

HOUSE BILL 881

J1

4lr1079
CF SB 923

By: Delegates Glenn, Morhaim, Anderson, Arora, Barve, Bobo, Boteler, Branch, Braveboy, Cane, Cardin, Carr, Carter, Clagett, Cullison, Donoghue, Dumais, Dwyer, Elliott, Frank, Fraser-Hidalgo, Glass, Glenn, Guzzone, Haynes, Hixson, Hogan, Hubbard, Hucker, Ivey, Kach, A. Kelly, Lafferty, McIntosh, McMillan, A. Miller, Minnick, Mizeur, Murphy, Niemann, Oaks, Ready, Reznik, B. Robinson, S. Robinson, Smigiel, Stein, Swain, Tarrant, F. Turner, V. Turner, Valderrama, Waldstreicher, M. Washington, Weir, ~~and Zucker~~ 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

Introduced and read first time: February 5, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering the purpose of the Natalie M. LaPrade Medical Marijuana
4 Commission to include the registration ~~and regulation~~ of certain physicians, the
5 publishing and dissemination of certain information, and the research of certain
6 issues; requiring the Commission to develop certain identification cards;
7 requiring the Commission to develop and maintain a certain Web site;
8 authorizing the Commission to set reasonable fees to cover certain costs;
9 altering the contents of the Natalie M. LaPrade Medical Marijuana Commission
10 Fund to include certain fees collected by the Commission; requiring the
11 Commission to approve certain individuals as certifying physicians; requiring a
12 physician to submit a certain proposal to the Commission to be registered as a
13 certifying physician; encouraging and authorizing the Commission to approve
14 certain applications; providing that a qualifying patient may be a patient of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certifying physician or referred to the certifying physician; requiring a certifying
2 physician to provide each written certification to the Commission; requiring the
3 Commission to issue certain identification cards under certain circumstances;
4 authorizing a certifying physician to discuss medical marijuana with certain
5 patients; providing that certain qualifying patients and caregivers may obtain
6 medical marijuana only from a licensed grower; providing that certain
7 qualifying patients may obtain medical marijuana only through the patient's
8 caregiver; requiring each certifying physician to submit a certain annual report
9 to the Commission; authorizing a certifying physician to apply for a renewal of a
10 registration on a certain basis; requiring the Commission to grant or deny a
11 renewal of a registration based on a certifying physician's performance in
12 complying with certain regulations; providing that a certifying physician shall
13 be protected from certain penalties for certain actions; altering the contents of a
14 certain report the Commission is required to make to the Governor and General
15 Assembly each year; altering the number of medical marijuana growers the
16 Commission may license; providing for the term of an initial and renewed
17 medical marijuana grower license; providing for the form of an application to
18 operate as a medical marijuana grower; encouraging the Commission to license
19 medical marijuana growers that grow certain strains of marijuana and prepare
20 marijuana in a range of routes of administration; requiring the Commission to
21 seek to achieve racial, ethnic, and geographic diversity when licensing medical
22 marijuana growers; requiring certain growers to submit a certain annual report
23 to the Commission beginning on a certain date; requiring an entity seeking
24 licensure as a medical marijuana grower to meet local zoning and planning
25 requirements; prohibiting the Commission from setting certain site and
26 planning requirements; authorizing an entity licensed to grow marijuana under
27 certain provisions of law to provide marijuana to certain patients or certain
28 caregivers and to distribute marijuana at certain facilities; authorizing a
29 qualifying patient to obtain marijuana from certain facilities; requiring an
30 entity licensed to grow marijuana under certain provisions of law to ensure that
31 certain safety precautions are followed by certain facilities; adding to the
32 persons that may not be subject to arrest, prosecution, or certain penalties, or
33 be denied any right or privilege, for the medical use of marijuana; providing
34 that a person may not distribute, possess, manufacture, or use marijuana that
35 has been diverted from a qualifying patient; providing that this Act may not be
36 construed to require a hospital or hospice program to report certain information
37 to the Commission; requiring the Commission to adopt certain regulations on or
38 before a certain date; defining certain terms; making certain conforming
39 changes; and generally relating to the Natalie M. LaPrade Medical Marijuana
40 Commission and medical marijuana.

41 BY repealing and reenacting, with amendments,

42 Article – Health – General

43 Section 13–3301 through 13–3303 and 13–3307 through 13–3311

44 Annotated Code of Maryland

45 (2009 Replacement Volume and 2013 Supplement)

1 BY adding to
 2 Article – Health – General
 3 Section 13–3307 and 13–3313
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Health – General
 8 Section 13–3304 through 13–3306
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2013 Supplement)

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

13 **Article – Health – General**

14 13–3301.

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

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

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

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

20 **(c) “CAREGIVER” MEANS:**

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

23 **(2) FOR A QUALIFIED PATIENT UNDER THE AGE OF 18 YEARS, A**
 24 **PARENT OR LEGAL GUARDIAN.**

25 **(d) “CERTIFYING PHYSICIAN” MEANS AN INDIVIDUAL WHO:**

26 **(1) IS LICENSED BY THE STATE BOARD OF PHYSICIANS UNDER**
 27 **TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE;**

28 **(2) IS ON STAFF OR IS A MEMBER OF THE MEDICAL STAFF AT A**
 29 **HOSPITAL OR WITH A HOSPICE PROGRAM IN THE STATE; AND**

30 **(3) REGISTERS WITH THE COMMISSION TO MAKE MARIJUANA**
 31 **AVAILABLE TO PATIENTS FOR MEDICAL USE.**

1 [(c)] ~~(D)~~ (E) “Commission” means the Natalie M. LaPrade Medical Marijuana
2 Commission established under this subtitle.

3 [(d)] ~~(E)~~ (F) “Fund” means the Natalie M. LaPrade Medical Marijuana
4 Commission Fund established under § 13–3303 of this subtitle.

5 [(e)] ~~(F)~~ (G) “Program” means an investigational use–type program overseen by
6 an academic medical center through which marijuana is made available to patients for
7 medical use.

8 ~~(G)~~ (H) **“QUALIFYING PATIENT” MEANS A RESIDENT OF THE STATE**
9 **WHO:**

10 (1) ~~IS AT LEAST 18 YEARS OLD, UNLESS THE COMMISSION~~
11 ~~GRANTS AN EXCEPTION AT THE RECOMMENDATION OF THE PATIENT’S~~
12 ~~CERTIFYING PHYSICIAN; AND~~

13 ~~(2)~~ ~~(I)~~ **HAS BEEN PROVIDED WITH A WRITTEN CERTIFICATION**
14 **BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH A BONA FIDE**
15 **PHYSICIAN–PATIENT RELATIONSHIP; ~~OR~~**

16 ~~(H)~~ (2) **IS ENROLLED IN A RESEARCH PROGRAM WITH A**
17 **REGISTERED ACADEMIC MEDICAL CENTER; OR**

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

19 ~~(H)~~ (I) **“WRITTEN CERTIFICATION” MEANS A CERTIFICATION THAT:**

20 (1) **IS ISSUED BY A CERTIFYING PHYSICIAN TO A QUALIFYING**
21 **PATIENT WITH WHOM THE PHYSICIAN HAS A BONA FIDE PHYSICIAN–PATIENT**
22 **RELATIONSHIP; AND**

23 (2) **INCLUDES A WRITTEN STATEMENT CERTIFYING THAT, IN THE**
24 **PHYSICIAN’S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL**
25 **ASSESSMENT OF THE PATIENT’S MEDICAL HISTORY AND CURRENT MEDICAL**
26 **CONDITION, THE PATIENT HAS A CONDITION:**

27 (I) **THAT MEETS THE INCLUSION CRITERIA AND DOES NOT**
28 **MEET THE EXCLUSION CRITERIA OF THE CERTIFYING PHYSICIAN’S**
29 **APPLICATION; AND**

30 (II) **FOR WHICH:**

1 ~~1. RECOGNIZED DRUGS OR TREATMENT WOULD NOT~~
2 ~~BE EFFECTIVE OR OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE~~
3 ~~EFFECTS OR A GREATER RISK OF ADDICTION; AND~~

4 ~~2. THE THE POTENTIAL BENEFITS OF THE MEDICAL~~
5 ~~USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE~~
6 ~~PATIENT.~~

7 13-3302.

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

9 (b) The Commission is an independent commission that functions within the
10 Department.

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

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

14 (2) Approve or deny applications for programs;

15 (3) Approve or deny applications for renewal of programs; [and]

16 (4) Monitor and oversee programs approved for operation under this
17 subtitle; ~~AND~~

18 (5) ~~REGISTER AND REGULATE CERTIFYING PHYSICIANS;~~

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

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

23 (D) (1) THE COMMISSION SHALL:

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

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

1 **(2) (i) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**
2 **ESTABLISH THE REQUIREMENTS FOR IDENTIFICATION CARDS PROVIDED BY THE**
3 **COMMISSION.**

4 **(ii) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH**
5 **(i) OF THIS PARAGRAPH SHALL INCLUDE:**

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

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

10 **3. THE METHOD THROUGH WHICH THE COMMISSION**
11 **WILL TRACK IDENTIFICATION CARDS.**

12 13-3303.

13 (a) The Commission consists of the following 12 members:

14 (1) The Secretary of Health and Mental Hygiene, or the Secretary's
15 designee; and

16 (2) The following 11 members, appointed by the Governor:

17 (i) One member of the public who supports the use of
18 marijuana for medical purposes and who is or was a patient who found relief from the
19 use of medical marijuana;

20 (ii) One member of the public designated by the Maryland
21 Chapter of the National Council on Alcoholism and Drug Dependence;

22 (iii) Three physicians licensed in the State who specialize in
23 addiction, pain, oncology, neurology, or clinical research;

24 (iv) One nurse licensed in the State who has experience in
25 hospice care, nominated by a State research institution or trade association;

26 (v) One pharmacist licensed in the State, nominated by a State
27 research institution or trade association;

28 (vi) One scientist who has experience in the science of
29 marijuana, nominated by a State research institution;

30 (vii) One representative of the Maryland State's Attorneys'
31 Association;

1 (viii) One representative of the Maryland Chiefs of Police; and

2 (ix) An attorney who is knowledgeable about medical marijuana
3 laws in the United States.

4 (b) (1) The term of a member is 4 years.

5 (2) The terms of the members are staggered as required by the terms
6 provided for members on October 1, 2013.

7 (3) At the end of a term, a member continues to serve until a successor
8 is appointed and qualifies.

9 (4) A member may not serve more than three consecutive full terms.

10 (5) A member who is appointed after a term has begun serves only for
11 the rest of the term and until a successor is appointed and qualifies.

12 (c) The Governor shall designate the chair from among the members of the
13 Commission.

14 (d) A majority of the full authorized membership of the Commission is a
15 quorum.

16 (e) A member of the Commission:

17 (1) May not receive compensation as a member of the Commission; but

18 (2) Is entitled to reimbursement for expenses under the Standard
19 State Travel Regulations, as provided in the State budget.

20 (f) The Commission may employ a staff, including contractual staff, in
21 accordance with the State budget.

22 **(G) THE COMMISSION MAY SET REASONABLE FEES TO COVER THE**
23 **COSTS OF OPERATING THE COMMISSION.**

24 **[(g)] (H)** (1) There is a Natalie M. LaPrade Medical Marijuana
25 Commission Fund.

26 (2) The Commission shall administer the Fund.

27 (3) The Fund is a special continuing, nonlapsing fund that is not
28 subject to § 7-302 of the State Finance and Procurement Article.

1 (4) The State Treasurer shall hold the Fund separately, and the
2 Comptroller shall account for the Fund.

3 (5) The Fund shall be invested and reinvested in the same manner as
4 other State funds, and any investment earnings shall be retained to the credit of the
5 Fund.

6 (6) The Fund shall be subject to an audit by the Office of Legislative
7 Audits as provided for in § 2–1220 of the State Government Article.

8 (7) The Comptroller shall pay out money from the Fund as directed by
9 the Commission.

10 (8) The Fund consists of:

11 (i) Any money appropriated in the State budget to the Fund;

12 (ii) Any other money from any other source accepted for the
13 benefit of the Fund, in accordance with any conditions adopted by the Commission for
14 the acceptance of donations or gifts to the Fund; **AND**

15 **(III) ANY FEES COLLECTED BY THE COMMISSION UNDER**
16 **THIS SUBTITLE.**

17 (9) No part of the Fund may revert or be credited to:

18 (i) The General Fund of the State; or

19 (ii) Any other special fund of the State.

20 (10) Expenditures from the Fund may be made only in accordance with
21 the State budget.

22 13–3304.

23 (a) The Commission shall issue at least annually a request for applications
24 for academic medical centers to operate medical marijuana compassionate use
25 programs.

26 (b) An application submitted by an academic medical center to operate a
27 program under this subtitle shall:

28 (1) Specify the medical conditions to be treated under the program to
29 be operated by the academic medical center, proposed on the basis of evidence;

30 (2) Specify the criteria by which the academic medical center will
31 include and exclude patients from participation in the program;

1 (3) Specify how patients will be assessed for addiction before and
2 during treatment using marijuana through the program;

3 (4) Describe the source of the marijuana to be used in a program and
4 include scientific details of the type of marijuana to be used in the program;

5 (5) Specify the length of treatment and dosage permitted under the
6 program;

7 (6) Describe how health care providers will be eligible to participate in
8 the program and what training they will receive;

9 (7) Include a description of whether and how caregivers will interact
10 with patients participating in the program;

11 (8) Demonstrate approval of the program by the academic medical
12 center's institutional review board;

13 (9) Describe the plan for defining and monitoring the success or failure
14 of treatment using marijuana through the program;

15 (10) Include a plan for monitoring aggregate data and outcomes and
16 publishing results from the program, as appropriate;

17 (11) Include a description of the sources of funding for the program,
18 including any research grants;

19 (12) Describe any required training for health care providers and
20 patients participating in the program on diversion-related issues;

21 (13) Describe steps the academic medical center will take to prevent
22 and monitor for diversion and address violations of its diversion policy;

23 (14) Describe how the program will dispose of any unused marijuana;
24 and

25 (15) Describe how the academic medical center and the program will
26 meet any other criteria established by the Commission related to diversion or other
27 aspects of programs overseen by the Commission.

28 (c) The Commission shall set application fees and renewal fees that cover its
29 expenses in reviewing and approving applications and providing oversight to
30 programs.

31 13-3305.

1 (a) The Commission shall establish an application review process that
2 includes reviewers with expertise in scientific research and analysis, medical training,
3 and law enforcement.

4 (b) The reviewers shall:

5 (1) Review, evaluate, and rate applications for medical marijuana
6 compassionate use programs submitted by academic medical centers based on the
7 procedures and guidelines established by the Commission; and

8 (2) Make recommendations to the Commission, based on the ratings
9 awarded to proposals by the reviewers, for approval of applications from medical
10 marijuana compassionate use programs.

11 (c) The Commission may grant a 1-year approval to a program, which may
12 be renewed by the Commission.

13 (d) The Commission may approve no more than five programs to operate at
14 one time.

15 13-3306.

16 (a) (1) An academic medical center approved to operate a program under
17 this subtitle shall provide to the Commission updated data each day on patients and
18 caregivers participating in each program overseen by the academic medical center.

19 (2) The Commission shall make the data available in real time to law
20 enforcement.

21 (b) An academic medical center operating a program approved under this
22 subtitle may use marijuana obtained only from:

23 (1) The federal government; or

24 (2) A medical marijuana grower licensed under this subtitle.

25 (c) If an academic medical center utilizes caregivers as part of a program
26 approved under this subtitle, the academic medical center shall:

27 (1) Limit the number of patients a caregiver is allowed to serve to no
28 more than five; and

29 (2) Limit the number of caregivers that serve a particular patient to
30 no more than two.

1 (d) An academic medical center operating a program approved under this
2 subtitle shall report annually to the Commission, in the form specified by the
3 Commission, on:

4 (1) The number of patients served through the program;

5 (2) The county of residence of the patients served by the program;

6 (3) The conditions treated under the program;

7 (4) Any outcomes data on the results of treatment through the
8 program; and

9 (5) Any research studies conducted under the program.

10 (e) An academic medical center operating a program approved under this
11 subtitle shall apply annually to the Commission for renewal of approval of the
12 program, in accordance with any procedures established by the Commission.

13 (f) An academic medical center operating a program approved under this
14 subtitle is subject to inspection by the Commission to ensure that the program is
15 operating according to the conditions of approval established by the Commission.

16 (g) The Commission may rescind approval of a program if the Commission
17 finds that the program is not in compliance with the conditions of approval established
18 by the Commission.

19 **13-3307.**

20 (A) **THE COMMISSION SHALL APPROVE AS A CERTIFYING PHYSICIAN AN**
21 **INDIVIDUAL WHO:**

22 (1) **MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

23 (2) **SUBMITS APPLICATION MATERIALS THAT ARE SATISFACTORY**
24 **TO THE COMMISSION.**

25 (B) **TO BE REGISTERED AS A CERTIFYING PHYSICIAN, A PHYSICIAN**
26 **SHALL SUBMIT A PROPOSAL TO THE COMMISSION THAT INCLUDES:**

27 (1) **THE REASONS FOR INCLUDING A PATIENT UNDER THE CARE**
28 **OF THE PHYSICIAN FOR THE PURPOSES OF THIS SUBTITLE, INCLUDING THE**
29 **PATIENT'S QUALIFYING MEDICAL CONDITIONS;**

1 **(2) THE REASONS THE PHYSICIAN WILL USE TO EXCLUDE**
2 **PATIENTS FROM THE CARE OF THE PHYSICIAN FOR THE PURPOSES OF THIS**
3 **SUBTITLE;**

4 **(3) THE PHYSICIAN'S PLAN FOR SCREENING A PATIENT FOR**
5 **DEPENDENCE, BOTH BEFORE AND AFTER THE QUALIFYING PATIENT IS ISSUED A**
6 **WRITTEN CERTIFICATION; AND**

7 **(4) THE PHYSICIAN'S PLAN FOR THE ONGOING ASSESSMENT AND**
8 **FOLLOW-UP CARE OF A PATIENT AND FOR COLLECTING AND ANALYZING DATA.**

9 **(C) THE COMMISSION IS ENCOURAGED TO APPROVE PHYSICIAN**
10 **APPLICATIONS FOR THE FOLLOWING MEDICAL CONDITIONS:**

11 **(1) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
12 **CONDITION THAT RESULTS IN A PATIENT BEING ADMITTED INTO HOSPICE OR**
13 **RECEIVING PALLIATIVE CARE; OR**

14 **(2) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL**
15 **CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR**
16 **MEDICAL CONDITION THAT PRODUCES:**

17 **(I) CACHEXIA, ANOREXIA, OR WASTING SYNDROME;**

18 **(II) SEVERE OR CHRONIC PAIN;**

19 **(III) SEVERE NAUSEA;**

20 **(IV) SEIZURES; OR**

21 **(V) SEVERE OR PERSISTENT MUSCLE SPASMS.**

22 **(D) THE COMMISSION MAY APPROVE APPLICATIONS THAT INCLUDE**
23 **ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL**
24 **MEDICINE IF THE SYMPTOMS REASONABLY CAN BE EXPECTED TO BE RELIEVED**
25 **BY THE MEDICAL USE OF MARIJUANA.**

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

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

1 **(3) ON RECEIPT OF THE WRITTEN CERTIFICATION PROVIDED**
2 **UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ISSUE**
3 **AN IDENTIFICATION CARD TO EACH QUALIFYING PATIENT OR CAREGIVER**
4 **NAMED IN THE WRITTEN CERTIFICATION.**

5 **(4) A CERTIFYING PHYSICIAN MAY DISCUSS MEDICAL MARIJUANA**
6 **WITH A QUALIFYING PATIENT.**

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

10 **(II) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS**
11 **MAY OBTAIN MEDICAL MARIJUANA ONLY THROUGH THE QUALIFYING PATIENT'S**
12 **CAREGIVER.**

13 ~~(E)~~ **(F) (1) EACH CERTIFYING PHYSICIAN SHALL SUBMIT AN**
14 **ANNUAL REPORT TO THE COMMISSION.**

15 **(2) THE ANNUAL REPORT SHALL INCLUDE:**

16 **(I) THE NUMBER OF PATIENTS SERVED;**

17 **(II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;**

18 **(III) ANY MEDICAL CONDITION FOR WHICH MEDICAL**
19 **MARIJUANA WAS RECOMMENDED; AND**

20 **(IV) A SUMMARY OF CLINICAL OUTCOMES, INCLUDING**
21 **ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.**

22 **(3) THE ANNUAL REPORT MAY NOT INCLUDE ANY PERSONAL**
23 **INFORMATION THAT IDENTIFIES A PATIENT.**

24 ~~(F)~~ **(G) (1) A CERTIFYING PHYSICIAN MAY APPLY BIENNIALLY FOR**
25 **A RENEWAL OF A REGISTRATION.**

26 **(2) THE COMMISSION SHALL GRANT OR DENY A RENEWAL OF A**
27 **REGISTRATION BASED ON THE PHYSICIAN'S PERFORMANCE IN COMPLYING**
28 **WITH REGULATIONS ADOPTED BY THE COMMISSION.**

29 ~~(G)~~ **(H) A CERTIFYING PHYSICIAN SHALL BE PROTECTED FROM CIVIL**
30 **AND CRIMINAL PENALTIES UNDER STATE AND LOCAL LAW FOR ACTIONS**

1 AUTHORIZED UNDER THIS SUBTITLE, INCLUDING THE ISSUANCE OF WRITTEN
2 CERTIFICATIONS AND THE COLLECTION AND ANALYSIS OF DATA.

3 [13-3307.] 13-3308.

4 On or before January 1 each year, the Commission shall report to the Governor
5 and, in accordance with § 2-1246 of the State Government Article, the General
6 Assembly on [programs]:

7 (1) PROGRAMS approved to operate under this subtitle; AND

8 (2) PHYSICIANS CERTIFIED UNDER THIS SUBTITLE.

9 [13-3308.] 13-3309.

10 (a) (1) The Commission shall license medical marijuana growers to
11 operate in the State to provide marijuana to programs approved for operation under
12 this subtitle.

13 (2) (I) The Commission may license no more than ~~five~~ 10 medical
14 marijuana growers [for each approved program].

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

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

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

21 (3) (I) THE COMMISSION SHALL ENCOURAGE LICENSING
22 MEDICAL MARIJUANA GROWERS THAT GROW STRAINS OF MARIJUANA,
23 INCLUDING STRAINS WITH HIGH CANNABIDIOL CONTENT, WITH DEMONSTRATED
24 SUCCESS IN ALLEVIATING SYMPTOMS OF SPECIFIC DISEASES OR CONDITIONS.

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

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

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

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

8 **2. THE COMMISSION MAY NOT SET SITE OR**
9 **PLANNING REQUIREMENTS FOR MEDICAL MARIJUANA GROWERS BEYOND THE**
10 **REQUIREMENTS SET BY THE LOCAL AUTHORITY.**

11 (b) An entity licensed to grow marijuana under this section may provide
12 marijuana [only to]:

13 **(1) TO PATIENTS PARTICIPATING IN A PROGRAM OPERATED BY**
14 **an academic medical center [approved to operate a program] under this subtitle; OR**

15 **(2) TO A QUALIFYING PATIENT OF A CERTIFYING PHYSICIAN OR**
16 **THE QUALIFYING PATIENT'S DESIGNATED CERTIFIED CAREGIVER.**

17 **(C) (1) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS**
18 **SECTION MAY DISTRIBUTE MARIJUANA AT THE GROWER'S FACILITY OR AT A**
19 **SATELLITE FACILITY OF THE GROWER.**

20 **(2) A QUALIFYING PATIENT MAY OBTAIN MEDICAL MARIJUANA**
21 **FROM A GROWER'S FACILITY OR FROM A SATELLITE FACILITY OF THE GROWER.**

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

25 ~~(E)~~ **(E)** The Commission shall establish requirements for security and the
26 manufacturing process that a grower must meet in order to obtain a license under this
27 section, including a requirement for a product-tracking system.

28 ~~(F)~~ **(F)** The Commission may inspect growers licensed under this section
29 to ensure compliance with this section.

30 ~~(G)~~ **(G)** The Commission may impose penalties or rescind the license of a
31 grower that does not meet the standards for licensure set by the Commission.

32 [13-3309.] 13-3310.

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

5 (1) A **QUALIFYING** patient [enrolled]:

6 (I) **ENROLLED** in a program approved under this subtitle who
7 is in possession of an amount of marijuana authorized under the program; **OR**

8 (II) **IN POSSESSION OF AN AMOUNT OF MARIJUANA**
9 ~~**AUTHORIZED BY A CERTIFYING PHYSICIAN IN ACCORDANCE WITH THIS**~~
10 ~~**SUBTITLE DETERMINED BY THE COMMISSION TO CONSTITUTE A 30-DAY**~~
11 ~~**SUPPLY;**~~

12 (2) A grower licensed under [§ 13-3308] **§ 13-3309** of this subtitle or
13 an employee of the licensed grower who is acting in accordance with the terms of the
14 license; [or]

15 (3) An academic medical center, an employee of the academic medical
16 center, or any other person associated with the operation of a program approved under
17 this subtitle for activities conducted in accordance with the program approved under
18 this subtitle; ~~**OR**~~

19 (4) **A CERTIFYING PHYSICIAN;**

20 (5) **A CAREGIVER; OR**

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

23 (b) (1) A person may not distribute, possess, manufacture, or use
24 marijuana that has been diverted from a program approved under this subtitle or from
25 a **QUALIFYING** patient [who is enrolled in a program approved under this subtitle].

26 (2) A person who violates this subsection is guilty of a felony and on
27 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
28 \$10,000 or both.

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

32 [13-3310.] **13-3311.**

1 (a) This subtitle may not be construed to authorize any individual to engage
2 in, and does not prevent the imposition of any civil, criminal, or other penalties for, the
3 following:

4 (1) Undertaking any task under the influence of marijuana, when
5 doing so would constitute negligence or professional malpractice;

6 (2) Operating, navigating, or being in actual physical control of any
7 motor vehicle, aircraft, or boat while under the influence of marijuana;

8 (3) Smoking marijuana in any public place;

9 (4) Smoking marijuana in a motor vehicle; or

10 (5) Smoking marijuana on a private property that:

11 (i) 1. Is rented from a landlord; and

12 2. Is subject to a policy that prohibits the smoking of
13 marijuana on the property; or

14 (ii) Is subject to a policy that prohibits the smoking of
15 marijuana on the property of an attached dwelling adopted by one of the following
16 entities:

17 1. The board of directors of the council of unit owners of
18 a condominium regime; or

19 2. The governing body of a homeowners association.

20 (b) This subtitle may not be construed to provide immunity to a person who
21 violates the provisions of this subtitle from criminal prosecution for a violation of any
22 law prohibiting or regulating the use, possession, dispensing, distribution, or
23 promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or
24 harmful drugs, or any conspiracy or attempt to commit any of those offenses.

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

30 [13-3311.] **13-3312.**

31 (a) Notwithstanding § 12-315 of the State Government Article, a State
32 employee who incurs counsel fees in connection with a federal criminal investigation

1 or prosecution solely related to the employee's good faith discharge of public
2 responsibilities under this subtitle is eligible for reimbursement of counsel fees as
3 authorized by § 12-314 of the State Government Article.

4 (b) The Governor may suspend implementation of this subtitle on making a
5 determination that there is a reasonable chance of federal prosecution of State
6 employees for involvement with implementation of this subtitle.

7 **13-3313.**

8 ~~THE~~ **ON OR BEFORE SEPTEMBER 15, 2014, THE COMMISSION SHALL**
9 **ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 ~~July~~ June 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.