



SB0523/483224/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

09 MAR 23  
10:23:53

BY: Senator McKay  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 523  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “– **Exemption**”; strike beginning with “exempting” in line 4 down through “circumstances” in line 7 and substitute “authorizing designated medical personnel to administer medical cannabis to qualifying patients only under certain circumstances; providing that designated medical personnel are not required to register with the Natalie M. LaPrade Medical Cannabis Commission; exempting designated medical personnel from civil and criminal penalties relating to the administration of medical cannabis, subject to a certain exception”; in line 8, strike “and caregivers of qualifying patients”; in line 16, strike “and” and substitute a comma; in the same line, strike “13–3304(g)(6)” and substitute “13–3304(g)(5), and 13–3313(a)(9) and (10)”; and after line 18, insert:

“BY adding to

Article - Health - General  
Section 13-3304(g)(9) and 13-3313(a)(11)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “**INCLUDES**” in line 7 on page 2 down through “does” in line 1 on page 3 and substitute “does”.

On page 3, in line 1, after “any” insert “:

**(1)**”;

in the same line, strike “designated” and substitute “**DESIGNATED**”; in line 3, after “Article” insert “**;** **OR**”

**(II) DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO QUALIFYING PATIENTS UNDER § 13-3304(G)(9) OF THIS SUBTITLE**”;

strike beginning with “(6)” in line 5 down through “caregivers.” in line 12 and substitute:

“(5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient [or caregiver] may obtain medical cannabis only [from]:

1. FROM a medical cannabis grower licensed by the Commission or a dispensary licensed by the Commission;

2. THROUGH THE QUALIFYING PATIENT’S CAREGIVER; OR

3. THROUGH DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A QUALIFYING PATIENT IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION.

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

1. The qualifying patient’s caregiver;

2. DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A QUALIFYING PATIENT IN ACCORDANCE WITH PARAGRAPH (9) OF THIS SUBSECTION; or

[2.] 3. 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.

(III) A CAREGIVER MAY OBTAIN MEDICAL CANNABIS ONLY FROM A MEDICAL CANNABIS GROWER LICENSED BY THE COMMISSION OR A DISPENSARY LICENSED BY THE COMMISSION.

(9) (I) IN THIS PARAGRAPH, “DESIGNATED MEDICAL PERSONNEL” MEANS EMPLOYEES:

1. WHO ARE EMPLOYED BY:

A. AN ASSISTED LIVING FACILITY, AS DEFINED IN § 19-1801 OF THIS ARTICLE;

B. AN INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY;

C. A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF THIS ARTICLE;

D. A HOSPICE CARE PROGRAM;

E. A RELATED INSTITUTION, AS DEFINED IN § 19-301 OF THIS ARTICLE; OR

F. A RESIDENTIAL SERVICE AGENCY, AS DEFINED IN § 19-4A-01 OF THIS ARTICLE;

2. WHO HAVE BEEN DESIGNATED IN WRITING TO PROVIDE CARE TO QUALIFYING PATIENTS BY ENTITIES LISTED UNDER ITEM 1 OF THIS SUBPARAGRAPH;

(Over)

3. FOR WHOM THE QUALIFYING PATIENTS HAVE AUTHORIZED THE DESIGNATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

4. WHO HAVE SIGNIFICANT RESPONSIBILITY FOR MANAGING THE HEALTH CARE AND WELL-BEING OF THE QUALIFYING PATIENTS.

(II) DESIGNATED MEDICAL PERSONNEL:

1. MAY ADMINISTER MEDICAL CANNABIS TO QUALIFYING PATIENTS ONLY IF THE MEDICAL CANNABIS IS:

A. OBTAINED THROUGH THE QUALIFYING PATIENT'S CAREGIVER; AND

B. ADMINISTERED IN ACCORDANCE WITH DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS PROVIDED IN THE CERTIFYING PROVIDER'S WRITTEN INSTRUCTIONS; AND

2. ARE NOT REQUIRED TO REGISTER WITH THE COMMISSION UNDER THIS SUBTITLE.

13-3313.

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

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

(10) Designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7-446 of the Education Article unless the act or omission constitutes gross negligence or wanton or willful misconduct; OR

(11) DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A QUALIFYING PATIENT UNDER § 13-3304(G)(9) OF THIS SUBTITLE UNLESS THE ACT OR OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL MISCONDUCT.”.