

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 790 (Delegate Buckel, *et al.*)
Health and Government Operations

Medical Cannabis - Employees in Health Care Settings Caring for Qualifying Patients

This bill authorizes a qualifying patient to obtain medical cannabis through “designated medical personnel” and authorizes the “designated medical personnel” to administer medical cannabis to qualifying patients, as specified.

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: “Designated medical personnel” means employees who:

- are employed by (1) an assisted living facility; (2) an intermediate care facility for individuals with an intellectual disability; (3) a home health agency; (4) a hospice care program; (5) a related institution; or (6) a residential service agency;
- have been designated in writing to provide care to qualifying patients by a respective health care entity as authorized by the qualifying patients; and
- have significant responsibility for managing the health care and well-being of the qualifying patients.

Designated medical personnel may only administer medical cannabis to a qualifying patient if the medical cannabis is obtained through the qualifying patient’s caregiver and administered in accordance with dosing, timing, and delivery route instructions provided in the certifying providers written instructions.

Designated medical personnel are not a caregiver and are not required to register with the Maryland Cannabis Administration (MCA). The bill also adds designated medical personnel to the list of persons who, when acting in accordance with the Medical and Adult-Use Cannabis Title, may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, or be denied any right or privilege for the authorized use of or possession of cannabis.

Current Law: Pursuant to Chapters 254 and 255 of 2023, MCA – rather than the Natalie M. LaPrade Medical Cannabis Commission – is responsible for the State’s medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner. There is a framework to certify health care providers (including physicians, physician assistants, dentists, podiatrists, nurse practitioners, and nurse midwives), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. Qualifying patients may possess (1) up to 120 grams of usable cannabis; (2) cannabis infused products containing up to 36 grams of delta-9-tetrahydrocannabinol; or (3) for a qualifying patient who is at least age 21, no more than four cannabis plants.

Maryland regulations (COMAR 10.62.30.04) authorize a medical cannabis licensee or registrant to deliver and a medical facility to accept medical cannabis at the medical facility where a qualifying patient is receiving inpatient treatment. Under COMAR 10.62.01.01, a qualifying patient includes an individual who (1) is physically in the State; (2) has been provided with a written certification by a certifying provider, as specified; (3) is admitted to a medical facility accredited by The Joint Commission (www.jointcommission.org); (4) will be dispensed medical cannabis at the medical facility during an inpatient stay; (5) will complete treatment with medical cannabis prior to release; and (6) for patients younger than age 18, has a caregiver.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 685 and SB 523 of 2023.

Designated Cross File: SB 347 (Senator McKay) - Finance.

Information Source(s): Alcohol, Tobacco, and Cannabis Commission; Maryland Cannabis Administration; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2024
js/jc

Analysis by: Amber R. Gundlach

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