

HOUSE BILL 1590

J1, R4

8lr3092

By: **Delegates Corderman, McKay, Malone, Parrott, Reilly, and Rey**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Qualifying Patients –**
3 **Identification Cards and Motor Vehicle Administration Records**

4 FOR the purpose of requiring certain qualifying patients to carry the identification card
5 issued by the Natalie M. LaPrade Medical Cannabis Commission when in public and
6 surrender the identification card to a uniformed law enforcement officer who
7 demands the card or to elect to include in a certain record kept by the Motor Vehicle
8 Administration information that the patient has an identification card and inform
9 any uniformed law enforcement officer who demands the card of certain information;
10 requiring the Administration to keep a record of each licensee who is a qualifying
11 patient and has an identification card issued by the Commission and elects to provide
12 that information to the Administration; requiring that a certain record kept by the
13 Administration be available electronically to any law enforcement officer in the
14 State; and generally relating to qualifying patient identification cards.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 13–3302
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 16–117
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2017 Supplement)

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

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13-3302.

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

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

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

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

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

12 (ii) The regulations adopted under subparagraph (i) of this
13 paragraph shall include:

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

19 **(3) THE QUALIFYING PATIENT WHO IS ISSUED AN IDENTIFICATION**
20 **CARD BY THE COMMISSION SHALL:**

21 **(I) 1. CARRY THE IDENTIFICATION CARD WHEN IN PUBLIC;**
22 **AND**

23 **2. SURRENDER THE IDENTIFICATION CARD TO ANY**
24 **UNIFORMED LAW ENFORCEMENT OFFICER WHO DEMANDS THE IDENTIFICATION**
25 **CARD; OR**

26 **(II) 1. ELECT TO INCLUDE IN THE QUALIFYING PATIENT'S**
27 **RECORD KEPT BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 16-117 OF THE**
28 **TRANSPORTATION ARTICLE INFORMATION THAT THE QUALIFYING PATIENT HAS AN**
29 **IDENTIFICATION CARD ISSUED BY THE COMMISSION; AND**

30 **2. INFORM ANY UNIFORMED LAW ENFORCEMENT**
31 **OFFICER WHO DEMANDS THE IDENTIFICATION CARD THAT INFORMATION**

1 **REGARDING THE CARD IS AVAILABLE ELECTRONICALLY THROUGH THE MOTOR**
2 **VEHICLE ADMINISTRATION.**

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

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

6 (2) Provides contact information for licensed dispensaries.

7 **Article – Transportation**

8 16–117.

9 (a) **(1)** The Administration shall keep a record of:

10 **[(1)] (I)** Each driver’s license application that it receives;

11 **[(2)] (II)** Each driver’s license that it issues; **[and]**

12 **[(3)] (III)** Each licensee whose license to drive the Administration has
13 suspended or revoked, and the reasons for the action; **AND**

14 **(IV) EACH LICENSEE WHO:**

15 **1. IS A QUALIFYING PATIENT AND HAS AN**
16 **IDENTIFICATION CARD ISSUED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH –**
17 **GENERAL ARTICLE; AND**

18 **2. ELECTS TO PROVIDE THE INFORMATION DESCRIBED**
19 **UNDER ITEM 1 OF THIS ITEM TO THE ADMINISTRATION.**

20 **(2) THE RECORD REQUIRED TO BE KEPT UNDER PARAGRAPH (1)(IV)**
21 **OF THIS SUBSECTION SHALL BE MADE AVAILABLE ELECTRONICALLY TO ANY LAW**
22 **ENFORCEMENT OFFICER IN THE STATE.**

23 (b) (1) The Administration shall file each accident report and abstract of court
24 disposition records that it receives under the laws of this State.

25 (2) (i) The Administration shall keep convenient records or make
26 suitable notations showing the convictions or traffic accidents in which each licensee has
27 been involved and every probation before judgment disposition of any violation of the
28 Maryland Vehicle Law. A record or notation of a probation before judgment disposition, or
29 a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of
30 this title, shall be segregated by the Administration and shall be available only to:

- 1 1. The Administration;
- 2 2. Other driver licensing authorities;
- 3 3. The United States Secretary of Transportation;
- 4 4. Current and prospective employers, as defined in §
5 16–803(e) of this title, of drivers required to hold commercial drivers' licenses;
- 6 5. The courts;
- 7 6. Criminal justice agencies; and
- 8 7. The defendant or the defendant's attorney.

9 (ii) However, a record or notation of a probation before judgment, or
10 a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of
11 this title, may not be received or considered by the courts until a plea of guilty or nolo
12 contendere is made by the defendant or a finding of guilty is made by the court.

13 (3) These records or notations shall be made so that they are readily
14 available for consideration by the Administration of any license renewal application and at
15 any other suitable time.

16 (4) Accident reports and abstracts of court convictions pertaining to driving
17 an emergency vehicle, if received by a person who was driving an emergency vehicle
18 pursuant to the provisions of § 21–106 of this article, shall be segregated by the
19 Administration and shall be available only to the Administration.

20 (5) Except as provided in this section, an employee of the Administration
21 may not disclose any records or information regarding probation before judgment, or a first
22 offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of this
23 title.

24 (c) If a charge of a Maryland Vehicle Law violation against any individual is
25 dismissed by a court of competent jurisdiction, a record of the charge and dismissal may
26 not be included in the individual's driving record.

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