ~~(D)~~ **(E) “Commission” means the Natalie M. LaPrade Medical Marijuana**
21 **Commission established under this subtitle.**

22 **(F) “DISPENSARY” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE**
23 **THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS,**
24 **DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS**
25 **CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING**
26 **FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL**
27 **MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.**

28 **(G) “DISPENSARY AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE,**
29 **A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A DISPENSARY.**

30 [(d)] ~~(E)~~ ~~(F)~~ **(H) “Fund” means the Natalie M. LaPrade Medical Marijuana**
31 **Commission Fund established under § 13–3303 of this subtitle.**

1 ~~[(e)]~~ ~~(F)~~ ~~(G)~~ **(I)** “MEDICAL MARIJUANA GROWER AGENT” MEANS AN
 2 OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A
 3 MEDICAL MARIJUANA GROWER LICENSED UNDER THIS SUBTITLE.

4 **(J)** “Program” means an investigational use-type program overseen by an
 5 academic medical center through which marijuana is made available to patients for
 6 medical use.

7 ~~(G)~~ ~~(H)~~ **(K)** “QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE
 8 WHO:

9 ~~(1) IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION~~
 10 ~~GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S~~
 11 ~~CERTIFYING PHYSICIAN; AND~~

12 ~~(2)~~ ~~(H)~~ **(I)** HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION
 13 BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE
 14 PHYSICIAN-PATIENT RELATIONSHIP; OR ~~OR~~

15 ~~(H)~~ ~~(2)~~ **(II)** IS ENROLLED IN A RESEARCH PROGRAM WITH A
 16 REGISTERED ACADEMIC MEDICAL CENTER; ~~OR~~ AND

17 ~~(3)~~ **(2)** IF UNDER THE AGE OF 18 YEARS, HAS A CAREGIVER.

18 ~~(H)~~ ~~(I)~~ **(L)** “WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT:

19 (1) IS ISSUED BY A CERTIFYING PHYSICIAN TO A QUALIFYING
 20 PATIENT WITH WHOM THE PHYSICIAN HAS A BONA FIDE PHYSICIAN-PATIENT
 21 RELATIONSHIP; AND

22 (2) INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE
 23 PHYSICIAN’S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL
 24 ASSESSMENT OF THE PATIENT’S MEDICAL HISTORY AND CURRENT MEDICAL
 25 CONDITION, THE PATIENT HAS A CONDITION:

26 (I) THAT MEETS THE INCLUSION CRITERIA AND DOES NOT
 27 MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN’S
 28 APPLICATION; AND

29 (II) FOR WHICH:

~~1. RECOGNIZED DRUGS OR TREATMENT WOULD NOT BE EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND~~

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

13-3302.

(a) There is a Natalie M. LaPrade Medical Marijuana Commission.

(b) The Commission is an independent commission that functions within the Department.

(c) The purpose of the Commission is to:

(1) Develop requests for applications for academic medical centers to operate programs in accordance with this subtitle;

(2) Approve or deny applications for programs;

(3) Approve or deny applications for renewal of programs; [and]

(4) Monitor and oversee programs approved for operation under this subtitle; ~~AND~~

~~(5) REGISTER APPROVE AND REGULATE CERTIFYING PHYSICIANS;~~

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

~~(7) RESEARCH ISSUES RELATED TO THE MEDICAL USE OF MARIJUANA.~~

(D) (1) THE COMMISSION SHALL:

~~(i) DEVELOP DEVELOP IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND CAREGIVERS; AND~~

~~(ii) DEVELOP AND MAINTAIN A WEB SITE THAT PROVIDES A LIST OF CERTIFYING PHYSICIANS AND CONTACT INFORMATION FOR LICENSED MEDICAL MARIJUANA GROWERS.~~

1 **(2) (i) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**
 2 **ESTABLISH THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE**
 3 **COMMISSION.**

4 **(ii) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH**
 5 **(i) OF THIS PARAGRAPH SHALL INCLUDE:**

6 **1. THE INFORMATION TO BE INCLUDED ON AN**
 7 **IDENTIFICATION CARD;**

8 **2. THE METHOD THROUGH WHICH THE COMMISSION**
 9 **WILL DISTRIBUTE IDENTIFICATION CARDS; AND**

10 **3. THE METHOD THROUGH WHICH THE COMMISSION**
 11 **WILL TRACK IDENTIFICATION CARDS.**

12 **(E) THE COMMISSION SHALL DEVELOP AND MAINTAIN A WEB SITE**
 13 **THAT:**

14 **(1) PROVIDES INFORMATION ON HOW AN INDIVIDUAL CAN**
 15 **OBTAIN MEDICAL MARIJUANA IN THE STATE AND HOW AN INDIVIDUAL CAN FIND**
 16 **A CERTIFYING PHYSICIAN; AND**

17 **(2) PROVIDES CONTACT INFORMATION FOR LICENSED GROWERS**
 18 **AND LICENSED DISPENSARIES.**

19 13-3303.

20 (a) The Commission consists of the following ~~12~~ **15** members:

21 (1) The Secretary of Health and Mental Hygiene, or the Secretary's
 22 designee; and

23 (2) The following ~~11~~ **14** members, appointed by the Governor:

24 (i) One member of the public who supports the use of
 25 marijuana for medical purposes and who is or was a patient who found relief from the
 26 use of medical marijuana;

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

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

1 (iv) One nurse licensed in the State who has experience in
2 hospice care, nominated by a State research institution or trade association;

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

5 (vi) One scientist who has experience in the science of
6 marijuana, nominated by a State research institution;

7 (vii) One representative of the Maryland State's Attorneys'
8 Association;

9 (viii) One representative of the Maryland Chiefs of Police; ~~and~~

10 (ix) An attorney who is knowledgeable about medical marijuana
11 laws in the United States;

12 **(X) AN INDIVIDUAL WITH EXPERIENCE IN HORTICULTURE,**
13 **RECOMMENDED BY THE DEPARTMENT OF AGRICULTURE;**

14 **(XI) ONE REPRESENTATIVE OF THE UNIVERSITY OF**
15 **MARYLAND EXTENSION; AND**

16 **(XII) ONE REPRESENTATIVE OF THE OFFICE OF THE**
17 **COMPTROLLER.**

18 (b) (1) The term of a member is 4 years.

19 (2) The terms of the members are staggered as required by the terms
20 provided for members on October 1, 2013.

21 (3) At the end of a term, a member continues to serve until a successor
22 is appointed and qualifies.

23 (4) A member may not serve more than three consecutive full terms.

24 (5) A member who is appointed after a term has begun serves only for
25 the rest of the term and until a successor is appointed and qualifies.

26 (c) The Governor shall designate the chair from among the members of the
27 Commission.

28 (d) A majority of the full authorized membership of the Commission is a
29 quorum.

30 (e) A member of the Commission:

1 (1) May not receive compensation as a member of the Commission; but

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

4 (f) The Commission may employ a staff, including contractual staff, in
5 accordance with the State budget.

6 **(G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE**
7 **COSTS OF OPERATING THE COMMISSION.**

8 **[(g)] (H)** (1) There is a Natalie M. LaPrade Medical Marijuana
9 Commission Fund.

10 (2) The Commission shall administer the Fund.

11 (3) The Fund is a special continuing, nonlapsing fund that is not
12 subject to § 7–302 of the State Finance and Procurement Article.

13 (4) The State Treasurer shall hold the Fund separately, and the
14 Comptroller shall account for the Fund.

15 (5) The Fund shall be invested and reinvested in the same manner as
16 other State funds, and any investment earnings shall be retained to the credit of the
17 Fund.

18 (6) The Fund shall be subject to an audit by the Office of Legislative
19 Audits as provided for in § 2–1220 of the State Government Article.

20 (7) The Comptroller shall pay out money from the Fund as directed by
21 the Commission.

22 (8) The Fund consists of:

23 (i) Any money appropriated in the State budget to the Fund;

24 (ii) Any other money from any other source accepted for the
25 benefit of the Fund, in accordance with any conditions adopted by the Commission for
26 the acceptance of donations or gifts to the Fund; **AND**

27 **(III) ANY FEES COLLECTED BY THE COMMISSION UNDER**
28 **THIS SUBTITLE.**

29 (9) No part of the Fund may revert or be credited to:

1 (i) The General Fund of the State; or

2 (ii) Any other special fund of the State.

3 (10) Expenditures from the Fund may be made only in accordance with
4 the State budget.

5 13-3304.

6 (a) The Commission shall issue at least annually a request for applications
7 for academic medical centers to operate medical marijuana compassionate use
8 programs.

9 (b) An application submitted by an academic medical center to operate a
10 program under this subtitle shall:

11 (1) Specify the medical conditions to be treated under the program to
12 be operated by the academic medical center, proposed on the basis of evidence;

13 (2) Specify the criteria by which the academic medical center will
14 include and exclude patients from participation in the program;

15 (3) Specify how patients will be assessed for addiction before and
16 during treatment using marijuana through the program;

17 (4) Describe the source of the marijuana to be used in a program and
18 include scientific details of the type of marijuana to be used in the program;

19 (5) Specify the length of treatment and dosage permitted under the
20 program;

21 (6) Describe how health care providers will be eligible to participate in
22 the program and what training they will receive;

23 (7) Include a description of whether and how caregivers will interact
24 with patients participating in the program;

25 (8) Demonstrate approval of the program by the academic medical
26 center's institutional review board;

27 (9) Describe the plan for defining and monitoring the success or failure
28 of treatment using marijuana through the program;

29 (10) Include a plan for monitoring aggregate data and outcomes and
30 publishing results from the program, as appropriate;

1 (11) Include a description of the sources of funding for the program,
2 including any research grants;

3 (12) Describe any required training for health care providers and
4 patients participating in the program on diversion-related issues;

5 (13) Describe steps the academic medical center will take to prevent
6 and monitor for diversion and address violations of its diversion policy;

7 (14) Describe how the program will dispose of any unused marijuana;
8 and

9 (15) Describe how the academic medical center and the program will
10 meet any other criteria established by the Commission related to diversion or other
11 aspects of programs overseen by the Commission.

12 (c) The Commission shall set application fees and renewal fees that cover its
13 expenses in reviewing and approving applications and providing oversight to
14 programs.

15 13-3305.

16 (a) The Commission shall establish an application review process that
17 includes reviewers with expertise in scientific research and analysis, medical training,
18 and law enforcement.

19 (b) The reviewers shall:

20 (1) Review, evaluate, and rate applications for medical marijuana
21 compassionate use programs submitted by academic medical centers based on the
22 procedures and guidelines established by the Commission; and

23 (2) Make recommendations to the Commission, based on the ratings
24 awarded to proposals by the reviewers, for approval of applications from medical
25 marijuana compassionate use programs.

26 (c) The Commission may grant a 1-year approval to a program, which may
27 be renewed by the Commission.

28 (d) The Commission may approve no more than five programs to operate at
29 one time.

30 13-3306.

31 (a) (1) An academic medical center approved to operate a program under
32 this subtitle shall provide to the Commission updated data each day on patients and
33 caregivers participating in each program overseen by the academic medical center.

1 (2) The Commission shall make the data available in real time to law
2 enforcement.

3 (b) An academic medical center operating a program approved under this
4 subtitle may use marijuana obtained only from:

5 (1) The federal government; or

6 (2) A medical marijuana grower licensed under this subtitle.

7 (c) If an academic medical center utilizes caregivers as part of a program
8 approved under this subtitle, the academic medical center shall:

9 (1) Limit the number of patients a caregiver is allowed to serve to no
10 more than five; and

11 (2) Limit the number of caregivers that serve a particular patient to
12 no more than two.

13 (d) An academic medical center operating a program approved under this
14 subtitle shall report annually to the Commission, in the form specified by the
15 Commission, on:

16 (1) The number of patients served through the program;

17 (2) The county of residence of the patients served by the program;

18 (3) The conditions treated under the program;

19 (4) Any outcomes data on the results of treatment through the
20 program; and

21 (5) Any research studies conducted under the program.

22 (e) An academic medical center operating a program approved under this
23 subtitle shall apply annually to the Commission for renewal of approval of the
24 program, in accordance with any procedures established by the Commission.

25 (f) An academic medical center operating a program approved under this
26 subtitle is subject to inspection by the Commission to ensure that the program is
27 operating according to the conditions of approval established by the Commission.

28 (g) The Commission may rescind approval of a program if the Commission
29 finds that the program is not in compliance with the conditions of approval established
30 by the Commission.

1 **13-3307.**

2 (A) THE COMMISSION SHALL APPROVE AS A CERTIFYING PHYSICIAN AN
3 INDIVIDUAL WHO:

4 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

5 (2) SUBMITS APPLICATION MATERIALS THAT ARE SATISFACTORY
6 TO THE COMMISSION.

7 (B) TO BE ~~REGISTERED~~ APPROVED AS A CERTIFYING PHYSICIAN, A
8 PHYSICIAN SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:

9 (1) THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE
10 OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE
11 PATIENT'S QUALIFYING MEDICAL CONDITIONS;

12 (2) THE REASONS THE PHYSICIAN WILL USE TO EXCLUDE
13 PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS
14 SUBTITLE;

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

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

20 (C) THE COMMISSION IS ENCOURAGED TO APPROVE PHYSICIAN
21 APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:

22 (1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
23 CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR
24 RECEIVING PALLIATIVE CARE; OR

25 (2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL
26 CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR
27 MEDICAL CONDITION THAT PRODUCES:

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

29 (II) SEVERE OR CHRONIC PAIN;

30 (III) SEVERE NAUSEA;

1 (IV) SEIZURES; OR

2 (V) SEVERE OR PERSISTENT MUSCLE SPASMS.

3 (D) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE
4 ANY OTHER CONDITION THAT IS SEVERE AND ~~RESISTANT TO CONVENTIONAL~~
5 ~~MEDICINE~~ FOR WHICH OTHER MEDICAL TREATMENTS HAVE BEEN INEFFECTIVE
6 IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE RELIEVED BY THE
7 MEDICAL USE OF MARIJUANA.

8 (E) (1) A CERTIFYING PHYSICIAN OR THE SPOUSE OF A CERTIFYING
9 PHYSICIAN MAY NOT RECEIVE ANY GIFTS FROM OR HAVE AN OWNERSHIP
10 INTEREST IN A MEDICAL MARIJUANA GROWER OR A DISPENSARY.

11 (2) A CERTIFYING PHYSICIAN MAY RECEIVE COMPENSATION FROM
12 A MEDICAL MARIJUANA GROWER OR DISPENSARY IF:

13 (I) THE CERTIFYING PHYSICIAN OBTAINS THE APPROVAL
14 OF THE COMMISSION BEFORE RECEIVING THE COMPENSATION; AND

15 (II) DISCLOSES THE AMOUNT OF COMPENSATION RECEIVED
16 FROM THE MEDICAL MARIJUANA GROWER OR DISPENSARY TO THE COMMISSION.

17 ~~(E)~~ (F) (1) A QUALIFYING PATIENT MAY BE A PATIENT OF THE
18 CERTIFYING PHYSICIAN OR MAY BE REFERRED TO THE CERTIFYING PHYSICIAN.

19 (2) A CERTIFYING PHYSICIAN SHALL PROVIDE EACH WRITTEN
20 CERTIFICATION TO THE COMMISSION.

21 (3) ON RECEIPT OF THE WRITTEN CERTIFICATION PROVIDED
22 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ISSUE
23 AN IDENTIFICATION CARD TO EACH QUALIFYING PATIENT OR CAREGIVER
24 NAMED IN THE WRITTEN CERTIFICATION.

25 (4) A CERTIFYING PHYSICIAN MAY DISCUSS MEDICAL MARIJUANA
26 WITH A QUALIFYING PATIENT.

27 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
28 PARAGRAPH, A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL
29 MARIJUANA ONLY FROM A ~~LICENSED GROWER~~ MEDICAL MARIJUANA GROWER
30 LICENSED BY THE COMMISSION OR A DISPENSARY LICENSED BY THE
31 COMMISSION.

1 (II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS
 2 MAY OBTAIN MEDICAL MARIJUANA ONLY THROUGH THE QUALIFYING PATIENT'S
 3 CAREGIVER.

4 (6) (I) A CAREGIVER MAY SERVE NO MORE THAN FIVE
 5 QUALIFYING PATIENTS AT ANY TIME.

6 (II) A QUALIFYING PATIENT MAY HAVE NO MORE THAN TWO
 7 CAREGIVERS.

8 ~~(E) (F) (G)~~ (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN
 9 ANNUAL REPORT TO THE COMMISSION.

10 (2) THE ANNUAL REPORT SHALL INCLUDE:

11 (I) THE NUMBER OF PATIENTS SERVED;

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

13 (III) ANY MEDICAL CONDITION FOR WHICH MEDICAL
 14 MARIJUANA WAS RECOMMENDED; AND

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

17 (3) THE ANNUAL REPORT MAY NOT INCLUDE ANY PERSONAL
 18 INFORMATION THAT IDENTIFIES A PATIENT.

19 ~~(F) (G) (H)~~ (1) A CERTIFYING PHYSICIAN MAY APPLY BIENNIALLY ~~FOR~~
 20 ~~A RENEWAL OF A REGISTRATION~~ TO THE COMMISSION FOR APPROVAL.

21 (2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF ~~A~~
 22 ~~REGISTRATION~~ AN APPLICATION FOR APPROVAL BASED ON THE PHYSICIAN'S
 23 PERFORMANCE IN COMPLYING WITH REGULATIONS ADOPTED BY THE
 24 COMMISSION.

25 ~~(G) (H)~~ ~~A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL~~
 26 ~~AND CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS~~
 27 ~~AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN~~
 28 ~~CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.~~

29 [13-3307.] 13-3308.

1 On or before January 1 each year, the Commission shall report to the Governor
2 and, in accordance with § 2-1246 of the State Government Article, the General
3 Assembly on [programs]:

4 (1) PROGRAMS approved to operate under this subtitle; AND

5 (2) PHYSICIANS CERTIFIED UNDER THIS SUBTITLE.

6 [13-3308.] **13-3309.**

7 (a) (1) The Commission shall license medical marijuana growers *THAT*
8 *MEET ALL REQUIREMENTS ESTABLISHED BY THE COMMISSION* to operate in the
9 State to provide marijuana to ~~programs~~:

10 (I) *PROGRAMS* approved for operation under this subtitle;

11 (II) *DISPENSARIES LICENSED BY THE COMMISSION UNDER*
12 *THIS SUBTITLE; AND*

13 (III) *QUALIFYING PATIENTS AND CAREGIVERS.*

14 (2) (I) ~~The~~ *EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF*
15 *THIS PARAGRAPH, THE* Commission may license no more than ~~five~~ **10 15** medical
16 marijuana growers [for each approved program].

17 (II) *BEGINNING JUNE 1, 2016, THE COMMISSION MAY ISSUE*
18 *THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR MEDICAL*
19 *MARIJUANA BY QUALIFYING PATIENTS AND CAREGIVERS ISSUED*
20 *IDENTIFICATION CARDS UNDER THIS SUBTITLE IN AN AFFORDABLE,*
21 *ACCESSIBLE, SECURE, AND EFFICIENT MANNER.*

22 (III) *THE COMMISSION SHALL ESTABLISH AN APPLICATION*
23 *REVIEW PROCESS FOR GRANTING MEDICAL MARIJUANA GROWER LICENSES IN*
24 *WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON*
25 *CRITERIA ESTABLISHED BY THE COMMISSION.*

26 (IV) *THE COMMISSION MAY NOT ISSUE MORE THAN ONE*
27 *MEDICAL MARIJUANA GROWER LICENSE TO EACH APPLICANT.*

28 (V) *A GROWER SHALL PAY AN APPLICATION FEE IN AN*
29 *AMOUNT TO BE DETERMINED BY THE COMMISSION CONSISTENT WITH THIS*
30 *SUBTITLE.*

1 **(3) THE COMMISSION SHALL SET STANDARDS FOR LICENSURE AS**
2 **A MEDICAL MARIJUANA GROWER TO ENSURE PUBLIC SAFETY AND SAFE ACCESS**
3 **TO MEDICAL MARIJUANA, WHICH MAY INCLUDE A REQUIREMENT FOR THE**
4 **POSTING OF SECURITY.**

5 **(4) EACH MEDICAL MARIJUANA GROWER AGENT SHALL:**

6 **(I) BE REGISTERED WITH THE COMMISSION BEFORE THE**
7 **AGENT MAY VOLUNTEER OR WORK FOR A LICENSED GROWER; AND**

8 **(II) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY**
9 **RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.**

10 **(5) (I) A LICENSED GROWER SHALL APPLY TO THE**
11 **COMMISSION FOR A REGISTRATION CARD FOR EACH GROWER AGENT BY**
12 **SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.**

13 **(II) 1. WITHIN 1 BUSINESS DAY AFTER A GROWER AGENT**
14 **CEASES TO BE ASSOCIATED WITH A GROWER, THE GROWER SHALL:**

15 **A. NOTIFY THE COMMISSION; AND**

16 **B. RETURN THE GROWER AGENT'S REGISTRATION**
17 **CARD TO THE COMMISSION.**

18 **2. ON RECEIPT OF A NOTICE DESCRIBED IN**
19 **SUBSUBPARAGRAPH 1A OF THIS SUBPARAGRAPH, THE COMMISSION SHALL:**

20 **A. IMMEDIATELY REVOKE THE REGISTRATION CARD**
21 **OF THE GROWER AGENT; AND**

22 **B. IF THE REGISTRATION CARD WAS NOT RETURNED**
23 **TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.**

24 **(III) THE COMMISSION MAY NOT REGISTER A PERSON WHO**
25 **HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A GROWER AGENT.**

26 **~~(H)~~ 1. (6) (I) A MEDICAL MARIJUANA GROWER LICENSE**
27 **IS VALID FOR ~~5~~ 2 YEARS ON INITIAL LICENSURE.**

28 **~~2.~~ (II) A MEDICAL MARIJUANA GROWER LICENSE**
29 **IS VALID FOR ~~10~~ 2 YEARS ON RENEWAL.**

1 ~~(H)~~ (7) AN APPLICATION TO OPERATE AS A MEDICAL
 2 MARIJUANA GROWER MAY BE SUBMITTED IN PAPER OR ELECTRONIC FORM.

3 ~~(3)~~ (8) (I) THE COMMISSION SHALL ENCOURAGE LICENSING
 4 MEDICAL MARIJUANA GROWERS THAT GROW STRAINS OF MARIJUANA,
 5 INCLUDING STRAINS WITH HIGH CANNABIDIOL CONTENT, WITH DEMONSTRATED
 6 SUCCESS IN ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES OR CONDITIONS.

7 (II) THE COMMISSION SHALL ENCOURAGE LICENSING
 8 MEDICAL MARIJUANA GROWERS THAT PREPARE MEDICAL MARIJUANA IN A
 9 RANGE OF ROUTES OF ADMINISTRATION.

10 (III) THE COMMISSION SHALL ENCOURAGE LICENSING
 11 MEDICAL MARIJUANA GROWERS LOCATED IN AGRICULTURAL ZONES.

12 ~~(H)~~ ~~1.~~ (9) (I) THE COMMISSION SHALL:

13 1. ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC,
 14 AND GEOGRAPHIC DIVERSITY WHEN LICENSING MEDICAL MARIJUANA
 15 GROWERS; AND

16 2. ENCOURAGE APPLICANTS WHO QUALIFY AS A
 17 MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE
 18 FINANCE AND PROCUREMENT ARTICLE.

19 (II) BEGINNING JUNE 1, 2016, A GROWER LICENSED UNDER
 20 THIS SUBTITLE TO OPERATE AS A MEDICAL MARIJUANA GROWER SHALL
 21 REPORT ANNUALLY TO THE COMMISSION ON THE MINORITY OWNERS AND
 22 EMPLOYEES OF THE GROWER.

23 ~~(IV)~~ ~~1.~~ (10) AN ENTITY SEEKING LICENSURE AS A
 24 MEDICAL MARIJUANA GROWER SHALL MEET LOCAL ZONING AND PLANNING
 25 REQUIREMENTS.

26 2. ~~THE COMMISSION MAY NOT SET SITE OR~~
 27 ~~PLANNING REQUIREMENTS FOR MEDICAL MARIJUANA GROWERS BEYOND THE~~
 28 ~~REQUIREMENTS SET BY THE LOCAL AUTHORITY.~~

29 (b) An entity licensed to grow marijuana under this section may provide
 30 marijuana ~~only to~~:

31 (1) ~~TO PATIENTS PARTICIPATING IN A PROGRAM OPERATED BY~~
 32 ~~an academic medical center [approved to operate a program] under this subtitle; OR~~

1 ~~(2) TO A QUALIFYING PATIENT OF A CERTIFYING PHYSICIAN OR~~
 2 ~~THE QUALIFYING PATIENT'S DESIGNATED CERTIFIED CAREGIVER. PROGRAMS~~
 3 ~~APPROVED FOR OPERATION UNDER THIS SUBTITLE;~~

4 (2) DISPENSARIES LICENSED BY THE COMMISSION UNDER THIS
 5 SUBTITLE;

6 (3) QUALIFIED PATIENTS; AND

7 (4) CAREGIVERS.

8 (C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS
 9 SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER'S FACILITY OR AT A
 10 SATELLITE FACILITY OF THE GROWER.

11 (2) A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL
 12 MARIJUANA FROM A GROWER'S FACILITY OR FROM A SATELLITE FACILITY OF
 13 THE GROWER.

14 (D) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION
 15 SHALL ENSURE THAT SAFETY PRECAUTIONS ESTABLISHED BY THE COMMISSION
 16 ARE FOLLOWED BY ANY FACILITY OPERATED BY THE GROWER.

17 ~~(E)~~ (E) The Commission shall establish requirements for security and the
 18 manufacturing process that a grower must meet in order to obtain a license under this
 19 section, including a requirement for a product-tracking system.

20 ~~(F)~~ (F) The Commission may inspect growers licensed under this section
 21 to ensure compliance with this section.

22 ~~(G)~~ (G) The Commission may impose penalties or rescind the license of a
 23 grower that does not meet the standards for licensure set by the Commission.

24 13-3310.

25 (A) A DISPENSARY SHALL BE LICENSED BY THE COMMISSION.

26 (B) TO BE LICENSED AS A DISPENSARY, AN APPLICANT SHALL SUBMIT
 27 TO THE COMMISSION:

28 (1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY
 29 THE COMMISSION CONSISTENT WITH THIS SUBTITLE; AND

30 (2) AN APPLICATION THAT INCLUDES:

1 **(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE**
2 **PROPOSED DISPENSARY;**

3 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH**
4 **PRINCIPAL OFFICER AND EACH DIRECTOR, NONE OF WHOM MAY HAVE SERVED**
5 **AS A PRINCIPAL OFFICER OR DIRECTOR FOR A DISPENSARY THAT HAS HAD ITS**
6 **REGISTRATION CERTIFICATE REVOKED; AND**

7 **(III) OPERATING PROCEDURES THAT THE DISPENSARY WILL**
8 **USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT,**
9 **INCLUDING STORAGE OF MARIJUANA ONLY IN ENCLOSED AND LOCKED**
10 **FACILITIES.**

11 **(C) THE COMMISSION SHALL:**

12 **(1) ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING**
13 **DISPENSARY LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED,**
14 **AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION; AND**

15 **(2) ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND**
16 **GEOGRAPHIC DIVERSITY WHEN LICENSING DISPENSARIES.**

17 **(D) A DISPENSARY LICENSED UNDER THIS SECTION OR A DISPENSARY**
18 **AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE MAY NOT BE**
19 **PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING,**
20 **PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR**
21 **DISPENSING MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED**
22 **SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR**
23 **A CAREGIVER.**

24 **13-3311.**

25 **(A) A DISPENSARY AGENT SHALL:**

26 **(1) BE AT LEAST 21 YEARS OLD;**

27 **(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT**
28 **MAY VOLUNTEER OR WORK AT A DISPENSARY; AND**

29 **(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS**
30 **CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.**

1 **(B) A DISPENSARY SHALL APPLY TO THE COMMISSION FOR A**
2 **REGISTRATION CARD FOR EACH DISPENSARY AGENT BY SUBMITTING THE NAME,**
3 **ADDRESS, AND DATE OF BIRTH OF THE AGENT.**

4 **(C) (1) WITHIN 1 BUSINESS DAY AFTER A DISPENSARY AGENT CEASES**
5 **TO BE ASSOCIATED WITH A DISPENSARY, THE DISPENSARY SHALL:**

6 **(I) NOTIFY THE COMMISSION; AND**

7 **(II) RETURN THE DISPENSARY AGENT'S REGISTRATION**
8 **CARD TO THE COMMISSION.**

9 **(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF**
10 **THIS SUBSECTION, THE COMMISSION SHALL:**

11 **(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF**
12 **THE DISPENSARY AGENT; AND**

13 **(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO**
14 **THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.**

15 **(D) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN**
16 **CONVICTED OF A FELONY DRUG OFFENSE AS A DISPENSARY AGENT.**

17 **13-3312.**

18 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
19 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
20 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

21 **(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A**
22 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT**
23 **SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

24 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON**
25 **FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
26 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

27 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
28 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY**
29 **RECORDS; AND**

30 **(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU**
31 **OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

1 (C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE
 2 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
 3 TO THE COMMISSION AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD
 4 INFORMATION OF THE APPLICANT.

5 (D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL
 6 ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE COMMISSION MAY
 7 ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS
 8 PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
 9 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

10 (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
 11 THIS SECTION SHALL BE:

12 (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

13 (2) USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED
 14 BY THIS SUBTITLE.

15 (F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
 16 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT
 17 ISSUED BY THE CENTRAL REPOSITORY, AS PROVIDED IN § 10-223 OF THE
 18 CRIMINAL PROCEDURE ARTICLE.

19 [13-3309.] ~~13-3310.~~ 13-3313.

20 (a) Any of the following persons acting in accordance with the provisions of
 21 this subtitle may not be subject to arrest, prosecution, or any civil or administrative
 22 penalty, including a civil penalty or disciplinary action by a professional licensing
 23 board, or be denied any right or privilege, for the medical use of marijuana:

24 (1) A QUALIFYING patient [enrolled]:

25 (I) ENROLLED in a program approved under this subtitle who
 26 is in possession of an amount of marijuana authorized under the program; OR

27 (II) IN POSSESSION OF AN AMOUNT OF MARIJUANA
 28 ~~AUTHORIZED BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH THIS~~
 29 ~~SUBTITLE~~ DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY
 30 SUPPLY;

1 (2) A grower licensed under [§ 13-3308] **§ 13-3309** of this subtitle or
 2 an employee of the licensed grower who is acting in accordance with the terms of the
 3 license; [or]

4 (3) An academic medical center, an employee of the academic medical
 5 center, or any other person associated with the operation of a program approved under
 6 this subtitle for activities conducted in accordance with the program approved under
 7 this subtitle; ~~OR~~

8 (4) **A CERTIFYING PHYSICIAN;**

9 (5) **A CAREGIVER; OR**

10 (6) **A DISPENSARY LICENSED UNDER § 13-3310 OF THIS SUBTITLE**
 11 **OR A DISPENSARY AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE; OR**

12 ~~(6) (7)~~ **A HOSPITAL OR HOSPICE PROGRAM WHERE A**
 13 **CERTIFYING PHYSICIAN IS ON STAFF QUALIFYING PATIENT IS RECEIVING**
 14 **TREATMENT OR IS A MEMBER OF THE MEDICAL STAFF.**

15 (b) (1) A person may not distribute, possess, manufacture, or use
 16 marijuana that has been diverted from a program approved under this subtitle or from
 17 a **QUALIFYING** patient, **A CAREGIVER, A LICENSED GROWER, OR A LICENSED**
 18 **DISPENSARY** [who is enrolled in a program approved under this subtitle].

19 (2) A person who violates this subsection is guilty of a felony and on
 20 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
 21 \$10,000 or both.

22 (3) The penalty under this subsection is in addition to any penalties
 23 that a person may be subject to for manufacture, possession, or distribution of
 24 marijuana under the Criminal Law Article.

25 [13-3310.] ~~13-3311.~~ **13-3314.**

26 (a) This subtitle may not be construed to authorize any individual to engage
 27 in, and does not prevent the imposition of any civil, criminal, or other penalties for, the
 28 following:

29 (1) Undertaking any task under the influence of marijuana, when
 30 doing so would constitute negligence or professional malpractice;

31 (2) Operating, navigating, or being in actual physical control of any
 32 motor vehicle, aircraft, or boat while under the influence of marijuana;

33 (3) Smoking marijuana in any public place;

1 (4) Smoking marijuana in a motor vehicle; or

2 (5) Smoking marijuana on a private property that:

3 (i) 1. Is rented from a landlord; and

4 2. Is subject to a policy that prohibits the smoking of
5 marijuana on the property; or

6 (ii) Is subject to a policy that prohibits the smoking of
7 marijuana on the property of an attached dwelling adopted by one of the following
8 entities:

9 1. The board of directors of the council of unit owners of
10 a condominium regime; or

11 2. The governing body of a homeowners association.

12 (b) This subtitle may not be construed to provide immunity to a person who
13 violates the provisions of this subtitle from criminal prosecution for a violation of any
14 law prohibiting or regulating the use, possession, dispensing, distribution, or
15 promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or
16 harmful drugs, or any conspiracy or attempt to commit any of those offenses.

17 **(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL**
18 **OR HOSPICE PROGRAM TO REPORT TO THE COMMISSION ANY DISCIPLINARY**
19 **ACTION TAKEN BY THE HOSPITAL OR HOSPICE PROGRAM AGAINST A**
20 **CERTIFYING PHYSICIAN, INCLUDING THE REVOCATION OF PRIVILEGES, AFTER**
21 **THE ~~REGISTRATION~~ APPROVAL OF THE CERTIFYING PHYSICIAN ~~WITH~~ BY THE**
22 **COMMISSION.**

23 **[13-3311.] ~~13-3312.~~ 13-3315.**

24 (a) Notwithstanding § 12-315 of the State Government Article, a State
25 employee who incurs counsel fees in connection with a federal criminal investigation
26 or prosecution solely related to the employee's good faith discharge of public
27 responsibilities under this subtitle is eligible for reimbursement of counsel fees as
28 authorized by § 12-314 of the State Government Article.

29 (b) The Governor may suspend implementation of this subtitle on making a
30 determination that there is a reasonable chance of federal prosecution of State
31 employees for involvement with implementation of this subtitle.

32 **~~13-3313.~~ 13-3316.**

1 ~~THE~~ ON OR BEFORE SEPTEMBER 15, 2014, THE COMMISSION SHALL
2 ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1
4 of any year in which the results of the Maryland Youth Behavior Survey are published,
5 the Natalie M. LaPrade Medical Marijuana Commission shall report to the Senate
6 Judicial Proceedings Committee, the Senate Education, Health, and Environmental
7 Affairs Committee, the House Judiciary Committee, and the House Health and
8 Government Operations Committee, in accordance with § 2-1246 of the State
9 Government Article, on any change in marijuana use by minors in Maryland.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Natalie M. LaPrade
11 Medical Marijuana Commission shall study and report its recommendations, in
12 accordance with § 2-1246 of the State Government Article, to the General Assembly on
13 how to provide access to medical marijuana for veterans who are receiving treatment at
14 a medical facility operating under the auspices of the United States Veterans Health
15 Administration, the United States Department of Veterans Affairs, the Maryland
16 Department of Veterans Affairs, or any other facility in the State certified by the United
17 States Department of Veterans Affairs Medical Center.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1,
19 2015, the Natalie M. LaPrade Medical Marijuana Commission shall report to the
20 General Assembly, in accordance with § 2-1246 of the State Government Article, on the
21 level of competition in the market for medical marijuana and:

22 (1) whether the supply of medical marijuana exceeds the demand, and,
23 if so, whether the oversupply has caused the diversion of medical marijuana to persons
24 not authorized by law to possess it; or

25 (2) whether the demand exceeds the supply, and, if so, whether
26 additional medical marijuana grower licenses are necessary to meet the demand for
27 medical marijuana by qualifying patients and caregivers issued identification cards
28 under Title 13, Subtitle 33 of the Health – General Article in an affordable, accessible,
29 secure, and efficient manner.

30 SECTION 5. AND BE IT FURTHER ENACTED, That:

31 (a) The Natalie M. LaPrade Medical Marijuana Commission, in consultation
32 with the Comptroller, shall study the taxation of medical marijuana and the impact
33 that medical marijuana laws have had on banking and financial transactions in other
34 states that have implemented medical marijuana laws.

35 (b) The study required under subsection (a) of this section shall include an
36 examination of federal laws and policies related to the taxation of medical marijuana
37 and banking and financial transactions affected by medical marijuana laws.

1 (c) On or before December 1, 2014, the Commission shall report its findings
2 and recommendations to the General Assembly, in accordance with § 2-1246 of the
3 State Government Article, regarding taxation of medical marijuana in this State and
4 the impact of medical marijuana laws on banking and financial transactions.

5 SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect ~~July~~ June 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.