

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1172 (Delegate Kelly)

Health and Government Operations and
Economic Matters

Medical Cannabis - Visiting Qualifying Patients

This bill generally applies established rights and protections related to medical cannabis for qualifying patients to “visiting qualifying patients,” including the authorization to obtain medical cannabis from a medical cannabis dispensary licensed by the Natalie M. LaPrade Medical Cannabis Commission (MMCC). Likewise, the bill authorizes licensed dispensaries in the State and their registered agents to provide medical cannabis for use by a visiting qualifying patient, as specified, and expands current legal protections for dispensaries and dispensary agents that do so.

Fiscal Summary

State Effect: MMCC can implement the bill using existing budgeted resources. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A “visiting qualifying patient” is an individual who provides a dispensary with documentation that the individual has, issued by the individual’s state of residence, both a valid medical cannabis certification and either photographic identification or a valid driver’s license. A visiting qualifying patient may not be required to have a written certification issued by a certifying provider or an identification card issued by MMCC. In

their required quarterly reporting to MMCC, each dispensary must include information on the number and state of residence of each visiting qualifying patient served.

Current Law:

Natalie M. LaPrade Medical Cannabis Commission

MMCC 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. 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.

Status of Medical Cannabis Implementation

Statute limits the number of grower and processor licenses the commission can issue, and regulations establish a limit on the number of dispensary licenses. Specifically, the commission can issue 22 grower, 28 processor, and 102 dispensary licenses. At the close of calendar 2022, MMCC had issued 18 final grower licenses, 21 final processor licenses, and 97 final dispensary licenses. In addition, there are three licensed independent testing laboratories. The commission maintains a list of licensees on its [website](#). Also, at the close of calendar 2022, there were 162,300 certified patients, 8,159 caregivers, and 1,560 certifying providers. The commission additionally reports a preliminary total of \$674.2 million in retail sales at cannabis dispensaries in the State for calendar 2022.

Small Business Effect: Small business dispensaries may sell additional medical cannabis under the bill to the extent that visiting qualifying patients purchase medical cannabis in the State.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 884 of 2021.

Designated Cross File: SB 671 (Senator Klausmeier) - Finance.

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

Fiscal Note History: First Reader - March 5, 2023
js/jc

Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510