

HOUSE BILL 790

A3, J1
HB 685/23 – HGO

4lr1067
CF SB 347

By: **Delegates Buckel, Hinebaugh, Hornberger, Miller, and T. Morgan**

Introduced and read first time: January 31, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Cannabis – Employees in Health Care Settings Caring for Qualifying**
3 **Patients**

4 FOR the purpose of authorizing designated medical personnel to administer medical
5 cannabis to qualifying patients only under certain circumstances; providing that
6 designated medical personnel are not required to register with the Maryland
7 Cannabis Administration; exempting designated medical personnel from civil and
8 criminal penalties relating to the administration of medical cannabis; and generally
9 relating to medical cannabis and designated medical personnel.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages and Cannabis
12 Section 36–101(a)
13 Annotated Code of Maryland
14 (2016 Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages and Cannabis
17 Section 36–101(l), 36–302(a) and (c), and 36–1201(6) and (7)
18 Annotated Code of Maryland
19 (2016 Volume and 2023 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages and Cannabis
22 Section 36–302(j) and 36–1201(8)
23 Annotated Code of Maryland
24 (2016 Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Alcoholic Beverages and Cannabis

36–101.

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

(l) (1) “Caregiver” means:

(i) an individual who has agreed to assist with a qualifying patient’s medical use of cannabis; and

(ii) for a qualifying patient under the age of 18 years:

1. a parent or legal guardian; and

2. not more than two additional adults designated by the parent or legal guardian.

(2) “Caregiver” does not include any:

(I) designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article; **OR**

(II) **DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO QUALIFYING PATIENTS UNDER § 36–302 OF THIS TITLE.**

36–302.

(a) (1) A qualifying patient or caregiver may obtain medical cannabis from a dispensary licensed by the Administration.

(2) **A QUALIFYING PATIENT MAY OBTAIN MEDICAL CANNABIS THROUGH DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A QUALIFYING PATIENT IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.**

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

(1) the qualifying patient’s caregiver; **[or]**

(2) any designated school personnel authorized to administer medical cannabis to a student in accordance with the guidelines established under § 7–446 of the Education Article; **OR**

1 **(3) DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER**
2 **MEDICAL CANNABIS TO A QUALIFYING PATIENT IN ACCORDANCE WITH SUBSECTION**
3 **(J) OF THIS SECTION.**

4 **(J) (1) IN THIS SUBSECTION, “DESIGNATED MEDICAL PERSONNEL”**
5 **MEANS EMPLOYEES:**

6 **(I) WHO ARE EMPLOYED BY:**

7 1. AN ASSISTED LIVING FACILITY, AS DEFINED IN §
8 **19-1801 OF THE HEALTH – GENERAL ARTICLE;**

9 2. AN INTERMEDIATE CARE FACILITY FOR INDIVIDUALS
10 **WITH AN INTELLECTUAL DISABILITY;**

11 3. A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF
12 **THE HEALTH – GENERAL ARTICLE;**

13 4. A HOSPICE CARE PROGRAM;

14 5. A RELATED INSTITUTION, AS DEFINED IN § 19-301 OF
15 **THE HEALTH – GENERAL ARTICLE; OR**

16 6. A RESIDENTIAL SERVICE AGENCY, AS DEFINED IN §
17 **19-4A-01 OF THE HEALTH – GENERAL ARTICLE;**

18 **(II) WHO HAVE BEEN DESIGNATED IN WRITING TO PROVIDE**
19 **CARE TO QUALIFYING PATIENTS BY ENTITIES LISTED UNDER ITEM (I) OF THIS**
20 **PARAGRAPH;**

21 **(III) FOR WHOM THE QUALIFYING PATIENTS HAVE AUTHORIZED**
22 **THE DESIGNATION UNDER ITEM (II) OF THIS PARAGRAPH; AND**

23 **(IV) WHO HAVE SIGNIFICANT RESPONSIBILITY FOR MANAGING**
24 **THE HEALTH CARE AND WELL-BEING OF THE QUALIFYING PATIENTS.**

25 **(2) DESIGNATED MEDICAL PERSONNEL:**

26 **(I) MAY ADMINISTER MEDICAL CANNABIS TO QUALIFYING**
27 **PATIENTS ONLY IF THE MEDICAL CANNABIS IS:**

28 1. OBTAINED THROUGH THE QUALIFYING PATIENT’S

CAREGIVER; AND

2. ADMINISTERED IN ACCORDANCE WITH DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS PROVIDED IN THE CERTIFYING PROVIDER'S WRITTEN INSTRUCTIONS; AND

(II) ARE NOT REQUIRED TO REGISTER WITH THE ADMINISTRATION UNDER THIS SUBTITLE.

36–1201.

The following persons acting in accordance with the provisions of this title may not be 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, or be denied any right or privilege, for the use of or possession of cannabis that is authorized under this title:

(6) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; [or]

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

(8) DESIGNATED MEDICAL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A QUALIFYING PATIENT UNDER § 36–302 OF THIS TITLE UNLESS THE ACT OR OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL MISCONDUCT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.