

Article - Health - General

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§13–3301.

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

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

(c) (1) “Caregiver” means:

(i) A person who has agreed to assist with a qualifying patient’s medical use of cannabis; and

(ii) For a qualifying patient under the age of 18 years:

1. A parent or legal guardian; and

2. Not more than two additional adults designated by the parent or legal guardian.

(2) “Caregiver” does not include any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article.

(d) “Certifying provider” means an individual who:

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

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

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

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

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

2. Is in good standing with the State Board of Podiatric Medical Examiners;

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

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

(v) 1. Has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article;

2. Has an active delegation agreement with a primary supervising physician who is a certifying provider; and

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

(2) Has a State controlled dangerous substances registration; and

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

(e) “Commission” means the Natalie M. LaPrade Medical Cannabis Commission established under this subtitle.

(f) “Dispensary” means an entity licensed under this subtitle that acquires, possesses, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including edible cannabis products, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

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

(h) (1) “Edible cannabis product” means a medical cannabis product intended for human consumption by oral ingestion, in whole or in part.

(2) “Edible cannabis product” includes medical cannabis products that dissolve or disintegrate in the mouth.

(3) “Edible cannabis product” does not include any:

(i) Medical cannabis concentrate;

(ii) Medical cannabis–infused product, including an oil, a wax, an ointment, a salve, a tincture, a capsule, a suppository, a dermal patch, or a cartridge; or

(iii) Other dosage form that is recognized by the United States Pharmacopeia, the national formulary, or the Food and Drug Administration and is approved by the Commission.

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

(j) “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.

(k) “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.

(l) (1) “Medical cannabis” means all parts of any plant of the genus Cannabis, whether or not the plant is growing, including:

(i) The seeds of the plant;

(ii) The resin extracted from the plant; and

(iii) Any compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

- (2) “Medical cannabis” does not include:
- (i) The mature stalks of the plant or fiber produced from mature stalks;
 - (ii) Oil or cake made from the seeds of the plant;
 - (iii) Any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
 - (iv) The sterilized seed of the plant that is incapable of germination; or
 - (v) Hemp as defined in § 14–101 of the Agriculture Article.
- (m) “Medical cannabis grower agent” means an owner, an employee, a volunteer, an officer, or a director of a grower.
- (n) “Processor” means an entity that:
- (1) Transforms medical cannabis into another product or extract; and
 - (2) Packages and labels medical cannabis.
- (o) “Processor agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a processor.
- (p) “Qualifying patient” means an individual who:
- (1) Has been provided with a written certification by a certifying provider in accordance with a bona fide provider–patient relationship; and
 - (2) If under the age of 18 years, has a caregiver.
- (q) “Written certification” means a certification that:
- (1) Is issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider–patient relationship;
 - (2) Includes a written statement certifying that, in the provider’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition:

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

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

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

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