

SENATE BILL 857

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9lr0651
CF HB 17

By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – ~~Food-Containing Medical~~**
3 **Cannabis Edible Cannabis Products**

4 FOR the purpose of requiring the Natalie M. LaPrade Medical Cannabis Commission to
5 allow certain dispensaries and dispensary agents to acquire, possess, ~~process,~~
6 transfer, transport, sell, distribute, or dispense ~~food-containing medical-cannabis~~
7 edible cannabis products for use by a qualifying patient or caregiver; requiring the
8 Commission, in consultation with the Maryland Department of Health, to adopt
9 certain regulations; requiring the Commission to allow certain processors and
10 processor agents to acquire, possess, process, package, label, transfer, transport, sell,
11 and distribute to a dispensary ~~food-containing medical-cannabis~~ edible cannabis
12 products for use by a qualifying patient or caregiver; requiring the Commission to
13 allow certain processors and processor agents to transport ~~food-containing medical~~
14 ~~cannabis~~ edible cannabis products to an independent testing laboratory; defining a
15 certain term; making technical corrections; and generally relating to the processing
16 and distribution of ~~food-containing medical-cannabis~~ edible cannabis products.

17 BY repealing and reenacting, without amendments,

18 Article – Health – General

19 Section 13-3301(a), ~~(e)~~, and (f), 13-3307(a)(1), and 13-3309(a), ~~and 21-101(a) and (i)~~

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Health – General

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 Section 13-3301(e) and (g) through (n), 13-3307(e) through (i), and 13-3309(e)
 2 through (h)
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2018 Supplement)

5 BY adding to

6 Article – Health – General
 7 Section 13-3301(g), 13-3307(e) and (i), and 13-3309(e) and (i)
 8 Annotated Code of Maryland
 9 (2015 Replacement Volume and 2018 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~

11 ~~Article – Health – General~~
 12 ~~Section 13-3301(g) through (n), 13-3307(e) through (i), and 13-3309(e) through (h)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2015 Replacement Volume and 2018 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 13-3301.

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

20 (e) “Dispensary” means an entity licensed under this subtitle that acquires,
 21 possesses, ~~processes~~, transfers, transports, sells, distributes, dispenses, or administers
 22 cannabis, products containing cannabis, related supplies, related products containing
 23 cannabis including ~~food~~ **EDIBLE CANNABIS PRODUCTS**, tinctures, aerosols, oils, or
 24 ointments, or educational materials for use by a qualifying patient or caregiver.

25 (f) “Dispensary agent” means an owner, a member, an employee, a volunteer, an
 26 officer, or a director of a dispensary.

27 ~~(G) “FOOD” HAS THE MEANING STATED IN § 21-101 OF THIS ARTICLE.~~

28 **(G) (1) “EDIBLE CANNABIS PRODUCT” MEANS A MEDICAL CANNABIS**
 29 **PRODUCT INTENDED FOR HUMAN CONSUMPTION BY ORAL INGESTION, IN WHOLE OR**
 30 **IN PART.**

31 **(2) “EDIBLE CANNABIS PRODUCT” INCLUDES MEDICAL CANNABIS**
 32 **PRODUCTS THAT DISSOLVE OR DISINTEGRATE IN THE MOUTH.**

33 **(3) “EDIBLE CANNABIS PRODUCT” DOES NOT INCLUDE ANY:**

1 **(I) MEDICAL CANNABIS CONCENTRATE; OR**

2 **(II) MEDICAL CANNABIS-INFUSED PRODUCT, INCLUDING AN**
3 **OIL, A WAX, AN OINTMENT, A SALVE, A TINCTURE, A CAPSULE, A SUPPOSITORY, A**
4 **DERMAL PATCH, A CARTRIDGE, A CHEWABLE OR DISSOLVABLE GELATINOUS CUBE,**
5 **OR ANY OTHER PRODUCT CONTAINING MEDICAL CANNABIS CONCENTRATE OR**
6 **USABLE CANNABIS THAT HAS BEEN PROCESSED SO THAT DRIED LEAVES AND**
7 **FLOWERS ARE INTEGRATED INTO OTHER MATERIAL.**

8 **[(g)] (H)** “Fund” means the Natalie M. LaPrade Medical Cannabis Commission
9 Fund established under § 13–3303 of this subtitle.

10 **[(h)] (I)** “Grower” means an entity licensed under this subtitle that:

11 (1) Cultivates or packages medical cannabis; and

12 (2) Is authorized by the Commission to provide cannabis to a processor,
13 dispensary, or independent testing laboratory.

14 **[(i)] (J)** “Independent testing laboratory” means a facility, an entity, or a site
15 that offers or performs tests related to the inspection and testing of cannabis and products
16 containing cannabis.

17 **[(j)] (K)** “Medical cannabis grower agent” means an owner, an employee, a
18 volunteer, an officer, or a director of a grower.

19 **[(k)] (L)** “Processor” means an entity that:

20 (1) Transforms medical cannabis into another product or extract; and

21 (2) Packages and labels medical cannabis.

22 **[(l)] (M)** “Processor agent” means an owner, a member, an employee, a
23 volunteer, an officer, or a director of a processor.

24 **[(m)] (N)** “Qualifying patient” means an individual who:

25 (1) Has been provided with a written certification by a certifying provider
26 in accordance with a bona fide provider–patient relationship; and

27 (2) If under the age of 18 years, has a caregiver.

28 **[(n)] (O)** “Written certification” means a certification that:

29 (1) Is issued by a certifying provider to a qualifying patient with whom the
30 provider has a bona fide provider–patient relationship; and

1 (2) Includes a written statement certifying that, in the provider's
 2 professional opinion, after having completed an assessment of the patient's medical history
 3 and current medical condition, the patient has a condition:

4 (i) That meets the inclusion criteria and does not meet the exclusion
 5 criteria of the certifying provider's application; and

6 (ii) For which the potential benefits of the medical use of cannabis
 7 would likely outweigh the health risks for the patient; and

8 (3) May include a written statement certifying that, in the provider's
 9 professional opinion, a 30-day supply of medical cannabis would be inadequate to meet the
 10 medical needs of the qualifying patient.

11 13-3307.

12 (a) (1) A dispensary shall be licensed by the Commission.

13 **(E) THE COMMISSION SHALL ALLOW A DISPENSARY LICENSED UNDER THIS**
 14 **SECTION OR A DISPENSARY AGENT REGISTERED UNDER § 13-3308 OF THIS**
 15 **SUBTITLE TO ACQUIRE, POSSESS, ~~PROCESS,~~ TRANSFER, TRANSPORT, SELL,**
 16 **DISTRIBUTE, OR DISPENSE ~~FOOD CONTAINING MEDICAL CANNABIS EDIBLE~~**
 17 **CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT OR A CAREGIVER.**

18 **[(e)] (F)** A dispensary licensed under this section or a dispensary agent
 19 registered under § 13-3308 of this subtitle may not be penalized or arrested under State
 20 law for acquiring, possessing, ~~processing,~~ transferring, transporting, selling, distributing,
 21 or dispensing **MEDICAL** cannabis, products containing **MEDICAL** cannabis, related
 22 supplies, or educational materials for use by a qualifying patient or a caregiver.

23 **[(f)] (G)** The Commission shall establish requirements for security and product
 24 handling procedures that a dispensary must meet to obtain a license under this section,
 25 including a requirement for a product-tracking system.

26 **[(g)] (H)** The Commission may inspect a dispensary licensed under this section
 27 to ensure compliance with this subtitle.

28 **(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL**
 29 **ADOPT REGULATIONS TO REQUIRE A DISPENSARY TO MEET ANY ADDITIONAL**
 30 **REQUIREMENTS THAT THE COMMISSION DETERMINES IS NECESSARY, INCLUDING**
 31 **REQUIRING A PERMIT, FOR THE DISPENSING OF EDIBLE CANNABIS PRODUCTS.**

32 **[(h)] ~~(I)~~ (J)** The Commission may impose penalties or rescind the license of a
 33 dispensary that does not meet the standards for licensure set by the Commission.

1 [(i)] ~~(J)~~ **(K)** (1) Each dispensary licensed under this section shall submit to the
2 Commission a quarterly report.

3 (2) The quarterly report shall include:

4 (i) The number of patients served;

5 (ii) The county of residence of each patient served;

6 (iii) The medical condition for which medical cannabis was
7 recommended;

8 (iv) The type and amount of medical cannabis dispensed; and

9 (v) If available, a summary of clinical outcomes, including adverse
10 events and any cases of suspected diversion.

11 (3) The quarterly report may not include any personal information that
12 identifies a patient.

13 13–3309.

14 (a) A processor shall be licensed by the Commission.

15 **(E) THE COMMISSION SHALL ALLOW A PROCESSOR LICENSED UNDER THIS**
16 **SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13–3310 OF THIS SUBTITLE**
17 **TO:**

18 **(1) ACQUIRE, POSSESS, PROCESS, PACKAGE, LABEL, TRANSFER,**
19 **TRANSPORT, SELL, AND DISTRIBUTE TO A DISPENSARY ~~FOOD CONTAINING MEDICAL~~**
20 **~~CANNABIS~~ EDIBLE CANNABIS PRODUCTS FOR USE BY A QUALIFYING PATIENT OR A**
21 **CAREGIVER; AND**

22 **(2) TRANSPORT ~~FOOD CONTAINING MEDICAL CANNABIS~~ EDIBLE**
23 **CANNABIS PRODUCTS TO AN INDEPENDENT TESTING LABORATORY.**

24 [(e)] **(F)** A processor licensed under this section or a processor agent registered
25 under § 13–3310 of this subtitle may not be penalized or arrested under State law for:

26 (1) Acquiring, possessing, processing, packaging, labeling, transferring,
27 transporting, selling, or distributing medical cannabis or products containing medical
28 cannabis to a dispensary for use by a qualifying patient or a caregiver; or

29 (2) Transporting medical cannabis or products containing medical
30 cannabis to an independent testing laboratory.

1 **[(f)] (G)** The Commission shall establish requirements for security and product
2 handling procedures that a processor must meet to obtain a license under this section,
3 including a requirement for a product-tracking system.

4 **[(g)] (H)** The Commission may inspect a processor licensed under this section to
5 ensure compliance with this subtitle.

6 **(I) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, SHALL**
7 **ADOPT REGULATIONS:**

8 **(1) INCLUDING BUT NOT LIMITED TO THE PACKAGING, LABELING,**
9 **MARKETING, AND APPEARANCE OF EDIBLE CANNABIS PRODUCTS, TO ENSURE THE**
10 **SAFETY OF MINORS; AND**

11 **(2) TO REQUIRE A PROCESSOR TO MEET ANY ADDITIONAL**
12 **REQUIREMENTS THAT THE COMMISSION DETERMINES ARE NECESSARY, INCLUDING**
13 **REQUIRING A PERMIT, FOR THE PROCESSING OF EDIBLE CANNABIS PRODUCTS.**

14 **[(h)] ~~(H)~~ (J)** The Commission may impose penalties or rescind the license of a
15 processor that does not meet the standards for licensure set by the Commission.

16 ~~21-101.~~

17 **(a)** ~~In this title the following words have the meanings indicated.~~

18 **(i)** ~~“Food” means:~~

19 **(1)** ~~Any substance that is used as food or drink for human beings or as a~~
20 ~~component of food or drink for human beings; or~~

21 **(2)** ~~Chewing gum or any substance that is used as a component of chewing~~
22 ~~gum.~~

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.