

HOUSE BILL 378

J1

0lr2432
CF 0lr1641

By: **Delegate Kipke**

Introduced and read first time: January 22, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

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.

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

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

23 (1) (i) 1. Has an active, unrestricted license to practice medicine

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 that was issued by the State Board of Physicians under Title 14 of the Health Occupations
2 Article; and

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

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

7 2. Is in good standing with the State Board of Dental
8 Examiners;

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

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

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

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

19 **(V) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO**
20 **PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS**
21 **UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;**

22 **2. HAS AN ACTIVE DELEGATION AGREEMENT WITH A**
23 **PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND**

24 **3. IS IN GOOD STANDING WITH THE STATE BOARD OF**
25 **PHYSICIANS;**

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

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

29 13-3303.

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

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

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

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

5 1. **PHYSICIANS;**

6 2. **DENTISTS;**

7 3. **PODIATRISTS;**

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

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

10 6. **PHYSICIAN ASSISTANTS;**

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

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

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

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

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

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

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

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