

SENATE BILL 874

E1, J1

8lr1399

By: **Senator Zirkin**

Introduced and read first time: February 5, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Secure Transportation**
3 **Companies**

4 FOR the purpose of prohibiting a secure transportation company and a courier of a secure
5 transportation company authorized under certain regulations to transport products
6 containing medical cannabis from being subject to certain arrest, prosecution, or
7 certain penalties or being denied certain rights or privileges based on the
8 transportation of products containing medical cannabis; and generally relating to
9 the Natalie M. LaPrade Medical Cannabis Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 13–3313
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2017 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 13–3313.

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

23 (1) A qualifying patient:

24 (i) In possession of an amount of medical cannabis determined by

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Commission to constitute a 30-day supply; or

2 (ii) In possession of an amount of medical cannabis that is greater
3 than a 30-day supply if the qualifying patient's certifying provider stated in the written
4 certification that a 30-day supply would be inadequate to meet the medical needs of the
5 qualifying patient;

6 (2) A grower licensed under § 13-3306 of this subtitle or a grower agent
7 registered under § 13-3306 of this subtitle;

8 (3) A certifying provider;

9 (4) A caregiver;

10 (5) A dispensary licensed under § 13-3307 of this subtitle or a dispensary
11 agent registered under § 13-3308 of this subtitle;

12 (6) A processor licensed under § 13-3309 of this subtitle or a processor
13 agent registered under § 13-3310 of this subtitle; or

14 (7) A hospital, medical facility, or hospice program where a qualifying
15 patient is receiving treatment.

16 **(B) A SECURE TRANSPORTATION COMPANY OR A COURIER OF A SECURE**
17 **TRANSPORTATION COMPANY AUTHORIZED UNDER REGULATIONS ADOPTED BY THE**
18 **COMMISSION TO TRANSPORT PRODUCTS CONTAINING MEDICAL CANNABIS MAY NOT**
19 **BE SUBJECT TO ARREST, PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE**
20 **PENALTY, OR BE DENIED ANY RIGHT OR PRIVILEGE BASED ON THE**
21 **TRANSPORTATION OF PRODUCTS CONTAINING MEDICAL CANNABIS.**

22 **[(b)] (C)** (1) A person may not distribute, possess, manufacture, or use
23 cannabis that has been diverted from a qualifying patient, a caregiver, a licensed grower,
24 or a licensed dispensary.

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

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

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