

# SENATE BILL 884

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By: **Senator Klausmeier**

Introduced and read first time: February 9, 2021

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Medical Cannabis – Visiting Qualifying Patients**

3 FOR the purpose of prohibiting a visiting qualifying patient from being required to have a  
4 certain written certification or identification card; including a visiting qualifying  
5 patient among the individuals with respect to whom the Natalie M. LaPrade Medical  
6 Cannabis Commission is required to allow a licensed dispensary or registered  
7 dispensary agent to take certain actions related to medical cannabis; including a  
8 visiting qualifying patient among the individuals with respect to whom a licensed  
9 dispensary or registered dispensary agent may take certain actions related to  
10 medical cannabis without being subject to certain penalties or arrest; including a  
11 visiting qualifying patient among the entities that may not be subject to certain  
12 discipline or penalties or be denied certain rights or privileges for the medical use or  
13 possession of medical cannabis under certain circumstances; altering a certain  
14 definition; defining a certain term; and generally relating to visiting qualifying  
15 patients and medical cannabis.

16 BY repealing and reenacting, without amendments,  
17 Article – Health – General  
18 Section 13–3301(a)  
19 Annotated Code of Maryland  
20 (2019 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Health – General  
23 Section 13–3301(f) and (p), 13–3304, 13–3307(f) and (g), and 13–3313(a)  
24 Annotated Code of Maryland  
25 (2019 Replacement Volume and 2020 Supplement)

26 BY adding to  
27 Article – Health – General  
28 Section 13–3301(p)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2019 Replacement Volume and 2020 Supplement)

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

5 **Article – Health – General**

6 13–3301.

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

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

13 **(P) “VISITING QUALIFYING PATIENT” MEANS AN INDIVIDUAL WHO**  
14 **PROVIDES TO A DISPENSARY:**

15 **(1) DOCUMENTATION THAT THE INDIVIDUAL HAS A VALID MEDICAL**  
16 **CANNABIS CERTIFICATION ISSUED BY THE INDIVIDUAL’S STATE OF RESIDENCE; AND**

17 **(2) PHOTOGRAPHIC IDENTIFICATION OR A VALID DRIVER’S LICENSE**  
18 **ISSUED BY THE INDIVIDUAL’S STATE OF RESIDENCE.**

19 **[(p)] (Q)** “Written certification” means a certification that:

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

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

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

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

29 (3) May include a written statement certifying that, in the provider’s  
30 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the  
31 medical needs of the qualifying patient.

1 13-3304.

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

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

4 (2) Submits application materials that meet the requirements of this  
5 subtitle.

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

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

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

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

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

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

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

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

24 1. Cachexia, anorexia, or wasting syndrome;

25 2. Severe or chronic pain;

26 3. Severe nausea;

27 4. Seizures; or

28 5. Severe or persistent muscle spasms.

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

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

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

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

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

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

13 (g) (1) (i) Subject to subparagraph (ii) of this paragraph, a qualifying  
14 patient may be a patient of the certifying provider or may be referred to the certifying  
15 provider.

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

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

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

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

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

32 (ii) A qualifying patient under the age of 18 years may obtain  
33 medical cannabis only through:

34 1. The qualifying patient's caregiver; or

1                                   2.     Any designated school personnel authorized to administer  
2 medical cannabis to a student in accordance with the guidelines established under § 7–446  
3 of the Education Article.

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

6                                   (ii)    Except as provided in subparagraph (iii) of this paragraph, a  
7 qualifying patient may have no more than two caregivers.

8                                   (iii)   A qualifying patient under the age of 18 years may have no more  
9 than four caregivers.

10                   (7)    Any designated school personnel described in paragraph (5)(ii) of this  
11 subsection:

12                                   (i)     May administer to a student only medical cannabis:

13   1.     That is obtained through the student’s caregiver; and

14   2.     In accordance with dosing, timing, and delivery route  
15 instructions as provided by the certifying provider’s written instructions; and

16                                   (ii)    Are not required to register with the Commission under this  
17 subtitle.

18                   (8)    Beginning June 1, 2020, a caregiver may administer medical cannabis  
19 to a student who is a qualifying patient of the caregiver on school property, during  
20 school–sponsored activities, and while on a school bus.

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

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

25                   **(I)    A VISITING QUALIFYING PATIENT MAY NOT BE REQUIRED TO HAVE A**  
26 **WRITTEN CERTIFICATION ISSUED BY A CERTIFYING PROVIDER OR AN**  
27 **IDENTIFICATION CARD ISSUED BY THE COMMISSION UNDER THIS SECTION.**

28 13–3307.

29                   (f)    The Commission shall allow a dispensary licensed under this section or a  
30 dispensary agent registered under § 13–3308 of this subtitle to acquire, possess, transfer,  
31 transport, sell, distribute, or dispense edible cannabis products for use by a qualifying

1 patient, **A VISITING QUALIFYING PATIENT**, a caregiver, or an academic research  
2 representative purchasing medical cannabis under § 13–3304.1 of this subtitle.

3 (g) A dispensary licensed under this section or a dispensary agent registered  
4 under § 13–3308 of this subtitle may not be penalized or arrested under State law for  
5 acquiring, possessing, transferring, transporting, selling, distributing, or dispensing  
6 medical cannabis, products containing medical cannabis, related supplies, or educational  
7 materials for use by a qualifying patient, **A VISITING QUALIFYING PATIENT**, a caregiver,  
8 or an academic research representative purchasing medical cannabis under § 13–3304.1 of  
9 this subtitle.

10 13–3313.

11 (a) Any of the following persons acting in accordance with the provisions of this  
12 subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision,  
13 parole, or probation, or any civil or administrative penalty, including a civil penalty or  
14 disciplinary action by a professional licensing board, or be denied any right or privilege, for  
15 the medical use of or possession of medical cannabis:

16 (1) A qualifying patient:

17 (i) In possession of an amount of medical cannabis determined by  
18 the Commission to constitute a 30–day supply; or

19 (ii) In possession of an amount of medical cannabis that is greater  
20 than a 30–day supply if the qualifying patient’s certifying provider stated in the written  
21 certification that a 30–day supply would be inadequate to meet the medical needs of the  
22 qualifying patient;

23 (2) A grower licensed under § 13–3306 of this subtitle or a grower agent  
24 registered under § 13–3306 of this subtitle;

25 (3) A certifying provider;

26 (4) A caregiver;

27 (5) An academic research representative purchasing medical cannabis  
28 under § 13–3304.1 of this subtitle;

29 (6) A dispensary licensed under § 13–3307 of this subtitle or a dispensary  
30 agent registered under § 13–3308 of this subtitle;

31 (7) A processor licensed under § 13–3309 of this subtitle or a processor  
32 agent registered under § 13–3310 of this subtitle;

33 (8) A hospital, medical facility, or hospice program where a qualifying  
34 patient is receiving treatment;

1                   (9) A third-party vendor authorized by the Commission to test, transport,  
2 or dispose of medical cannabis, medical cannabis products, or medical cannabis waste  
3 under the provisions of this subtitle; [or]

4                   (10) Designated school personnel authorized to administer medical cannabis  
5 to a student in accordance with the guidelines established under § 7-446 of the Education  
6 Article unless the act or omission constitutes gross negligence or wanton or willful  
7 misconduct; **OR**

8                   **(11) A VISITING QUALIFYING PATIENT.**

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2021.