

HOUSE BILL 601

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5lr1157

By: **Delegates K. Young, Fraser-Hidalgo, Lam, and Moon**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Marijuana – 30-Day Supply – Adequacy and Possession**

3 FOR the purpose of providing that a certain written certification may include a certain
4 statement from a certifying physician related to a 30-day supply of medical
5 marijuana; providing that a qualifying patient in possession of an amount of medical
6 marijuana that is greater than a 30-day supply may not be subject to arrest,
7 prosecution, certain penalties, or certain discipline, or be denied any right or
8 privilege under certain circumstances; and generally relating to medical marijuana
9 and possession of greater than a 30-day supply.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 13-3301 and 13-3313
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2014 Supplement)

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

17 **Article – Health – General**

18 13-3301.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) “Caregiver” means:

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

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

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

7 (1) Is licensed by the State Board of Physicians under Title 14 of the Health
8 Occupations Article to practice medicine; and

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

11 (e) “Commission” means the Natalie M. LaPrade Medical Marijuana Commission
12 established under this subtitle.

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

18 (g) “Dispensary agent” means an owner, a member, an employee, a volunteer, an
19 officer, or a director of a dispensary.

20 (h) “Fund” means the Natalie M. LaPrade Medical Marijuana Commission Fund
21 established under § 13–3303 of this subtitle.

22 (i) “Medical marijuana grower agent” means an owner, an employee, a volunteer,
23 an officer, or a director of a medical marijuana grower licensed under this subtitle.

24 (j) “Program” means an investigational use–type program overseen by an
25 academic medical center through which marijuana is made available to patients for medical
26 use.

27 (k) “Qualifying patient” means a resident of the State who:

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

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

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

2 (l) “Written certification” means a certification that:

3 (1) Is issued by a certifying physician to a qualifying patient with whom
4 the physician has a bona fide physician–patient relationship; [and]

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

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

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

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

15 13–3313.

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

20 (1) A qualifying patient:

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

23 (ii) In possession of an amount of marijuana determined by the
24 Commission to constitute a 30–day supply; OR

25 **(III) IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT IS**
26 **GREATER THAN A 30–DAY SUPPLY IF THE QUALIFYING PATIENT’S CERTIFYING**
27 **PHYSICIAN STATED IN THE WRITTEN CERTIFICATION THAT A 30–DAY SUPPLY**
28 **WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING**
29 **PATIENT;**

30 (2) A grower licensed under § 13–3309 of this subtitle or an employee of the
31 licensed grower who is acting in accordance with the terms of the license;

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

5 (4) A certifying physician;

6 (5) A caregiver;

7 (6) A dispensary licensed under § 13–3310 of this subtitle or a dispensary
8 agent registered under § 13–3311 of this subtitle; or

9 (7) A hospital or hospice program where a qualifying patient is receiving
10 treatment.

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2015.