

SENATE BILL 861

J1, J2

9lr0652

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 23, 2019

CHAPTER _____

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Registration of Certifying**
3 **Providers – Repeal**

4 FOR the purpose of altering the definition of “certifying provider” to repeal the requirement
5 that a certifying provider be registered with the Natalie M. LaPrade Medical
6 Cannabis Commission; altering the definition of “written certification” to ~~repeal the~~
7 ~~requirement that the certification include certain~~ alter the information that is
8 required to be included and to require that the certification be in the form prescribed
9 by the Commission; repealing the requirement that the Commission register certain
10 individuals as certifying providers; repealing the requirement that a provider submit
11 a certain proposal to the Commission to be registered as a certifying provider;
12 repealing a provision of law that encourages and authorizes the Commission to
13 approve certain applications; ~~providing that~~ authorizing a certifying provider ~~is~~
14 ~~encouraged~~ to issue written certifications for certain medical conditions; repealing a
15 provision of law that authorizes a certifying provider to apply for a renewal of a
16 registration on a certain basis; repealing the requirement that the Commission grant
17 or deny a renewal of a registration based on a certifying provider’s performance in
18 complying with certain regulations; repealing a requirement that the Commission
19 include information on certain providers in a certain annual report to the General
20 Assembly; repealing certain provisions of law rendered obsolete by this Act; and
21 generally relating to the Natalie M. LaPrade Medical Cannabis Commission and
22 certifying providers.

23 BY repealing and reenacting, with amendments,
24 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, 13–3304, and 13–3305
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2018 Supplement)

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

6 **Article – Health – General**

7 13–3301.

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

9 (b) “Caregiver” means:

10 (1) A person who has agreed to assist with a qualifying patient’s medical
11 use of cannabis; and

12 (2) For a qualifying patient under the age of 18 years, a parent or legal
13 guardian.

14 (c) “Certifying provider” means an individual who:

15 (1) (i) 1. Has an active, unrestricted license to practice medicine
16 that was issued by the State Board of Physicians under Title 14 of the Health Occupations
17 Article; and

18 2. Is in good standing with the State Board of Physicians;

19 (ii) 1. Has an active, unrestricted license to practice dentistry
20 that was issued by the State Board of Dental Examiners under Title 4 of the Health
21 Occupations Article; and

22 2. Is in good standing with the State Board of Dental
23 Examiners;

24 (iii) 1. Has an active, unrestricted license to practice podiatry
25 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the
26 Health Occupations Article; and

27 2. Is in good standing with the State Board of Podiatric
28 Medical Examiners; or

29 (iv) 1. Has an active, unrestricted license to practice registered
30 nursing and has an active, unrestricted certification to practice as a nurse practitioner or
31 a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health
32 Occupations Article; and

1 2. Is in good standing with the State Board of Nursing; AND

2 (2) Has a State controlled dangerous substances registration[; and

3 (3) Is registered with the Commission to make cannabis available to
4 patients for medical use in accordance with regulations adopted by the Commission].

5 (d) “Commission” means the Natalie M. LaPrade Medical Cannabis Commission
6 established under this subtitle.

7 (e) “Dispensary” means an entity licensed under this subtitle that acquires,
8 possesses, processes, transfers, transports, sells, distributes, dispenses, or administers
9 cannabis, products containing cannabis, related supplies, related products containing
10 cannabis including food, tinctures, aerosols, oils, or ointments, or educational materials for
11 use by a qualifying patient or caregiver.

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

14 (g) “Fund” means the Natalie M. LaPrade Medical Cannabis Commission Fund
15 established under § 13–3303 of this subtitle.

16 (h) “Grower” means an entity licensed under this subtitle that:

17 (1) Cultivates or packages medical cannabis; and

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

20 (i) “Independent testing laboratory” means a facility, an entity, or a site that
21 offers or performs tests related to the inspection and testing of cannabis and products
22 containing cannabis.

23 (j) “Medical cannabis grower agent” means an owner, an employee, a volunteer,
24 an officer, or a director of a grower.

25 (k) “Processor” means an entity that:

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

27 (2) Packages and labels medical cannabis.

28 (l) “Processor agent” means an owner, a member, an employee, a volunteer, an
29 officer, or a director of a processor.

30 (m) “Qualifying patient” means an individual who:

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

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

4 (n) “Written certification” means a certification that:

5 (1) Is issued by a certifying provider to a qualifying patient with whom the
6 provider has a bona fide provider–patient relationship; [and]

7 (2) Includes a written statement ~~certifying:~~

8 **(I) CERTIFYING** that, in the provider’s professional opinion, after
9 having completed an assessment of the patient’s medical history and current medical
10 condition, the patient has a condition[:

11 (i) That meets the inclusion criteria and does not meet the exclusion
12 criteria of the certifying provider’s application; and

13 (ii) For] **FOR** which the potential benefits of the medical use of
14 cannabis would likely outweigh the health risks for the patient; and

15 **(II) SPECIFYING THE MEDICAL CONDITION LISTED UNDER §**
16 **13–3304(A) OF THIS SUBTITLE WITH WHICH THE QUALIFYING PATIENT HAS BEEN**
17 **DIAGNOSED;**

18 (3) May include a written statement certifying that, in the provider’s
19 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the
20 medical needs of the qualifying patient; **AND**

21 **(4) IS IN THE FORM PRESCRIBED BY THE COMMISSION.**

22 13–3304.

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

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

25 (2) Submits application materials that meet the requirements of this
26 subtitle.

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

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

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

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

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

11 [(d) (A) [(1) The Commission] **A CERTIFYING PROVIDER is encouraged to**
12 **MAY** [approve provider applications] **ISSUE WRITTEN CERTIFICATIONS** for the following
13 medical conditions:

14 [(i) (1) A chronic or debilitating disease or medical condition that
15 results in a patient being admitted into hospice or receiving palliative care; [or]

16 [(ii) (2) A chronic or debilitating disease or medical condition or
17 the treatment of a chronic or debilitating disease or medical condition that produces:

18 [1.] (I) Cachexia, anorexia, or wasting syndrome;

19 [2.] (II) Severe or chronic pain;

20 [3.] (III) Severe nausea;

21 [4.] (IV) Seizures; or

22 [5.] (V) Severe or persistent muscle spasms[.]; **OR**

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

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

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

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

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

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

7 **[(g)] (C)** (1) (i) Subject to subparagraph (ii) of this paragraph, a
8 qualifying patient may be a patient of the certifying provider or may be referred to the
9 certifying provider.

10 (ii) A referral of a patient to a certifying provider under
11 subparagraph (i) of this paragraph may not be made by any person or entity employed,
12 contracted, volunteering, or compensated by any form of remuneration, gift, donation, or
13 bartering to register individuals as qualifying patients, to complete application forms, or to
14 assist individuals in completing application forms to become qualifying patients, or to
15 transport or deliver to the Commission application forms for individuals seeking to become
16 qualifying patients.

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

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

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

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

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

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

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

31 **[(h)]** (1) A certifying provider may register biennially.

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

1 13-3305.

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

4 (1) Providers certified under this subtitle; and

5 (2) The] **THE** amount sold, by condition treated, and average consumer
6 price for medical cannabis products provided in accordance with this subtitle.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.