

Chapter 599

(House Bill 1035)

AN ACT concerning

Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers – Referrals

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

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

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

Article – Health – General

13–3304.

- (a) The Commission shall register as a certifying provider an individual who:
- (1) Meets the requirements of this subtitle; and
 - (2) Submits application materials that meet the requirements of this subtitle.
- (b) To be registered as a certifying provider, a provider shall submit a proposal to the Commission that includes:
- (1) The reasons for including a patient under the care of the provider for the purposes of this subtitle, including the patient’s qualifying medical conditions;
 - (2) An attestation that a standard patient evaluation will be completed, including a history, a physical examination, a review of symptoms, and other pertinent medical information; and

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

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

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

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

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

1. Cachexia, anorexia, or wasting syndrome;
2. Severe or chronic pain;
3. Severe nausea;
4. Seizures; or
5. Severe or persistent muscle spasms.

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

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

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

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

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

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

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

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

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

(II) A REFERRAL OF A PATIENT TO A CERTIFYING PROVIDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

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

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

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

(3) On receipt of a 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 provider may discuss medical cannabis with a patient.

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

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

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

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

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

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

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

Approved by the Governor, May 15, 2018.