

SENATE BILL 874

E1, J1

8lr1399

By: **Senator Zirkin**

Introduced and read first time: February 5, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2018

CHAPTER _____

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – ~~Secure Transportation~~**
3 **~~Companies~~ Immunity**

4 FOR the purpose of providing that certain immunity provisions relating to medical
5 cannabis apply to the possession of medical cannabis; prohibiting a ~~secure~~
6 ~~transportation company and a courier of a secure transportation company authorized~~
7 ~~under certain regulations to transport products containing medical cannabis~~ certain
8 third-party vendors authorized by the Natalie M. LaPrade Medical Cannabis
9 Commission to take certain actions from being subject to certain arrest, prosecution,
10 or certain penalties or being denied certain rights or privileges ~~based on the~~
11 transportation of products containing medical cannabis on a certain basis; and
12 generally relating to the Natalie M. LaPrade Medical Cannabis Commission.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 13–3313
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

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

20 **Article – Health – General**

21 13–3313.

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

6 (1) A qualifying patient:

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

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

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

15 (3) A certifying provider;

16 (4) A caregiver;

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

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

21 (7) A hospital, medical facility, or hospice program where a qualifying
 22 patient is receiving treatment; OR

23 (8) A THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION TO
 24 TEST, TRANSPORT, OR DISPOSE OF MEDICAL CANNABIS, MEDICAL CANNABIS
 25 PRODUCTS, OR MEDICAL CANNABIS WASTE UNDER THE PROVISIONS OF THIS
 26 SUBTITLE.

27 ~~(B) A SECURE TRANSPORTATION COMPANY OR A COURIER OF A SECURE~~
 28 ~~TRANSPORTATION COMPANY AUTHORIZED UNDER REGULATIONS ADOPTED BY THE~~
 29 ~~COMMISSION TO TRANSPORT PRODUCTS CONTAINING MEDICAL CANNABIS MAY NOT~~
 30 ~~BE SUBJECT TO ARREST, PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE~~
 31 ~~PENALTY, OR BE DENIED ANY RIGHT OR PRIVILEGE BASED ON THE~~
 32 ~~TRANSPORTATION OF PRODUCTS CONTAINING MEDICAL CANNABIS.~~

1 ~~[(b)] (c)~~ (1) A person may not distribute, possess, manufacture, or use
2 cannabis that has been diverted from a qualifying patient, a caregiver, a licensed grower,
3 or a licensed dispensary.

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.