

SENATE BILL 857

J1

9lr0651
CF HB 17

By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Food Containing Medical**
3 **Cannabis**

4 FOR the purpose of requiring the Natalie M. LaPrade Medical Cannabis Commission to
5 allow certain dispensaries and dispensary agents to acquire, possess, process,
6 transfer, transport, sell, distribute, or dispense food containing medical cannabis for
7 use by a qualifying patient or caregiver; requiring the Commission to allow certain
8 processors and processor agents to acquire, possess, process, package, label, transfer,
9 transport, sell, and distribute to a dispensary food containing medical cannabis for
10 use by a qualifying patient or caregiver; requiring the Commission to allow certain
11 processors and processor agents to transport food containing medical cannabis to an
12 independent testing laboratory; defining a certain term; making technical
13 corrections; and generally relating to the processing and distribution of food
14 containing medical cannabis.

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 13–3301(a), (e), and (f), 13–3307(a)(1), 13–3309(a), and 21–101(a) and (i)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2018 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 13–3301(g), 13–3307(e), and 13–3309(e)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Health – General
27 Section 13–3301(g) through (n), 13–3307(e) through (i), and 13–3309(e) through (h)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2018 Supplement)

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

Article – Health – General

13–3301.

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

(e) “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, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

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

(G) “FOOD” HAS THE MEANING STATED IN § 21–101 OF THIS ARTICLE.

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

[(h) (I) “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) (J) “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) (K) “Medical cannabis grower agent” means an owner, an employee, a volunteer, an officer, or a director of a grower.

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

(1) Transforms medical cannabis into another product or extract; and

(2) Packages and labels medical cannabis.

[(l) (M) “Processor agent” means an owner, a member, an employee, a

1 volunteer, an officer, or a director of a processor.

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

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

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

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

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

9 (2) Includes a written statement certifying that, in the provider’s
10 professional opinion, after having completed an assessment of the patient’s medical history
11 and current medical condition, the patient has a condition:

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

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

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

19 13–3307.

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

21 **(E) THE COMMISSION SHALL ALLOW A DISPENSARY LICENSED UNDER THIS**
22 **SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 13–3308 OF THIS**
23 **SUBTITLE TO ACQUIRE, POSSESS, PROCESS, TRANSFER, TRANSPORT, SELL,**
24 **DISTRIBUTE, OR DISPENSE FOOD CONTAINING MEDICAL CANNABIS FOR USE BY A**
25 **QUALIFYING PATIENT OR A CAREGIVER.**

26 **[(e)] (F)** A dispensary licensed under this section or a dispensary agent
27 registered under § 13–3308 of this subtitle may not be penalized or arrested under State
28 law for acquiring, possessing, processing, transferring, transporting, selling, distributing,
29 or dispensing **MEDICAL** cannabis, products containing **MEDICAL** cannabis, related
30 supplies, or educational materials for use by a qualifying patient or a caregiver.

31 **[(f)] (G)** The Commission shall establish requirements for security and product
32 handling procedures that a dispensary must meet to obtain a license under this section,

1 including a requirement for a product-tracking system.

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

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

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

8 (2) The quarterly report shall include:

9 (i) The number of patients served;

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

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

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

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

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

18 13-3309.

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

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

23 **(1) ACQUIRE, POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER,**
24 **TRANSPORT, SELL, AND DISTRIBUTE TO A DISPENSARY FOOD CONTAINING MEDICAL**
25 **CANNABIS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER; AND**

26 **(2) TRANSPORT FOOD CONTAINING MEDICAL CANNABIS TO AN**
27 **INDEPENDENT TESTING LABORATORY.**

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

1 (1) Acquiring, possessing, processing, packaging, labeling, transferring,
2 transporting, selling, or distributing medical cannabis or products containing medical
3 cannabis to a dispensary for use by a qualifying patient or a caregiver; or

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

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

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

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

13 21-101.

14 (a) In this title the following words have the meanings indicated.

15 (i) "Food" means:

16 (1) Any substance that is used as food or drink for human beings or as a
17 component of food or drink for human beings; or

18 (2) Chewing gum or any substance that is used as a component of chewing
19 gum.

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