

HOUSE BILL 490

J1

EMERGENCY BILL

5r1210
CF 5r1211

By: **Delegates Morhaim and Glenn**

Introduced and read first time: February 11, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Marijuana Commission – Miscellaneous Revisions**

3 FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana
4 Commission; increasing and altering the membership of the Commission; requiring
5 a certain application submitted by an academic medical center to include certain
6 documentation; repealing a requirement that a certain application submitted by an
7 academic medical center include certain information; repealing a requirement that
8 the Commission establish a certain application review process; requiring the
9 Commission to approve an application submitted by a certain academic medical
10 center that meets certain requirements; extending the time period for which the
11 Commission may grant an approval to a certain program; prohibiting the
12 Commission from placing certain requirements on certain programs; altering the
13 frequency with which a certain academic medical center is required to provide
14 certain data to the Commission; repealing a requirement that a certain academic
15 medical center apply annually to the Commission for renewal of a certain program;
16 authorizing a certain academic medical center to apply to the Commission for a
17 renewal of approval of a certain program on expiration of the program; repealing a
18 provision of law providing that a certain academic medical center is subject to certain
19 inspection; authorizing the Commission to conduct a certain review of certain
20 academic medical centers; altering the circumstances under which the Commission
21 may rescind approval of a certain program; altering the circumstances under which
22 the Commission is required to approve a certifying physician; prohibiting the
23 Commission from requiring an individual to meet certain additional requirements to
24 be approved as a certifying physician; prohibiting the Commission from limiting a
25 medical condition to one class of physician for treatment; altering a certain
26 definition; making this Act an emergency measure; and generally relating to the
27 Natalie M. LaPrade Medical Marijuana Commission.

28 BY repealing and reenacting, without amendments,

29 Article – Health – General

30 Section 13–3301(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2014 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 13–3301(d), 13–3302, 13–3303(a), and 13–3304 through 13–3307
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2014 Supplement)

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

10 **Article – Health – General**

11 13–3301.

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

13 (d) “Certifying physician” means an individual who:

14 (1) Is licensed by the State Board of Physicians under Title 14 of the Health
15 Occupations Article to practice medicine **AND IS IN GOOD STANDING WITH THE BOARD;**
16 and

17 (2) Is approved by the Commission to make marijuana available to patients
18 for medical use in accordance with regulations adopted by the Commission.

19 13–3302.

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

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

23 (c) The purpose of the Commission is to:

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

26 (2) Approve or deny applications for programs;

27 (3) Approve or deny applications for renewal of programs;

28 (4) Monitor and oversee programs approved for operation under this
29 subtitle] **APPROVE ACADEMIC MEDICAL CENTERS TO OPERATE PROGRAMS;**

30 **[(5)] (2)** Approve certifying physicians;

1 ~~[(6)] (3)~~ Publish and disseminate any information that relates to the
2 medical use of marijuana and related research; and

3 ~~[(7)] (4)~~ Research issues related to the medical use of marijuana.

4 (d) (1) The Commission shall develop identification cards for qualifying
5 patients and caregivers.

6 (2) (i) The Department shall adopt regulations that establish the
7 requirements for identification cards provided by the Commission.

8 (ii) The regulations adopted under subparagraph (i) of this
9 paragraph shall include:

- 10 1. The information to be included on an identification card;
- 11 2. The method through which the Commission will distribute
12 identification cards; and
- 13 3. The method through which the Commission will track
14 identification cards.

15 (e) The Commission shall develop and maintain a Web site that:

16 (1) Provides information on how an individual can obtain medical
17 marijuana in the State and how an individual can find a certifying physician; and

18 (2) Provides contact information for licensed growers and licensed
19 dispensaries.

20 13-3303.

21 (a) The Commission consists of the following ~~[15]~~ **16** members:

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

24 (2) The following ~~[14]~~ **15** members, appointed by the Governor:

25 (i) ~~[One member]~~ **TWO MEMBERS** of the public who ~~[supports]~~
26 **SUPPORT** the use of marijuana for medical purposes and who ~~[is or was a patient]~~ **ARE OR**
27 **WERE PATIENTS** who found relief from the use of medical marijuana;

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

1 (iii) Three physicians licensed in the State [who specialize in
2 addiction, pain, oncology, neurology, or clinical research];

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

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

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

9 (vii) One representative of the Maryland State's Attorneys'
10 Association;

11 (viii) One representative of [the Maryland Chiefs of Police] **LAW**
12 **ENFORCEMENT**;

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

15 (x) An individual with experience in horticulture, recommended by
16 the Department of Agriculture;

17 (xi) One representative of the University of Maryland Extension; and

18 (xii) One representative of the Office of the Comptroller.

19 13-3304.

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

22 (b) An application submitted by an academic medical center to operate a program
23 under this subtitle shall [:] **INCLUDE DOCUMENTATION THAT THE ACADEMIC MEDICAL**
24 **CENTER WILL OPERATE ACCORDING TO THE ACADEMIC MEDICAL CENTER'S**
25 **STANDARD OPERATING PROCEDURES, INCLUDING PROCEDURES RELATED TO**
26 **PATIENT CARE, PROVIDER EDUCATION AND TRAINING, DIVERSION,**
27 **CONFIDENTIALITY, DATA COLLECTION, SAFETY, AND SECURITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 13-3305.

30 (a) The Commission shall [establish an application review process that includes
31 reviewers with expertise in scientific research and analysis, medical training, and law

1 enforcement] **APPROVE AN APPLICATION FROM AN ACADEMIC MEDICAL CENTER**
2 **THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

3 (b) [The reviewers shall:

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

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

10 (c) The Commission may grant a [1-year] **5-YEAR** approval to a program, which
11 may be renewed by the Commission.

12 [(d)](C) The Commission may approve no more than five programs to operate
13 at one time.

14 **(D) IN APPROVING A PROGRAM, THE COMMISSION MAY NOT PLACE**
15 **REQUIREMENTS ON THE PROGRAM THAT ARE IN ADDITION TO THE ACADEMIC**
16 **MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.**

17 13-3306.

18 (a) (1) An academic medical center approved to operate a program under this
19 subtitle shall provide to the Commission updated data each [day] **WEEK** on patients and
20 caregivers participating in each program overseen by the academic medical center.

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

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

25 (1) The federal government; or

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

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

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

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

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

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

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

7 (3) The conditions treated under the program;

8 (4) Any outcomes data on the results of treatment through the program;
9 and

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

11 (e) An academic medical center operating a program approved under this subtitle
12 [shall] **MAY** apply [annually] to the Commission for renewal of approval of the program **ON**
13 **THE EXPIRATION OF THE PROGRAM**, in accordance with any procedures established by
14 the Commission.

15 (f) An academic medical center operating a program approved under this subtitle
16 is subject to [inspection] **REVIEW** by the Commission to ensure that the program is
17 operating according to the [conditions of approval established by the Commission]
18 **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES**.

19 (g) The Commission may rescind approval of a program if the Commission finds
20 that the program is not in compliance with the [conditions of approval established by the
21 Commission] **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES**.

22 13-3307.

23 (a) The Commission shall approve as a certifying physician an individual who:

24 (1) Meets the requirements of this subtitle; and

25 (2) Submits application materials that [are satisfactory to the
26 Commission] **MEET THE REQUIREMENTS OF THIS SUBTITLE**.

27 (b) To be approved as a certifying physician, a physician shall submit a proposal
28 to the Commission that includes:

29 (1) The reasons for including a patient under the care of the physician for
30 the purposes of this subtitle, including the patient's qualifying medical conditions;

1 (2) The reasons the physician will use to exclude patients from the care of
2 the physician for the purposes of this subtitle;

3 (3) The physician's plan for screening a patient for dependence, both before
4 and after the qualifying patient is issued a written certification; and

5 (4) The physician's plan for the ongoing assessment and follow-up care of
6 a patient and for collecting and analyzing data.

7 **(C) THE COMMISSION MAY NOT REQUIRE AN INDIVIDUAL TO MEET**
8 **REQUIREMENTS IN ADDITION TO THE REQUIREMENTS LISTED IN SUBSECTIONS (A)**
9 **AND (B) OF THIS SECTION TO BE APPROVED AS A CERTIFYING PHYSICIAN.**

10 **[(c)] (D) (1)** The Commission is encouraged to approve physician applications
11 for the following medical conditions:

12 **[(1)] (I)** A chronic or debilitating disease or medical condition that results
13 in a patient being admitted into hospice or receiving palliative care; or

14 **[(2)] (II)** A chronic or debilitating disease or medical condition or the
15 treatment of a chronic or debilitating disease or medical condition that produces:

16 **[(i)] 1.** Cachexia, anorexia, or wasting syndrome;

17 **[(ii)] 2.** Severe pain;

18 **[(iii)] 3.** Severe nausea;

19 **[(iv)] 4.** Seizures; or

20 **[(v)] 5.** Severe or persistent muscle spasms.

21 **(2) THE COMMISSION MAY NOT LIMIT TREATMENT OF A PARTICULAR**
22 **MEDICAL CONDITION TO ONE CLASS OF PHYSICIANS.**

23 **[(d)] (E)** The Commission may approve applications that include any other
24 condition that is severe and for which other medical treatments have been ineffective if the
25 symptoms reasonably can be expected to be relieved by the medical use of marijuana.

26 **[(e)] (F) (1)** A certifying physician or the spouse of a certifying physician may
27 not receive any gifts from or have an ownership interest in a medical marijuana grower or
28 a dispensary.

29 (2) A certifying physician may receive compensation from a medical
30 marijuana grower or dispensary if:

1 (i) The certifying physician obtains the approval of the Commission
2 before receiving the compensation; and

3 (ii) Discloses the amount of compensation received from the medical
4 marijuana grower or dispensary to the Commission.

5 **[(f)] (G)** (1) A qualifying patient may be a patient of the certifying physician
6 or may be referred to the certifying physician.

7 (2) A certifying physician shall provide each written certification to the
8 Commission.

9 (3) On receipt of a written certification provided under paragraph (2) of this
10 subsection, the Commission shall issue an identification card to each qualifying patient or
11 caregiver named in the written certification.

12 (4) A certifying physician may discuss medical marijuana with a qualifying
13 patient.

14 (5) (i) Except as provided in subparagraph (ii) of this paragraph, a
15 qualifying patient or caregiver may obtain medical marijuana only from a medical
16 marijuana grower licensed by the Commission or a dispensary licensed by the Commission.

17 (ii) A qualifying patient under the age of 18 years may obtain
18 medical marijuana only through the qualifying patient's caregiver.

19 (6) (i) A caregiver may serve no more than five qualifying patients at
20 any time.

21 (ii) A qualifying patient may have no more than two caregivers.

22 **[(g)] (H)** (1) Each certifying physician shall submit an annual report to the
23 Commission.

24 (2) The annual report shall include:

25 (i) The number of patients served;

26 (ii) The county of residence of each patient served;

27 (iii) Any medical condition for which medical marijuana was
28 recommended; and

29 (iv) A summary of clinical outcomes, including adverse events and
30 any cases of suspected diversion.

1 (3) The annual report may not include any personal information that
2 identifies a patient.

3 **[(h)] (I)** (1) A certifying physician may apply biennially to the Commission
4 for approval.

5 (2) The Commission shall grant or deny a renewal of an application for
6 approval based on the physician's performance in complying with regulations adopted by
7 the Commission.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety, has
10 been passed by a yea and nay vote supported by three-fifths of all the members elected to
11 each of the two Houses of the General Assembly, and shall take effect from the date it is
12 enacted.