

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 861

(Senator Zirkin)

Judicial Proceedings

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**Natalie M. LaPrade Medical Cannabis Commission - Registration of Certifying  
Providers - Repeal**

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This repeals the requirement that a certifying provider register with the Natalie M. LaPrade Medical Cannabis Commission before issuing written certifications to qualifying patients under Maryland's medical cannabis program and makes conforming changes.

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**Fiscal Summary**

**State Effect:** Significant operational impact on the commission, as discussed below. However, the bill does not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:**

*Natalie M. LaPrade Medical Cannabis Commission*

The Natalie M. LaPrade Medical Cannabis Commission 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, and nurse midwives), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written

certification. Additionally, recent legislation extended legal protections to third-party vendors authorized by the commission to test, transport, or dispose of medical cannabis, medical cannabis products, and medical cannabis waste.

### *Certifying Providers*

Certifying providers must meet specified requirements and submit required application materials, including a proposal with the reasons for including a patient under the care of the provider; an attestation that a standard patient evaluation will be completed (including a history, a physical examination, a review of symptoms, and other pertinent medical information); and the provider's plan for the ongoing assessment and follow-up care of a patient.

The commission is encouraged to approve provider applications for chronic or debilitating diseases or medical conditions that result in a patient being admitted into hospice or receiving palliative care or diseases or conditions that produce (1) cachexia, anorexia, or wasting syndrome; (2) severe or chronic pain; (3) severe nausea; (4) seizures; or (5) severe or persistent muscle spasms. Regulations also encourage the commission to approve provider applications for patients who have glaucoma or post-traumatic stress disorder. The commission is authorized to approve applications for other conditions as well – if the condition is severe, is one for which other medical treatments have been ineffective, and the symptoms can reasonably be expected to be relieved by the medical use of cannabis. Moreover, in its approval of applications, the commission may not limit treatment of a particular medical condition to one class of providers.

A certifying provider may register biennially and the commission must grant or deny a renewal or registration for approval based on the provider's compliance with commission regulations. The commission is required to annually report the number of providers certified under the State's medical cannabis program to the Governor and the General Assembly. There is no fee to register as a certifying provider.

**Background:** As of January 9, 2019, the commission issued 15 final and 3 pre-approved grower licenses; 16 final and 2 pre-approved processor licenses; and 71 final and 31 pre-approved dispensary licenses. Additionally, the commission has registered five independent laboratories. The commission maintains a list of licensees and also registered certifying providers on its [website](#). Furthermore, there were 79,427 registered patients, 54,236 certified patients, 4,890 caregivers, and 1,243 certifying providers. The commission reported that, in the first 13 months of sales, there were \$112.1 million in retail sales at medical cannabis dispensaries in the State.

**State Fiscal Effect:** Although the bill does not have a fiscal impact, it significantly alters how the State's medical cannabis program is organized and functions.

The commission's main method of tracking and enforcing who is authorized to obtain medical cannabis, and the amount they are able to obtain monthly, is through the commission's online patient/provider registry portal. Registered certifying providers issue written certifications (including the recommended quantity) to qualifying patients using the portal, which tracks patients and the amount they have purchased within a 30-day timeframe. Without certifying provider registration, the commission and dispensaries will have a hard time verifying whether a patient has a valid written certification issued by an authorized medical professional who is licensed and in good standing with their respective State board.

The commission also notes that there are fewer than 1,300 registered certifying providers in the State. The commission estimates that less than 6% of physicians in the State are registered to certify patients for medical cannabis, with similarly low percentages for dentists (2%) and nurse practitioners (7%). Accordingly, patients frequently struggle to find a provider in their area. If certifying providers are not required to register with the commission, the commission will not be able to post registered certifying providers on its website. Thus, removing the requirement for registration may make it even more challenging for qualifying patients to identify medical professionals willing to issue written certifications.

**Small Business Effect:** The bill likely has an operational impact on a dispensary's ability to verify whether a qualifying patient has a valid written certification, as discussed above. However, it is difficult to assess whether the bill has any direct fiscal impact on small businesses.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 24, 2019  
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