

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 884  
Finance

(Senator Klausmeier)

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Medical Cannabis – Visiting Qualifying Patients

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This bill authorizes a “visiting qualifying patient” to obtain medical cannabis at licensed dispensaries in the State by (1) prohibiting the Natalie M. LaPrade Medical Cannabis Commission from requiring a visiting qualifying patient to have a written certification from a Maryland certifying provider or a commission-issued identification card; (2) authorizing licensed dispensaries in the State and their registered agents to provide medical cannabis for use by a visiting qualifying patient, as specified; (3) expanding current legal protections to protect a dispensary or dispensary agent that dispenses medical cannabis to a visiting qualifying patient, as specified; and (4) expanding current legal protections for the use or possession of medical cannabis by a visiting qualifying patient acting in accordance with relevant medical cannabis laws.

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Fiscal Summary

**State Effect:** It is anticipated that the commission can implement the bill’s changes with existing budgeted staff and resources. Revenues are not materially affected.

**Local Effect:** The bill is not expected to materially affect local operations or finances.

**Small Business Effect:** Potential meaningful.

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Analysis

**Bill Summary:** A “visiting qualifying patient” is an individual who provides a dispensary with (1) documentation that the individual has a valid medical cannabis certification issued by the individual’s state of residence and (2) photographic identification or a valid driver’s license issued by the individual’s state of residence.

**Current Law:** The Natalie M. LaPrade Medical Cannabis Commission is responsible for implementation of the State’s medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner. The program allows for the licensure of growers, processors, and dispensaries and the registration of their agents, as well as registration of independent testing laboratories and their agents. There is a framework to certify health care providers (including physicians, dentists, podiatrists, nurse practitioners, nurse midwives, and physician assistants), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. Additionally, there are legal protections for third-party vendors authorized by the commission to test, transport, or dispose of medical cannabis, medical cannabis products, and medical cannabis waste.

A “qualifying patient” is an individual who has been provided a written certification by a certifying provider in accordance with a bona fide provider-patient relationship. If younger than age 18, a qualifying patient must have a caregiver. A qualifying patient must register with the commission and obtain an identification card from the commission. A qualifying patient with a written certification can obtain a 30-day supply of medical cannabis, which is generally defined as 120 grams of usable cannabis or, in the case of a medical cannabis-infused product, 36 grams of delta-9-tetrahydrocannabinol (better known as THC). However, the written certification may include a written statement that certifies, in the provider’s professional opinion, a standard 30-day supply of medical cannabis would be inadequate to meet the qualifying patient’s medical needs.

A licensed dispensary or a registered dispensary agent acting in accordance with the statutory provisions of Maryland’s medical cannabis program may not be penalized or arrested under State law for acquiring, possessing, transferring, transporting, selling, distributing, or dispensing cannabis, products containing cannabis, related supplies, or educational materials for use by a qualifying patient, a caregiver, or an academic research representative purchasing medical cannabis in accordance with State law.

Current law establishes that any of the following persons acting in accordance with the statutory provisions of Maryland’s medical cannabis program are not subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, nor may they be denied any right or privilege, for the medical use or possession of medical cannabis: (1) a qualifying patient who is in possession of a 30-day supply of medical cannabis, or a greater amount if authorized by the qualifying patient’s written certification; (2) a grower or grower agent; (3) a certifying provider; (4) a caregiver; (5) an academic research representative; (6) a dispensary or dispensary agent; (7) a processor or processor agent; (8) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; (9) an authorized third-party vendor; or (10) authorized school personnel.

**Small Business Effect:** The bill expands the eligible market of people who are authorized to purchase medical cannabis from licensed dispensaries in the State, which likely results in an increase in sales. This impact could also benefit other licensed medical cannabis entities in the State such as growers and processors. It is unknown how many of the current licensees in the State are small businesses.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2021  
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