

# SENATE BILL 1063

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CF HB 1035

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By: **Senators Conway, Astle, Benson, Currie, Guzzone, Kasemeyer, Kelley, King, Lee, Madaleno, Manno, Mathias, McFadden, Muse, Nathan-Pulliam, Oaks, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: February 6, 2018

Assigned to: Rules

Re-referred to: Finance, February 12, 2018

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers –**  
3 **Referrals**

4 FOR the purpose of ~~requiring, rather than authorizing, a qualifying patient to be a patient~~  
5 ~~of a certain certifying provider or to be referred to the certifying provider, subject to~~  
6 ~~certain conditions; requiring a certain referral to be made by a certain health care~~  
7 ~~provider;~~ prohibiting certain referrals from certain persons or entities; and generally  
8 relating to the referral of patients to certifying providers registered with the Natalie  
9 M. LaPrade Medical Cannabis Commission.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 13–3304  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – Health – General**

18 13–3304.

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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) The Commission shall register as a certifying provider an individual who:

2 (1) Meets the requirements of this subtitle; and

3 (2) Submits application materials that meet the requirements of this  
4 subtitle.

5 (b) To be registered as a certifying provider, a provider shall submit a proposal to  
6 the Commission that includes:

7 (1) The reasons for including a patient under the care of the provider for  
8 the purposes of this subtitle, including the patient's qualifying medical conditions;

9 (2) An attestation that a standard patient evaluation will be completed,  
10 including a history, a physical examination, a review of symptoms, and other pertinent  
11 medical information; and

12 (3) The provider's plan for the ongoing assessment and follow-up care of a  
13 patient and for collecting and analyzing data.

14 (c) The Commission may not require an individual to meet requirements in  
15 addition to the requirements listed in subsections (a) and (b) of this section to be registered  
16 as a certifying provider.

17 (d) (1) The Commission is encouraged to approve provider applications for the  
18 following medical conditions:

19 (i) A chronic or debilitating disease or medical condition that results  
20 in a patient being admitted into hospice or receiving palliative care; or

21 (ii) A chronic or debilitating disease or medical condition or the  
22 treatment of a chronic or debilitating disease or medical condition that produces:

23 1. Cachexia, anorexia, or wasting syndrome;

24 2. Severe or chronic pain;

25 3. Severe nausea;

26 4. Seizures; or

27 5. Severe or persistent muscle spasms.

28 (2) The Commission may not limit treatment of a particular medical  
29 condition to one class of providers.

1 (e) The Commission may approve applications that include any other condition  
 2 that is severe and for which other medical treatments have been ineffective if the symptoms  
 3 reasonably can be expected to be relieved by the medical use of cannabis.

4 (f) (1) A certifying provider or the spouse of a certifying provider may not  
 5 receive any gifts from or have an ownership interest in a medical cannabis grower, a  
 6 processor, or a dispensary.

7 (2) A certifying provider may receive compensation from a medical  
 8 cannabis grower, a processor, or a dispensary if the certifying provider:

9 (i) Obtains the approval of the Commission before receiving the  
 10 compensation; and

11 (ii) Discloses the amount of compensation received from the medical  
 12 cannabis grower, processor, or dispensary to the Commission.

13 (g) (1) **(I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
 14 A qualifying patient ~~may be~~ **SHALL:**

15 ~~1. BE~~ a patient of the certifying provider; or ~~may be~~

16 ~~2. BE~~ referred to the certifying provider.

17 **(II) A REFERRAL OF A PATIENT TO A CERTIFYING PROVIDER**  
 18 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH;**

19 ~~1. SHALL BE MADE BY THE PATIENT'S PRIMARY CARE~~  
 20 ~~HEALTH CARE PROVIDER OR A HEALTH CARE PROVIDER WHO IS RESPONSIBLE FOR~~  
 21 ~~THE TREATMENT OF THE PATIENT'S MEDICAL CONDITION; AND~~

22 ~~2. MAY~~ **MAY NOT BE MADE BY ANY PERSON OR ENTITY**  
 23 **EMPLOYED, CONTRACTED, VOLUNTEERING, OR COMPENSATED BY ANY FORM OF**  
 24 **REMUNERATION, GIFT, DONATION, OR BARTERING TO REGISTER INDIVIDUALS AS**  
 25 **QUALIFYING PATIENTS, TO COMPLETE APPLICATION FORMS, OR TO ASSIST**  
 26 **INDIVIDUALS IN COMPLETING APPLICATION FORMS TO BECOME QUALIFYING**  
 27 **PATIENTS, OR TO TRANSPORT OR DELIVER TO THE COMMISSION APPLICATION**  
 28 **FORMS FOR INDIVIDUALS SEEKING TO BECOME QUALIFYING PATIENTS.**

29 (2) A certifying provider shall provide each written certification to the  
 30 Commission.

31 (3) On receipt of a written certification provided under paragraph (2) of this  
 32 subsection, the Commission shall issue an identification card to each qualifying patient or  
 33 caregiver named in the written certification.

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1 (4) A certifying provider may discuss medical cannabis with a patient.

2 (5) (i) Except as provided in subparagraph (ii) of this paragraph, a  
3 qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis  
4 grower licensed by the Commission or a dispensary licensed by the Commission.

5 (ii) A qualifying patient under the age of 18 years may obtain  
6 medical cannabis only through the qualifying patient’s caregiver.

7 (6) (i) A caregiver may serve no more than five qualifying patients at  
8 any time.

9 (ii) A qualifying patient may have no more than two caregivers.

10 (h) (1) A certifying provider may register biennially.

11 (2) The Commission shall grant or deny a renewal of a registration for  
12 approval based on the provider’s performance in complying with regulations adopted by the  
13 Commission.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.