

HOUSE BILL 617

J1, F1

EMERGENCY BILL

0lr2584
CF SB 604

By: Delegates Johnson, Kipke, Lisanti, Lehman, Anderton, Arikan, Bagnall, Bhandari, Chisholm, Ciliberti, Clark, Corderman, Hettleman, Hornberger, Kerr, R. Lewis, Love, Malone, McKay, Metzgar, Moon, Saab, and Szeliga Szeliga, Pendergrass, Pena-Melnyk, Barron, Carr, Charles, Cullison, Hill, Krebs, Morgan, Reilly, Rosenberg, Sample-Hughes, and K. Young

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations and Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public and Nonpublic Schools – Medical Cannabis – Policy for Administration**
3 **During School Hours and Events**
4 **(Connor and Raina’s Law)**

5 FOR the purpose of altering the definition of “caregiver” to include, for an individual who
6 is a qualifying patient for the use of medical cannabis and under the age of 18 years,
7 ~~an adult~~ a certain number of additional adults designated by the parent or legal
8 guardian of the qualifying patient; specifying that the definition of “caregiver” does
9 not include certain designated school personnel; altering ~~specifying~~ the number of
10 caregivers a certain qualifying patient may have; authorizing a qualifying patient
11 under the age of 18 years to obtain medical cannabis from certain designated school
12 personnel; repealing a limitation on the number of qualifying patients that a certain
13 ~~caregiver may serve for a certain purpose~~ exempting certain caregivers and
14 designated school personnel from civil and criminal penalties relating to the
15 administration of medical cannabis, subject to a certain exception; authorizing
16 caregivers of certain students who are qualifying medical cannabis patients to
17 administer medical cannabis to a student on school property, during
18 school-sponsored activities, and on school buses; requiring, on or before a certain
19 date, the State Department of Education and the Natalie M. LaPrade Medical
20 Cannabis Commission jointly to develop guidelines for public schools regarding the
21 administration of medical cannabis to certain students during school hours and

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 school-sponsored ~~after-school~~ activities and on school buses; providing for the
 2 contents of the guidelines; ~~requiring, on or before a certain date, the Department and~~
 3 ~~the Commission jointly to provide certain technical assistance to schools for certain~~
 4 ~~purposes, to develop a process to monitor implementation of certain guidelines, and~~
 5 ~~to share certain guidelines with certain nonpublic schools;~~ authorizing nonpublic
 6 schools to adopt a certain policy regarding the administration of medical cannabis to
 7 certain students during school hours and school-sponsored ~~after-school~~ activities;
 8 ~~requiring the Commission to provide certain assistance to certain nonpublic schools;~~
 9 requiring the Maryland Board of Nursing and the Commission to submit a certain
 10 report on or before a certain date; making this Act an emergency measure; and
 11 generally relating to medical cannabis and public and nonpublic schools.

12 BY repealing and reenacting, without amendments,
 13 Article – Health – General
 14 Section 13–3301(a)
 15 Annotated Code of Maryland
 16 (2019 Replacement Volume)

17 BY repealing and reenacting, with amendments,
 18 Article – Health – General
 19 Section 13–3301(c), ~~and 13–3304(g)(6)~~ 13–3304(g)(5) and (6), and 13–3313(a)(8) and
 20 (9)
 21 Annotated Code of Maryland
 22 (2019 Replacement Volume)

23 BY adding to
 24 Article – Health – General
 25 Section 13–3304(g)(7) and (8) and 13–3313(a)(10)
 26 Annotated Code of Maryland
 27 (2019 Replacement Volume)

28 BY adding to
 29 Article – Education
 30 Section 7–446
 31 Annotated Code of Maryland
 32 (2018 Replacement Volume and 2019 Supplement)

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

35 **Article – Health – General**

36 13–3301.

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

38 (c) **(1)** “Caregiver” means:

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

3 ~~(2)~~ **(II)** For a qualifying patient under the age of 18 years[, a]:

4 ~~(A)~~ **1.** A parent or legal guardian; AND

5 ~~(B)~~ ~~AN 2.~~ **NOT MORE THAN TWO ADDITIONAL ADULT ADULTS**
6 **DESIGNATED BY THE PARENT OR LEGAL GUARDIAN.**

7 **(2) “CAREGIVER” DOES NOT INCLUDE ANY DESIGNATED SCHOOL**
8 **PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN**
9 **ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE**
10 **EDUCATION ARTICLE.**

11 13-3304.

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

15 (ii) A qualifying patient under the age of 18 years may obtain
16 medical cannabis only through [the]:

17 **1. THE qualifying patient’s caregiver; OR**

18 **2. ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED**
19 **TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE**
20 **GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE.**

21 ~~(g)~~ **(6) ~~(i)~~** A caregiver may serve no more than five qualifying patients at
22 any time.

23 (ii) ~~(i)~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
24 **PARAGRAPH, A** qualifying patient may have no more than ~~[two]~~ **FOUR** caregivers.

25 **(III) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY**
26 **HAVE NO MORE THAN FOUR CAREGIVERS.**

27 **(7) ANY DESIGNATED SCHOOL PERSONNEL DESCRIBED IN**
28 **PARAGRAPH (5)(II) OF THIS SUBSECTION:**

29 **(I) MAY ADMINISTER TO A STUDENT ONLY MEDICAL CANNABIS:**

1 **1. THAT IS OBTAINED THROUGH THE STUDENT'S**
 2 **CAREGIVER; AND**

3 **2. IN ACCORDANCE WITH DOSING, TIMING, AND**
 4 **DELIVERY ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER'S**
 5 **WRITTEN INSTRUCTIONS; AND**

6 **(II) ARE NOT REQUIRED TO REGISTER WITH THE COMMISSION**
 7 **UNDER THIS SUBTITLE.**

8 **(8) BEGINNING JUNE 1, 2020, A CAREGIVER MAY ADMINISTER**
 9 **MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT OF THE**
 10 **CAREGIVER ON SCHOOL PROPERTY, DURING SCHOOL-SPONSORED ACTIVITIES, AND**
 11 **WHILE ON A SCHOOL BUS.**

12 13-3313.

13 **(a) Any of the following persons acting in accordance with the provisions of this**
 14 **subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision,**
 15 **parole, or probation, or any civil or administrative penalty, including a civil penalty or**
 16 **disciplinary action by a professional licensing board, or be denied any right or privilege, for**
 17 **the medical use of or possession of medical cannabis;**

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

20 **(9) A third-party vendor authorized by the Commission to test, transport,**
 21 **or dispose of medical cannabis, medical cannabis products, or medical cannabis waste**
 22 **under the provisions of this subtitle; OR**

23 **(10) DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER**
 24 **MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES**
 25 **ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE UNLESS THE ACT OR**
 26 **OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL**
 27 **MISCONDUCT.**

28 **Article – Education**

29 **7-446.**

30 **(A) ON OR BEFORE DECEMBER ~~1~~ 31, 2020, THE DEPARTMENT AND THE**
 31 **NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL DEVELOP**
 32 **GUIDELINES FOR PUBLIC SCHOOLS ~~REGARDING~~ ALLOWING THE ADMINISTRATION**
 33 **OF MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER**
 34 **TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL**

1 HOURS AND SCHOOL-SPONSORED ~~AFTER-SCHOOL~~ ACTIVITIES AND WHILE ON A
2 SCHOOL BUS.

3 (B) THE GUIDELINES SHALL ~~INCLUDE~~ ESTABLISH:

4 (1) THE SCHOOL PERSONNEL WHO ARE AUTHORIZED TO ADMINISTER
5 MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL
6 HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

7 (2) SPECIFIC LOCATIONS, INCLUDING A REQUIREMENT THAT A
8 SCHOOL ALLOW THE ADMINISTRATION OF MEDICAL CANNABIS IN THE SCHOOL
9 BUILDING, WHERE MEDICAL CANNABIS MAY BE ADMINISTERED TO A STUDENT WHO
10 IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED
11 ACTIVITIES AND WHILE ON A SCHOOL BUS;

12 ~~(1) (3)~~ PROCEDURES FOR EDUCATING ~~SCHOOL NURSES~~ ANY
13 DESIGNATED SCHOOL PERSONNEL ON ~~ISSUES RELATING TO MEDICAL CANNABIS,~~
14 ~~INCLUDING:~~ SAFETY CONSIDERATIONS FOR PATIENT USE OF MEDICAL CANNABIS AS
15 IT RELATES TO A SCHOOL SETTING;

16 (i) ~~THE STATE'S MEDICAL CANNABIS PROGRAM;~~

17 (ii) ~~FEDERAL AND STATE LAWS AND REGULATIONS;~~

18 (iii) ~~PROFESSIONAL LICENSURE AND CIVIL AND CRIMINAL~~
19 ~~LIABILITY ISSUES;~~

20 (iv) ~~CANNABIS PHARMACOLOGY AND RESEARCH ASSOCIATED~~
21 ~~WITH THE MEDICAL USE OF CANNABIS; AND~~

22 (v) ~~SAFETY CONSIDERATIONS FOR PATIENT USE OF CANNABIS~~
23 ~~AS IT RELATES TO A SCHOOL SETTING;~~

24 ~~(2) (4)~~ PROTOCOLS TO ENSURE STUDENTS WHO ARE QUALIFYING
25 PATIENTS RECEIVE CARE DURING SCHOOL HOURS AND SCHOOL-SPONSORED
26 ~~AFTER-SCHOOL~~ ACTIVITIES AND WHILE ON A SCHOOL BUS, AS DETERMINED BY:

27 (i) ~~THE STUDENT'S CERTIFYING PROVIDER;~~

28 (ii) ~~THE STUDENT'S PARENT OR GUARDIAN OR CAREGIVER; AND~~

29 (iii) ~~THE SCHOOL NURSE'S ASSESSMENT;~~

1 ~~(3)~~ (5) SECURITY PROTOCOLS FOR THE POSSESSION, STORAGE,
2 AND LOSS OR THEFT OF MEDICAL CANNABIS ON SCHOOL PROPERTY;

3 (6) A PLAN FOR THE ADMINISTRATION OF MEDICAL CANNABIS THAT
4 MUST INCLUDE LABELING AS WELL AS DOSING, TIMING, AND DELIVERY ROUTE
5 INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER'S WRITTEN
6 INSTRUCTIONS;

7 (7) A CLEAR PROHIBITION ON ANY METHOD OF ADMINISTRATION OF
8 MEDICAL CANNABIS THAT INCLUDES SMOKING OR VAPING;

9 ~~(4)~~ ~~APPROPRIATE METHODS FOR ADMINISTERING MEDICAL~~
10 ~~CANNABIS BY A SCHOOL NURSE OR CAREGIVER DURING SCHOOL HOURS AND~~
11 ~~SCHOOL SPONSORED AFTER SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS;~~

12 ~~(5)~~ (8) NOTICE REQUIREMENTS TO APPROPRIATE SCHOOL
13 PERSONNEL, PARENTS AND GUARDIANS OR CAREGIVERS, AND LOCAL LAW
14 ENFORCEMENT, IF NECESSARY; ~~AND~~

15 (9) WHETHER THE MEDICAL CANNABIS MAY BE RETAINED ON
16 SCHOOL GROUNDS AT THE END OF THE SCHOOL DAY OR SCHOOL-SPONSORED
17 ACTIVITY OR WHETHER IT MUST BE RETURNED TO THE STUDENT'S CAREGIVER; AND

18 ~~(6)~~ (10) ANY OTHER NECESSARY GUIDELINES ON ISSUES
19 CONCERNING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE
20 QUALIFYING PATIENTS DURING SCHOOL HOURS AND SCHOOL-SPONSORED
21 ~~AFTER SCHOOL~~ ACTIVITIES AND ON A SCHOOL BUS.

22 ~~(c)~~ ~~ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE~~
23 ~~NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL:~~

24 ~~(1)~~ ~~PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:~~

25 ~~(i)~~ ~~IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS~~
26 ~~SECTION; AND~~

27 ~~(ii)~~ ~~INSTRUCT SCHOOL PERSONNEL AT THE LOCAL LEVEL~~
28 ~~REGARDING THE GUIDELINES ESTABLISHED UNDER THIS SECTION;~~

29 ~~(2)~~ ~~DEVELOP A PROCESS TO MONITOR IMPLEMENTATION OF THE~~
30 ~~GUIDELINES; AND~~

~~(3) SHARE THE GUIDELINES ESTABLISHED UNDER THIS SECTION WITH A NONPUBLIC SCHOOL THAT ESTABLISHES OR SEEKS TO ESTABLISH A POLICY UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(D) (C) (1) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY REGARDING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL HOURS AND SCHOOL-SPONSORED AFTER SCHOOL ACTIVITIES.~~

~~(2) THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION SHALL:~~

~~(i) PROVIDE TECHNICAL ASSISTANCE TO IMPLEMENT A POLICY ESTABLISHED BY A NONPUBLIC SCHOOL UNDER THIS SUBSECTION; AND~~

~~(ii) INSTRUCT SCHOOL PERSONNEL OF A NONPUBLIC SCHOOL REGARDING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.~~

(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A SCHOOL NURSE MAY NOT BE REQUIRED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That in developing the guidelines under § 7-446(a) of the Education Article, as enacted by Section 1 of this Act, the Maryland Board of Nursing and the Natalie M. LaPrade Medical Cannabis Commission shall:

(1) consider whether it is necessary to amend Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient; and

(2) on or before December 31, 2020, make recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article, on any amendments to Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and shall take effect from the date it is enacted.