

HOUSE BILL 1068

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By: **Delegate K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Marijuana Commission – Nonresident Cardholders**

3 FOR the purpose of requiring the Natalie M. LaPrade Medical Marijuana Commission to
4 issue, in a certain manner, a certain confirmation of registration to a nonresident
5 cardholder within a certain time period under certain circumstances; requiring the
6 Commission to adopt certain regulations; providing that a nonresident cardholder
7 may obtain medical marijuana only from certain growers and dispensaries; providing
8 that a nonresident cardholder may not be subject to arrest, prosecution, or certain
9 penalties or be denied any right or privilege for the medical use of marijuana;
10 defining a certain term; and generally relating to the Natalie M. LaPrade Medical
11 Marijuana Commission and nonresident cardholders.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 13–3301, 13–3302, 13–3307, and 13–3313
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2014 Supplement)

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

19 **Article – Health – General**

20 13–3301.

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

22 (b) “Academic medical center” means a hospital that:

23 (1) Operates a medical residency program for physicians; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Conducts research that is overseen by the federal Department of Health
2 and Human Services and involves human subjects.

3 (c) “Caregiver” means:

4 (1) A person who has agreed to assist with a qualifying patient’s medical
5 use of marijuana; and

6 (2) For a qualifying patient under the age of 18 years, a parent or legal
7 guardian.

8 (d) “Certifying physician” means an individual who:

9 (1) Is licensed by the State Board of Physicians under Title 14 of the Health
10 Occupations Article to practice medicine; and

11 (2) Is approved by the Commission to make marijuana available to patients
12 for medical use in accordance with regulations adopted by the Commission.

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

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

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

22 (h) “Fund” means the Natalie M. LaPrade Medical Marijuana Commission Fund
23 established under § 13–3303 of this subtitle.

24 (i) “Medical marijuana grower agent” means an owner, an employee, a volunteer,
25 an officer, or a director of a medical marijuana grower licensed under this subtitle.

26 **(J) “NONRESIDENT CARDHOLDER” MEANS AN INDIVIDUAL WHO:**

27 **(1) (I) HAS A CHRONIC OR DEBILITATING DISEASE, MEDICAL**
28 **CONDITION, OR OTHER CONDITION THAT WOULD MEET THE CRITERIA LISTED IN §**
29 **13–3307(C) OR (D) OF THIS SUBTITLE; OR**

30 **(II) IS THE PARENT, GUARDIAN, CONSERVATOR, CAREGIVER, OR**
31 **OTHER INDIVIDUAL WITH AUTHORITY TO CONSENT TO THE MEDICAL TREATMENT OF**
32 **AN INDIVIDUAL WITH A DEBILITATING DISEASE, MEDICAL CONDITION, OR OTHER**

1 **CONDITION THAT WOULD MEET THE CRITERIA LISTED IN § 13-3307(C) OR (D) OF**
2 **THIS SUBTITLE;**

3 **(2) IS NOT A RESIDENT OF THE STATE OR HAS BEEN A RESIDENT OF**
4 **THE STATE FOR LESS THAN 45 DAYS;**

5 **(3) WAS ISSUED A VALID REGISTRY IDENTIFICATION CARD OR ITS**
6 **EQUIVALENT BY ANOTHER STATE OR A COUNTRY THAT ALLOWS THE INDIVIDUAL TO**
7 **USE MARIJUANA FOR MEDICAL PURPOSES IN THE JURISDICTION OF ISSUANCE;**

8 **(4) HAS SUBMITTED ANY DOCUMENTATION REQUIRED BY THE**
9 **COMMISSION; AND**

10 **(5) HAS RECEIVED CONFIRMATION OF THE REGISTRATION BY THE**
11 **COMMISSION.**

12 **[(j)] (K)** “Program” means an investigational use-type program overseen by an
13 academic medical center through which marijuana is made available to patients for medical
14 use.

15 **[(k)] (L)** “Qualifying patient” means a resident of the State who:

16 (1) (i) Has been provided with a written certification by a certifying
17 physician in accordance with a bona fide physician-patient relationship; or

18 (ii) Is enrolled in a research program with a registered academic
19 medical center; and

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

21 **[(l)] (M)** “Written certification” means a certification that:

22 (1) Is issued by a certifying physician to a qualifying patient with whom
23 the physician has a bona fide physician-patient relationship; and

24 (2) Includes a written statement certifying that, in the physician’s
25 professional opinion, after having completed a full assessment of the patient’s medical
26 history and current medical condition, the patient has a condition:

27 (i) That meets the inclusion criteria and does not meet the exclusion
28 criteria of the certifying physician’s application; and

29 (ii) For which the potential benefits of the medical use of marijuana
30 would likely outweigh the health risks for the patient.

1 13-3302.

2 (a) There is a Natalie M. LaPrade Medical Marijuana Commission.

3 (b) The Commission is an independent commission that functions within the
4 Department.

5 (c) The purpose of the Commission is to:

6 (1) Develop requests for applications for academic medical centers to
7 operate programs in accordance with this subtitle;

8 (2) Approve or deny applications for programs;

9 (3) Approve or deny applications for renewal of programs;

10 (4) Monitor and oversee programs approved for operation under this
11 subtitle;

12 (5) Approve certifying physicians;

13 (6) Publish and disseminate any information that relates to the medical
14 use of marijuana and related research; and

15 (7) Research issues related to the medical use of marijuana.

16 (d) (1) The Commission shall develop identification cards for qualifying
17 patients and caregivers.

18 (2) (i) The Department shall adopt regulations that establish the
19 requirements for identification cards provided by the Commission.

20 (ii) The regulations adopted under subparagraph (i) of this
21 paragraph shall include:

22 1. The information to be included on an identification card;

23 2. The method through which the Commission will distribute
24 identification cards; and

25 3. The method through which the Commission will track
26 identification cards.

27 **(E) (1) THE COMMISSION SHALL ISSUE, ELECTRONICALLY OR BY MAIL, A**
28 **CONFIRMATION OF REGISTRATION TO A NONRESIDENT CARDHOLDER WITHIN 7**
29 **DAYS AFTER THE INDIVIDUAL SEEKING TO BE A NONRESIDENT CARDHOLDER**

1 SUBMITS DOCUMENTATION TO THE COMMISSION THAT THE INDIVIDUAL MEETS THE
2 DEFINITION OF NONRESIDENT CARDHOLDER UNDER § 13-3301 OF THIS SUBTITLE.

3 (2) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH
4 THE PROCESS FOR A NONRESIDENT CARDHOLDER TO BECOME A QUALIFYING
5 PATIENT.

6 [(e)] (F) The Commission shall develop and maintain a Web site that:

7 (1) Provides information on how an individual can obtain medical
8 marijuana in the State and how an individual can find a certifying physician; and

9 (2) Provides contact information for licensed growers and licensed
10 dispensaries.

11 13-3307.

12 (a) The Commission shall approve as a certifying physician an individual who:

13 (1) Meets the requirements of this subtitle; and

14 (2) Submits application materials that are satisfactory to the Commission.

15 (b) To be approved as a certifying physician, a physician shall submit a proposal
16 to the Commission that includes:

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

19 (2) The reasons the physician will use to exclude patients from the care of
20 the physician for the purposes of this subtitle;

21 (3) The physician's plan for screening a patient for dependence, both before
22 and after the qualifying patient is issued a written certification; and

23 (4) The physician's plan for the ongoing assessment and follow-up care of
24 a patient and for collecting and analyzing data.

25 (c) The Commission is encouraged to approve physician applications for the
26 following medical conditions:

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

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

1 (i) Cachexia, anorexia, or wasting syndrome;

2 (ii) Severe pain;

3 (iii) Severe nausea;

4 (iv) Seizures; or

5 (v) Severe or persistent muscle spasms.

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

9 (e) (1) A certifying physician or the spouse of a certifying physician may not
10 receive any gifts from or have an ownership interest in a medical marijuana grower or a
11 dispensary.

12 (2) A certifying physician may receive compensation from a medical
13 marijuana grower or dispensary if:

14 (i) The certifying physician obtains the approval of the Commission
15 before receiving the compensation; and

16 (ii) Discloses the amount of compensation received from the medical
17 marijuana grower or dispensary to the Commission.

18 (f) (1) A qualifying patient may be a patient of the certifying physician or may
19 be referred to the certifying physician.

20 (2) A certifying physician shall provide each written certification to the
21 Commission.

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

25 (4) A certifying physician may discuss medical marijuana with a qualifying
26 patient.

27 (5) (i) Except as provided in subparagraph (ii) of this paragraph, a
28 qualifying patient [or], caregiver, **OR NONRESIDENT CARDHOLDER** may obtain medical
29 marijuana only from a medical marijuana grower licensed by the Commission or a
30 dispensary licensed by the Commission.

1 (ii) A qualifying patient under the age of 18 years may obtain
2 medical marijuana only through the qualifying patient's caregiver.

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

5 (ii) A qualifying patient may have no more than two caregivers.

6 (g) (1) Each certifying physician shall submit an annual report to the
7 Commission.

8 (2) The annual report shall include:

9 (i) The number of patients served;

10 (ii) The county of residence of each patient served;

11 (iii) Any medical condition for which medical marijuana was
12 recommended; and

13 (iv) A summary of clinical outcomes, including adverse events and
14 any cases of suspected diversion.

15 (3) The annual report may not include any personal information that
16 identifies a patient.

17 (h) (1) A certifying physician may apply biennially to the Commission for
18 approval.

19 (2) The Commission shall grant or deny a renewal of an application for
20 approval based on the physician's performance in complying with regulations adopted by
21 the Commission.

22 13-3313.

23 (a) Any of the following persons acting in accordance with the provisions of this
24 subtitle may not be subject to arrest, prosecution, or any civil or administrative penalty,
25 including a civil penalty or disciplinary action by a professional licensing board, or be
26 denied any right or privilege, for the medical use of marijuana:

27 (1) A qualifying patient:

28 (i) Enrolled in a program approved under this subtitle who is in
29 possession of an amount of marijuana authorized under the program; or

30 (ii) In possession of an amount of marijuana determined by the
31 Commission to constitute a 30-day supply;

1 (2) A grower licensed under § 13–3309 of this subtitle or an employee of the
2 licensed grower who is acting in accordance with the terms of the license;

3 (3) An academic medical center, an employee of the academic medical
4 center, or any other person associated with the operation of a program approved under this
5 subtitle for activities conducted in accordance with the program approved under this
6 subtitle;

7 (4) A certifying physician;

8 (5) A caregiver;

9 (6) A dispensary licensed under § 13–3310 of this subtitle or a dispensary
10 agent registered under § 13–3311 of this subtitle; [or]

11 (7) A hospital or hospice program where a qualifying patient is receiving
12 treatment; **OR**

13 **(8) A NONRESIDENT CARDHOLDER.**

14 (b) (1) A person may not distribute, possess, manufacture, or use marijuana
15 that has been diverted from a program approved under this subtitle, a qualifying patient,
16 a caregiver, a licensed grower, or a licensed dispensary.

17 (2) A person who violates this subsection is guilty of a felony and on
18 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000
19 or both.

20 (3) The penalty under this subsection is in addition to any penalties that a
21 person may be subject to for manufacture, possession, or distribution of marijuana under
22 the Criminal Law Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2015.