

HOUSE BILL 1101

J1

3lr0950
CF 3lr1701

By: Delegates Morhaim, Glenn, Hammen, Pendergrass, Elliott, McIntosh, Hixson, Barve, Branch, Feldman, Tarrant, Barnes, Cane, McHale, Malone, F. Turner, Kach, Clagett, Cluster, Hubbard, Aumann, Lafferty, Frank, Rosenberg, Ivey, Glenn, Love, Stein, Vaughn, Haynes, Gutierrez, Carr, Cullison, Stukes, Bobo, Cardin, M. Washington, A. Kelly, Reznik, Kramer, Gilchrist, Frush, B. Robinson, Valderrama, Donoghue, Zucker, Weir, Conaway, Carter, Wilson, Glass, Oaks, Luedtke, S. Robinson, Mizeur, Niemann, Summers, A. Miller, Murphy, V. Turner, Nathan-Pulliam, Minnick, and Arora Arora, Holmes, Kaiser, Boteler, Smigiel, Braveboy, Hucker, and Lee

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations and Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 ~~Medical Marijuana – Academic Medical Centers~~
3 Medical Marijuana – Academic Medical Centers –
4 Natalie M. LaPrade Medical Marijuana Commission

5 FOR the purpose of establishing the Natalie M. LaPrade Medical Marijuana
6 Commission; providing that the Commission is an independent commission that
7 functions within the Department of Health and Mental Hygiene; providing for
8 the purpose and the membership of the Commission; providing for the terms of
9 the members of the Commission; requiring the Governor to designate the chair
10 of the Commission; providing that a member of the Commission may not receive
11 certain compensation but is entitled to certain reimbursement; authorizing the
12 Commission to employ a certain staff; establishing the Natalie M. LaPrade
13 Medical Marijuana Commission Fund; requiring the Commission to administer
14 the Fund; providing that the Fund is a special continuing, nonlapsing fund that
15 is not subject to a certain provision of law; requiring the State Treasurer to hold
16 the Fund and the State Comptroller to account for the Fund; requiring the Fund

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to be invested and reinvested in a certain manner and the investment earnings
2 be retained to the credit of the Fund; requiring the Fund to be subject to a
3 certain audit; requiring the Comptroller to pay out money from the Fund as
4 directed by the Commission; providing that the Fund consists of certain money;
5 prohibiting any part of the Fund from reverting or being credited to the General
6 Fund of the State or any other special fund of the State; providing that
7 expenditures from the Fund may be made only in accordance with the State
8 budget; requiring the Commission to issue a certain request for applications at
9 least annually; requiring a certain application submitted by an academic
10 medical center to include certain information; requiring the Commission to set
11 certain application and renewal fees; requiring the Commission to establish a
12 certain application review process; requiring certain reviewers to review,
13 evaluate, and rate certain applications and to make certain recommendations;
14 authorizing the Commission to grant a certain approval; limiting the number of
15 programs that the Commission may approve to operate at one time; requiring
16 certain academic medical centers to provide certain data on a certain basis to
17 the ~~Department of Health and Mental Hygiene~~ Commission; requiring the
18 ~~Department~~ Commission to make certain data available to law enforcement in a
19 certain manner; providing that an academic medical center operating a certain
20 program may obtain marijuana only from certain sources; subjecting an
21 academic medical center to certain requirements if an academic medical center
22 utilizes caregivers as part of a certain program; requiring certain academic
23 medical centers to provide a certain annual report to the Commission; requiring
24 a certain academic medical center to apply annually to the Commission for a
25 certain renewal in accordance with certain procedures; providing that certain
26 academic medical centers are subject to certain inspection by the Commission;
27 authorizing the Commission to rescind approval of certain programs under
28 certain circumstances; requiring the Commission to provide a certain report to
29 the Governor and General Assembly on or before a certain date each year;
30 requiring the ~~Department~~ Commission to license medical marijuana growers for
31 a certain purpose; limiting the number of medical marijuana growers that the
32 Commission may license; providing that certain entities may provide marijuana
33 only to certain academic medical centers; requiring the ~~Department~~
34 Commission to establish certain security and manufacturing requirements;
35 authorizing the ~~Department~~ Commission to inspect certain growers; authorizing
36 the ~~Department~~ Commission to impose certain penalties or rescind certain
37 licenses; exempting certain persons from certain penalties when acting in
38 accordance with this Act; providing that a person may not distribute, possess,
39 manufacture, or use certain marijuana; providing for certain penalties;
40 providing for the construction of this Act; authorizing the State to pay for the
41 defense of certain State employees under certain circumstances; authorizing the
42 Governor to suspend implementation of the Act under certain circumstances;
43 establishing that a certain requirement that certain interest accrue to the
44 General Fund of the State does not apply to the Natalie M. LaPrade Medical
45 Marijuana Commission Fund; during a certain fiscal year, requiring the
46 Commission to develop certain policies, procedures, regulations, and guidelines
47 for implementation of the Act; requiring the Commission to provide a certain

1 report to the Governor and General Assembly on or before a certain date;
 2 defining certain terms; and generally relating to marijuana for medical use.

3 BY adding to

4 Article – Health – General
 5 Section 13–3101 through ~~13–3110~~ 13–3111 to be under the new subtitle
 6 “Subtitle 31. Medical Marijuana”
 7 Annotated Code of Maryland
 8 (2009 Replacement Volume and 2012 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article – State Finance and Procurement
 11 Section 6–226(a)(2)(i)
 12 Annotated Code of Maryland
 13 (2009 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – State Finance and Procurement
 16 Section 6–226(a)(2)(ii)69. and 70.
 17 Annotated Code of Maryland
 18 (2009 Replacement Volume and 2012 Supplement)

19 BY adding to

20 Article – State Finance and Procurement
 21 Section 6–226(a)(2)(ii)71.
 22 Annotated Code of Maryland
 23 (2009 Replacement Volume and 2012 Supplement)

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

26 **Article – Health – General**

27 **SUBTITLE 31. ~~MEDICAL MARIJUANA~~ NATALIE M. LAPRADE MEDICAL**
 28 **MARIJUANA COMMISSION.**

29 **13–3101.**

30 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 31 **INDICATED.**

32 **(B) “ACADEMIC MEDICAL CENTER” MEANS A HOSPITAL THAT:**

33 **(1) OPERATES A MEDICAL RESIDENCY PROGRAM FOR**
 34 **PHYSICIANS; AND**

1 (2) CONDUCTS RESEARCH THAT IS OVERSEEN BY THE FEDERAL
2 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND INVOLVES HUMAN
3 SUBJECTS.

4 (C) “COMMISSION” MEANS THE NATALIE M. LAPRADE MEDICAL
5 MARIJUANA COMMISSION ESTABLISHED UNDER THIS SUBTITLE.

6 (D) “FUND” MEANS THE NATALIE M. LAPRADE MEDICAL MARIJUANA
7 COMMISSION FUND ESTABLISHED UNDER § 13-3103 OF THIS SUBTITLE.

8 ~~(D)~~ (E) “PROGRAM” MEANS AN INVESTIGATIONAL USE-TYPE
9 PROGRAM OVERSEEN BY AN ACADEMIC MEDICAL CENTER THROUGH WHICH
10 MARIJUANA IS MADE AVAILABLE TO PATIENTS FOR MEDICAL USE.

11 13-3102.

12 (A) THERE IS A NATALIE M. LAPRADE MEDICAL MARIJUANA
13 COMMISSION.

14 (B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT
15 FUNCTIONS WITHIN THE DEPARTMENT.

16 ~~(B)~~ (C) THE PURPOSE OF THE COMMISSION IS TO:

17 (1) DEVELOP REQUESTS FOR APPLICATIONS FOR ACADEMIC
18 MEDICAL CENTERS TO OPERATE PROGRAMS IN ACCORDANCE WITH THIS
19 SUBTITLE;

20 (2) APPROVE OR DENY APPLICATIONS FOR PROGRAMS;

21 (3) APPROVE OR DENY APPLICATIONS FOR RENEWAL OF
22 PROGRAMS; AND

23 (4) MONITOR AND OVERSEE PROGRAMS APPROVED FOR
24 OPERATION UNDER THIS SUBTITLE.

25 13-3103.

26 (A) THE COMMISSION CONSISTS OF THE FOLLOWING 12 MEMBERS:

27 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
28 SECRETARY’S DESIGNEE; AND

1 **(2) THE FOLLOWING 11 MEMBERS, APPOINTED BY THE**
2 **GOVERNOR:**

3 **(I) ONE MEMBER OF THE PUBLIC WHO SUPPORTS THE USE**
4 **OF MARIJUANA FOR MEDICAL PURPOSES AND WHO IS OR WAS A PATIENT WHO**
5 **FOUND RELIEF FROM THE USE OF MEDICAL MARIJUANA;**

6 **(II) ONE MEMBER OF THE PUBLIC DESIGNATED BY THE**
7 **MARYLAND CHAPTER OF THE NATIONAL COUNCIL ON ALCOHOLISM AND DRUG**
8 **DEPENDENCE;**

9 **(III) THREE PHYSICIANS LICENSED IN THE STATE WHO**
10 **SPECIALIZE IN ADDICTION, PAIN, ONCOLOGY, NEUROLOGY, OR CLINICAL**
11 **RESEARCH;**

12 **(IV) ONE NURSE LICENSED IN THE STATE WHO HAS**
13 **EXPERIENCE IN HOSPICE CARE, NOMINATED BY A STATE RESEARCH**
14 **INSTITUTION OR TRADE ASSOCIATION;**

15 **(V) ONE PHARMACIST LICENSED IN THE STATE,**
16 **NOMINATED BY A STATE RESEARCH INSTITUTION OR TRADE ASSOCIATION;**

17 **(VI) ONE SCIENTIST WHO HAS EXPERIENCE IN THE SCIENCE**
18 **OF MARIJUANA, NOMINATED BY A STATE RESEARCH INSTITUTION;**

19 **(VII) ONE REPRESENTATIVE OF THE MARYLAND STATE'S**
20 **ATTORNEYS' ASSOCIATION;**

21 **(VIII) ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF**
22 **POLICE; AND**

23 **(IX) AN ATTORNEY WHO IS KNOWLEDGEABLE ABOUT**
24 **MEDICAL MARIJUANA LAWS IN THE UNITED STATES.**

25 **(B) (1) THE TERM OF A MEMBER IS 4 YEARS.**

26 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED**
27 **BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2013.**

28 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
29 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

30 **(4) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE**
31 **FULL TERMS.**

1 **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
2 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
3 **APPOINTED AND QUALIFIES.**

4 **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR FROM AMONG THE**
5 **MEMBERS OF THE COMMISSION.**

6 **(D) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**
7 **COMMISSION IS A QUORUM.**

8 **(E) A MEMBER OF THE COMMISSION:**

9 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
10 **COMMISSION; BUT**

11 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
12 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
13 **BUDGET.**

14 **(F) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING**
15 **CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.**

16 **(G) (1) THERE IS A NATALIE M. LAPRADE MEDICAL MARIJUANA**
17 **COMMISSION FUND.**

18 **(2) THE COMMISSION SHALL ADMINISTER THE FUND.**

19 **(3) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND**
20 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
21 **ARTICLE.**

22 **(4) THE STATE TREASURER SHALL HOLD THE FUND**
23 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

24 **(5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE**
25 **SAME MANNER AS OTHER STATE FUNDS, AND ANY INVESTMENT EARNINGS**
26 **SHALL BE RETAINED TO THE CREDIT OF THE FUND.**

27 **(6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE**
28 **OF LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE**
29 **GOVERNMENT ARTICLE.**

1 **(7) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND**
2 **AS DIRECTED BY THE COMMISSION.**

3 **(8) THE FUND CONSISTS OF:**

4 **(I) ANY MONEY APPROPRIATED IN THE STATE BUDGET TO**
5 **THE FUND;**

6 **(II) ANY OTHER MONEY FROM ANY OTHER SOURCE**
7 **ACCEPTED FOR THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY**
8 **CONDITIONS ADOPTED BY THE COMMISSION FOR THE ACCEPTANCE OF**
9 **DONATIONS OR GIFTS TO THE FUND.**

10 **(9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

11 **(I) THE GENERAL FUND OF THE STATE; OR**

12 **(II) ANY OTHER SPECIAL FUND OF THE STATE.**

13 **(10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
14 **ACCORDANCE WITH THE STATE BUDGET.**

15 **13-3104.**

16 **(A) THE COMMISSION SHALL ISSUE AT LEAST ANNUALLY A REQUEST**
17 **FOR APPLICATIONS FOR ACADEMIC MEDICAL CENTERS TO OPERATE MEDICAL**
18 **MARIJUANA COMPASSIONATE USE PROGRAMS.**

19 **(B) AN APPLICATION SUBMITTED BY AN ACADEMIC MEDICAL CENTER**
20 **TO OPERATE A PROGRAM UNDER THIS SUBTITLE SHALL:**

21 **(1) SPECIFY THE MEDICAL CONDITIONS TO BE TREATED UNDER**
22 **THE PROGRAM TO BE OPERATED BY THE ACADEMIC MEDICAL CENTER,**
23 **PROPOSED ON THE BASIS OF EVIDENCE;**

24 **(2) SPECIFY THE CRITERIA BY WHICH THE ACADEMIC MEDICAL**
25 **CENTER WILL INCLUDE AND EXCLUDE PATIENTS FROM PARTICIPATION IN THE**
26 **PROGRAM;**

27 **(3) SPECIFY HOW PATIENTS WILL BE ASSESSED FOR ADDICTION**
28 **BEFORE AND DURING TREATMENT USING MARIJUANA THROUGH THE PROGRAM;**

1 **(4) DESCRIBE THE SOURCE OF THE MARIJUANA TO BE USED IN A**
2 **PROGRAM AND INCLUDE SCIENTIFIC DETAILS OF THE TYPE OF MARIJUANA TO**
3 **BE USED IN THE PROGRAM;**

4 **(5) SPECIFY THE LENGTH OF TREATMENT AND DOSAGE**
5 **PERMITTED UNDER THE PROGRAM;**

6 **(6) DESCRIBE HOW HEALTH CARE PROVIDERS WILL BE ELIGIBLE**
7 **TO PARTICIPATE IN THE PROGRAM AND WHAT TRAINING THEY WILL RECEIVE;**

8 **(7) INCLUDE A DESCRIPTION OF WHETHER AND HOW**
9 **CAREGIVERS WILL INTERACT WITH PATIENTS PARTICIPATING IN THE PROGRAM;**

10 **(8) DEMONSTRATE APPROVAL OF THE PROGRAM BY THE**
11 **ACADEMIC MEDICAL CENTER'S INSTITUTIONAL REVIEW BOARD;**

12 **(9) DESCRIBE THE PLAN FOR DEFINING AND MONITORING THE**
13 **SUCCESS OR FAILURE OF TREATMENT USING MARIJUANA THROUGH THE**
14 **PROGRAM;**

15 **(10) INCLUDE A PLAN FOR MONITORING AGGREGATE DATA AND**
16 **OUTCOMES AND PUBLISHING RESULTS FROM THE PROGRAM, AS APPROPRIATE;**

17 **(11) INCLUDE A DESCRIPTION OF THE SOURCES OF FUNDING FOR**
18 **THE PROGRAM, INCLUDING ANY RESEARCH GRANTS;**

19 **(12) DESCRIBE ANY REQUIRED TRAINING FOR HEALTH CARE**
20 **PROVIDERS AND PATIENTS PARTICIPATING IN THE PROGRAM ON**
21 **DIVERSION-RELATED ISSUES;**

22 **(13) DESCRIBE STEPS THE ACADEMIC MEDICAL CENTER WILL**
23 **TAKE TO PREVENT AND MONITOR FOR DIVERSION AND ADDRESS VIOLATIONS OF**
24 **ITS DIVERSION POLICY;**

25 **(14) DESCRIBE HOW THE PROGRAM WILL DISPOSE OF ANY UNUSED**
26 **MARIJUANA; AND**

27 **(15) DESCRIBE HOW THE ACADEMIC MEDICAL CENTER AND THE**
28 **PROGRAM WILL MEET ANY OTHER CRITERIA ESTABLISHED BY THE COMMISSION**
29 **RELATED TO DIVERSION OR OTHER ASPECTS OF PROGRAMS OVERSEEN BY THE**
30 **COMMISSION.**

1 (C) THE COMMISSION SHALL SET APPLICATION FEES AND RENEWAL
2 FEES THAT COVER ITS EXPENSES IN REVIEWING AND APPROVING APPLICATIONS
3 AND PROVIDING OVERSIGHT TO PROGRAMS.

4 13-3105.

5 (A) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW
6 PROCESS THAT INCLUDES REVIEWERS WITH EXPERTISE IN SCIENTIFIC
7 RESEARCH AND ANALYSIS, MEDICAL TRAINING, AND LAW ENFORCEMENT.

8 (B) THE REVIEWERS SHALL:

9 (1) REVIEW, EVALUATE, AND RATE APPLICATIONS FOR MEDICAL
10 MARIJUANA COMPASSIONATE USE PROGRAMS SUBMITTED BY ACADEMIC
11 MEDICAL CENTERS BASED ON THE PROCEDURES AND GUIDELINES
12 ESTABLISHED BY THE COMMISSION; AND

13 (2) MAKE RECOMMENDATIONS TO THE COMMISSION, BASED ON
14 THE RATINGS AWARDED TO PROPOSALS BY THE REVIEWERS, FOR APPROVAL OF
15 APPLICATIONS FROM MEDICAL MARIJUANA COMPASSIONATE USE PROGRAMS.

16 (C) THE COMMISSION MAY GRANT A 1-YEAR APPROVAL TO A PROGRAM,
17 WHICH MAY BE RENEWED BY THE COMMISSION.

18 (D) THE COMMISSION MAY APPROVE NO MORE THAN FIVE PROGRAMS
19 TO OPERATE AT ONE TIME.

20 13-3106.

21 (A) (1) AN ACADEMIC MEDICAL CENTER APPROVED TO OPERATE A
22 PROGRAM UNDER THIS SUBTITLE SHALL PROVIDE TO THE ~~DEPARTMENT~~
23 COMMISSION UPDATED DATA EACH DAY ON PATIENTS AND CAREGIVERS
24 PARTICIPATING IN EACH PROGRAM OVERSEEN BY THE ACADEMIC MEDICAL
25 CENTER.

26 (2) ~~THE DEPARTMENT~~ COMMISSION SHALL MAKE THE DATA
27 AVAILABLE IN REAL TIME TO LAW ENFORCEMENT.

28 (B) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM
29 APPROVED UNDER THIS SUBTITLE MAY USE MARIJUANA OBTAINED ONLY FROM:

30 (1) THE FEDERAL GOVERNMENT; OR

1 **(2) A MEDICAL MARIJUANA GROWER LICENSED UNDER THIS**
2 **SUBTITLE.**

3 **(C) IF AN ACADEMIC MEDICAL CENTER UTILIZES CAREGIVERS AS PART**
4 **OF A PROGRAM APPROVED UNDER THIS SUBTITLE, THE ACADEMIC MEDICAL**
5 **CENTER SHALL:**

6 **(1) LIMIT THE NUMBER OF PATIENTS A CAREGIVER IS ALLOWED**
7 **TO SERVE TO NO MORE THAN FIVE; AND**

8 **(2) LIMIT THE NUMBER OF CAREGIVERS THAT SERVE A**
9 **PARTICULAR PATIENT TO NO MORE THAN TWO.**

10 **(D) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**
11 **APPROVED UNDER THIS SUBTITLE SHALL REPORT ANNUALLY TO THE**
12 **COMMISSION, IN THE FORM SPECIFIED BY THE COMMISSION, ON:**

13 **(1) THE NUMBER OF PATIENTS SERVED THROUGH THE PROGRAM;**

14 **(2) THE COUNTY OF RESIDENCE OF THE PATIENTS SERVED BY**
15 **THE PROGRAM;**

16 **(3) THE CONDITIONS TREATED UNDER THE PROGRAM;**

17 **(4) ANY OUTCOMES DATA ON THE RESULTS OF TREATMENT**
18 **THROUGH THE PROGRAM; AND**

19 **(5) ANY RESEARCH STUDIES CONDUCTED UNDER THE PROGRAM.**

20 **(E) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**
21 **APPROVED UNDER THIS SUBTITLE SHALL APPLY ANNUALLY TO THE**
22 **COMMISSION FOR RENEWAL OF APPROVAL OF THE PROGRAM, IN ACCORDANCE**
23 **WITH ANY PROCEDURES ESTABLISHED BY THE COMMISSION.**

24 **(F) AN ACADEMIC MEDICAL CENTER OPERATING A PROGRAM**
25 **APPROVED UNDER THIS SUBTITLE IS SUBJECT TO INSPECTION BY THE**
26 **COMMISSION TO ENSURE THAT THE PROGRAM IS OPERATING ACCORDING TO**
27 **THE CONDITIONS OF APPROVAL ESTABLISHED BY THE COMMISSION.**

28 **(G) THE COMMISSION MAY RESCIND APPROVAL OF A PROGRAM IF THE**
29 **COMMISSION FINDS THAT THE PROGRAM IS NOT IN COMPLIANCE WITH THE**
30 **CONDITIONS OF APPROVAL ESTABLISHED BY THE COMMISSION.**

31 **13-3107.**

1 ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL REPORT
2 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
3 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON PROGRAMS APPROVED
4 TO OPERATE UNDER THIS SUBTITLE.

5 13-3108.

6 (A) (1) ~~THE DEPARTMENT~~ COMMISSION SHALL LICENSE MEDICAL
7 MARIJUANA GROWERS TO OPERATE IN THE STATE TO PROVIDE MARIJUANA TO
8 PROGRAMS APPROVED FOR OPERATION UNDER THIS SUBTITLE.

9 (2) THE COMMISSION MAY LICENSE NO MORE THAN FIVE
10 MEDICAL MARIJUANA GROWERS FOR EACH APPROVED PROGRAM.

11 (B) AN ENTITY LICENSED TO GROW MARIJUANA UNDER THIS SECTION
12 MAY PROVIDE MARIJUANA ONLY TO AN ACADEMIC MEDICAL CENTER APPROVED
13 TO OPERATE A PROGRAM UNDER THIS SUBTITLE.

14 (C) ~~THE DEPARTMENT~~ COMMISSION SHALL ESTABLISH
15 REQUIREMENTS FOR SECURITY AND THE MANUFACTURING PROCESS THAT A
16 GROWER MUST MEET IN ORDER TO OBTAIN A LICENSE UNDER THIS SECTION,
17 INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.

18 (D) ~~THE DEPARTMENT~~ COMMISSION MAY INSPECT GROWERS LICENSED
19 UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SECTION.

20 (E) ~~THE DEPARTMENT~~ COMMISSION MAY IMPOSE PENALTIES OR
21 RESCIND THE LICENSE OF A GROWER THAT DOES NOT MEET THE STANDARDS
22 FOR LICENSURE SET BY THE ~~DEPARTMENT~~ COMMISSION.

23 13-3109.

24 (A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH
25 THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST,
26 PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A
27 CIVIL PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING
28 BOARD, OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF
29 MARIJUANA:

30 (1) A PATIENT ENROLLED IN A PROGRAM APPROVED UNDER THIS
31 SUBTITLE WHO IS IN POSSESSION OF AN AMOUNT OF MARIJUANA AUTHORIZED
32 UNDER THE PROGRAM;

1 **(2) A GROWER LICENSED UNDER § 13-3108 OF THIS SUBTITLE OR**
2 **AN EMPLOYEE OF THE LICENSED GROWER WHO IS ACTING IN ACCORDANCE**
3 **WITH THE TERMS OF THE LICENSE; OR**

4 **(3) AN ACADEMIC MEDICAL CENTER, AN EMPLOYEE OF THE**
5 **ACADEMIC MEDICAL CENTER, OR ANY OTHER PERSON ASSOCIATED WITH THE**
6 **OPERATION OF A PROGRAM APPROVED UNDER THIS SUBTITLE FOR ACTIVITIES**
7 **CONDUCTED IN ACCORDANCE WITH THE PROGRAM APPROVED UNDER THIS**
8 **SUBTITLE.**

9 **(B) (1) A PERSON MAY NOT DISTRIBUTE, POSSESS, MANUFACTURE,**
10 **OR USE MARIJUANA THAT HAS BEEN DIVERTED FROM A PROGRAM APPROVED**
11 **UNDER THIS SUBTITLE OR FROM A PATIENT WHO IS ENROLLED IN A PROGRAM**
12 **APPROVED UNDER THIS SUBTITLE.**

13 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
14 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5**
15 **YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

16 **(3) THE PENALTY UNDER THIS SUBSECTION IS IN ADDITION TO**
17 **ANY PENALTIES THAT A PERSON MAY BE SUBJECT TO FOR MANUFACTURE,**
18 **POSSESSION, OR DISTRIBUTION OF MARIJUANA UNDER THE CRIMINAL LAW**
19 **ARTICLE.**

20 **13-3110.**

21 **(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY**
22 **INDIVIDUAL TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY**
23 **CIVIL, CRIMINAL, OR OTHER PENALTIES FOR, THE FOLLOWING:**

24 **(1) UNDERTAKING ANY TASK UNDER THE INFLUENCE OF**
25 **MARIJUANA, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR**
26 **PROFESSIONAL MALPRACTICE;**

27 **(2) OPERATING, NAVIGATING, OR BEING IN ACTUAL PHYSICAL**
28 **CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE**
29 **INFLUENCE OF MARIJUANA;**

30 **(3) SMOKING MARIJUANA IN ANY PUBLIC PLACE;**

31 **(4) SMOKING MARIJUANA IN A MOTOR VEHICLE; OR**

32 **(5) SMOKING MARIJUANA ON A PRIVATE PROPERTY THAT:**

- 1 **(I) 1. IS RENTED FROM A LANDLORD; AND**
- 2 **2. IS SUBJECT TO A POLICY THAT PROHIBITS THE**
3 **SMOKING OF MARIJUANA ON THE PROPERTY; OR**
- 4 **(II) IS SUBJECT TO A POLICY THAT PROHIBITS THE**
5 **SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING**
6 **ADOPTED BY ONE OF THE FOLLOWING ENTITIES:**
- 7 **1. THE BOARD OF DIRECTORS OF THE COUNCIL OF**
8 **UNIT OWNERS OF A CONDOMINIUM REGIME; OR**
- 9 **2. THE GOVERNING BODY OF A HOMEOWNERS**
10 **ASSOCIATION.**

11 **(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROVIDE IMMUNITY TO**
12 **A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE FROM CRIMINAL**
13 **PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR REGULATING**
14 **THE USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION OF**
15 **CONTROLLED DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL**
16 **DRUGS, OR HARMFUL DRUGS, OR ANY CONSPIRACY OR ATTEMPT TO COMMIT**
17 **ANY OF THOSE OFFENSES.**

18 **13-3111.**

19 **(A) NOTWITHSTANDING § 12-315 OF THE STATE GOVERNMENT**
20 **ARTICLE, A STATE EMPLOYEE WHO INCURS COUNSEL FEES IN CONNECTION**
21 **WITH A FEDERAL CRIMINAL INVESTIGATION OR PROSECUTION SOLELY**
22 **RELATED TO THE EMPLOYEE'S GOOD FAITH DISCHARGE OF PUBLIC**
23 **RESPONSIBILITIES UNDER THIS SUBTITLE IS ELIGIBLE FOR REIMBURSEMENT**
24 **OF COUNSEL FEES AS AUTHORIZED BY § 12-314 OF THE STATE GOVERNMENT**
25 **ARTICLE.**

26 **(B) THE GOVERNOR MAY SUSPEND IMPLEMENTATION OF THIS**
27 **SUBTITLE ON MAKING A DETERMINATION THAT THERE IS A REASONABLE**
28 **CHANCE OF FEDERAL PROSECUTION OF STATE EMPLOYEES FOR INVOLVEMENT**
29 **WITH IMPLEMENTATION OF THIS SUBTITLE.**

30 **Article – State Finance and Procurement**

31 **6-226.**

32 **(a) (2) (i) Notwithstanding any other provision of law, and unless**
33 **inconsistent with a federal law, grant agreement, or other federal requirement or with**
34 **the terms of a gift or settlement agreement, net interest on all State money allocated**

1 by the State Treasurer under this section to special funds or accounts, and otherwise
2 entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue
3 to the General Fund of the State.

4 (ii) The provisions of subparagraph (i) of this paragraph do not
5 apply to the following funds:

6 69. the Maryland Legal Services Corporation Fund; [and]

7 70. Mortgage Loan Servicing Practices Settlement Fund;

8 AND

9 71. NATALIE M. LAPRADE MEDICAL MARIJUANA
10 COMMISSION FUND.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
12 members of the Medical Marijuana Commission, established under Section 1 of this
13 Act, shall expire as follows:

14 (1) four in 2015;

15 (2) four in 2016; and

16 (3) four in 2017.

17 SECTION 3. AND BE IT FURTHER ENACTED, That during fiscal year 2014,
18 the Commission shall develop policies, procedures, regulations, and guidelines for
19 implementation of this Act, including:

20 (a) the request for proposals;

21 (b) the application review process;

22 (c) the application renewal process;

23 (d) the inspection process;

24 (e) data requirements for participating programs;

25 (f) the annual report format; and

26 (g) the Commission's requirements for licensing, including security and the
27 product-tracking system.

28 SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1,
29 2013, the Commission shall report to the Governor and, in accordance with § 2-1246 of
30 the State Government Article, the General Assembly, on sources of funding for the

1 implementation of the provisions of Section 1 of this Act and suggested fees to support
2 the implementation of this Act beginning July 1, 2014.

3 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.