

SENATE BILL 523

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3lr2218
CF HB 685

By: **Senator McKay**

Introduced and read first time: February 3, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of exempting, from certain restrictions on the number of patients
5 qualifying for the use of medical cannabis who may be served by a caregiver,
6 employees of certain health care providers or facilities designated to care for
7 qualifying patients under certain circumstances; and generally relating to medical
8 cannabis and caregivers of qualifying patients.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 13–3301(a)
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 13–3301(c) and 13–3304(g)(6)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

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

21 **Article – Health – General**

22 13–3301.

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

24 (c) (1) “Caregiver” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) A person who has agreed to assist with a qualifying patient's
2 medical use of cannabis; and

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

4 1. A parent or legal guardian; and

5 2. Not more than two additional adults designated by the
6 parent or legal guardian.

7 (2) "Caregiver" INCLUDES AN INDIVIDUAL:

8 (I) WHO IS EMPLOYED BY:

9 1. AN ASSISTED LIVING FACILITY, AS DEFINED IN §
10 19-1801 OF THIS ARTICLE;

11 2. AN INTERMEDIATE CARE FACILITY FOR INDIVIDUALS
12 WITH AN INTELLECTUAL DISABILITY;

13 3. A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF
14 THIS ARTICLE;

15 4. A HOSPICE CARE PROGRAM;

16 5. A RELATED INSTITUTION, AS DEFINED IN § 19-301 OF
17 THIS ARTICLE; OR

18 6. A RESIDENTIAL SERVICE AGENCY, AS DEFINED IN §
19 19-4A-01 OF THIS ARTICLE;

20 (II) WHO HAS BEEN DESIGNATED IN WRITING TO PROVIDE CARE
21 TO A QUALIFYING PATIENT BY AN ENTITY LISTED UNDER ITEM (I) OF THIS
22 PARAGRAPH;

23 (III) FOR WHOM THE QUALIFYING PATIENT HAS AUTHORIZED
24 THE DESIGNATION UNDER ITEM (II) OF THIS PARAGRAPH; AND

25 (IV) WHO HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING
26 THE HEALTH CARE AND WELL-BEING OF THE QUALIFYING PATIENT.

1 **(3)** “**CAREGIVER**” does not include any designated school personnel
2 authorized to administer medical cannabis to a student in accordance with the guidelines
3 established under § 7-446 of the Education Article.

4 13-3304.

5 (g) (6) (i) **THIS PARAGRAPH DOES NOT APPLY TO A CAREGIVER AS**
6 **DEFINED IN § 13-3301(C)(2) OF THIS SUBTITLE.**

7 **(II)** A caregiver may serve no more than five qualifying patients at
8 any time.

9 [(ii)] **(III)** Except as provided in subparagraph [(iii)] **(IV)** of this
10 paragraph, a qualifying patient may have no more than two caregivers.

11 [(iii)] **(IV)** A qualifying patient under the age of 18 years may have
12 no more than four caregivers.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.