

HB0881/486688/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 881

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Delegates” insert “Glenn.”; in the same line, strike “Glenn.”; in the same line, strike “and Zucker” and substitute “Zucker, Hammen, Pendergrass, Bromwell, Costa, Kipke, Nathan-Pulliam, Pena-Melnyk, Barnes, Beidle, DeBoy, Frush, Gilchrist, Gutierrez, Harper, Howard, Kaiser, Kramer, McConkey, Mitchell, Simmons, Stukes, Summers, Vaughn, A. Washington, and Wilson”; in line 4, strike “and regulation”; in the same line, after “physicians” insert “, the publishing and dissemination of certain information, and the research of certain issues; requiring the Commission to develop certain identification cards; requiring the Commission to develop and maintain a certain Web site”; in line 11, after “applications;” insert “providing that a qualifying patient may be a patient of the certifying physician or referred to the certifying physician; requiring a certifying physician to provide each written certification to the Commission; requiring the Commission to issue certain identification cards under certain circumstances; authorizing a certifying physician to discuss medical marijuana with certain patients; providing that certain qualifying patients and caregivers may obtain medical marijuana only from a licensed grower; providing that certain qualifying patients may obtain medical marijuana only through the patient’s caregiver”; in line 19, after “license;” insert “providing for the term of an initial and renewed medical marijuana grower license; providing for the form of an application to operate as a medical marijuana grower”; in line 20, after the second “marijuana” insert “and prepare marijuana in a range of routes of administration; requiring the Commission to seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; requiring certain growers to submit a certain annual report to the Commission beginning on a certain date; requiring an entity seeking licensure as a medical marijuana grower to meet local zoning and planning requirements; prohibiting the Commission from setting certain site and planning requirements”; in line 22, after “caregivers” insert “and to distribute marijuana at certain facilities;

(Over)

authorizing a qualifying patient to obtain marijuana from certain facilities; requiring an entity licensed to grow marijuana under certain provisions of law to ensure that certain safety precautions are followed by certain facilities”.

On page 2, in line 2, after “patient;” insert “providing that this Act may not be construed to require a hospital or hospice program to report certain information to the Commission;”; and in line 3, after “regulations” insert “on or before a certain date”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“(C) “CAREGIVER” MEANS:

(1) A PERSON WHO HAS AGREED TO ASSIST WITH A QUALIFYING PATIENT’S MEDICAL USE OF MARIJUANA; AND

(2) FOR A QUALIFIED PATIENT UNDER THE AGE OF 18 YEARS, A PARENT OR LEGAL GUARDIAN.”;

and in line 30, strike “(C)” and substitute “(D)”.

On page 3, in line 1, after “STAFF” insert “OR IS A MEMBER OF THE MEDICAL STAFF”; in lines 5, 7, 9, 12, and 21, strike “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively, and substitute “(E)”, “(F)”, “(G)”, “(H)”, and “(I)”, respectively; strike beginning with “IS” in line 13 down through “(I)” in line 16; in line 18, strike “OR”; in line 19, strike “(II)” and substitute “(2)”; and in line 20, after “CENTER” insert “; OR”.

(3) IF UNDER THE AGE OF 18 YEARS, HAS A CAREGIVER”.

On page 4, strike beginning with the colon in line 1 down through “**THE**” in line 5 and substitute “**THE**”; in line 18, strike “**AND**”; in line 19, strike “**AND REGULATE**”; and in the same line, after “**PHYSICIANS**” insert “**;**”

(6) PUBLISH AND DISSEMINATE ANY INFORMATION THAT RELATES TO THE MEDICAL USE OF MARIJUANA AND RELATED RESEARCH; AND

(7) RESEARCH ISSUES RELATED TO THE MEDICAL USE OF MARIJUANA.

(D) (1) THE COMMISSION SHALL:

(I) DEVELOP IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND CAREGIVERS; AND

(II) DEVELOP AND MAINTAIN A WEB SITE THAT PROVIDES A LIST OF CERTIFYING PHYSICIANS AND CONTACT INFORMATION FOR LICENSED MEDICAL MARIJUANA GROWERS.

(2) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE COMMISSION.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

1. THE INFORMATION TO BE INCLUDED ON AN IDENTIFICATION CARD;

2. THE METHOD THROUGH WHICH THE COMMISSION WILL DISTRIBUTE IDENTIFICATION CARDS; AND

3. THE METHOD THROUGH WHICH THE COMMISSION WILL TRACK IDENTIFICATION CARDS".

AMENDMENT NO. 3

On page 10, in line 17, after "APPROVE" insert "PHYSICIAN".

On page 11, after line 4, insert:

"(E) (1) A QUALIFYING PATIENT MAY BE A PATIENT OF THE CERTIFYING PHYSICIAN OR MAY BE REFERRED TO THE CERTIFYING PHYSICIAN.

(2) A CERTIFYING PHYSICIAN SHALL PROVIDE EACH WRITTEN CERTIFICATION TO THE COMMISSION.

(3) ON RECEIPT OF THE 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 PHYSICIAN MAY DISCUSS MEDICAL MARIJUANA WITH A QUALIFYING PATIENT.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A QUALIFYING PATIENT OR CAREGIVER MAY OBTAIN MEDICAL MARIJUANA ONLY FROM A LICENSED GROWER.

(II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY OBTAIN MEDICAL MARIJUANA ONLY THROUGH THE QUALIFYING PATIENT’S CAREGIVER.”;

and in lines 5, 16, and 21, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(F)”, “(G)”, and “(H)”, respectively.

On page 12, in line 6, after “(2)” insert “(I)”; in line 6, strike “five” and substitute “10”; after line 7, insert:

“(II) 1. A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR 5 YEARS ON INITIAL LICENSURE.

2. A MEDICAL MARIJUANA GROWER LICENSE IS VALID FOR 10 YEARS ON RENEWAL.

(III) AN APPLICATION TO OPERATE AS A MEDICAL MARIJUANA GROWER MAY BE SUBMITTED IN PAPER OR ELECTRONIC FORM.”;

in line 8, after “(3)” insert “(I)”; in line 9, after the second “MARIJUANA” insert “, INCLUDING STRAINS WITH HIGH CANNABIDIOL CONTENT,”; and after line 11, insert:

“(II) THE COMMISSION SHALL ENCOURAGE LICENSING MEDICAL MARIJUANA GROWERS THAT PREPARE MEDICAL MARIJUANA IN A RANGE OF ROUTES OF ADMINISTRATION.

(III) 1. THE COMMISSION SHALL SEEK TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN LICENSING MEDICAL MARIJUANA GROWERS.

2. BEGINNING JUNE 1, 2016, A GROWER LICENSED UNDER THIS SUBTITLE TO OPERATE AS A MEDICAL MARIJUANA GROWER SHALL REPORT ANNUALLY TO THE COMMISSION ON THE MINORITY OWNERS AND EMPLOYEES OF THE GROWER.

(IV) 1. AN ENTITY SEEKING LICENSURE AS A MEDICAL MARIJUANA GROWER SHALL MEET LOCAL ZONING AND PLANNING REQUIREMENTS.

2. THE COMMISSION MAY NOT SET SITE OR PLANNING REQUIREMENTS FOR MEDICAL MARIJUANA GROWERS BEYOND THE REQUIREMENTS SET BY THE LOCAL AUTHORITY.”.

On page 12, after line 17, insert:

“(C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER’S FACILITY OR AT A SATELLITE FACILITY OF THE GROWER.

(2) A QUALIFYING PATIENT MAY OBTAIN MEDICAL MARIJUANA FROM A GROWER’S FACILITY OR FROM A SATELLITE FACILITY OF THE GROWER.

(D) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION SHALL ENSURE THAT SAFETY PRECAUTIONS ESTABLISHED BY THE COMMISSION ARE FOLLOWED BY ANY FACILITY OPERATED BY THE GROWER.”;

and in lines 18, 21, and 23, strike “(c)”, “(d)”, and “(e)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively.

AMENDMENT NO. 4

On page 13, strike beginning with “AUTHORIZED” in line 4 down through “SUBTITLE” in line 5 and substitute “DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY SUPPLY”; in line 12, strike “OR”; and in line 13, after “PHYSICIAN” insert “;

(5) A CAREGIVER; OR

(6) A HOSPITAL OR HOSPICE PROGRAM WHERE A CERTIFYING PHYSICIAN IS ON STAFF OR IS A MEMBER OF THE MEDICAL STAFF”.

AMENDMENT NO. 5

On page 14, after line 15, insert:

“(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL OR HOSPICE PROGRAM TO REPORT TO THE COMMISSION ANY DISCIPLINARY ACTION TAKEN BY THE HOSPITAL OR HOSPICE PROGRAM AGAINST A CERTIFYING PHYSICIAN, INCLUDING THE REVOCATION OF PRIVILEGES, AFTER THE REGISTRATION OF THE CERTIFYING PHYSICIAN WITH THE COMMISSION.”;

in line 26, strike “THE” and substitute “ON OR BEFORE SEPTEMBER 15, 2014, THE”; and in line 29, strike “July” and substitute “June”.