

# HOUSE BILL 1288

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By: **Delegates Rey, Beidle, Clark, Corderman, Morgan, and Parrott**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Medical Cannabis – Identification and Registration Cards and Law**  
3 **Enforcement**

4 FOR the purpose of requiring a patient or a caregiver to obtain a certain identification card  
5 and to comply with certain requirements; requiring a grower agent, dispensary  
6 agent, or processor who is issued a certain registration card to comply with certain  
7 requirements; prohibiting a law enforcement officer from being held liable in any  
8 cause of action if the law enforcement officer, acting in good faith, takes certain  
9 actions; providing that a certain provision of law may not be construed to authorize  
10 an individual to engage in, and does not prevent the imposition of certain penalties  
11 for, vaporizing marijuana or cannabis in any public place or in a motor vehicle, for  
12 removing medical cannabis from its original packaging provided by a dispensary and  
13 storing the medical cannabis in any other container except for a certain purpose, or  
14 possessing marijuana or cannabis on the grounds of a correctional facility; making a  
15 conforming change; and generally relating to medical cannabis.

16 BY repealing and reenacting, with amendments,  
17 Article – Health – General  
18 Section 13–3302, 13–3306(a)(5), 13–3308(b), 13–3310(b), 13–3313(a), and 13–3314  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2017 Supplement)

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

23 **Article – Health – General**

24 13–3302.

25 (a) There is a Natalie M. LaPrade Medical Cannabis Commission.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) The purpose of the Commission is to develop policies, procedures, guidelines,  
4 and regulations to implement programs to make medical cannabis available to qualifying  
5 patients in a safe and effective manner.

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

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

10 (ii) The regulations adopted under subparagraph (i) of this  
11 paragraph shall include:

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

17 **(3) A PATIENT OR A CAREGIVER SHALL:**

18 **(I) OBTAIN AN IDENTIFICATION CARD;**

19 **(II) CARRY THE IDENTIFICATION CARD WHEN IN POSSESSION**  
20 **OF MEDICAL CANNABIS OR A MEDICAL CANNABIS PRODUCT; AND**

21 **(III) MANUALLY SURRENDER THE IDENTIFICATION CARD TO**  
22 **ANY LAW ENFORCEMENT OFFICER WHO DEMANDS THE CARD.**

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

24 (1) Provides information on how an individual can obtain medical cannabis  
25 in the State; and

26 (2) Provides contact information for licensed dispensaries.

27 13-3306.

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

1 (ii) A GROWER AGENT WHO IS ISSUED A REGISTRATION CARD  
2 SHALL:

3 1. CARRY THE REGISTRATION CARD WHEN THE GROWER  
4 AGENT IS:

5 A. ON THE PREMISES OF A LICENSED MEDICAL  
6 CANNABIS GROWER; OR

7 B. IN POSSESSION OF MEDICAL CANNABIS; AND

8 2. MANUALLY SURRENDER THE REGISTRATION CARD TO  
9 ANY LAW ENFORCEMENT OFFICER WHO DEMANDS THE CARD.

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

12 A. Notify the Commission; and

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

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

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

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

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

23 13-3308.

24 (b) (1) A dispensary shall apply to the Commission for a registration card for  
25 each dispensary agent by submitting the name, address, and date of birth of the agent.

26 (2) A DISPENSARY AGENT WHO IS ISSUED A REGISTRATION CARD  
27 SHALL:

28 (i) CARRY THE REGISTRATION CARD WHEN THE DISPENSARY  
29 AGENT IS:

1                                   **1. ON THE PREMISES OF A LICENSED DISPENSARY; OR**

2                                   **2. IN POSSESSION OF MEDICAL CANNABIS; AND**

3                                   **(II) MANUALLY SURRENDER THE REGISTRATION CARD TO ANY**  
4 **LAW ENFORCEMENT OFFICER WHO DEMANDS THE CARD.**

5 13-3310.

6           (b) **(1)** A processor shall apply to the Commission for a registration card for  
7 each processor agent by submitting the name, address, and date of birth of the agent.

8                                   **(2) A PROCESSOR WHO IS ISSUED A REGISTRATION CARD SHALL:**

9                                   **(I) CARRY THE REGISTRATION CARD WHEN THE PROCESSOR IS:**

10                                   **1. ON THE PREMISES OF A PROCESS FACILITY; OR**

11                                   **2. IN POSSESSION OF MEDICAL CANNABIS; AND**

12                                   **(II) MANUALLY SURRENDER THE REGISTRATION CARD TO ANY**  
13 **LAW ENFORCEMENT OFFICER WHO DEMANDS THE CARD.**

14 13-3313.

15           (a) **(1)** Any of the following persons acting in accordance with the provisions of  
16 this subtitle may not be subject to arrest, prosecution, or any civil or administrative  
17 penalty, including a civil penalty or disciplinary action by a professional licensing board, or  
18 be denied any right or privilege, for the medical use of cannabis:

19                                   **[(1)] (I) A qualifying patient:**

20                                   **[(i)] 1.** In possession of an amount of medical cannabis  
21 determined by the Commission to constitute a 30-day supply; or

22                                   **[(ii)] 2.** In possession of an amount of medical cannabis that is  
23 greater than a 30-day supply if the qualifying patient's certifying provider stated in the  
24 written certification that a 30-day supply would be inadequate to meet the medical needs  
25 of the qualifying patient;

26                                   **[(2)] (II) A grower licensed under § 13-3306 of this subtitle or a grower**  
27 **agent registered under § 13-3306 of this subtitle;**

28                                   **[(3)] (III) A certifying provider;**

1            ~~[(4)]~~ **(IV)** A caregiver;

2            ~~[(5)]~~ **(V)** A dispensary licensed under § 13–3307 of this subtitle or a  
3 dispensary agent registered under § 13–3308 of this subtitle;

4            ~~[(6)]~~ **(VI)** A processor licensed under § 13–3309 of this subtitle or a  
5 processor agent registered under § 13–3310 of this subtitle; or

6            ~~[(7)]~~ **(VII)** A hospital, medical facility, or hospice program where a  
7 qualifying patient is receiving treatment.

8            **(2) A LAW ENFORCEMENT OFFICER MAY NOT BE HELD LIABLE IN ANY**  
9 **CAUSE OF ACTION IF THE LAW ENFORCEMENT OFFICER, ACTING IN GOOD FAITH:**

10            **(I) DETAINS, ARRESTS, CHARGES, OR APPLIES FOR CHARGES**  
11 **AGAINST A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE**  
12 **USE OR POSSESSION OF MEDICAL CANNABIS; OR**

13            **(II) SEIZES MEDICAL CANNABIS.**

14 13–3314.

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

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

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

22            (3) Smoking **OR VAPORIZING** marijuana or cannabis in any public place;

23            (4) Smoking **OR VAPORIZING** marijuana or cannabis in a motor vehicle;  
24 **[or]**

25            (5) **REMOVING MEDICAL CANNABIS FROM THE ORIGINAL PACKAGING**  
26 **PROVIDED BY A DISPENSARY AND STORING THE MEDICAL CANNABIS IN ANY OTHER**  
27 **CONTAINER EXCEPT AS NECESSARY TO LAWFULLY USE THE MEDICAL CANNABIS;**

28            (6) **POSSESSING MARIJUANA OR CANNABIS ON THE GROUNDS OF A**  
29 **CORRECTIONAL FACILITY, AS DEFINED IN § 1–101 OF THE CORRECTIONAL**  
30 **SERVICES ARTICLE; OR**

1           **(7)** Except as provided in subsection (b) of this section, smoking marijuana  
2 or cannabis 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 or cannabis on the property; or

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

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

10                                2.     The governing body of a homeowners association.

11           (b)    The provisions of subsection [(a)(5)] **(A)(6)** of this section do not apply to  
12 vaporizing cannabis.

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

18           (d)    This subtitle may not be construed to require a hospital, medical facility, or  
19 hospice program to report to the Commission any disciplinary action taken by the hospital,  
20 medical facility, or hospice program against a certifying provider, including the revocation  
21 of privileges, after the registration of the certifying provider by the Commission.

22           (e)    This subtitle may not be construed to prohibit a person from being  
23 concurrently licensed by the Commission as a grower, a dispensary, or a processor.

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2018.