

HOUSE BILL 1172

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3lr2555
CF SB 671

By: **Delegate Kelly**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations and Economic Matters

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 written certification issued by a certifying provider or an identification card issued
5 by the Natalie M. LaPrade Medical Cannabis Commission; including a visiting
6 qualifying patient among the individuals with respect to whom the Commission is
7 required to allow a licensed dispensary or registered dispensary agent to take certain
8 actions related to medical cannabis; including a visiting qualifying patient among
9 the individuals with respect to whom a licensed dispensary or registered dispensary
10 agent may take certain actions related to medical cannabis without being subject to
11 certain penalties or arrest; including a visiting qualifying patient among the persons
12 that may not be subject to certain discipline or penalties or be denied certain rights
13 or privileges for the medical use or possession of medical cannabis under certain
14 circumstances; and generally relating to visiting qualifying patients and medical
15 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 2022 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Health – General
23 Section 13–3301(f) and (q), 13–3304, 13–3307(f), (g), and (l), and 13–3313(a)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

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

Article – Health – General

13–3301.

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

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

(Q) “VISITING QUALIFYING PATIENT” MEANS AN INDIVIDUAL WHO PROVIDES TO A DISPENSARY:

(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.

[(q)] (R) “Written certification” means a certification that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A qualifying patient **OR VISITING QUALIFYING PATIENT** under the age of 18 years may obtain medical cannabis only through:

1 1. The qualifying **PATIENT'S OR VISITING QUALIFYING**
2 patient's caregiver; or

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

6 (6) (i) A caregiver may serve no more than five qualifying patients **OR**
7 **VISITING QUALIFYING PATIENTS** at any time.

8 (ii) Except as provided in subparagraph (iii) of this paragraph, a
9 qualifying patient **OR VISITING QUALIFYING PATIENT** may have no more than two
10 caregivers.

11 (iii) A qualifying patient **OR VISITING QUALIFYING PATIENT** under
12 the age of 18 years may have no more than four caregivers.

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

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

16 1. That is obtained through the student's caregiver; and

17 2. In accordance with dosing, timing, and delivery route
18 instructions as provided by the certifying provider's written instructions; and

19 (ii) Are not required to register with the Commission under this
20 subtitle.

21 (8) [Beginning June 1, 2020, a] **A** caregiver may administer medical
22 cannabis to a student who is a qualifying patient of the caregiver on school property, during
23 school-sponsored activities, and while on a school bus.

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

25 (2) The Commission shall grant or deny a renewal of a registration for
26 approval based on the provider's performance in complying with regulations adopted by the
27 Commission.

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

31 13-3307.

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

(1) A qualifying patient[, a];

(2) A caregiver[, or an];

(3) AN academic research representative purchasing medical cannabis under § 13–3304.1 of this subtitle; OR

(4) A VISITING QUALIFYING PATIENT FOR ANY CONDITION RECOGNIZED AS A QUALIFYING CONDITION BY THE STATE THAT ISSUED THE VALID MEDICAL CANNABIS CERTIFICATION FOR THE PATIENT.

(g) A dispensary licensed under this section or a dispensary agent registered under § 13–3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, transferring, transporting, selling, distributing, or dispensing medical cannabis, products containing medical cannabis, related supplies, or educational materials for use by [a]:

(1) A qualifying patient[, a];

(2) A caregiver[, or an];

(3) AN academic research representative purchasing medical cannabis under § 13–3304.1 of this subtitle; OR

(4) A VISITING QUALIFYING PATIENT.

(l) (1) Each dispensary licensed under this section shall submit to the Commission a quarterly report.

(2) The quarterly report shall include:

(i) The number of patients served;

(ii) The county of residence of each patient served;

(III) THE NUMBER OF VISITING QUALIFYING PATIENTS SERVED;

(IV) THE STATE OF RESIDENCE OF EACH VISITING QUALIFYING PATIENT SERVED;

1 [(iii)] (V) The medical condition for which medical cannabis was
2 recommended;

3 [(iv)] (VI) The type and amount of medical cannabis dispensed; and

4 [(v)] (VII) If available, a summary of clinical outcomes, including
5 adverse events and any cases of suspected diversion.

6 (3) The quarterly report may not include any personal information that
7 identifies a patient.

8 13–3313.

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

14 (1) A qualifying patient:

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

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

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

23 (3) A certifying provider;

24 (4) A caregiver;

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

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

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

31 (8) A hospital, medical facility, or hospice program where a qualifying
32 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, 2023.