

HB0018/408176/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 18  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Natalie M. LaPrade”; in the same line, strike “Commission”; in the same line, strike “Certifying Providers” and substitute “Revisions and Effect on Workers’ Compensation and Access to Firearms”; strike beginning with “altering” in line 3 down through “Commission.” in line 8 and substitute “altering the definition of “certifying provider” to repeal the requirement that a certifying provider be registered with the Natalie M. LaPrade Medical Cannabis Commission; altering the definition of “written certification” to alter the information that is required to be included and to require that the certification be in the form prescribed by the Commission; repealing the requirement that the Commission register certain individuals as certifying providers; repealing the requirement that a provider submit a certain proposal to the Commission to be registered as a certifying provider; repealing a provision of law that encourages and authorizes the Commission to approve certain applications; authorizing a certifying provider to issue written certifications for certain medical conditions; repealing a provision of law that authorizes a certifying provider to apply for a renewal of a registration on a certain basis; repealing the requirement that the Commission grant or deny a renewal of a registration based on a certifying provider’s performance in complying with certain regulations; repealing a requirement that the Commission include information on certain providers in a certain annual report to the General Assembly; repealing certain provisions of law rendered obsolete by this Act; authorizing an institution of higher education or a certain facility or firm to file with the Commission a registration to purchase medical cannabis for the purpose of conducting a certain research project; requiring that a certain registration include certain information; providing that a certain registration is valid until the Commission receives certain notification; authorizing an academic research representative to purchase medical cannabis from a licensed dispensary for a certain purpose; providing that an

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academic research representative may not be penalized or arrested under State law for certain actions under certain circumstances; authorizing the Commission to adopt certain regulations; adding academic research representatives to the individuals toward whom a dispensary, dispensary agent, processor, or processor agent may take certain actions related to the use of cannabis and certain products, supplies, and materials by certain individuals and not be penalized or arrested under State law; adding academic research representatives to the persons that may not be subject to arrest, prosecution, or certain penalties or be denied any right or privilege for the medical use of or possession of medical cannabis; adding academic research representatives to the persons from whom a person may not distribute, possess, manufacture, or use cannabis that has been diverted; requiring the Commission to allow certain dispensaries and dispensary agents to acquire, possess, transfer, transport, sell, distribute, or dispense edible cannabis products for use by a qualifying patient or caregiver; requiring the Commission, in consultation with the Maryland Department of Health, to adopt certain regulations; requiring the Commission to allow certain processors and processor agents to acquire, possess, process, package, label, transfer, transport, sell, and distribute to a dispensary edible cannabis products for use by a qualifying patient or caregiver; requiring the Commission to allow certain processors and processor agents to transport edible cannabis products to an independent testing laboratory; prohibiting certain persons from being subject to revocation of mandatory supervision, parole, or probation for the medical use of or possession of medical cannabis; requiring that certain advertisements for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services be supported by certain evidence or data and include certain information about side effects or risks associated with the use of cannabis; prohibiting certain advertisements from being false or misleading; prohibiting certain advertisements from containing certain designs, illustrations, pictures, and representations; requiring that all advertising for medical cannabis, edible cannabis products, or medical cannabis products include a certain statement; requiring certain websites to employ a certain neutral age-screening mechanism; requiring that certain advertisements include a certain notification; prohibiting advertisements for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services from being placed within a certain distance of certain locations;

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requiring the Commission to adopt certain regulations; providing that a covered employee or a dependent of a covered employee is not entitled to compensation or benefits under the workers' compensation law if a certain accidental personal injury, compensable hernia, or occupational disease was caused solely by the effect of medical cannabis on the employee and the medical cannabis was not administered or taken with the written certification of a certifying provider or the written instructions of a physician; including medical cannabis in the medicine that an employer or its insurer is required to provide to a covered employee under certain circumstances; providing that a person may not be denied the right to purchase, possess, or carry a firearm solely on the basis that the person is authorized to use medical cannabis; defining certain terms; making technical and conforming changes; and generally relating to medical cannabis."

On page 1, in line 9, strike "without" and substitute "with"; in line 11, strike "13-3301(a)" and substitute "13-3301, 13-3304, 13-3305, 13-3306(b) and (c), 13-3307, 13-3309(e), (f), (g), and (h), and 13-3313"; after line 13, insert:

"BY adding to

Article – Health – General

Section 13-3304.1, 13-3309(e) and (i), and 13-3313.1

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)";

in line 14, strike "with" and substitute "without"; in line 16, strike "13-3301(c)" and substitute "13-3309(a)"; and strike line 19 in its entirety.

On page 2, strike in their entirety lines 1 through 5, inclusive; and after line 5, insert:

"BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 9-506(a) and 9-660(b)

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(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–506(b) and 9–660(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Public Safety

Section 5–701 to be under the new subtitle “Subtitle 7. Miscellaneous”

Annotated Code of Maryland

(2018 Replacement Volume)”.

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On page 2, after line 10, insert:

**“(B) “ACADEMIC RESEARCH REPRESENTATIVE” MEANS AN EMPLOYEE OR AGENT OF AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL FACILITY, OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM THAT FILED A REGISTRATION WITH THE COMMISSION UNDER § 13–3304.1 OF THIS SUBTITLE WHO IS AUTHORIZED TO PURCHASE MEDICAL CANNABIS FOR THE INSTITUTION OF HIGHER EDUCATION OR RELATED MEDICAL FACILITY.**

**[(b)] (C) “Caregiver” means:**

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

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



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(3) Is registered with the Commission to make cannabis available to patients for medical use in accordance with regulations adopted by the Commission].

[(d)] (E) “Commission” means the Natalie M. LaPrade Medical Cannabis Commission established under this subtitle.

[(e)] (F) “Dispensary” means an entity licensed under this subtitle that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including [food] EDIBLE CANNABIS PRODUCTS, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

[(f)] (G) “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.

(H) (1) “EDIBLE CANNABIS PRODUCT” MEANS A MEDICAL CANNABIS PRODUCT INTENDED FOR HUMAN CONSUMPTION BY ORAL INGESTION, IN WHOLE OR IN PART.

(2) “EDIBLE CANNABIS PRODUCT” INCLUDES MEDICAL CANNABIS PRODUCTS THAT DISSOLVE OR DISINTEGRATE IN THE MOUTH.

(3) “EDIBLE CANNABIS PRODUCT” DOES NOT INCLUDE ANY:

(I) MEDICAL CANNABIS CONCENTRATE; OR

(II) MEDICAL CANNABIS-INFUSED PRODUCT, INCLUDING AN OIL, A WAX, AN OINTMENT, A SALVE, A TINCTURE, A CAPSULE, A SUPPOSITORY, A

DERMAL PATCH, A CARTRIDGE, A CHEWABLE OR DISSOLVABLE GELATINOUS CUBE, OR ANY OTHER PRODUCT CONTAINING MEDICAL CANNABIS CONCENTRATE OR USABLE CANNABIS THAT HAS BEEN PROCESSED SO THAT DRIED LEAVES AND FLOWERS ARE INTEGRATED INTO OTHER MATERIAL.

[(g)] (I) “Fund” means the Natalie M. LaPrade Medical Cannabis Commission Fund established under § 13–3303 of this subtitle.

[(h)] (J) “Grower” means an entity licensed under this subtitle that:

- (1) Cultivates or packages medical cannabis; and
- (2) Is authorized by the Commission to provide cannabis to a processor, dispensary, or independent testing laboratory.

[(i)] (K) “Independent testing laboratory” means a facility, an entity, or a site that offers or performs tests related to the inspection and testing of cannabis and products containing cannabis.

[(j)] (L) “Medical cannabis grower agent” means an owner, an employee, a volunteer, an officer, or a director of a grower.

[(k)] (M) “Processor” means an entity that:

- (1) Transforms medical cannabis into another product or extract; and
- (2) Packages and labels medical cannabis.

[(l)] (N) “Processor agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a processor.

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**[(m)] (O)** “Qualifying patient” means an individual who:

(1) Has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and

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

**[(n)] (P)** “Written certification” means a certification that:

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

(2) Includes a written statement **[certifying]:**

**(I) CERTIFYING** that, in the provider’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition~~]~~:

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

(ii) **For] FOR** which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

**(II) SPECIFYING THE MEDICAL CONDITION LISTED UNDER § 13–3304(A) OF THIS SUBTITLE WITH WHICH THE QUALIFYING PATIENT HAS BEEN DIAGNOSED;**

(3) May include a written statement certifying that, in the provider’s professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient; **AND**

**(4) IS IN THE FORM PRESCRIBED BY THE COMMISSION.**

13-3304.

**[(a) The Commission shall register as a certifying provider an individual who:**

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

**(2) Submits application materials that meet the requirements of this subtitle.**

**(b) To be registered as a certifying provider, a provider shall submit a proposal to the Commission that includes:**

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

**(2) An attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other pertinent medical information; and**

**(3) The provider's plan for the ongoing assessment and follow-up care of a patient and for collecting and analyzing data.**

**(c) The Commission may not require an individual to meet requirements in addition to the requirements listed in subsections (a) and (b) of this section to be registered as a certifying provider.]**

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[(d)] (A) [(1) The Commission] A CERTIFYING PROVIDER [is encouraged to] MAY [approve provider applications] ISSUE WRITTEN CERTIFICATIONS for the following medical conditions:

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

[(ii)] (2) A chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

[1.] (I) Cachexia, anorexia, or wasting syndrome;

[2.] (II) Severe or chronic pain;

[3.] (III) Severe nausea;

[4.] (IV) Seizures; or

[5.] (V) Severe or persistent muscle spasms[.]; OR

[(2) The Commission may not limit treatment of a particular medical condition to one class of providers.]

[(e)] (3) [The Commission may approve applications that include any] ANY other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

[(f)] (B) (1) A certifying provider or the spouse of a certifying provider may not receive any gifts from or have an ownership interest in a medical cannabis grower, a processor, or a dispensary.

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(2) A certifying provider may receive compensation from a medical cannabis grower, a processor, or a dispensary if the certifying provider:

(i) Obtains the approval of the Commission before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical cannabis grower, processor, or dispensary to the Commission.

**[(g)] (C)** (1) (i) Subject to subparagraph (ii) of this paragraph, a qualifying patient may be a patient of the certifying provider or may be referred to the certifying provider.

(ii) A referral of a patient to a certifying provider under subparagraph (i) of this paragraph may not be made by any person or entity employed, contracted, volunteering, or compensated by any form of remuneration, gift, donation, or bartering to register individuals as qualifying patients, to complete application forms, or to assist individuals in completing application forms to become qualifying patients, or to transport or deliver to the Commission application forms for individuals seeking to become qualifying patients.

(2) A certifying provider shall provide each written certification to the Commission.

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

(4) A certifying provider may discuss medical cannabis with a patient.

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

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

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

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

[(h) (1) A certifying provider may register biennially.

(2) The Commission shall grant or deny a renewal of a registration for approval based on the provider's performance in complying with regulations adopted by the Commission.]

**13-3304.1.**

**(A) (1) AN INSTITUTION OF HIGHER EDUCATION, A RELATED MEDICAL FACILITY, OR AN AFFILIATED BIOMEDICAL RESEARCH FIRM MAY FILE WITH THE COMMISSION A REGISTRATION TO PURCHASE MEDICAL CANNABIS FOR THE PURPOSE OF CONDUCTING A BONA FIDE RESEARCH PROJECT RELATING TO THE MEDICAL USES, PROPERTIES, OR COMPOSITION OF CANNABIS.**

**(2) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:**

**(I) THE NAME OF THE PRIMARY RESEARCHER;**

(II) THE EXPECTED DURATION OF THE RESEARCH; AND

(III) THE PRIMARY OBJECTIVES OF THE RESEARCH.

(3) A REGISTRATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REMAIN VALID UNTIL THE COMMISSION IS NOTIFIED OF A CHANGE IN THE RESEARCH PROJECT OR A WITHDRAWAL OF THE REGISTRATION.

(B) AN ACADEMIC RESEARCH REPRESENTATIVE MAY PURCHASE MEDICAL CANNABIS FROM A LICENSED DISPENSARY.

(C) AN ACADEMIC RESEARCH REPRESENTATIVE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, OR DISPENSING CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE IN A BONA FIDE RESEARCH PROJECT RELATING TO THE MEDICAL USES, PROPERTIES, OR COMPOSITION OF CANNABIS.

(D) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13-3305.

On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on[:

(1) Providers certified under this subtitle; and

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(2) The] THE amount sold, by condition treated, and average consumer price for medical cannabis products provided in accordance with this subtitle.

13-3306.

(b) An entity licensed to grow medical cannabis under this section may provide cannabis only to:

(1) Processors licensed by the Commission under this subtitle;

(2) Dispensaries licensed by the Commission under this subtitle;

(3) Qualified patients;

(4) Caregivers; [and]

(5) Independent testing laboratories registered with the Commission under this subtitle; AND

**(6) ACADEMIC RESEARCH REPRESENTATIVES PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE.**

(c) (1) An entity licensed to grow cannabis under this section may dispense cannabis from a facility of a grower licensed as a dispensary.

(2) A qualifying patient [or], A caregiver, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE may obtain medical cannabis from a facility of a grower licensed as a dispensary.

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(3) An entity licensed to grow medical cannabis under this section may grow and process medical cannabis on the same premises.

13-3307.

(a) (1) A dispensary shall be licensed by the Commission.

(2) (i) Subject to subparagraph (ii) of this paragraph, beginning December 1, 2024, the Commission may report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the number of licenses necessary to meet the demand for medical cannabis by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

(ii) Before the Commission determines to submit the report described under subparagraph (i) of this paragraph, the Commission shall provide the Legislative Policy Committee at least 30 days to submit comments to the Commission.

(b) To be licensed as a dispensary, an applicant shall submit to the Commission:

(1) An application fee in an amount to be determined by the Commission consistent with this subtitle; and

(2) An application that includes:

(i) The legal name and physical address of the proposed dispensary;

(ii) The name, address, and date of birth of each principal officer and each director, none of whom may have served as a principal officer or director for a dispensary that has had its license revoked; and

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(iii) Operating procedures that the dispensary will use, consistent with Commission regulations for oversight, including storage of cannabis and products containing cannabis only in enclosed and locked facilities.

(c) (1) The Commission shall:

(i) Establish an application review process for granting dispensary licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission;

(ii) To the extent permitted by federal and State law, actively seek to achieve racial, ethnic, gender, and geographic diversity when licensing dispensaries; and

(iii) Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article, or who are small, minority, or women-owned business entities to apply for licensure as dispensaries.

(2) Beginning June 1, 2018, a dispensary licensed under this subtitle shall report annually to the Commission on:

(i) The number of minority and women owners of the dispensary;

(ii) The ownership interest of any minority and women owners of the dispensary; and

(iii) The number of minority and women employees of the dispensary.

(d) (1) A dispensary license is valid for 6 years on initial licensure.

(2) A dispensary license is valid for 4 years on renewal.

**(E) THE COMMISSION SHALL ALLOW A DISPENSARY LICENSED UNDER THIS SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 13-3308 OF THIS SUBTITLE TO ACQUIRE, POSSESS, TRANSFER, TRANSPORT, SELL, DISTRIBUTE, OR DISPENSE EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.**

**[(e)] (F) A dispensary licensed under this section or a dispensary agent registered under § 13-3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, [processing,] transferring, transporting, selling, distributing, or dispensing MEDICAL cannabis, products containing MEDICAL cannabis, related supplies, or educational materials for use by a qualifying patient [or], a caregiver, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13-3304.1 OF THIS SUBTITLE.**

**[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a dispensary must meet to obtain a license under this section, including a requirement for a product-tracking system.**

**[(g)] (H) The Commission may inspect a dispensary licensed under this section to ensure compliance with this subtitle.**

**(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS TO REQUIRE A DISPENSARY TO MEET ANY ADDITIONAL REQUIREMENTS THAT THE COMMISSION DETERMINES IS NECESSARY, INCLUDING REQUIRING A PERMIT, FOR THE DISPENSING OF EDIBLE CANNABIS PRODUCTS.**

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[(h)] (J) The Commission may impose penalties or rescind the license of a dispensary that does not meet the standards for licensure set by the Commission.

[(i)] (K) (1) Each dispensary licensed under this section shall submit to the Commission a quarterly report.

(2) The quarterly report shall include:

(i) The number of patients served;

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

(iii) The medical condition for which medical cannabis was recommended;

(iv) The type and amount of medical cannabis dispensed; and

(v) If available, a summary of clinical outcomes, including adverse events and any cases of suspected diversion.

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

13-3309.

(a) A processor shall be licensed by the Commission.

**(E) THE COMMISSION SHALL ALLOW A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE TO:**

(1) ACQUIRE, POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER, TRANSPORT, SELL, AND DISTRIBUTE TO A DISPENSARY EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER; AND

(2) TRANSPORT EDIBLE CANNABIS PRODUCTS TO AN INDEPENDENT TESTING LABORATORY.

[(e)] (F) A processor licensed under this section or a processor agent registered under § 13–3310 of this subtitle may not be penalized or arrested under State law for:

(1) Acquiring, possessing, processing, packaging, labeling, transferring, transporting, selling, or distributing medical cannabis or products containing medical cannabis to a dispensary for use by a qualifying patient [or], a caregiver, OR AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13–3304.1 OF THIS SUBTITLE; or

(2) Transporting medical cannabis or products containing medical cannabis to an independent testing laboratory.

[(f)] (G) The Commission shall establish requirements for security and product handling procedures that a processor must meet to obtain a license under this section, including a requirement for a product-tracking system.

[(g)] (H) The Commission may inspect a processor licensed under this section to ensure compliance with this subtitle.

(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL ADOPT REGULATIONS:

(1) INCLUDING BUT NOT LIMITED TO THE PACKAGING, LABELING, MARKETING, AND APPEARANCE OF EDIBLE CANNABIS PRODUCTS, TO ENSURE THE SAFETY OF MINORS; AND

(2) TO REQUIRE A PROCESSOR TO MEET ANY ADDITIONAL REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING REQUIRING A PERMIT, FOR THE PROCESSING OF EDIBLE CANNABIS PRODUCTS.

[(h)] (J) The Commission may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the Commission.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, REVOCATION OF MANDATORY SUPERVISION, PAROLE, OR PROBATION, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis:

(1) A qualifying patient:

(i) In possession of an amount of medical cannabis determined by the Commission to constitute a 30-day supply; or

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

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

(3) A certifying provider;

(4) A caregiver;

**(5) AN ACADEMIC RESEARCH REPRESENTATIVE PURCHASING MEDICAL CANNABIS UNDER § 13–3304.1 OF THIS SUBTITLE;**

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

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

**[(7)] (8) A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or**

**[(8)] (9) A third–party vendor authorized by the Commission to test, transport, or dispose of medical cannabis, medical cannabis products, or medical cannabis waste under the provisions of this subtitle.**

**(b) (1) A person may not distribute, possess, manufacture, or use cannabis that has been diverted from a qualifying patient, a caregiver, AN ACADEMIC RESEARCH REPRESENTATIVE, a licensed grower, or a licensed dispensary.**

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

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

**13-3313.1.**

**(A) ALL ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES THAT MAKE THERAPEUTIC OR MEDICAL CLAIMS SHALL:**

**(1) BE SUPPORTED BY SUBSTANTIAL CLINICAL EVIDENCE OR SUBSTANTIAL CLINICAL DATA; AND**

**(2) INCLUDE INFORMATION ON THE MOST SIGNIFICANT SIDE EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS.**

**(B) AN ADVERTISEMENT FOR A GROWER, A PROCESSOR, A DISPENSARY, AN INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER, OR A THIRD-PARTY VENDOR MAY NOT:**

**(1) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320 OF THE COMMERCIAL LAW ARTICLE; OR**

**(2) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A REPRESENTATION THAT:**

**(i) ENCOURAGES OR REPRESENTS THE RECREATIONAL USE OF CANNABIS;**

(II) TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING A CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY USED TO MARKET PRODUCTS TO MINORS;

(III) DISPLAYS THE USE OF CANNABIS, INCLUDING THE CONSUMPTION, SMOKING, OR VAPING OF CANNABIS;

(IV) ENCOURAGES OR PROMOTES CANNABIS FOR USE AS AN INTOXICANT; OR

(V) IS OBSCENE OR INDECENT.

(C) ALL ADVERTISING FOR MEDICAL CANNABIS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL CANNABIS PRODUCTS SHALL INCLUDE A STATEMENT THAT THE PRODUCT IS FOR USE ONLY BY A QUALIFYING PATIENT.

(D) (1) ANY WEBSITE OWNED, MANAGED, OR OPERATED BY A CERTIFYING PROVIDER, DISPENSARY, GROWER, OR PROCESSOR SHALL EMPLOY A NEUTRAL AGE-SCREENING MECHANISM THAT VERIFIES THE USER IS AT LEAST 18 YEARS OLD, INCLUDING AN AGE GATE, AGE SCREEN, OR AGE VERIFICATION MECHANISM.

(2) AN ADVERTISEMENT PLACED ON SOCIAL MEDIA OR A MOBILE APPLICATION SHALL INCLUDE A NOTIFICATION THAT:

(I) A PERSON MUST BE AT LEAST 18 YEARS OLD TO VIEW THE CONTENT; AND

**(II) MEDICAL CANNABIS IS FOR USE BY CERTIFIED PATIENTS ONLY.**

**(E) ANY ADVERTISEMENT FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES MAY NOT BE PLACED WITHIN 500 FEET OF:**

**(1) A SUBSTANCE ABUSE OR TREATMENT FACILITY;**

**(2) A PRIMARY OR SECONDARY SCHOOL IN THE STATE OR A CHILD CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR**

**(3) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR PUBLIC PARK.**

**(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:**

**(1) PROCEDURES FOR THE ENFORCEMENT OF THE SECTION; AND**

**(2) A PROCESS FOR AN INDIVIDUAL TO VOLUNTARILY SUBMIT AN ADVERTISEMENT TO THE COMMISSION FOR AN ADVISORY OPINION ON WHETHER THE ADVERTISEMENT COMPLIES WITH THE RESTRICTIONS ON ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, EDIBLE CANNABIS PRODUCTS, AND MEDICAL CANNABIS-RELATED SERVICES.**

Article – Labor and Employment

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(a) A covered employee or a dependent of a covered employee is not entitled to compensation or benefits under this title as a result of:

(1) an intentional, self-inflicted accidental personal injury, compensable hernia, or occupational disease; or

(2) an attempt to injure or kill another.

(b) A covered employee or a dependent of a covered employee is not entitled to compensation or benefits under this title as a result of an accidental personal injury, compensable hernia, or occupational disease if:

(1) the accidental personal injury, compensable hernia, or occupational disease was caused solely by the effect on the covered employee of:

(i) a depressant, hallucinogenic, hypnotic, narcotic, or stimulant drug; or

(ii) another drug that makes the covered employee incapable of satisfactory job performance; and

(2) the drug was not administered or taken in accordance with:

(I) the prescription of a physician; OR

(II) FOR MEDICAL CANNABIS, THE WRITTEN CERTIFICATION OF A CERTIFYING PROVIDER OR THE WRITTEN INSTRUCTIONS OF A PHYSICIAN.

9-660.

(Over)

(a) In addition to the compensation provided under this subtitle, if a covered employee has suffered an accidental personal injury, compensable hernia, or occupational disease the employer or its insurer promptly shall provide to the covered employee, as the Commission may require:

- (1) medical, surgical, or other attendance or treatment;
- (2) hospital and nursing services;
- (3) medicine, INCLUDING MEDICAL CANNABIS;
- (4) crutches and other apparatus; and
- (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

(b) The employer or its insurer shall provide the medical services and treatment required under subsection (a) of this section for the period required by the nature of the accidental personal injury, compensable hernia, or occupational disease.

Article – Public Safety

**SUBTITLE 7. MISCELLANEOUS.**

**5-701.**

**A PERSON MAY NOT BE DENIED THE RIGHT TO PURCHASE, POSSESS, OR CARRY A FIREARM UNDER THIS TITLE SOLELY ON THE BASIS THAT THE PERSON IS AUTHORIZED TO USE MEDICAL CANNABIS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.**

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SECTION 2. AND BE IT FURTHER ENACTED, That §§ 9–506(b)(2)(ii) and 9–660(a)(3) of the Labor and Employment Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from events occurring before the effective date of this Act.”.

AMENDMENT NO. 3

On pages 2 through 4, strike in their entirety the lines beginning with line 11 on page 2 through line 24 on page 4, inclusive.