

HOUSE BILL 1359

J1, J2

9lr3068

By: **Delegates Hill and Barron**

Introduced and read first time: February 18, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Certifying Provider**
3 **Applications – Medical Conditions**

4 FOR the purpose of repealing a provision of law encouraging the Natalie M. LaPrade
5 Medical Cannabis Commission to approve certifying provider applications for certain
6 medical conditions; making a conforming change; and generally relating to certifying
7 provider applications and the Natalie M. LaPrade Medical Cannabis Commission.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 13–3304
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2018 Supplement)

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

15 **Article – Health – General**

16 13–3304.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 (d) [(1) The Commission is encouraged to approve provider applications for the
12 following medical conditions:

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

15 (ii) A chronic or debilitating disease or medical condition or the
16 treatment of a chronic or debilitating disease or medical condition that produces:

- 17 1. Cachexia, anorexia, or wasting syndrome;
- 18 2. Severe or chronic pain;
- 19 3. Severe nausea;
- 20 4. Seizures; or
- 21 5. Severe or persistent muscle spasms.

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

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

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

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

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

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

5 (g) (1) (i) Subject to subparagraph (ii) of this paragraph, a qualifying
6 patient may be a patient of the certifying provider or may be referred to the certifying
7 provider.

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

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

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

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

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

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

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

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

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

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2019.