

# HOUSE BILL 378

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CF SB 304

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By: **Delegate Kipke**

Introduced and read first time: January 22, 2020

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2020

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

1 AN ACT concerning

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

3 FOR the purpose of altering the definition of “certifying provider” to include certain  
4 physician assistants; altering the membership of the Natalie M. LaPrade Medical  
5 Cannabis Commission; making stylistic changes; making a conforming change; and  
6 generally relating to the Natalie M. LaPrade Medical Cannabis Commission.

7 BY repealing and reenacting, without amendments,

8 Article – Health – General

9 Section 13–3301(a)

10 Annotated Code of Maryland

11 (2019 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article – Health – General

14 Section 13–3301(d) and 13–3303(a)

15 Annotated Code of Maryland

16 (2019 Replacement Volume)

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

19 **Article – Health – General**

20 13–3301.

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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) In this subtitle the following words have the meanings indicated.

2 (d) “Certifying provider” means an individual who:

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

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

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

10 2. Is in good standing with the State Board of Dental  
11 Examiners;

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

15 2. Is in good standing with the State Board of Podiatric  
16 Medical Examiners; [or]

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

21 2. Is in good standing with the State Board of Nursing; OR

22 (v) 1. **HAS AN ACTIVE, UNRESTRICTED LICENSE TO**  
23 **PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS**  
24 **UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;**

25 2. **HAS AN ACTIVE DELEGATION AGREEMENT WITH A**  
26 **PRIMARY SUPERVISING PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND**

27 3. **IS IN GOOD STANDING WITH THE STATE BOARD OF**  
28 **PHYSICIANS;**

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

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

1 13-3303.

2 (a) The Commission consists of the following 13 members:

3 (1) The Secretary of Health, or the Secretary's designee; and

4 (2) The following 5 members, appointed by the Governor with the advice  
5 and consent of the Senate:

6 (i) Two licensed noncertified providers who are [physicians,  
7 dentists, podiatrists,]:

8 1. **PHYSICIANS;**

9 2. **DENTISTS;**

10 3. **PODIATRISTS;**

11 4. [nurse] **NURSE** practitioners[, or];

12 5. [nurse] **NURSE** midwives; **OR**

13 6. **PHYSICIAN ASSISTANTS;**

14 (ii) One nurse or other health care provider licensed in the State who  
15 has experience in hospice care, nominated by a State hospice trade association;

16 (iii) One pharmacist licensed in the State, nominated by a State  
17 research institution or trade association; and

18 (iv) One scientist who has experience in the science of cannabis,  
19 nominated by a State research institution;

20 (3) Four members appointed by the Governor with the advice and consent  
21 of the Senate;

22 (4) One member appointed by the Governor from a list of three individuals  
23 recommended by the President of the Senate;

24 (5) One member appointed by the Governor from a list of three individuals  
25 recommended by the Speaker of the House of Delegates; and

26 (6) One member appointed by the Governor from either of the two lists  
27 described in items (4) and (5) of this subsection.

**HOUSE BILL 378**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.