

# HOUSE BILL 1479

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6lr2442  
CF 6lr3654

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By: **Delegates K. Young, Barron, Cullison, Ebersole, Fraser–Hidalgo, Hill, Kelly, Lierman, McCray, Moon, Pena–Melnyk, S. Robinson, Sanchez, Tarlau, Vogt, and M. Washington**

Introduced and read first time: February 12, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Qualifying Patients and**  
3 **Caregivers – Immunity**

4 FOR the purpose of providing that, until medical cannabis is available through a certain  
5 dispensary, a qualifying patient, or the caregiver of a qualifying patient, in  
6 possession of a certain amount of medical cannabis may not be subject to arrest,  
7 prosecution, or certain penalties or disciplinary action, or be denied any right or  
8 privilege, for the medical use of cannabis; making conforming changes; and generally  
9 relating to immunity for the medical use of cannabis by qualifying patients and  
10 caregivers.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 13–3304(g)(5) and 13–3313  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume)

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

18 **Article – Health – General**

19 13–3304.

20 (g) (5) (i) Except as provided in subparagraph (ii) of this paragraph AND  
21 **SUBJECT TO § 13–3313(B) OF THIS SUBTITLE**, a qualifying patient or caregiver may  
22 obtain medical cannabis only from a medical cannabis grower licensed by the Commission  
23 or a dispensary licensed by the Commission.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) [A] SUBJECT TO § 13-3313(B) OF THIS SUBTITLE, A  
2 qualifying patient under the age of 18 years may obtain medical cannabis only through the  
3 qualifying patient's caregiver.

4 13-3313.

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

9 (1) A qualifying patient:

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

12 (ii) In possession of an amount of medical cannabis that is greater  
13 than a 30-day supply if the qualifying patient's certifying physician stated in the written  
14 certification that a 30-day supply would be inadequate to meet the medical needs of the  
15 qualifying patient;

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

18 (3) A certifying physician;

19 (4) A caregiver;

20 (5) A dispensary licensed under § 13-3307 of this subtitle or a dispensary  
21 agent registered under § 13-3308 of this subtitle;

22 (6) A processor licensed under § 13-3309 of this subtitle or a processor  
23 agent registered under § 13-3310 of this subtitle; or

24 (7) A hospital, medical facility, or hospice program where a qualifying  
25 patient is receiving treatment.

26 (B) NOTWITHSTANDING § 13-3304(G)(5) OF THIS SUBTITLE, A QUALIFYING  
27 PATIENT, OR THE CAREGIVER OF A QUALIFYING PATIENT, IN POSSESSION OF A  
28 30-DAY SUPPLY OF MEDICAL CANNABIS OBTAINED FROM A SOURCE OTHER THAN A  
29 LICENSED DISPENSARY MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR ANY  
30 CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR  
31 DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY  
32 RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF CANNABIS:

1           **(1) UNTIL MEDICAL CANNABIS IS AVAILABLE THROUGH A LICENSED**  
2 **DISPENSARY LOCATED IN THE SENATORIAL DISTRICT IN WHICH THE QUALIFYING**  
3 **PATIENT RESIDES; OR**

4           **(2) UNTIL MEDICAL CANNABIS IS AVAILABLE THROUGH A LICENSED**  
5 **DISPENSARY LOCATED IN A SENATORIAL DISTRICT THAT IS ADJACENT TO THE**  
6 **SENATORIAL DISTRICT IN WHICH THE QUALIFYING PATIENT RESIDES.**

7           **[(b)] (C)** (1) A person may not distribute, possess, manufacture, or use  
8 cannabis that has been diverted from a qualifying patient, a caregiver, a licensed grower,  
9 or a licensed dispensary.

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

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

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
17 1, 2016.