

**HB0490/786482/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 490

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Glenn” and substitute “Glenn, Angel, Bromwell, Cullison, Kelly, Hammen, Hill, Miele, Pena-Melnyk, Pendergrass, Reznik, and K. Young”; in line 2, strike “Marijuana” and substitute “Cannabis”; in line 3, after the first “of” insert “renaming the Natalie M. LaPrade Medical Marijuana Commission to be the Natalie M. LaPrade Medical Cannabis Commission;”; in the same line, strike “Natalie M. LaPrade Medical Marijuana”; in line 4, after the first “Commission;” insert “altering the information that is to be included in the Web site developed and maintained by the Commission;”; strike beginning with “requiring” in line 4 down through “physician” in line 22 and substitute “altering the definition of “written certification” to provide that it may include a certain statement from a certifying physician related to a certain supply of medical cannabis; repealing a requirement that the Commission issue at least annually a request for applications from certain academic medical centers; repealing a requirement that an application submitted by a certain academic medical center contain certain information; repealing a requirement that the Commission set certain fees related to certain programs; repealing a requirement that the Commission establish a certain application review process; repealing the authority of the Commission to approve certain programs; repealing a requirement that an approved academic center provide certain data to the Commission, use certain marijuana, use caregivers in a certain manner, and report certain data to the Commission in a certain manner; repealing the authority of the Commission to approve and rescind approval of certain academic medical centers to operate a certain program; repealing the authority of the Commission to approve certifying physicians; authorizing the Commission to register certifying physicians under certain circumstances; altering the information to be included in a certain proposal; altering the medical conditions that the Commission is encouraged to approve when part of a physician application; prohibiting a certifying physician or the physician’s spouse from receiving certain gifts or having an ownership interest in a processor; authorizing a certifying physician to

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receive compensation from a processor under certain circumstances; expanding the class of patients with whom a qualifying physician may discuss medical cannabis; repealing a requirement that the Commission report to the Governor on certain programs; increasing the time period for which an initial grower license is valid; repealing the authority of a grower to provide marijuana to certain programs; authorizing a grower to provide cannabis to certain processors and laboratories; extending the date on which the Commission is authorized to issue certain licenses to certain growers; repealing a provision of law relating to the distribution of marijuana by certain growers; authorizing a grower to dispense cannabis from a certain facility; repealing a provision of law authorizing a qualifying patient or caregiver to obtain medical marijuana from certain facilities; authorizing a qualifying patient or caregiver to obtain medical cannabis from a facility of a grower licensed as a dispensary; authorizing certain growers to grow and process medical cannabis on the same premises; providing that a dispensary license is valid for certain time periods on initial licensure and on renewal; requiring the Commission to establish certain security and product handling procedures that certain dispensaries must meet; authorizing the Commission to inspect certain dispensaries; authorizing the Commission to impose certain penalties and rescind certain licenses under certain circumstances; requiring certain processors to be licensed by the Commission; requiring an applicant for a processor license to submit a certain fee and application to the Commission; requiring the Commission to establish a certain application review process for granting processor licenses; providing that a processor license is valid for certain time periods on initial licensure and renewal; providing that a processor or a processor agent may not be penalized or arrested under State law for certain actions; requiring the Commission to establish certain security and product handling procedures that certain processors must meet; authorizing the Commission to inspect certain processors; requiring a processor agent to be a certain age, register with the Commission, and obtain a certain criminal history records check; requiring a processor to apply to the Commission for a registration card for each processor agent by submitting certain information; requiring a processor to provide certain notice to the Commission and return a certain registration card to the Commission under certain circumstances and within a certain time period; requiring the Commission to revoke a certain registration card under certain circumstances and notify the Department of

State Police under certain circumstances; prohibiting the Commission from registering certain individuals as processor agents; requiring the Commission to register at least a certain number of private independent testing laboratories; requiring an independent testing laboratory to meet certain application requirements and standards and to pay a certain fee as a condition of registration; authorizing the Commission to inspect certain independent testing laboratories; requiring the Commission to adopt certain regulations; repealing certain provisions of law establishing certain immunity for certain qualifying patients and academic centers; providing that a qualifying patient in possession of an amount of medical cannabis that is greater than a certain supply, a processor, a processor agent, and certain medical facilities may not be subject to arrest, prosecution, certain penalties or disciplinary action, or be denied any right or privilege under certain circumstances; providing that certain provisions of law do not apply to vaporizing cannabis; providing that this Act may not be construed to prohibit a person from being concurrently licensed by the Commission as a grower, a dispensary, or a processor"; in line 25, strike "a"; in line 26, strike "definition" and substitute "definitions; repealing certain definitions; defining certain terms; altering certain terminology; making certain conforming and stylistic changes"; and in line 27, strike "Marijuana" and substitute "Cannabis".

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 2 on page 2, inclusive.

On page 2, strike line 5 in its entirety and substitute "Section 13-3301 through 13-3303, 13-3307 through 13-3311, 13-3313, and 13-3314 to be under the amended subtitle "Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission""; and after line 7, insert:

"BY repealing

Article – Health – General

Section 13-3304, 13-3305, and 13-3306

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

(Over)

BY adding to

Article – Health – General  
Section 13-3309, 13-3310, and 13-3311  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 13-3312  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“Subtitle 33. Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission.”;

and strike in their entirety lines 12 through 18, inclusive, and substitute:

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

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

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

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

(c)] “Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical use of [marijuana] CANNABIS; and

(2) For a qualifying patient under the age of 18 years, a parent or legal guardian.

**[(d)] (C)** “Certifying physician” means an individual who:

(1) Is licensed by the State Board of Physicians under Title 14 of the Health Occupations Article to practice medicine AND HAS A STATE CONTROLLED DANGEROUS SUBSTANCES LICENSE; and

(2) Is [approved by] REGISTERED WITH the Commission to make [marijuana] CANNABIS available to patients for medical use in accordance with regulations adopted by the Commission.

**[(e)] (D)** “Commission” means the Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission established under this subtitle.

**[(f)] (E)** “Dispensary” means an entity licensed under this subtitle that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, related products CONTAINING CANNABIS including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

**[(g)] (F)** “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.

**[(h)] (G)** “Fund” means the Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission Fund established under § 13–3303 of this subtitle.

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**(H) “GROWER” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT:**

**(I) 1. CULTIVATES, MANUFACTURES, PROCESSES, PACKAGES, OR DISPENSES MEDICAL CANNABIS; OR**

**2. PROCESSES MEDICAL CANNABIS PRODUCTS; AND**

**(II) IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO A QUALIFYING PATIENT, CAREGIVER, PROCESSOR, DISPENSARY, OR INDEPENDENT TESTING LABORATORY.**

**(I) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY, OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.**

**[(i)] (J) “Medical [marijuana] CANNABIS grower agent” means an owner, an employee, a volunteer, an officer, or a director of a [medical marijuana] grower [licensed under this subtitle].**

**(K) “PROCESSOR” MEANS AN ENTITY THAT:**

**(1) TRANSFORMS MEDICAL CANNABIS INTO ANOTHER PRODUCT OR EXTRACT; AND**

**(2) PACKAGES AND LABELS MEDICAL CANNABIS.**

**(L) “PROCESSOR AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A PROCESSOR.**

[(j) “Program” means an investigational use-type program overseen by an academic medical center through which marijuana is made available to patients for medical use.]

[(k) (M) “Qualifying patient” means [a resident of the State] AN INDIVIDUAL who:

(1) [(i) Has been provided with a written certification by a certifying physician in accordance with a bona fide physician-patient relationship; [or

(ii) Is enrolled in a research program with a registered academic medical center;] and

(2) If under the age of 18 years, has a caregiver.

[(l) (N) “Written certification” means a certification that:

(1) Is issued by a certifying physician to a qualifying patient with whom the physician has a bona fide physician-patient relationship; and

(2) Includes a written statement certifying that, in the physician’s professional opinion, after having completed [a full] AN assessment of the patient’s medical history and current medical condition, the patient has a condition:

(i) That meets the inclusion criteria and does not meet the exclusion criteria of the certifying physician’s application; and

(ii) For which the potential benefits of the medical use of [marijuana] CANNABIS would likely outweigh the health risks for the patient; AND

**(3) MAY INCLUDE A WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN’S PROFESSIONAL OPINION, A 30-DAY SUPPLY OF MEDICAL CANNABIS WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT.”.**

**AMENDMENT NO. 3**

On page 2, in line 20, strike “Marijuana” and substitute “**CANNABIS**”; in line 23, after “to” insert “**DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS TO IMPLEMENT PROGRAMS TO MAKE MEDICAL CANNABIS AVAILABLE TO QUALIFYING PATIENTS IN A SAFE AND EFFECTIVE MANNER.”**”; strike beginning with the colon in line 23 down through “physicians;” in line 30.

On page 3, strike in their entirety lines 1 through 3, inclusive; in lines 17, 26, and 27, in each instance, strike “marijuana” and substitute “**CANNABIS**”; in line 17, strike “and how an individual can find a certifying physician”; and in line 18, strike “licensed growers and”.

On page 4, in lines 7 and 13, in each instance, strike “marijuana” and substitute “**CANNABIS**”.

**AMENDMENT NO. 4**

On pages 4 through 7, strike in their entirety the lines beginning with line 19 on page 4 through line 21 on page 7, inclusive.

On page 7, in line 22, strike “13-3307.” and substitute “**13-3304.**”; in line 23, strike “approve” and substitute “**REGISTER**”; in line 27, strike “approved” and substitute “**REGISTERED**”; and in line 30, after the semicolon insert:

**“(2) AN ATTESTATION THAT A STANDARD PATIENT EVALUATION WILL BE COMPLETED, INCLUDING A HISTORY, A PHYSICAL EXAMINATION, A REVIEW OF SYMPTOMS, AND OTHER PERTINENT MEDICAL INFORMATION; AND”.**

On page 8, strike beginning with “(2)” in line 1 down through “(4)” in line 5 and substitute “**(3)**”; in line 9, strike “**APPROVED**” and substitute “**REGISTERED**”; in line 17, after “Severe” insert “**OR CHRONIC**”; in lines 25, 27, and 30, in each instance, strike “marijuana” and substitute “**CANNABIS**”; and in lines 27 and 30, in each instance, after “grower” insert “**, A PROCESSOR,**”.

On page 9, in lines 4, 12, 15, 16, 18, and 27, in each instance, strike “marijuana” and substitute “**CANNABIS**”; in line 4, after “grower” insert “**, PROCESSOR,**”; and in line 12, strike “qualifying”.

On page 10, in line 3, strike “apply” and substitute “**REGISTER**”; strike beginning with “to” in line 3 down through “approval” in line 4; and in line 5, strike “an application” and substitute “**A REGISTRATION**”.

**AMENDMENT NO. 5**

On page 10, after line 7, insert:

**[13-3308.] 13-3305.**

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

- (1) Programs approved to operate under this subtitle; and
- (2) Physicians] PHYSICIANS certified under this subtitle.

**[13-3309.] 13-3306.**

(a) (1) The Commission shall license medical [marijuana] CANNABIS growers that meet all requirements established by the Commission to operate in the State to provide [marijuana] CANNABIS to:

(i) [Programs approved for operation under this subtitle]  
PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(ii) Dispensaries licensed by the Commission under this subtitle;  
[and]

(iii) Qualifying patients and caregivers; AND

(IV) INDEPENDENT TESTING LABORATORIES REGISTERED  
WITH THE COMMISSION UNDER THIS SUBTITLE.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Commission may license no more than 15 medical [marijuana] CANNABIS growers.

(ii) Beginning June 1, [2016,] 2018, the Commission may issue the number of licenses necessary to meet the demand for medical [marijuana] CANNABIS by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

(iii) The Commission shall establish an application review process for granting medical [marijuana] CANNABIS grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.

(iv) The Commission may not issue more than one medical [marijuana] CANNABIS grower license to each applicant.

(v) A grower shall pay an application fee in an amount to be determined by the Commission consistent with this subtitle.

(3) The Commission shall set standards for licensure as a medical [marijuana] CANNABIS grower to ensure public safety and safe access to medical [marijuana] CANNABIS, which may include a requirement for the posting of security.

(4) Each medical [marijuana] CANNABIS grower agent shall:

(i) Be registered with the Commission before the agent may volunteer or work for a licensed grower; and

(ii) Obtain a State and national criminal history records check in accordance with § 13–3312 of this subtitle.

(5) (i) A licensed grower shall apply to the Commission for a registration card for each grower agent by submitting the name, address, and date of birth of the agent.

(ii) 1. Within 1 business day after a grower agent ceases to be associated with a grower, the grower shall:

A. Notify the Commission; and

B. Return the grower agent's registration card to the Commission.

2. On receipt of a notice described in subsubparagraph 1A of this subparagraph, the Commission shall:

A. Immediately revoke the registration card of the grower agent; and

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B. If the registration card was not returned to the Commission, notify the Department of State Police.

(iii) The Commission may not register a person who has been convicted of a felony drug offense as a grower agent.

(6) (i) A medical [marijuana] CANNABIS grower license is valid for [2] 4 years on initial licensure.

(ii) A medical [marijuana] CANNABIS grower license is valid for 2 years on renewal.

(7) An application to operate as a medical [marijuana] CANNABIS grower may be submitted in paper or electronic form.

(8) (i) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that grow strains of [marijuana] CANNABIS, including strains with high cannabidiol content, with demonstrated success in alleviating symptoms of specific diseases or conditions.

(ii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that prepare medical [marijuana] CANNABIS in a range of routes of administration.

(iii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers located in agricultural zones.

(9) (i) The Commission shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical [marijuana] CANNABIS growers; and

2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

(ii) Beginning June 1, 2016, a grower licensed under this subtitle to operate as a medical [marijuana] CANNABIS grower shall report annually to the Commission on the minority owners and employees of the grower.

(10) An entity seeking licensure as a medical [marijuana] CANNABIS grower shall meet local zoning and planning requirements.

(b) An entity licensed to grow medical [marijuana] CANNABIS under this section may provide [marijuana] CANNABIS only to:

(1) [Programs approved for operation under this subtitle]  
**PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;**

(2) Dispensaries licensed by the Commission under this subtitle;

(3) Qualified patients; [and]

(4) Caregivers; AND

(5) **INDEPENDENT TESTING LABORATORIES REGISTERED WITH THE COMMISSION UNDER THIS SUBTITLE.**

(c) (1) An entity licensed to grow marijuana under this section may [distribute marijuana at the grower's facility or at a satellite facility of the grower]

DISPENSE CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

(2) A qualifying patient or caregiver may obtain medical [marijuana from a grower's facility or from a satellite facility of the grower] CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

(3) AN ENTITY LICENSED TO GROW MEDICAL CANNABIS UNDER THIS SECTION MAY GROW AND PROCESS MEDICAL CANNABIS ON THE SAME PREMISES.

(d) An entity licensed to grow medical [marijuana] CANNABIS under this section shall ensure that safety precautions established by the Commission are followed by any facility operated by the grower.

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

(f) The Commission may inspect [growers] A GROWER licensed under this section to ensure compliance with this [section] SUBTITLE.

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

[13-3310.] 13-3307.

(a) A dispensary shall be licensed by the Commission.

(b) To be licensed as a dispensary, an applicant shall submit to the Commission:

(1) An application fee in an amount to be determined by the Commission consistent with this subtitle; and

(2) An application that includes:

(i) The legal name and physical address of the proposed dispensary;

(ii) The name, address, and date of birth of each principal officer and each director, none of whom may have served as a principal officer or director for a dispensary that has had its [registration certificate] LICENSE revoked; and

(iii) Operating procedures that the dispensary will use, consistent with Commission regulations for oversight, including storage of [marijuana] CANNABIS AND PRODUCTS CONTAINING CANNABIS only in enclosed and locked facilities.

(c) The Commission shall:

(1) Establish an application review process for granting dispensary licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission; and

(2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

**(D) (1) A DISPENSARY LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.**

**(2) A DISPENSARY LICENSE IS VALID FOR 2 YEARS ON RENEWAL.**

(Over)

[(d)] (E) A dispensary licensed under this section or a dispensary agent registered under [§ 13-3311] § 13-3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, or educational materials for use by a qualifying patient or a caregiver.

(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A DISPENSARY MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.

(G) THE COMMISSION MAY INSPECT A DISPENSARY LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A DISPENSARY THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.

[13-3311.] 13-3308.

(a) A dispensary agent shall:

(1) Be at least 21 years old;

(2) Be registered with the Commission before the agent may volunteer or work [at] FOR a dispensary; and

(3) Obtain a State and national criminal history records check in accordance with § 13-3312 of this subtitle.

(b) A dispensary shall apply to the Commission for a registration card for each dispensary agent by submitting the name, address, and date of birth of the agent.

(c) (1) Within 1 business day after a dispensary agent ceases to be associated with a dispensary, the dispensary shall:

(i) Notify the Commission; and

(ii) Return the dispensary agent's registration card to the Commission.

(2) On receipt of a notice described in paragraph (1) of this subsection, the Commission shall:

(i) Immediately revoke the registration card of the dispensary agent; and

(ii) If the registration card was not returned to the Commission, notify the Department of State Police.

(d) The Commission may not register [a person] AN INDIVIDUAL who has been convicted of a felony drug offense as a dispensary agent.

**13-3309.**

**(A) A PROCESSOR SHALL BE LICENSED BY THE COMMISSION.**

**(B) TO BE LICENSED AS A PROCESSOR, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:**

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

(2) AN APPLICATION THAT INCLUDES:

(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED PROCESSOR;

(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A LICENSEE UNDER THIS SUBTITLE THAT HAS HAD ITS LICENSE REVOKED; AND

(III) OPERATING PROCEDURES THAT THE PROCESSOR WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF CANNABIS, EXTRACTS, AND PRODUCTS CONTAINING CANNABIS ONLY IN ENCLOSED AND LOCKED FACILITIES.

(C) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING PROCESSOR LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION.

(D) (1) A PROCESSOR LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.

(2) A PROCESSOR LICENSE IS VALID FOR 2 YEARS ON RENEWAL.

(E) A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A LICENSEE UNDER THIS SUBTITLE OR A QUALIFYING PATIENT OR A CAREGIVER.

(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A PROCESSOR MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.

(G) THE COMMISSION MAY INSPECT A PROCESSOR LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A PROCESSOR THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.

13-3310.

(A) A PROCESSOR AGENT SHALL:

(1) BE AT LEAST 21 YEARS OLD;

(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A PROCESSOR; AND

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

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

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

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

**(II) RETURN THE PROCESSOR AGENT'S REGISTRATION CARD TO THE COMMISSION.**

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

**(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE PROCESSOR AGENT; AND**

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

**(D) THE COMMISSION MAY NOT REGISTER AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A PROCESSOR AGENT.**

**13-3311.**

(A) THE COMMISSION SHALL REGISTER AT LEAST ONE PRIVATE INDEPENDENT TESTING LABORATORY TO TEST CANNABIS AND PRODUCTS CONTAINING CANNABIS THAT ARE TO BE SOLD IN THE STATE.

(B) TO BE REGISTERED AS AN INDEPENDENT TESTING LABORATORY, A LABORATORY SHALL:

(1) MEET THE APPLICATION REQUIREMENTS ESTABLISHED BY THE COMMISSION;

(2) PAY ANY APPLICABLE FEE REQUIRED BY THE COMMISSION;  
AND

(3) MEET THE STANDARDS AND REQUIREMENTS FOR ACCREDITATION, INSPECTION, AND TESTING ESTABLISHED BY THE COMMISSION.

(C) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:

(1) THE STANDARDS AND REQUIREMENTS TO BE MET BY AN INDEPENDENT LABORATORY TO OBTAIN A REGISTRATION;

(2) THE STANDARDS OF CARE TO BE FOLLOWED BY AN INDEPENDENT TESTING LABORATORY;

(3) THE INITIAL AND RENEWAL TERMS FOR AN INDEPENDENT LABORATORY REGISTRATION AND THE RENEWAL PROCEDURE; AND

**(4) THE BASES AND PROCESSES FOR DENIAL, REVOCATION, AND  
SUSPENSION OF A REGISTRATION OF AN INDEPENDENT TESTING LABORATORY.**

**(D) THE COMMISSION MAY INSPECT AN INDEPENDENT TESTING  
LABORATORY REGISTERED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH  
THIS SUBTITLE.**

13-3312.

(a) In this section, "Central Repository" means the Criminal Justice  
Information System Central Repository of the Department of Public Safety and  
Correctional Services.

(b) As part of an application to the Central Repository for a State and national  
criminal history records check, an applicant shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved  
by the Director of the Central Repository and the Director of the Federal Bureau of  
Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure  
Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation  
for a national criminal history records check.

(c) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure  
Article, the Central Repository shall forward to the Commission and to the applicant  
the criminal history record information of the applicant.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Commission may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) Confidential and may not be disseminated; and

(2) Used only for the registration purpose authorized by this subtitle.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository, as provided in § 10-223 of the Criminal Procedure Article.

13-3313.

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

(1) A qualifying patient:

(i) [Enrolled in a program approved under this subtitle who is in possession of an amount of marijuana authorized under the program; or

(ii) In possession of an amount of [marijuana] MEDICAL CANNABIS determined by the Commission to constitute a 30-day supply; OR

(Over)

**(II) IN POSSESSION OF AN AMOUNT OF MEDICAL CANNABIS THAT IS GREATER THAN A 30-DAY SUPPLY IF THE QUALIFYING PATIENT'S CERTIFYING PHYSICIAN STATED IN THE WRITTEN CERTIFICATION THAT A 30-DAY SUPPLY WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT;**

(2) A grower licensed under [§ 13-3309] § 13-3306 of this subtitle or [an employee of the licensed grower who is acting in accordance with the terms of the license] A GROWER AGENT REGISTERED UNDER § 13-3306 OF THIS SUBTITLE;

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

(4) A certifying physician;

~~[(5)]~~ (4) A caregiver;

~~[(6)]~~ (5) A dispensary licensed under [§ 13-3310] § 13-3307 of this subtitle or a dispensary agent registered under [§ 13-3311] § 13-3308 of this subtitle;  
[or]

**(6) A PROCESSOR LICENSED UNDER § 13-3309 OF THIS SUBTITLE OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE; OR**

(7) A hospital, MEDICAL FACILITY, or hospice program where a qualifying patient is receiving treatment.

(b) (1) A person may not distribute, possess, manufacture, or use [marijuana] CANNABIS that has been diverted from [a program approved under this subtitle,] a qualifying patient, a caregiver, a licensed grower, or a licensed dispensary.

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

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

13-3314.

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

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

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

(3) Smoking marijuana OR CANNABIS in any public place;

(4) Smoking marijuana OR CANNABIS in a motor vehicle; or

(5) [Smoking] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, SMOKING marijuana OR CANNABIS on a private property that:

(Over)

(i) 1. Is rented from a landlord; and  
2. Is subject to a policy that prohibits the smoking of marijuana OR CANNABIS on the property; or

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

1. The board of directors of the council of unit owners of a condominium regime; or  
2. The governing body of a homeowners association.

**(B) THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION DO NOT APPLY TO VAPORIZING CANNABIS.**

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

**[(c)] (D)** This subtitle may not be construed to require a hospital, **MEDICAL FACILITY**, or hospice program to report to the Commission any disciplinary action taken by the hospital, **MEDICAL FACILITY**, or hospice program against a certifying physician, including the revocation of privileges, after the approval of the certifying physician by the Commission.

(E) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM BEING CONCURRENTLY LICENSED BY THE COMMISSION AS A GROWER, A DISPENSARY, OR A PROCESSOR.”.