

HOUSE BILL 1630

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By: **Delegate Ivey**

Introduced and read first time: February 21, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Education Programs and**
3 **Research Projects – Licenses**

4 FOR the purpose of authorizing the Natalie M. LaPrade Medical Cannabis Commission to
5 issue medical cannabis education program licenses and medical cannabis research
6 project licenses for certain purposes; requiring certain applicants to submit certain
7 information and a certain application fee to the Commission; requiring the
8 Commission to grant a certain application under certain circumstances; requiring
9 the Commission to review certain proposed medical cannabis education programs
10 and medical cannabis research projects and assess certain information; requiring the
11 Commission to deny a certain application under certain circumstances; providing for
12 the term of a medical cannabis education program license and a medical cannabis
13 research project license; requiring a medical cannabis education program license and
14 a medical cannabis research project license to be issued in a certain name and to
15 specify the location in the State where the licensee intends to operate; providing that
16 a medical cannabis education program license or medical cannabis research project
17 license is not transferrable; requiring the Commission to review certain reports and
18 make a certain determination under certain circumstances; authorizing a certain
19 licensee to transfer, sell, or distribute medical cannabis under certain circumstances
20 and to contract with certain entities under certain circumstances; requiring the
21 Commission to allow certain education programs and research projects to cultivate,
22 grow, acquire, possess, process, package, label, transfer, transport, sell, and
23 distribute medical cannabis and medical cannabis products under certain
24 circumstances; prohibiting medical cannabis education programs, medical cannabis
25 research projects, and authorized representatives from being arrested or penalized
26 for certain actions; requiring a certain entity to ensure that certain safety
27 precautions are followed by a certain facility; authorizing the Commission to inspect
28 certain medical cannabis education programs and medical cannabis research
29 projects for a certain purpose; requiring the Commission to adopt certain regulations;
30 authorizing the Commission to impose certain penalties or rescind a certain license
31 under certain circumstances; requiring the Commission to conduct certain outreach

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to certain owners and entrepreneurs who may have an interest in applying for
2 medical cannabis education program licenses or medical cannabis research project
3 licenses; prohibiting a member of the Commission from having a certain interest in
4 or receiving or sharing in the receipts or proceeds of a medical cannabis education
5 program or medical cannabis research project; prohibiting the Commission from
6 imposing certain fees on a medical cannabis education program or a medical
7 cannabis research project during a certain period; prohibiting certain individuals
8 from receiving certain gifts or having an ownership interest in, or, under certain
9 circumstances, receiving certain compensation from a medical cannabis education
10 program or medical cannabis research project; repealing certain provisions of law
11 governing the registration of institutions of higher education, related medical
12 facilities, and affiliated biomedical research firms with the Commission for certain
13 purposes; prohibiting advertisements for medical cannabis education programs and
14 medical cannabis research projects from making certain statements and containing
15 certain designs, illustration, pictures, or representations; requiring that websites
16 owned, managed, or operated by medical cannabis education programs or medical
17 cannabis research projects employ a certain age–screening mechanism; authorizing
18 certain institutions of higher education, medical facilities, or affiliated biomedical
19 research firms to continue to operate under a certain registration through a certain
20 date; providing that certain employees or agents may not be penalized or arrested
21 for taking certain actions; defining certain terms; making conforming changes; and
22 generally relating to licenses for medical cannabis education programs and medical
23 cannabis research projects.

24 BY repealing and reenacting, without amendments,

25 Article – Health – General
26 Section 13–3301(a)
27 Annotated Code of Maryland
28 (2019 Replacement Volume)

29 BY repealing

30 Article – Health – General
31 Section 13–3301(b) and 13–3304.1
32 Annotated Code of Maryland
33 (2019 Replacement Volume)

34 BY adding to

35 Article – Health – General
36 Section 13–3301(b), (l), and (n), 13–3311.2, and 13–3311.3
37 Annotated Code of Maryland
38 (2019 Replacement Volume)

39 BY repealing and reenacting, with amendments,

40 Article – Health – General
41 Section 13–3301(l) through (p), 13–3302(f)(1) and (2)(iii) and (h)(1), 13–3303(b)(2),
42 13–3303.1(c), 13–3304(f), 13–3306(a)(1), (b), (c), and (h), 13–3307(f) and (g),
43 13–3309(f) and (g), 13–3313(a) and (b)(1), and 13–3313.1(b), (d)(1), and (e)(1)

1 Annotated Code of Maryland
2 (2019 Replacement Volume)

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

5 **Article – Health – General**

6 13–3301.

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

8 [(b) “Academic research representative” means an employee or agent of an
9 institution of higher education, a related medical facility, or an affiliated biomedical
10 research firm that filed a registration with the Commission under § 13–3304.1 of this
11 subtitle who is authorized to purchase medical cannabis for the institution of higher
12 education or related medical facility.]

13 **(B) “AUTHORIZED REPRESENTATIVE” MEANS AN EMPLOYEE OR AGENT OF
14 A LICENSED MEDICAL CANNABIS EDUCATION PROGRAM OR LICENSED MEDICAL
15 CANNABIS RESEARCH PROJECT WHO IS AUTHORIZED TO CONDUCT ACTIVITIES
16 RELATED TO HANDLING MEDICAL CANNABIS UNDER THE LICENSE.**

17 **(L) “MEDICAL CANNABIS EDUCATION PROGRAM” MEANS A PROGRAM TO
18 EDUCATE OR TRAIN INDIVIDUALS OR BUSINESS ENTITIES ON GROWING,
19 CULTIVATING, HARVESTING, CURING, PREPARING, PACKAGING, TESTING,
20 PROCESSING, MANUFACTURING, EXTRACTING, OR OTHERWISE HANDLING MEDICAL
21 CANNABIS OR MEDICAL CANNABIS PRODUCTS, INCLUDING EDIBLE CANNABIS
22 PRODUCTS.**

23 [(l)] **(M) “Medical cannabis grower agent” means an owner, an employee, a
24 volunteer, an officer, or a director of a grower.**

25 **(N) “MEDICAL CANNABIS RESEARCH PROJECT” MEANS A SCIENTIFIC
26 ENDEAVOR TO ANSWER A RESEARCH QUESTION OR SET OF RESEARCH QUESTIONS
27 RELATED TO MEDICAL CANNABIS.**

28 [(m)] **(O) “Processor” means an entity that:**

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

30 (2) Packages and labels medical cannabis.

31 [(n)] **(P) “Processor agent” means an owner, a member, an employee, a
32 volunteer, an officer, or a director of a processor.**

1 [(o)] (Q) “Qualifying patient” means an individual who:

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

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

5 [(p)] (R) “Written certification” means a certification that:

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

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

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

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

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

18 13–3302.

19 (f) (1) The Commission shall:

20 (i) Conduct ongoing, thorough, and comprehensive outreach to
21 small, minority, and women business owners and entrepreneurs who may have an interest
22 in applying for medical cannabis grower, processor, [or] dispensary, **MEDICAL CANNABIS**
23 **EDUCATION PROGRAM, OR MEDICAL CANNABIS RESEARCH PROJECT** licenses; and

24 (ii) Make grants to appropriate educational and business
25 development organizations to train and assist small, minority, and women business owners
26 and entrepreneurs seeking to become licensed as medical cannabis growers, processors,
27 [or] dispensaries, **MEDICAL CANNABIS EDUCATION PROGRAMS, OR MEDICAL**
28 **CANNABIS RESEARCH PROJECTS.**

29 (2) The outreach required under paragraph (1)(i) of this subsection shall
30 include:

31 (iii) Disseminating information about the licensing process for

1 medical cannabis growers, processors, [and] dispensaries, **MEDICAL CANNABIS**
2 **EDUCATION PROGRAMS, AND MEDICAL CANNABIS RESEARCH PROJECTS** through
3 media demonstrated to reach large numbers of minority and women business owners and
4 entrepreneurs; and

5 (h) If the Commission retains a third party to assist the Commission in the
6 evaluation or ranking of applications for licensure under this subtitle, the Commission may
7 not retain the services of a person that:

8 (1) Has a direct or indirect financial, ownership, or management interest,
9 including ownership of any stocks, bonds, or other similar financial instruments, in:

10 (i) Any State-licensed medical cannabis grower, processor, [or]
11 dispensary, **MEDICAL CANNABIS EDUCATION PROGRAM, OR MEDICAL CANNABIS**
12 **RESEARCH PROJECT**; or

13 (ii) An applicant for licensure under this subtitle; or

14 13-3303.

15 (b) (2) A member of the Commission may not:

16 (i) Have a direct or indirect financial, ownership, or management
17 interest, including ownership of any stocks, bonds, or other similar financial instruments,
18 in any State licensed medical cannabis grower, processor, [or] dispensary, **MEDICAL**
19 **CANNABIS EDUCATION PROGRAM, OR MEDICAL CANNABIS RESEARCH PROJECT**;

20 (ii) Have an official relationship to a person who holds a license
21 under this subtitle;

22 (iii) Be an elected official of State or local government;

23 (iv) Receive or share in, directly or indirectly, the receipts or proceeds
24 of any State licensed medical cannabis grower, processor, [or] dispensary, **MEDICAL**
25 **CANNABIS EDUCATION PROGRAM, OR MEDICAL CANNABIS RESEARCH PROJECT**; or

26 (v) Have a beneficial interest in any contract for the manufacture or
27 sale of medical cannabis or the provision of any independent consulting services in
28 connection with any medical cannabis license.

29 13-3303.1.

30 (c) (1) The Department shall:

31 (i) Administer the Compassionate Use Fund; and

1 (ii) Subject to paragraph (2) of this subsection, set fees in an amount
2 necessary to provide revenues for the purposes of the Compassionate Use Fund.

3 (2) The Commission may not impose the fees established under paragraph
4 (1)(ii) of this subsection on a licensed medical cannabis grower, processor, [or] dispensary,
5 **MEDICAL CANNABIS EDUCATION PROGRAM, OR MEDICAL CANNABIS RESEARCH**
6 **PROJECT** during the 2 years immediately following the preapproval of the licensee for a
7 license under this subtitle.

8 13–3304.

9 (f) (1) A certifying provider or the spouse of a certifying provider may not
10 receive any gifts from or have an ownership interest in a medical cannabis grower, a
11 processor, [or] a dispensary, **A MEDICAL CANNABIS EDUCATION PROGRAM, OR A**
12 **MEDICAL CANNABIS RESEARCH PROJECT**.

13 (2) A certifying provider may receive compensation from a medical
14 cannabis grower, a processor, [or] a dispensary, **A MEDICAL CANNABIS EDUCATION**
15 **PROGRAM, OR A MEDICAL CANNABIS RESEARCH PROJECT** if the certifying provider:

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

18 (ii) Discloses the amount of compensation received from the medical
19 cannabis grower, processor, [or] dispensary, **MEDICAL CANNABIS EDUCATION**
20 **PROGRAM, OR MEDICAL CANNABIS RESEARCH PROJECT** to the Commission.

21 [13–3304.1.

22 (a) (1) An institution of higher education, a related medical facility, or an
23 affiliated biomedical research firm may file with the Commission a registration to purchase
24 medical cannabis for the purpose of conducting a bona fide research project relating to the
25 medical uses, properties, or composition of cannabis.

26 (2) A registration filed under paragraph (1) of this subsection shall include:

27 (i) The name of the primary researcher;

28 (ii) The expected duration of the research; and

29 (iii) The primary objectives of the research.

30 (3) A registration filed under paragraph (1) of this subsection shall remain
31 valid until there is a change in the research project or a withdrawal of the registration.

32 (b) An academic research representative may purchase medical cannabis from a

1 licensed dispensary.

2 (c) An academic research representative may not be penalized or arrested under
3 State law for acquiring, possessing, or dispensing cannabis, products containing cannabis,
4 related supplies, or educational materials for use in a bona fide research project relating to
5 the medical uses, properties, or composition of cannabis.

6 (d) The Commission may adopt regulations to implement this section.]

7 13–3306.

8 (a) (1) The Commission shall license medical cannabis growers that meet all
9 requirements established by the Commission to operate in the State to provide cannabis to:

10 (i) Processors licensed by the Commission under this subtitle;

11 (ii) Dispensaries licensed by the Commission under this subtitle;
12 [and]

13 **(III) MEDICAL CANNABIS EDUCATION PROGRAMS LICENSED BY**
14 **THE COMMISSION UNDER THIS SUBTITLE OR AN AUTHORIZED REPRESENTATIVE OF**
15 **THE MEDICAL CANNABIS EDUCATION PROGRAM;**

16 **(IV) MEDICAL CANNABIS RESEARCH PROJECTS LICENSED BY**
17 **THE COMMISSION UNDER THIS SUBTITLE OR AN AUTHORIZED REPRESENTATIVE OF**
18 **THE MEDICAL CANNABIS RESEARCH PROJECT; AND**

19 **[(iii)] (V) Independent testing laboratories registered with the**
20 **Commission under this subtitle.**

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

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

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

25 (3) Qualified patients;

26 (4) Caregivers;

27 **(5) MEDICAL CANNABIS EDUCATION PROGRAMS LICENSED BY THE**
28 **COMMISSION UNDER THIS SUBTITLE OR AUTHORIZED REPRESENTATIVES OF**
29 **MEDICAL CANNABIS EDUCATION PROGRAMS;**

30 **(6) MEDICAL CANNABIS RESEARCH PROJECTS LICENSED BY THE**

1 **COMMISSION UNDER THIS SUBTITLE OR AUTHORIZED REPRESENTATIVES OF**
2 **MEDICAL CANNABIS RESEARCH PROJECTS; AND**

3 ~~[(5)]~~ **(7)** Independent testing laboratories registered with the
4 Commission under this subtitle[]; and

5 (6) Academic research representatives purchasing medical cannabis under
6 § 13–3304.1 of this subtitle].

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

9 (2) A qualifying patient, a caregiver, [or an academic research
10 representative purchasing medical cannabis under § 13–3304.1 of this subtitle] **A MEDICAL**
11 **CANNABIS EDUCATION PROGRAM, A MEDICAL CANNABIS RESEARCH PROJECT, OR**
12 **AN AUTHORIZED REPRESENTATIVE** may obtain medical cannabis from a facility of a
13 grower licensed as a dispensary.

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

16 (h) A grower licensed under this section or a medical cannabis grower agent
17 registered under this section may not be penalized or arrested under State law for:

18 (1) Cultivating, possessing, packaging, transferring, transporting, selling,
19 or distributing medical cannabis to a processor [or], **A dispensary, A MEDICAL CANNABIS**
20 **EDUCATION PROGRAM, A MEDICAL CANNABIS RESEARCH PROJECT, OR AN**
21 **AUTHORIZED REPRESENTATIVE; or**

22 (2) Transporting the medical cannabis to an independent testing
23 laboratory.

24 13–3307.

25 (f) The Commission shall allow a dispensary licensed under this section or a
26 dispensary agent registered under § 13–3308 of this subtitle to acquire, possess, transfer,
27 transport, sell, distribute, or dispense edible cannabis products for use by a qualifying
28 patient, a caregiver, [or an academic research representative purchasing medical cannabis
29 under § 13–3304.1 of this subtitle] **A MEDICAL CANNABIS EDUCATION PROGRAM, A**
30 **MEDICAL CANNABIS RESEARCH PROJECT, OR AN AUTHORIZED REPRESENTATIVE.**

31 (g) A dispensary licensed under this section or a dispensary agent registered
32 under § 13–3308 of this subtitle may not be penalized or arrested under State law for
33 acquiring, possessing, transferring, transporting, selling, distributing, or dispensing
34 medical cannabis, products containing medical cannabis, related supplies, or educational
35 materials for use by a qualifying patient, a caregiver, [or an academic research

1 representative purchasing medical cannabis under § 13–3304.1 of this subtitle] **A MEDICAL**
2 **CANNABIS EDUCATION PROGRAM, A MEDICAL CANNABIS RESEARCH PROJECT, OR**
3 **AN AUTHORIZED REPRESENTATIVE.**

4 13–3309.

5 (f) The Commission shall allow a processor licensed under this section or a
6 processor agent registered under § 13–3310 of this subtitle to:

7 (1) Acquire, possess, process, package, label, transfer, transport, sell, and
8 distribute to a dispensary edible cannabis products for use by a qualifying patient, a
9 caregiver, [or an academic research representative purchasing medical cannabis under §
10 13–3304.1 of this subtitle] **A MEDICAL CANNABIS EDUCATION PROGRAM, A MEDICAL**
11 **CANNABIS RESEARCH PROJECT, OR AN AUTHORIZED REPRESENTATIVE;** and

12 (2) Transport edible cannabis products to an independent testing
13 laboratory.

14 (g) A processor licensed under this section or a processor agent registered under
15 § 13–3310 of this subtitle may not be penalized or arrested under State law for:

16 (1) Acquiring, possessing, processing, packaging, labeling, transferring,
17 transporting, selling, or distributing medical cannabis or products containing medical
18 cannabis to a dispensary for use by a qualifying patient, a caregiver, [or an academic
19 research representative purchasing medical cannabis under § 13–3304.1 of this subtitle] **A**
20 **MEDICAL CANNABIS EDUCATION PROGRAM, A MEDICAL CANNABIS RESEARCH**
21 **PROJECT, OR AN AUTHORIZED REPRESENTATIVE;** or

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

24 **13–3311.2.**

25 (A) **THE COMMISSION MAY ISSUE A MEDICAL CANNABIS EDUCATION**
26 **PROGRAM LICENSE TO POSSESS AND GROW MEDICAL CANNABIS FOR EDUCATIONAL**
27 **PURPOSES CONSISTENT WITH THIS SECTION, INCLUDING FOR THE PURPOSE OF:**

28 (1) **TESTING AND DEMONSTRATING CULTIVATION TECHNIQUES,**
29 **STRATEGIES, INFRASTRUCTURE, MEDIUMS, AND LIGHTING AND ANY OTHER**
30 **TECHNOLOGY RELATED TO GROWING MEDICAL CANNABIS;**

31 (2) **DEMONSTRATING THE APPLICATION AND USE OF MEDICAL**
32 **CANNABIS PRODUCT MANUFACTURING TECHNOLOGIES;**

33 (3) **EDUCATING STUDENTS ON GENOMIC, HORTICULTURAL, OR**

1 AGRICULTURAL SUBJECTS RELATING TO MEDICAL CANNABIS; AND

2 (4) EDUCATING STUDENTS ON PRODUCTS OR SYSTEMS RELATED TO
3 MEDICAL CANNABIS.

4 (B) AN APPLICANT FOR A MEDICAL CANNABIS EDUCATION PROGRAM
5 LICENSE SHALL SUBMIT TO THE COMMISSION:

6 (1) THE FOLLOWING INFORMATION:

7 (I) A DESCRIPTION OF THE APPLICANT'S PROPOSED MEDICAL
8 CANNABIS EDUCATION PROGRAM, INCLUDING:

9 1. THE CURRICULUM; AND

10 2. A DEMONSTRATION THAT THE MEDICAL CANNABIS
11 EDUCATION PROGRAM WILL COMPLY WITH THE REQUIREMENTS OF THIS SECTION
12 AND ANY REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION; AND

13 (II) WHETHER THE PROPOSED MEDICAL CANNABIS EDUCATION
14 PROGRAM WILL BE CONDUCTED BY OR IN COORDINATION WITH A PUBLIC
15 INSTITUTION OR USING STATE FUNDS; AND

16 (2) AN APPLICATION FEE, AS DETERMINED BY THE COMMISSION.

17 (C) (1) IF A MEDICAL CANNABIS EDUCATION PROGRAM PROPOSED IN AN
18 APPLICATION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION WILL NOT BE
19 CONDUCTED BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE
20 FUNDS AND THE MEDICAL CANNABIS EDUCATION PROGRAM MEETS THE
21 REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS AND POLICIES ADOPTED
22 UNDER THIS SECTION, THE COMMISSION SHALL GRANT THE APPLICATION.

23 (2) (I) IF A MEDICAL CANNABIS EDUCATION PROGRAM PROPOSED
24 IN AN APPLICATION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION WILL BE
25 CONDUCTED BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE
26 FUNDS, THE COMMISSION SHALL REVIEW THE PROPOSED MEDICAL CANNABIS
27 EDUCATION PROGRAM AND ASSESS:

28 1. WHETHER THE PROPOSED MEDICAL CANNABIS
29 EDUCATION PROGRAM MEETS THE REQUIREMENTS OF THIS SECTION AND ANY
30 REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION;

31 2. THE QUALITY, STUDY DESIGN, VALUE, AND IMPACT OF

1 THE MEDICAL CANNABIS EDUCATION PROGRAM;

2 3. WHETHER THE APPLICANT HAS THE APPROPRIATE
3 PERSONNEL, EXPERTISE, FACILITIES, INFRASTRUCTURE, AND FUNDING TO
4 SUCCESSFULLY CONDUCT THE MEDICAL CANNABIS EDUCATION PROGRAM; AND

5 4. IF THE RESEARCH PROJECT PROPOSES TO GROW
6 MEDICAL CANNABIS, WHETHER THE AMOUNT OF MEDICAL CANNABIS THAT THE
7 APPLICANT PROPOSES TO GROW IS CONSISTENT WITH THE SCOPE AND GOALS OF
8 THE MEDICAL CANNABIS EDUCATION PROGRAM.

9 (II) THE COMMISSION SHALL DENY AN APPLICATION FOR A
10 MEDICAL CANNABIS EDUCATION PROGRAM THAT WILL BE CONDUCTED BY OR IN
11 COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE FUNDS IF:

12 1. THE COMMISSION DETERMINES THAT THE MEDICAL
13 CANNABIS EDUCATION PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS
14 SECTION OR ANY REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION; OR

15 2. AFTER CONDUCTING THE ASSESSMENT UNDER
16 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION DETERMINES THAT THE
17 APPLICATION SHOULD BE DENIED.

18 (D) (1) (I) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSE IS
19 VALID FOR 6 YEARS ON INITIAL LICENSURE.

20 (II) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSE IS
21 VALID FOR 4 YEARS ON RENEWAL.

22 (2) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSE SHALL BE
23 ISSUED IN THE NAME OF THE APPLICANT FOR THE LICENSE AND SHALL SPECIFY THE
24 LOCATION IN THE STATE WHERE THE MEDICAL CANNABIS EDUCATION PROGRAM
25 LICENSED UNDER THIS SECTION INTENDS TO OPERATE.

26 (3) A LICENSE ISSUED UNDER THIS SECTION IS NOT
27 TRANSFERRABLE.

28 (E) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSED UNDER THIS
29 SECTION MAY:

30 (1) TRANSFER, SELL, OR DISTRIBUTE MEDICAL CANNABIS GROWN BY
31 THE MEDICAL CANNABIS EDUCATION PROGRAM ONLY:

1 **(I) TO A LICENSED MEDICAL CANNABIS PROCESSOR,**
2 **DISPENSARY, MEDICAL CANNABIS RESEARCH PROJECT, OR MEDICAL CANNABIS**
3 **EDUCATION PROGRAM, OR TO AN AUTHORIZED PROVIDER; AND**

4 **(II) IN AN AMOUNT DETERMINED BY THE COMMISSION; AND**

5 **(2) CONTRACT WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION,**
6 **A RELATED RESEARCH FIRM, ANOTHER MEDICAL CANNABIS EDUCATION PROGRAM**
7 **LICENSED UNDER THIS SECTION, OR A LICENSED MEDICAL CANNABIS GROWER,**
8 **PROCESSOR, DISPENSARY, OR MEDICAL CANNABIS RESEARCH PROJECT IF THE**
9 **CONTRACT RELATES TO THE PERFORMANCE OF RESEARCH ON MEDICAL CANNABIS.**

10 **(F) THE COMMISSION SHALL ALLOW A MEDICAL CANNABIS EDUCATION**
11 **PROGRAM LICENSED UNDER THIS SECTION TO CULTIVATE, GROW, ACQUIRE,**
12 **POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER, TRANSPORT, SELL, AND**
13 **DISTRIBUTE MEDICAL CANNABIS AND MEDICAL CANNABIS PRODUCTS, INCLUDING**
14 **EDIBLE CANNABIS PRODUCTS, TO THE EXTENT THAT THE ACTIVITIES ARE**
15 **CONSISTENT WITH THE MEDICAL CANNABIS EDUCATION PROGRAM LICENSE.**

16 **(G) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSED UNDER THIS**
17 **SECTION OR AN AUTHORIZED REPRESENTATIVE MAY NOT BE PENALIZED OR**
18 **ARRESTED UNDER STATE LAW FOR CULTIVATING, GROWING, ACQUIRING,**
19 **POSSESSING, PROCESSING, PACKAGING, LABELING, TRANSFERRING,**
20 **TRANSPORTING, SELLING, AND DISTRIBUTING MEDICAL CANNABIS AND PRODUCTS**
21 **CONTAINING MEDICAL CANNABIS, INCLUDING EDIBLE CANNABIS PRODUCTS,**
22 **RELATED SUPPLIES, OR EDUCATIONAL MATERIALS IN A MANNER CONSISTENT WITH**
23 **THE MEDICAL CANNABIS EDUCATION PROGRAM LICENSE.**

24 **(H) A MEDICAL CANNABIS EDUCATION PROGRAM LICENSED UNDER THIS**
25 **SECTION SHALL ENSURE THAT ANY SAFETY PRECAUTIONS ESTABLISHED BY THE**
26 **COMMISSION ARE FOLLOWED BY ANY FACILITY OPERATED BY THE MEDICAL**
27 **CANNABIS EDUCATION PROGRAM.**

28 **(I) THE COMMISSION MAY INSPECT A MEDICAL CANNABIS EDUCATION**
29 **PROGRAM LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS**
30 **SUBTITLE.**

31 **(J) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE**
32 **OF A MEDICAL CANNABIS EDUCATION PROGRAM THAT DOES NOT MEET THE**
33 **STANDARDS FOR LICENSURE SET BY THE COMMISSION.**

34 **(K) THE COMMISSION SHALL, IN CONSULTATION WITH THE DEPARTMENT,**
35 **ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

1 **13-3311.3.**

2 (A) THE COMMISSION MAY ISSUE A MEDICAL CANNABIS RESEARCH
3 PROJECT LICENSE CONSISTENT WITH THIS SECTION TO AN APPLICANT WHO
4 PROPOSES TO CONDUCT A MEDICAL CANNABIS RESEARCH PROJECT FOR THE
5 PURPOSE OF:

6 (1) TESTING CHEMICAL POTENCY AND COMPOSITION OF MEDICAL
7 CANNABIS;

8 (2) CONDUCTING CLINICAL INVESTIGATIONS OF CANNABIS-DERIVED
9 MEDICINAL PRODUCTS;

10 (3) CONDUCTING RESEARCH ON THE EFFICACY AND SAFETY OF
11 ADMINISTERING CANNABIS AS PART OF MEDICAL TREATMENT;

12 (4) EDUCATING STUDENTS ON GENOMIC, HORTICULTURAL, OR
13 AGRICULTURAL SUBJECTS RELATING TO MEDICAL CANNABIS;

14 (5) CONDUCTING RESEARCH ON PRODUCTS OR SYSTEMS RELATED TO
15 MEDICAL CANNABIS; AND

16 (6) CONDUCTING RESEARCH ON CULTIVATING AND GROWING
17 MEDICAL CANNABIS.

18 (B) AN APPLICANT FOR A MEDICAL CANNABIS RESEARCH PROJECT LICENSE
19 SHALL SUBMIT TO THE COMMISSION:

20 (1) THE FOLLOWING INFORMATION:

21 (I) A DESCRIPTION OF THE PROPOSED RESEARCH PROJECT,
22 INCLUDING:

23 1. A DEFINED RESEARCH PROTOCOL;

24 2. THE GOALS OF THE RESEARCH PROJECT;

25 3. THE SCIENTIFIC METHOD TO BE USED;

26 4. THE ANTICIPATED OUTPUT;

27 5. A BEGINNING AND END DATE; AND

1 **6. A DEMONSTRATION THAT THE RESEARCH PROJECT**
2 **WILL COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS**
3 **AND POLICIES ADOPTED UNDER THIS SECTION; AND**

4 **(II) WHETHER THE RESEARCH PROJECT WILL BE CONDUCTED**
5 **BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE FUNDS; AND**

6 **(2) AN APPLICATION FEE, AS DETERMINED BY THE COMMISSION.**

7 **(C) (1) IF A MEDICAL CANNABIS RESEARCH PROJECT PROPOSED IN AN**
8 **APPLICATION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION WILL NOT BE**
9 **CONDUCTED BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE**
10 **FUNDS, THE COMMISSION SHALL GRANT THE APPLICATION IF IT DETERMINES THAT**
11 **THE APPLICANT MEETS THE REQUIREMENTS OF THIS SECTION AND ANY**
12 **REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION.**

13 **(2) (I) IF A MEDICAL CANNABIS RESEARCH PROJECT PROPOSED IN**
14 **AN APPLICATION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION WILL BE**
15 **CONDUCTED BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE**
16 **FUNDS, THE COMMISSION SHALL REVIEW THE APPLICANT'S PROPOSED MEDICAL**
17 **CANNABIS RESEARCH PROJECT AND ASSESS:**

18 **1. WHETHER THE PROPOSED MEDICAL CANNABIS**
19 **RESEARCH PROJECT MEETS THE REQUIREMENTS OF THIS SECTION AND ANY**
20 **REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION;**

21 **2. THE QUALITY, STUDY DESIGN, VALUE, AND IMPACT OF**
22 **THE PROPOSED MEDICAL CANNABIS RESEARCH PROJECT;**

23 **3. WHETHER THE APPLICANT HAS THE APPROPRIATE**
24 **PERSONNEL, EXPERTISE, FACILITIES, INFRASTRUCTURE, FUNDING, AND ANY**
25 **AUTHORIZATIONS NECESSARY TO SUCCESSFULLY CONDUCT THE PROPOSED**
26 **MEDICAL CANNABIS RESEARCH PROJECT; AND**

27 **4. IF THE MEDICAL CANNABIS RESEARCH PROJECT**
28 **PROPOSES TO GROW MEDICAL CANNABIS, WHETHER THE AMOUNT OF MEDICAL**
29 **CANNABIS TO BE GROWN IS CONSISTENT WITH THE SCOPE AND GOALS OF THE**
30 **MEDICAL CANNABIS RESEARCH PROJECT.**

31 **(II) THE COMMISSION SHALL DENY AN APPLICATION FOR A**
32 **MEDICAL CANNABIS RESEARCH PROJECT THAT WILL BE CONDUCTED BY OR IN**
33 **COORDINATION WITH A PUBLIC INSTITUTION OR USING STATE FUNDS IF:**

1 **1. THE COMMISSION DETERMINES THAT THE MEDICAL**
2 **CANNABIS RESEARCH PROJECT DOES NOT MEET THE REQUIREMENTS OF THIS**
3 **SECTION OR ANY REGULATIONS AND POLICIES ADOPTED UNDER THIS SECTION; OR**

4 **2. AFTER CONDUCTING THE ASSESSMENT REQUIRED IN**
5 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION DETERMINES THAT THE**
6 **APPLICATION SHOULD BE DENIED.**

7 **(D) (1) A MEDICAL CANNABIS RESEARCH PROJECT LICENSE IS VALID FOR**
8 **THE DURATION OF THE MEDICAL CANNABIS RESEARCH PROJECT, UNLESS THE**
9 **COMMISSION DETERMINES THAT THE LICENSE MUST BE RENEWED AFTER A PERIOD**
10 **OF TIME.**

11 **(2) A MEDICAL CANNABIS RESEARCH PROJECT LICENSE SHALL BE**
12 **ISSUED IN THE NAME OF THE APPLICANT AND SHALL SPECIFY THE LOCATION IN THE**
13 **STATE WHERE THE MEDICAL CANNABIS RESEARCH PROJECT WILL BE CONDUCTED.**

14 **(3) A LICENSE ISSUED UNDER THIS SECTION IS NOT**
15 **TRANSFERRABLE.**

16 **(E) IF A MEDICAL CANNABIS RESEARCH PROJECT LICENSED UNDER THIS**
17 **SECTION IS CONDUCTED BY OR IN COORDINATION WITH A PUBLIC INSTITUTION OR**
18 **USING STATE FUNDS, THE COMMISSION SHALL:**

19 **(1) REVIEW ANY REPORTS ISSUED BY THE MEDICAL CANNABIS**
20 **RESEARCH PROJECT; AND**

21 **(2) DETERMINE, BASED ON THE REVIEW UNDER ITEM (1) OF THIS**
22 **SUBSECTION WHETHER THE LICENSED RESEARCH PROJECT CONTINUES TO MEET**
23 **THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS AND POLICIES**
24 **ADOPTED UNDER THIS SECTION.**

25 **(F) A MEDICAL CANNABIS RESEARCH PROJECT LICENSED UNDER THIS**
26 **SECTION MAY:**

27 **(1) TRANSFER, SELL, OR DISTRIBUTE MEDICAL CANNABIS GROWN BY**
28 **THE MEDICAL CANNABIS RESEARCH PROJECT ONLY:**

29 **(I) TO A LICENSED MEDICAL CANNABIS PROCESSOR,**
30 **DISPENSARY, MEDICAL CANNABIS RESEARCH PROJECT, OR MEDICAL CANNABIS**
31 **EDUCATION PROGRAM, OR TO AN AUTHORIZED PROVIDER; AND**

1 (II) IN AN AMOUNT DETERMINED BY THE COMMISSION; AND

2 (2) CONTRACT WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION,
3 A RELATED RESEARCH FIRM, ANOTHER MEDICAL CANNABIS RESEARCH PROJECT
4 LICENSED UNDER THIS SECTION, OR A LICENSED MEDICAL CANNABIS GROWER,
5 PROCESSOR, DISPENSARY, OR MEDICAL CANNABIS EDUCATION PROGRAM IF THE
6 CONTRACT RELATES TO THE PERFORMANCE OF RESEARCH ON MEDICAL CANNABIS.

7 (G) THE COMMISSION SHALL ALLOW A MEDICAL CANNABIS RESEARCH
8 PROJECT LICENSED UNDER THIS SECTION TO CULTIVATE, GROW, ACQUIRE,
9 POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER, TRANSPORT, SELL, AND
10 DISTRIBUTE MEDICAL CANNABIS AND MEDICAL CANNABIS PRODUCTS, INCLUDING
11 EDIBLE CANNABIS PRODUCTS, TO THE EXTENT THAT THE ACTIVITIES ARE
12 CONSISTENT WITH THE MEDICAL CANNABIS RESEARCH PROJECT LICENSE.

13 (H) A MEDICAL CANNABIS RESEARCH PROJECT LICENSED UNDER THIS
14 SECTION OR AN AUTHORIZED REPRESENTATIVE MAY NOT BE PENALIZED OR
15 ARRESTED UNDER STATE LAW FOR CULTIVATING, GROWING, ACQUIRING,
16 POSSESSING, PROCESSING, PACKAGING, LABELING, TRANSFERRING,
17 TRANSPORTING, SELLING, AND DISTRIBUTING MEDICAL CANNABIS AND PRODUCTS
18 CONTAINING MEDICAL CANNABIS, INCLUDING EDIBLE CANNABIS PRODUCTS,
19 RELATED SUPPLIES, OR EDUCATIONAL MATERIALS IN A MANNER CONSISTENT WITH
20 THE MEDICAL CANNABIS RESEARCH PROJECT LICENSE.

21 (I) THE COMMISSION MAY INSPECT A MEDICAL CANNABIS RESEARCH
22 PROJECT LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS
23 SUBTITLE.

24 (J) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE
25 OF A MEDICAL CANNABIS RESEARCH PROJECT THAT DOES NOT MEET THE
26 STANDARDS FOR LICENSURE SET BY THE COMMISSION.

27 (K) THE COMMISSION SHALL, IN CONSULTATION WITH THE DEPARTMENT,
28 ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

29 13-3313.

30 (a) Any of the following persons acting in accordance with the provisions of this
31 subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision,
32 parole, or probation, or any civil or administrative penalty, including a civil penalty or
33 disciplinary action by a professional licensing board, or be denied any right or privilege, for
34 the medical use of or possession of medical cannabis:

35 (1) A qualifying patient:

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

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

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

9 (3) A certifying provider;

10 (4) A caregiver;

11 (5) [An academic research representative purchasing medical cannabis
12 under § 13-3304.1 of this subtitle;

13 (6)] A dispensary licensed under § 13-3307 of this subtitle or a dispensary
14 agent registered under § 13-3308 of this subtitle;

15 [(7)] (6) A processor licensed under § 13-3309 of this subtitle or a
16 processor agent registered under § 13-3310 of this subtitle;

17 (7) **A MEDICAL CANNABIS EDUCATION PROGRAM LICENSED UNDER §**
18 **13-3311.2 OF THIS SUBTITLE OR AN AUTHORIZED REPRESENTATIVE OF THE**
19 **MEDICAL CANNABIS EDUCATION PROGRAM;**

20 (8) **A MEDICAL CANNABIS RESEARCH PROJECT LICENSED UNDER §**
21 **13-3311.3 OF THIS SUBTITLE OR AN AUTHORIZED REPRESENTATIVE OF THE**
22 **MEDICAL CANNABIS RESEARCH PROJECT;**

23 [(8)] (9) A hospital, medical facility, or hospice program where a
24 qualifying patient is receiving treatment; or

25 [(9)] (10) A third-party vendor authorized by the Commission to test,
26 transport, or dispose of medical cannabis, medical cannabis products, or medical cannabis
27 waste under the provisions of this subtitle.

28 (b) (1) A person may not distribute, possess, manufacture, or use cannabis
29 that has been diverted from a qualifying patient, a caregiver, [an academic research
30 representative,] a licensed grower, [or] a licensed dispensary, **A LICENSED MEDICAL**
31 **CANNABIS EDUCATION PROGRAM, A LICENSED MEDICAL CANNABIS RESEARCH**
32 **PROJECT, OR AN AUTHORIZED REPRESENTATIVE.**

1 13–3313.1.

2 (b) An advertisement for a grower, a processor, a dispensary, **A MEDICAL**
3 **CANNABIS EDUCATION PROGRAM, A MEDICAL CANNABIS RESEARCH PROJECT**, an
4 independent testing laboratory, a certifying provider, or a third–party vendor may not:

5 (1) Make any statement that is false or misleading in any material way or
6 is otherwise a violation of §§ 13–301 through 13–320 of the Commercial Law Article; or

7 (2) Contain a design, an illustration, a picture, or a representation that:

8 (i) Encourages or represents the recreational use of cannabis;

9 (ii) Targets or is attractive to minors, including a cartoon character,
10 a mascot, or any other depiction that is commonly used to market products to minors;

11 (iii) Displays the use of cannabis, including the consumption,
12 smoking, or vaping of cannabis;

13 (iv) Encourages or promotes cannabis for use as an intoxicant; or

14 (v) Are obscene.

15 (d) (1) Any website owned, managed, or operated by a certifying provider,
16 dispensary, grower, [or] processor, **MEDICAL CANNABIS EDUCATION PROGRAM, OR**
17 **MEDICAL CANNABIS RESEARCH PROJECT** shall employ a neutral age–screening
18 mechanism that verifies that the user is at least 18 years of age, including by using an
19 age–gate, age–screen, or age verification mechanism.

20 (e) (1) This subsection does not apply to an advertisement placed on property
21 owned or leased by a dispensary, grower, [or] processor, **MEDICAL CANNABIS EDUCATION**
22 **PROGRAM, OR MEDICAL CANNABIS RESEARCH PROJECT**.

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) An institution of higher education, a related medical facility, or an affiliated
25 biomedical research firm that is registered before October 1, 2020, with the Natalie M.
26 LaPrade Medical Cannabis Commission to purchase medical cannabis for the purpose of
27 conducting a bona fide research project relating to the medical uses, properties, or
28 composition of cannabis may continue to operate under the registration through June 30,
29 2021.

30 (b) An employee or agent of an institution of higher education, a related medical
31 facility, or an affiliated biomedical research firm operating under subsection (a) of this
32 section and who is authorized to purchase medical cannabis for the institution of higher
33 education or related medical facility may not be penalized or arrested under State law for

1 acquiring, possessing, or dispensing cannabis, products containing cannabis, related
2 supplies, or educational materials for use in a bona fide research project relating to the
3 medical uses, properties, or composition of cannabis.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.