

Article - Health - General

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§13-3304.

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

(1) Meets the requirements of this subtitle; and

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

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

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

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

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

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

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

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

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

1. Cachexia, anorexia, or wasting syndrome;

2. Severe or chronic pain;

3. Severe nausea;
4. Seizures; or
5. Severe or persistent muscle spasms.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The qualifying patient's caregiver; or
2. 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.

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

(ii) Except as provided in subparagraph (iii) of this paragraph, a qualifying patient may have no more than two caregivers.

(iii) A qualifying patient under the age of 18 years may have no more than four caregivers.

(7) Any designated school personnel described in paragraph (5)(ii) of this subsection:

- (i) May administer to a student only medical cannabis:
 1. That is obtained through the student's caregiver;
 2. In accordance with dosing, timing, and delivery route instructions as provided by the certifying provider's written instructions; and
- (ii) Are not required to register with the Commission under this subtitle.

(8) Beginning June 1, 2020, a caregiver may administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school–sponsored activities, and while on a school bus.

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

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

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