

# HOUSE BILL 18

J1, J2

(PRE-FILED)

9lr0826  
CF 9lr3096

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By: ~~Delegate Glenn~~ Delegates Glenn, Pendergrass, Pena-Melnyk, Bagnall, Barron, Carr, Cullison, Hill, Johnson, Kelly, Kerr, Kipke, Krebs, R. Lewis, Metzgar, Rosenberg, Sample-Hughes, Szeliga, and K. Young

Requested: November 20, 2018

Introduced and read first time: January 9, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers**

3 FOR the purpose of altering the definition of “certifying provider” to include certain  
4 ~~physical therapists, psychologists, and~~ physician assistants; altering the  
5 membership of the Natalie M. LaPrade Medical Cannabis Commission; making  
6 stylistic changes; making a conforming change; providing for the effective date of this  
7 Act; and generally relating to the Natalie M. LaPrade Medical Cannabis  
8 Commission.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 13–3301(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 13–3301(c)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health – General  
 2 Section 13–3303(a)  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2018 Supplement)  
 5 (As enacted by Chapter 598 of the Acts of the General Assembly of 2018)

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

8 **Article – Health – General**

9 13–3301.

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

11 (c) “Certifying provider” means an individual who:

12 (1) (i) 1. Has an active, unrestricted license to practice medicine  
 13 that was issued by the State Board of Physicians under Title 14 of the Health Occupations  
 14 Article; and

15 2. Is in good standing with the State Board of Physicians;

16 (ii) 1. Has an active, unrestricted license to practice dentistry  
 17 that was issued by the State Board of Dental Examiners under Title 4 of the Health  
 18 Occupations Article; and

19 2. Is in good standing with the State Board of Dental  
 20 Examiners;

21 (iii) 1. Has an active, unrestricted license to practice podiatry  
 22 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the  
 23 Health Occupations Article; and

24 2. Is in good standing with the State Board of Podiatric  
 25 Medical Examiners; [or]

26 (iv) 1. Has an active, unrestricted license to practice registered  
 27 nursing and has an active, unrestricted certification to practice as a nurse practitioner or  
 28 a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health  
 29 Occupations Article; and

30 2. Is in good standing with the State Board of Nursing; OR

31 (v) ~~1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO~~  
 32 ~~PRACTICE PHYSICAL THERAPY ISSUED BY THE STATE BOARD OF PHYSICAL~~

1 ~~THERAPY EXAMINERS UNDER TITLE 13 OF THE HEALTH OCCUPATIONS ARTICLE;~~  
2 ~~AND~~

3 ~~2. IS IN GOOD STANDING WITH THE STATE BOARD OF~~  
4 ~~PHYSICAL THERAPY EXAMINERS;~~

5 ~~(VI) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO~~  
6 ~~PRACTICE PSYCHOLOGY ISSUED BY THE STATE BOARD OF EXAMINERS OF~~  
7 ~~PSYCHOLOGISTS UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE; AND~~

8 ~~2. IS IN GOOD STANDING WITH THE STATE BOARD OF~~  
9 ~~EXAMINERS OF PSYCHOLOGISTS; OR~~

10 ~~(VII) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO~~  
11 ~~PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS~~  
12 ~~UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;~~

13 ~~2. HAS AN ACTIVE DELEGATION AGREEMENT WITH A~~  
14 ~~PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND~~

15 ~~3. IS IN GOOD STANDING WITH THE STATE BOARD OF~~  
16 ~~PHYSICIANS;~~

17 ~~(2) [Has] IF THE CERTIFYING PROVIDER IS A PHYSICIAN, DENTIST,~~  
18 ~~PODIATRIST, NURSE PRACTITIONER, OR NURSE MIDWIFE, HAS~~ a State controlled  
19 dangerous substances registration; and

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

22 13-3303.

23 (a) The Commission consists of the following 13 members:

24 (1) The Secretary of Health, or the Secretary's designee; and

25 (2) The following 5 members, appointed by the Governor with the advice  
26 and consent of the Senate:

27 (i) Two licensed noncertified providers who are [physicians,  
28 dentists, podiatrists,]:

29 1. PHYSICIANS;

30 2. DENTISTS;

1                                   **3.     PODIATRISTS;**

2                                   **4.     [nurse] NURSE practitioners[, or];**

3                                   **5.     [nurse] NURSE midwives; OR**

4                                   **6.     ~~PHYSICAL THERAPISTS;~~**

5                                   **~~7.     PSYCHOLOGISTS; OR~~**

6                                   **~~8.     PHYSICIAN ASSISTANTS;~~**

7                                   (ii)    One nurse or other health care provider licensed in the State who  
8 has experience in hospice care, nominated by a State hospice trade association;

9                                   (iii)   One pharmacist licensed in the State, nominated by a State  
10 research institution or trade association; and

11                                  (iv)    One scientist who has experience in the science of cannabis,  
12 nominated by a State research institution.

13                                  (3)    Four members appointed by the Governor with the advice and consent  
14 of the Senate;

15                                  (4)    One member appointed by the Governor from a list of three individuals  
16 recommended by the President of the Senate;

17                                  (5)    One member appointed by the Governor from a list of three individuals  
18 recommended by the Speaker of the House of Delegates; and

19                                  (6)    One member appointed by the Governor from either of the two lists  
20 described in items (4) and (5) of this subsection.

21                                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2019, the effective date of Chapter 598 of the Acts of the General Assembly of  
23 2018. If the effective date of Chapter 598 is amended, this Act shall take effect on the taking  
24 effect of Chapter 598.

25                                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2019.