

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 881
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “registration” and substitute “approval”; in line 7, strike “Commission to develop and maintain a certain Web site” and substitute “Department of Health and Mental Hygiene to adopt certain regulations”; in line 12, strike “registered” and substitute “approved”; and in line 14, after “applications;” insert “prohibiting a certifying physician and certain family members of a certifying physician from being employed by, receiving any compensation or gifts from, or having any financial interest in a medical marijuana grower or a medical marijuana treatment center;”.

On page 2, in line 6, strike “licensed grower” and substitute “medical treatment center licensed by the Commission”; strike beginning with “providing” in line 12 down through “actions;” in line 13; in line 16, after “license;” insert “altering the entities to which a licensed medical marijuana grower may provide marijuana;”; in line 16, strike “renewed” and substitute “a renewal”; in line 18, after “grower;” insert “requiring the Commission to set certain standards for licensure; requiring each medical marijuana grower agent to obtain a criminal history records check;”; in line 20, after “to” insert “actively”; in line 21, after “diversity” insert “and to encourage certain applicants”; strike beginning with “prohibiting” in line 25 down through “requirements” in line 26 and substitute “prohibiting a medical marijuana grower agent and certain family members of a medical marijuana grower agent from being employed by, receiving any compensation or gifts from, or having any financial interest in a certifying physician or a medical marijuana treatment center”; strike beginning with the second “to” in line 27 down through “facilities;” in line 29 and substitute “only to certain programs and certain licensed medical marijuana treatment centers;”; in line 31, after “facilities;” insert “requiring a medical marijuana treatment center to be licensed by the Commission; requiring an applicant to be licensed as a medical marijuana treatment center to submit to the Commission a certain application fee and a certain application;”.

(Over)

authorizing the Commission, during a certain time period, to issue a certain number of licenses; authorizing the Commission, under certain circumstances, to increase the number of licensed medical marijuana treatment centers; prohibiting a medical marijuana treatment center agent and certain family members of a medical marijuana treatment center agent from being employed by, receiving any compensation or gifts from, or having any financial interest in a certifying physician or a medical marijuana grower; prohibiting certain entities and agents from being arrested or penalized for certain actions; requiring that medical marijuana treatment center agents meet certain qualifications; requiring medical marijuana treatment centers to apply to the Commission for registration cards for certain agents by submitting certain information; requiring, under certain circumstances, medical marijuana treatment centers to notify the Commission and return registration cards of certain agents to the Commission within a certain time period; requiring the Commission, on receipt of a certain notice, to immediately revoke certain registrations and, under certain circumstances, notify the Department of State Police that certain registration cards have not been returned; prohibiting the Commission from registering certain persons as medical marijuana treatment center agents; requiring an applicant for certain criminal history records checks to submit to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services certain sets of fingerprints and certain fees; requiring the Central Repository to forward to the Commission and the applicant certain information; authorizing, under certain circumstances, the Commission to accept an alternate method of criminal history records checks as permitted by certain individuals; providing that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for a certain purpose; authorizing the subject of a certain criminal history records check to contest the contents of a certain statement;”; and in line 38, after “date” insert “; requiring the Commission to report to certain committees of the General Assembly on or before a certain date each year on incidents of marijuana use by minors; requiring the Commission to study and report its recommendations to the General Assembly on how to provide access to medical marijuana for certain veterans”.

On page 3, in line 3, strike “and 13-3313” and substitute “, 13-3310, 13-3311, 13-3312, and 13-3316”.

AMENDMENT NO. 2

On page 3, in line 27, after the semicolon insert “AND”; strike beginning with “ON” in line 28 down through “WITH” in line 30 and substitute “APPROVED BY”; and in line 31, after “USE” insert “IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION”.

On page 4, after line 4, insert:

“(G) “MEDICAL MARIJUANA GROWER AGENT” MEANS AN OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A MEDICAL MARIJUANA GROWER LICENSED UNDER THIS SUBTITLE.

“(H) “MEDICAL MARIJUANA TREATMENT CENTER” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, RELATED PRODUCTS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.

“(I) “MEDICAL MARIJUANA TREATMENT CENTER AGENT” MEANS AN OWNER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A MEDICAL MARIJUANA TREATMENT CENTER.”;

in lines 5, 8, and 19, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(J)”, “(K)”, and “(L)”, respectively; in line 13, before “HAS” insert “(I)”; in line 15, after “RELATIONSHIP;” insert “OR”; in lines 16 and 18, strike “(2)” and “(3)”, respectively,

(Over)

and substitute “**(II)**” and “**(2)**”, respectively; and in line 17, strike “**OR**” and substitute “**AND**”.

AMENDMENT NO. 3

On page 5, in line 18, strike “**REGISTER**” and substitute “**APPROVE**”; strike beginning with the colon in line 23 down through “**DEVELOP**” in line 24 and substitute “**DEVELOP**”; and strike beginning with “**; AND**” in line 25 down through “**GROWERS**” in line 28.

AMENDMENT NO. 4

On page 11, in line 25, strike “**REGISTERED**” and substitute “**APPROVED**”.

On page 12, in line 18, strike “**OR CHRONIC**”; in lines 23 and 24, strike “**RESISTANT TO CONVENTIONAL MEDICINE**” and substitute “**FOR WHICH OTHER MEDICAL TREATMENTS HAVE BEEN INEFFECTIVE**”; after line 25, insert:

“(E) A CERTIFYING PHYSICIAN OR A SPOUSE, PARENT, OR CHILD OF A CERTIFYING PHYSICIAN MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A MEDICAL MARIJUANA GROWER OR A MEDICAL MARIJUANA TREATMENT CENTER.”;

and in line 26, strike “**(E)**” and substitute “**(F)**”.

On page 13, in line 1, strike “**THE**” and substitute “**A**”; in line 9, strike “**LICENSED GROWER**” and substitute “**MEDICAL MARIJUANA TREATMENT CENTER LICENSED BY THE COMMISSION**”; and in lines 13 and 24, strike “**(F)**” and “**(G)**”, respectively, and substitute “**(G)**” and “**(H)**”, respectively.

On pages 13 and 14, strike in their entirety the lines beginning with line 29 on page 13 through line 2 on page 14, inclusive.

AMENDMENT NO. 5

On page 14, in line 10, after “growers” insert “THAT MEET ALL REQUIREMENTS ESTABLISHED BY THE COMMISSION”; in line 11, strike “programs” and substitute “:

(I) PROGRAMS”;

in line 12, after “subtitle” insert “; **AND**

(II) MEDICAL MARIJUANA TREATMENT CENTERS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE”;

in line 13, strike “**(I)**”; strike beginning with “may” in line 13 down through the second bracket in line 14 and substitute “SHALL ISSUE THE NUMBER OF LICENSES NECESSARY TO MEET THE DEMAND FOR MEDICAL MARIJUANA BY QUALIFYING PATIENTS AND CAREGIVERS ISSUED IDENTIFICATION CARDS UNDER THIS SUBTITLE IN AN AFFORDABLE, ACCESSIBLE, SECURE, AND EFFICIENT MANNER”; after line 14, insert:

“(3) THE COMMISSION SHALL SET STANDARDS FOR LICENSURE AS A MEDICAL MARIJUANA GROWER TO ENSURE PUBLIC SAFETY AND SAFE ACCESS TO MEDICAL MARIJUANA, WHICH MAY INCLUDE A REQUIREMENT FOR THE POSTING OF SECURITY.

(4) EACH MEDICAL MARIJUANA GROWER AGENT SHALL OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.”;

in lines 15 and 19, strike “(II)” and “(III)”, respectively, and substitute “(5)” and “(6)”, respectively; in lines 15 and 17, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 16, strike “5” and substitute “2”; in line 18, strike “10” and substitute “2”; in line 21, strike “(3)” and substitute “(7)”; in line 28, strike “(III)” and substitute “(8)”; in the same line, strike “1.” and substitute “(I)”; in the same line, after “SHALL” insert “:

1. ACTIVELY;

and in line 30, after “GROWERS” insert “; AND”

2. ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

On page 15, in line 1, strike “2.” and substitute “(II)”; in line 5, strike “(IV) 1.” and substitute “(9)”; strike in their entirety lines 8 through 10, inclusive, and substitute:

“(10) A MEDICAL MARIJUANA GROWER AGENT OR A SPOUSE, PARENT, OR CHILD OF A MEDICAL MARIJUANA GROWER AGENT MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A CERTIFYING PHYSICIAN OR A MEDICAL MARIJUANA TREATMENT CENTER.”;

strike in their entirety lines 11 through 16, inclusive; in lines 17, 22, 25, 28, and 30, strike “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively, and substitute “(B)”, “(C)”, “(D)”, “(E)”, and “(F)”, respectively; in line 17, strike “(1)”; strike beginning with

“DISTRIBUTE” in line 18 down through “GROWER” in line 19 and substitute “PROVIDE MARIJUANA ONLY TO:

(1) PROGRAMS APPROVED FOR OPERATION UNDER THIS SUBTITLE; AND

(2) MEDICAL MARIJUANA TREATMENT CENTERS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE”;

and strike in their entirety lines 20 and 21.

AMENDMENT NO. 6

On page 15, after line 31, insert:

“13-3310.

(A) A MEDICAL MARIJUANA TREATMENT CENTER SHALL BE LICENSED BY THE COMMISSION.

(B) TO BE LICENSED AS A MEDICAL MARIJUANA TREATMENT CENTER, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:

(1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE DEPARTMENT CONSISTENT WITH THIS SUBTITLE; AND

(2) AN APPLICATION THAT INCLUDES:

(I) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED MEDICAL MARIJUANA TREATMENT CENTER;

(Over)

(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND EACH DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A MEDICAL MARIJUANA TREATMENT CENTER THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED; AND

(III) OPERATING PROCEDURES THAT THE MEDICAL MARIJUANA TREATMENT CENTER WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF MARIJUANA ONLY IN ENCLOSED AND LOCKED FACILITIES.

(C) A MEDICAL MARIJUANA TREATMENT CENTER AGENT OR A SPOUSE, PARENT, OR CHILD OF A MEDICAL MARIJUANA TREATMENT CENTER AGENT MAY NOT BE EMPLOYED BY, RECEIVE ANY COMPENSATION OR GIFTS FROM, OR HAVE ANY FINANCIAL INTEREST IN A CERTIFYING PHYSICIAN OR A MEDICAL MARIJUANA GROWER.

(D) (1) IN THE FIRST YEAR AFTER DECEMBER 15, 2014, THE COMMISSION MAY ISSUE LICENSES FOR NO MORE THAN TWO MEDICAL MARIJUANA TREATMENT CENTERS PER LEGISLATIVE DISTRICT, EXCEPT THAT THE COMMISSION MAY ISSUE ADDITIONAL LICENSES TO ENSURE THAT THERE IS AT LEAST ONE MEDICAL MARIJUANA TREATMENT CENTER IN EACH COUNTY.

(2) IF THE COMMISSION DETERMINES ON OR AFTER DECEMBER 15, 2016, THAT THE NUMBER OF MEDICAL MARIJUANA TREATMENT CENTERS IS INSUFFICIENT TO MEET THE NEEDS OF QUALIFYING PATIENTS, THE COMMISSION MAY INCREASE THE NUMBER OF LICENSED MEDICAL MARIJUANA TREATMENT CENTERS.

(E) A MEDICAL MARIJUANA TREATMENT CENTER LICENSED UNDER THIS SECTION OR A MEDICAL MARIJUANA TREATMENT CENTER AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING, TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING MARIJUANA, PRODUCTS CONTAINING MARIJUANA, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.

13-3311.

(A) A MEDICAL MARIJUANA TREATMENT CENTER AGENT SHALL:

(1) BE AT LEAST 21 YEARS OLD;

(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK AT A MEDICAL MARIJUANA TREATMENT CENTER; AND

(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(B) A MEDICAL MARIJUANA TREATMENT CENTER SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH MEDICAL MARIJUANA TREATMENT CENTER AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(C) (1) WITHIN 1 BUSINESS DAY AFTER A MEDICAL MARIJUANA TREATMENT CENTER AGENT CEASES TO BE ASSOCIATED WITH A MEDICAL

MARIJUANA TREATMENT CENTER, THE MEDICAL MARIJUANA TREATMENT CENTER SHALL:

(I) NOTIFY THE COMMISSION; AND

(II) RETURN THE MEDICAL MARIJUANA TREATMENT CENTER AGENT'S REGISTRATION CARD TO THE COMMISSION.

(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE MEDICAL MARIJUANA TREATMENT CENTER AGENT; AND

(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(D) THE COMMISSION MAY NOT REGISTER A PERSON WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A MEDICAL MARIJUANA TREATMENT CENTER AGENT.

13-3312.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE COMMISSION AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE COMMISSION MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

(1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(2) USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED BY THIS SUBTITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY, AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.;

and in line 32, strike “**13-3310.**” and substitute “**13-3313.**”.

On page 16, in line 32, strike “**13-3311.**” and substitute “**13-3314.**”.

On page 17, in line 30, strike “**13-3312.**” and substitute “**13-3315.**”.

On page 18, in line 7, strike “**13-3313.**” and substitute “**13-3316.**”.

AMENDMENT NO. 7

On page 16, in line 20, strike “OR”; after line 20, insert:

“(6) A MEDICAL MARIJUANA TREATMENT CENTER LICENSED UNDER § 13-3310 OF THIS SUBTITLE OR A MEDICAL MARIJUANA TREATMENT CENTER AGENT REGISTERED UNDER § 13-3311 OF THIS SUBTITLE; OR”;

in line 21, strike “(6)” and substitute “(7)”; and strike beginning with “CERTIFYING” in line 21 down through the second “STAFF” in line 22 and substitute “QUALIFYING PATIENT IS RECEIVING TREATMENT”.

AMENDMENT NO. 8

On page 18, after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1 of each year, the Natalie M. LaPrade Medical Marijuana Commission and the Department of Health and Mental Hygiene shall report to the Senate Judicial Proceedings Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Judiciary Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on incidents of marijuana use by minors in Maryland, including an examination of whether any increase in marijuana use by minors may be attributed to this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Natalie M. LaPrade Medical Marijuana Commission shall study and report its recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly on how to provide access to medical marijuana for veterans who are receiving treatment at a medical facility operating under the auspices of the United States Veterans Health Administration, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, or any other facility in the State certified by the United States Department of Veterans Affairs Medical Center.”;

and in line 10, strike “2.” and substitute “4.”.