

# SENATE BILL 627

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CF HB 712

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By: **Senators Brinkley, Raskin, Colburn, Garagiola, Jacobs, Kittleman, Kramer, Madaleno, Miller, and Zirkin**

Introduced and read first time: February 5, 2010

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 5, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health – Medical Marijuana**

3 FOR the purpose of making marijuana a Schedule II controlled dangerous substance;  
4 requiring the Department of Health and Mental Hygiene (DHMH) to issue a  
5 certain request for proposals to select authorized growers of marijuana for  
6 medical use; providing for certain requirements of authorized growers;  
7 prohibiting an authorized grower from holding any other permit issued under a  
8 certain provision of law or being a physician who prepares a certain written  
9 certification; requiring DHMH, jointly with the Department of Agriculture, to  
10 adopt certain regulations; requiring DHMH to establish a certain registration  
11 program to authorize certain entities to distribute marijuana for medical  
12 purposes; authorizing DHMH to charge a certain fee for the issuance of a  
13 certain permit; requiring certain entities and individuals to apply for a certain  
14 criminal history records check; requiring the Department to assign a certain  
15 identification number to certain permit holders for certain purposes; requiring  
16 certain permit holders to display a certain permit at certain times; requiring  
17 certain permit holders to report certain changes to DHMH within a certain time  
18 period; authorizing a patient or primary caregiver to provide certain  
19 reimbursement to certain entities; ~~authorizing the same entity to grow and~~  
20 ~~dispense marijuana~~ prohibiting certain individuals issued a certain permit from  
21 holding any other permit issued under a certain provision of law or being a  
22 physician who prepares a certain written certification; prohibiting a physician  
23 that prepares a certain written certification from holding a permit issued under  
24 a certain provision of law; requiring DHMH to establish a registry of qualifying

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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 patients and primary caregivers and to issue a certain registry identification  
2 card to certain individuals under certain circumstances; requiring DHMH to  
3 approve or deny an application or renewal for a registry identification card  
4 within a certain time period and in a certain manner; requiring a registry  
5 identification card to include certain information; requiring an individual who  
6 has been issued a registry identification card to provide a certain notification to  
7 DHMH under certain circumstances; requiring certain physicians to provide  
8 notice to certain patients and the Department regarding the withdrawal of a  
9 patient's written certification under certain circumstances; requiring the  
10 Department to send a certain notice; requiring certain patients and certain  
11 primary caregivers to send to the Department a certain registry identification  
12 card under certain circumstances and to dispose of any marijuana within the  
13 patient's possession within a certain number of days; requiring DHMH to  
14 maintain a confidential list of the individuals to whom DHMH has issued  
15 registry identification cards; providing that certain individuals and entities may  
16 not be subject to certain penalties or denied certain rights for the medical use of  
17 marijuana; providing that the possession of a registry identification card does  
18 not constitute probable cause to conduct a certain search by a government  
19 agency; providing that an individual may not be subject to arrest or prosecution  
20 for certain offenses for being in the presence of the medical use of marijuana;  
21 ~~requiring a physician to provide certain written instructions for a qualifying~~  
22 ~~patient or caregiver; authorizing a physician to issue multiple written~~  
23 ~~instructions for a qualifying patient or caregiver if certain conditions are met;~~  
24 requiring certain pharmacies or dispensing centers to dispense a certain  
25 amount of usable marijuana to certain individuals for a certain period of time  
26 except under certain circumstances; prohibiting certain pharmacies and  
27 dispensing centers from dispensing more than a certain amount of marijuana to  
28 certain individuals within a certain period of time except under certain  
29 circumstances; authorizing certain pharmacies or dispensing centers to dispense  
30 more than a certain amount of marijuana to certain individuals under certain  
31 circumstances; requiring certain pharmacies and dispensing centers to  
32 maintain certain records; requiring qualifying patients, primary caregivers, and  
33 certain pharmacies and dispensing centers to follow certain procedures;  
34 providing that a patient may be registered at only one pharmacy or dispensing  
35 center at a time; establishing procedures for a patient to change an authorized  
36 pharmacy or dispensing center; requiring the Secretary of Health and Mental  
37 Hygiene to establish a system to monitor the dispensation of marijuana for  
38 medical use in the State; requiring certain physicians, pharmacies, and  
39 dispensing centers to provide certain information to the Secretary; providing  
40 that for the construction of this Act may not be construed to permit any  
41 individual to operate, navigate, or be in actual physical control of certain modes  
42 of transportation while under the influence of marijuana or to smoke marijuana  
43 in any public place; providing that this Act may not be construed to require  
44 certain insurance reimbursement; requiring DHMH to submit certain reports to  
45 the Governor and General Assembly on or before certain dates; requiring  
46 DHMH to adopt certain regulations on or before a certain date; authorizing  
47 DHMH to accept certain funds; requiring DHMH to use certain fees in a certain

1 manner; requiring DHMH to distribute certain funds to ~~the General Fund of~~  
 2 drug rehabilitation programs throughout the State; defining certain terms; and  
 3 generally relating to marijuana for medical use.

4 BY renumbering

5 Article – Criminal Law  
 6 Section 5–403(d), (e), and (f), respectively  
 7 to be Section 5–403(e), (f), and (g), respectively  
 8 Annotated Code of Maryland  
 9 (2002 Volume and 2009 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Law  
 12 Section 5–402(d)(1)  
 13 Annotated Code of Maryland  
 14 (2002 Volume and 2009 Supplement)

15 BY adding to

16 Article – Criminal Law  
 17 Section 5–403(d)  
 18 Annotated Code of Maryland  
 19 (2002 Volume and 2009 Supplement)

20 BY adding to

21 Article – Health – General  
 22 Section 13–3001 through 13–3012 to be under the new subtitle “Subtitle 30.  
 23 Medical Marijuana”  
 24 Annotated Code of Maryland  
 25 (2009 Replacement Volume)

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

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 29 MARYLAND, That Section(s) 5–403(d), (e), and (f), respectively, of Article – Criminal  
 30 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5–403(e), (f),  
 31 and (g), respectively.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 33 read as follows:

34 Article – Criminal Law

35 5–402.

1           (d)   (1)   A material, compound, mixture, or preparation that contains any of  
2 the following hallucinogenic or hallucinogenic-like substances is a substance listed in  
3 Schedule I:

4                   (i)   bufotenine;

5                   (ii)   diethyltryptamine;

6                   (iii)   dimethyltryptamine;

7                   (iv)   4-methyl-2, 5-dimethoxyamphetamine;

8                   (v)   ibogaine;

9                   (vi)   lysergic acid diethylamide;

10                  [(vii) marijuana;]

11                  [(viii) (VII)   mescaline;

12                  [(ix) (VIII)   peyote;

13                  [(x) (IX)    psilocybin;

14                  [(xi) (X)     psilocyn;

15                  [(xii) (XI)    tetrahydrocannabinol;

16                  [(xiii) (XII)   thiophene analog of phencyclidine;

17                  [(xiv) (XIII)   2, 5-dimethoxyamphetamine;

18                  [(xv) (XIV)   4-bromo-2, 5-dimethoxyamphetamine;

19                  [(xvi) (XV)    4-methoxyamphetamine;

20                  [(xvii) (XVI)   3, 4-methylenedioxyamphetamine;

21                  [(xviii) (XVII)   3, 4-methylenedioxymethamphetamine (MDMA);

22                  [(xix) (XVIII)   5-methoxy-3, 4-methylenedioxyamphetamine;

23                  [(xx) (XIX)    3, 4, 5-trimethoxyamphetamine;

24                  [(xxi) (XX)    N-methyl-3-piperidyl benzilate;



- 1           (1)    **CACHEXIA OR WASTING SYNDROME;**
- 2           (2)    **SEVERE OR CHRONIC PAIN;**
- 3           (3)    **SEVERE NAUSEA;**
- 4           (4)    **SEIZURES;**
- 5           (5)    **SEVERE AND PERSISTENT MUSCLE SPASMS; OR**
- 6           (6)    **AS DOCUMENTED BY THE PHYSICIAN WITH WHOM THE**  
7 **PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP, ANY OTHER**  
8 **CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.**

9           (E)    **“DISPENSING CENTER” MEANS AN ENTITY REGISTERED UNDER**  
10 **THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,**  
11 **TRANSPORTS, SUPPLIES, OR DISPENSES MARIJUANA OR RELATED SUPPLIES**  
12 **AND EDUCATIONAL MATERIALS.**

13           (F)    **“MARIJUANA” HAS THE SAME MEANING AS PROVIDED IN § 5–101 OF**  
14 **THE CRIMINAL LAW ARTICLE.**

15           (G)    **“MEDICAL USE” MEANS THE ACQUISITION, POSSESSION,**  
16 **CULTIVATION, MANUFACTURE, USE, DELIVERY, SALE, TRANSFER, OR**  
17 **TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE**  
18 **ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A PATIENT’S**  
19 **CONDITION OR SYMPTOMS.**

20           (H)    **“PHYSICIAN” MEANS AN INDIVIDUAL LICENSED BY THE STATE**  
21 **BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS**  
22 **ARTICLE TO PRACTICE MEDICINE.**

23           (I)    (1)   **“PRIMARY CAREGIVER” MEANS A RESIDENT OF THE STATE**  
24 **WHO:**

25                    (I)    **IS AT LEAST 18 YEARS OLD;**

26                    (II)   **HAS AGREED TO ASSIST WITH ONLY ONE QUALIFYING**  
27 **PATIENT’S MEDICAL USE OF MARIJUANA AT A TIME;**

28                    (III)   **HAS BEEN DESIGNATED AS PRIMARY CAREGIVER ON**  
29 **THE QUALIFYING PATIENT’S APPLICATION OR RENEWAL FOR A REGISTRY**  
30 **IDENTIFICATION CARD OR IN OTHER WRITTEN NOTIFICATION TO THE**  
31 **DEPARTMENT; AND**

1                   (IV) HAS SATISFIED THE CRIMINAL HISTORY RECORDS  
2 CHECK REQUIRED UNDER § 13-3004 OF THIS SUBTITLE.

3                   (2) "PRIMARY CAREGIVER" DOES NOT INCLUDE THE QUALIFYING  
4 PATIENT'S PHYSICIAN.

5                   (J) "QUALIFYING PATIENT" MEANS A RESIDENT OF THE STATE WHO  
6 HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION BY A PHYSICIAN  
7 PURSUANT TO A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.

8                   (K) "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY  
9 THE DEPARTMENT THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT  
10 OR PRIMARY CAREGIVER.

11                  (L) (1) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND  
12 FLOWERS OF MARIJUANA, AND ANY MIXTURE OR PREPARATION OF THE DRIED  
13 LEAVES AND FLOWERS.

14                  (2) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS,  
15 STALKS, OR ROOTS OF THE PLANT.

16                  (M) "WRITTEN CERTIFICATION" MEANS A CERTIFICATION THAT MEETS  
17 THE REQUIREMENTS OF § 13-3004(A)(2) OF THIS SUBTITLE.

18 **13-3002.**

19                  (A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO  
20 SELECT AUTHORIZED GROWERS OF MARIJUANA FOR MEDICAL USE IN THE  
21 STATE.

22                  (B) (1) THE INITIAL REQUEST FOR PROPOSALS ISSUED UNDER THIS  
23 SECTION SHALL REQUIRE A MINIMUM PROPOSAL OF \$100,000.

24                  (2) THE DEPARTMENT MAY SET THE MINIMUM PROPOSAL  
25 AMOUNT FOR ANY SUBSEQUENT REQUEST FOR PROPOSALS ISSUED BY THE  
26 DEPARTMENT UNDER THIS SECTION.

27                  (3) THE DEPARTMENT MAY SELECT AS MANY AUTHORIZED  
28 GROWERS UNDER THIS SECTION AS ARE NECESSARY TO PROVIDE MEDICAL  
29 MARIJUANA IN ALL GEOGRAPHIC REGIONS OF THE STATE.

30                  (C) AN AUTHORIZED GROWER SHALL:

31                   (1) CULTIVATE THE MARIJUANA IN THE STATE;

1           **(2) MEET CERTAIN SECURITY AND SAFETY STANDARDS THAT MAY**  
2 **BE VERIFIED BY AN OUTSIDE ENTITY AS APPROVED BY THE DEPARTMENT;**

3           **(3) SUBMIT TO PHARMACOLOGICAL TESTING OF THE MARIJUANA**  
4 **TO ENSURE:**

5                   **(I) CONSISTENCY OF THE MARIJUANA CULTIVATED UNDER**  
6 **THIS SUBTITLE; AND**

7                   **(II) THAT THERE IS NO ADULTERATION OR CONTAMINATION**  
8 **OF THE MARIJUANA; AND**

9           **(4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK FOR ANY**  
10 **EMPLOYEE OF THE AUTHORIZED GROWER AS PROVIDED FOR IN THIS SUBTITLE.**

11           **(D) AN AUTHORIZED GROWER MAY NOT:**

12                   **(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR**

13                   **(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION**  
14 **SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.**

15           ~~(E)~~ **(E) (1) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF**  
16 **POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE**  
17 **AN EMPLOYEE OF AN AUTHORIZED GROWER, UNLESS THE CONVICTION WAS FOR**  
18 **A VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF**  
19 **MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

20                   **(2) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY MAY**  
21 **NOT BE AN EMPLOYEE OF AN AUTHORIZED GROWER.**

22           ~~(F)~~ **(F) THE DEPARTMENT, JOINTLY WITH THE DEPARTMENT OF**  
23 **AGRICULTURE, SHALL ADOPT REGULATIONS TO BE FOLLOWED BY AN**  
24 **AUTHORIZED GROWER INCLUDING:**

25                   **(1) THE STANDARDS TO BE USED IN CULTIVATING THE**  
26 **MARIJUANA;**

27                   **(2) THE SECURITY FEATURES TO BE REQUIRED ON THE PREMISES**  
28 **AND IN TRANSPORT TO AN ENTITY THAT OBTAINS A PERMIT TO DISPENSE**  
29 **MARIJUANA; ~~AND~~**

30                   **(3) THE LOCATION OF THE AUTHORIZED GROWER, INCLUDING**  
31 **THE CONSIDERATION OF THE PROXIMITY OF THE ENTITY TO SCHOOLS; AND**



1           **(4) THE ESTABLISHMENT OF A SYSTEM TO TRACK THE AMOUNT**  
2 **OF MARIJUANA DISPENSED AND TO WHOM THE MARIJUANA IS DISPENSED.**

3 **13-3003.**

4           **(A) (1) (I) THE DEPARTMENT SHALL ESTABLISH A REGISTRATION**  
5 **PROGRAM TO AUTHORIZE ENTITIES TO DISTRIBUTE MARIJUANA FOR MEDICAL**  
6 **PURPOSES.**

7                           **(II) THE DEPARTMENT SHALL CHARGE A REASONABLE FEE**  
8 **FOR THE ISSUANCE OF A REGISTRATION PERMIT UNDER THIS SECTION THAT IS**  
9 **BASED ON THE AMOUNT OF THE MARIJUANA DISTRIBUTED BY THE ENTITY.**

10           **(2) THE FOLLOWING ENTITIES MAY REGISTER WITH THE**  
11 **DEPARTMENT TO DISTRIBUTE MARIJUANA FOR MEDICAL PURPOSES:**

12                           **(I) A PHARMACY THAT HOLDS A PHARMACY PERMIT**  
13 **ISSUED BY THE BOARD OF PHARMACY; OR**

14                           **(II) A DISPENSING CENTER AS PROVIDED FOR IN THIS**  
15 **SECTION.**

16           **(B) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A PERMIT**  
17 **TO PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT:**

18                           **(1) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE FOR**  
19 **OPERATING THE PHARMACY OR DISPENSING CENTER;**

20                           **(2) THE NAMES OF ANY EMPLOYEES, WHETHER VOLUNTEER OR**  
21 **PAID;**

22                           **(3) THE LOCATION OF THE PHARMACY OR DISPENSING CENTER;**

23                           **(4) THE SECURITY MEASURES THAT WILL BE FOLLOWED BY THE**  
24 **PHARMACY OR DISPENSING CENTER IN RECEIVING, STORING, AND DISPENSING**  
25 **THE MARIJUANA;**

26                           **(5) THE METHOD BY WHICH THE PHARMACY OR DISPENSING**  
27 **CENTER WILL ACCOUNT FOR THE AMOUNT OF MARIJUANA RECEIVED AND**  
28 **DISPENSED; AND**

29                           **(6) ANY OTHER INFORMATION THAT THE DEPARTMENT**  
30 **CONSIDERS NECESSARY.**

1           **(C) (1) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA**  
2 **UNDER THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**  
3 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH**  
4 **EMPLOYEE OF THE ENTITY.**

5                   **(2) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**  
6 **RECORDS CHECK, THE ENTITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

7                           **(I) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE**  
8 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**  
9 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
10 **INVESTIGATION;**

11                           **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**  
12 **STATE CRIMINAL HISTORY RECORDS; AND**

13                           **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**  
14 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**  
15 **RECORDS CHECK.**

16                   **(3) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
17 **EMPLOYEE AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY**  
18 **RECORD INFORMATION.**

19                   **(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
20 **UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.**

21                           **(5) (I) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF**  
22 **POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE**  
23 **ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR PHARMACY OR BE AN**  
24 **EMPLOYEE OF A DISPENSING CENTER OR PHARMACY, UNLESS THE CONVICTION**  
25 **WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF**  
26 **MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

27                           **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**  
28 **FELONY MAY NOT BE ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR**  
29 **PHARMACY OR BE AN EMPLOYEE OF A DISPENSING CENTER OR PHARMACY.**

30                   **(D) (1) THE DEPARTMENT SHALL ISSUE A PERMIT TO AN INDIVIDUAL**  
31 **TO OPERATE A DISPENSING CENTER OR PHARMACY IF:**

32                           **(I) THE REQUIREMENTS OF THIS SECTION ARE MET; AND**

33                           **(II) THE DEPARTMENT HAS VERIFIED THE INFORMATION**  
34 **CONTAINED IN THE APPLICATION.**

1           **(2) THE DEPARTMENT SHALL APPROVE OR DENY AN**  
2 **APPLICATION WITHIN 60 DAYS AFTER RECEIPT OF A COMPLETED APPLICATION.**

3           **(3) (I) THE DEPARTMENT SHALL ASSIGN TO EACH INDIVIDUAL**  
4 **WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION A UNIQUE DISPENSING**  
5 **CENTER OR PHARMACY IDENTIFICATION NUMBER.**

6                   **(II) THE IDENTIFICATION NUMBER ASSIGNED UNDER THIS**  
7 **PARAGRAPH SHALL:**

8                           **1. BE PRINTED ON A REGISTRY IDENTIFICATION**  
9 **CARD ISSUED UNDER § 13-3004 OF THIS SUBTITLE; AND**

10                           **2. IDENTIFY THE ONLY DISPENSING CENTER OR**  
11 **PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS**  
12 **AUTHORIZED TO OBTAIN MARIJUANA.**

13                   **~~(3)~~ (4) A DENIAL OF AN APPLICATION SHALL BE CONSIDERED A**  
14 **FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**  
15 **ADMINISTRATIVE PROCEDURE ACT.**

16           **(E) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS**  
17 **SECTION SHALL DISPLAY THE PERMIT AT THE PHARMACY OR DISPENSING**  
18 **CENTER AT ALL TIMES WHEN THE PHARMACY OR DISPENSING CENTER IS IN**  
19 **POSSESSION OF THE MARIJUANA.**

20           **(F) A PERMIT HOLDER SHALL REPORT ANY CHANGE IN INFORMATION**  
21 **TO THE DEPARTMENT NO LATER THAN 10 DAYS AFTER THE CHANGE OR THE**  
22 **PERMIT WILL BE CONSIDERED VOID.**

23           **(G) A PATIENT OR A PRIMARY CAREGIVER OF THE PATIENT MAY**  
24 **REIMBURSE THE PHARMACY OR DISPENSING CENTER FOR REASONABLE COSTS**  
25 **ASSOCIATED WITH THE PRODUCTION OF MARIJUANA FOR THE CARDHOLDER.**

26           **~~(H) THE SAME ENTITY MAY BE SELECTED TO GROW MARIJUANA UNDER~~**  
27 **~~§ 13-3002 OF THIS SUBTITLE AND TO DISPENSE MARIJUANA UNDER THIS~~**  
28 **~~SECTION~~ AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS**  
29 **SECTION MAY NOT:**

30                   **(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR**

31                   **(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION**  
32 **SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.**

1 **13-3004.**

2 (A) (1) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF  
3 QUALIFYING PATIENTS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD  
4 WITH A PHOTOGRAPH TO A QUALIFYING PATIENT WHO SUBMITS THE  
5 FOLLOWING INFORMATION TO THE DEPARTMENT:

6 (I) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A  
7 QUALIFYING PATIENT;

8 (II) AN APPLICATION OR RENEWAL FEE THAT MAY BE  
9 BASED ON A SLIDING SCALE AS DETERMINED BY THE SECRETARY;

10 (III) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
11 QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF  
12 IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;

13 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF  
14 THE QUALIFYING PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN  
15 CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH; AND

16 (V) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
17 QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY.

18 (2) THE WRITTEN CERTIFICATION REQUIRED UNDER PARAGRAPH  
19 (1)(I) OF THIS SUBSECTION SHALL:

20 (I) BE PREPARED BY A PHYSICIAN:

21 1. WITH WHOM THE PATIENT HAS A BONA FIDE  
22 PHYSICIAN-PATIENT RELATIONSHIP;

23 2. WHO IS THE PRIMARY CARE PHYSICIAN, HOSPICE  
24 PHYSICIAN, OR PHYSICIAN RESPONSIBLE FOR ONGOING TREATMENT OF THE  
25 PATIENT'S DEBILITATING MEDICAL CONDITION; AND

26 3. WHOSE TREATMENT OF THE PATIENT MAY NOT BE  
27 LIMITED TO AUTHORIZATION FOR THE PATIENT TO USE MEDICAL MARIJUANA  
28 OR CONSULTATION FOR THAT PURPOSE; AND

29 (II) INCLUDE A STATEMENT BY THE PHYSICIAN THAT:

30 1. IN THE PHYSICIAN'S PROFESSIONAL OPINION,  
31 AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL

1 HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A  
2 DEBILITATING MEDICAL CONDITION FOR WHICH ~~RECOGNIZED~~:

3 A. RECOGNIZED DRUGS OR TREATMENTS WOULD  
4 NOT BE EFFECTIVE; OR

5 B. OTHER TREATMENT OPTIONS HAVE MORE  
6 SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND

7 2. THE POTENTIAL BENEFITS OF THE MEDICAL USE  
8 OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE  
9 PATIENT.

10 (3) A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION  
11 SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT HOLD ANY  
12 PERMIT ISSUED UNDER THIS SUBTITLE.

13 (B) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF PRIMARY  
14 CAREGIVERS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A  
15 PRIMARY CAREGIVER WHO SUBMITS THE FOLLOWING INFORMATION TO THE  
16 DEPARTMENT:

17 (1) AN APPLICATION OR RENEWAL FEE THAT MAY BE BASED ON A  
18 SLIDING SCALE AS DETERMINED BY THE SECRETARY;

19 (2) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
20 QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF  
21 IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;

22 (3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
23 PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN CERTIFICATION  
24 SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION; AND

25 (4) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRIMARY  
26 CAREGIVER.

27 (C) BEFORE ISSUING AN IDENTIFICATION CARD, THE DEPARTMENT  
28 SHALL ~~VERIFY~~:

29 (1) VERIFY THE INFORMATION CONTAINED IN THE APPLICATION  
30 OR RENEWAL FORM SUBMITTED UNDER THIS SECTION; AND

31 (2) REQUIRE THE QUALIFYING PATIENT OR THE PRIMARY  
32 CAREGIVER TO CHOOSE THE DISPENSING CENTER OR PHARMACY FROM WHICH  
33 THE REGISTRANT WILL BE OBTAINING THE MARIJUANA.

1           **(D) (1) THE DEPARTMENT SHALL:**

2                           **(I) APPROVE OR DENY AN APPLICATION OR RENEWAL**  
3 **WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION OR RENEWAL; AND**

4                           **(II) ISSUE A REGISTRY IDENTIFICATION CARD WITHIN 5**  
5 **DAYS OF APPROVING THE APPLICATION OR RENEWAL.**

6                   **(2) THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL**  
7 **ONLY IF THE APPLICANT FAILS TO PROVIDE THE INFORMATION REQUIRED**  
8 **UNDER THIS SECTION OR IF THE DEPARTMENT DETERMINES THAT THE**  
9 **INFORMATION WAS FALSIFIED.**

10                   **(3) DENIAL OF THE APPLICATION SHALL BE CONSIDERED A FINAL**  
11 **AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**  
12 **ADMINISTRATIVE PROCEDURE ACT.**

13           **(E) (1) THE DEPARTMENT SHALL REQUIRE EACH APPLICANT**  
14 **SEEKING TO SERVE AS PRIMARY CAREGIVER TO APPLY TO THE CENTRAL**  
15 **REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS**  
16 **CHECK.**

17                   **(2) THE DEPARTMENT SHALL PROVISIONALLY APPROVE AN**  
18 **APPLICATION TO SERVE AS PRIMARY CAREGIVER PENDING THE RESULTS OF A**  
19 **CRIMINAL HISTORY RECORDS CHECK.**

20                   **(3) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**  
21 **RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL**  
22 **REPOSITORY:**

23                           **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**  
24 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**  
25 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
26 **INVESTIGATION;**

27                           **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**  
28 **STATE CRIMINAL HISTORY RECORDS; AND**

29                           **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**  
30 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**  
31 **RECORDS CHECK.**

1           (4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE  
2 APPLICANT AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY  
3 RECORD INFORMATION.

4           (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY  
5 UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.

6           (6) (I) AN APPLICANT WHO HAS BEEN CONVICTED OF  
7 POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT  
8 SERVE AS A PRIMARY CAREGIVER, UNLESS THE CONVICTION OCCURRED ON OR  
9 AFTER OCTOBER 1, 2010, AND WAS FOR A VIOLATION OF FEDERAL LAW  
10 RELATING TO POSSESSION OR SALE OF MARIJUANA FOR CONDUCT THAT IS  
11 LEGAL UNDER THIS SUBTITLE.

12           (II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A  
13 FELONY MAY NOT BE ISSUED A REGISTRY IDENTIFICATION CARD TO SERVE AS A  
14 PRIMARY CAREGIVER.

15           (7) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS CHECK  
16 FROM THE CENTRAL REPOSITORY, THE SECRETARY SHALL NOTIFY THE  
17 APPLICANT IN WRITING OF THE APPLICANT'S QUALIFICATION OR  
18 DISQUALIFICATION FOR SERVING AS A PRIMARY CAREGIVER.

19           (F) (1) A REGISTRY IDENTIFICATION CARD SHALL CONTAIN THE  
20 FOLLOWING INFORMATION:

21           (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
22 QUALIFYING PATIENT;

23           (II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE  
24 QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY;

25           (III) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE  
26 REGISTRY IDENTIFICATION CARD;

27           (IV) PHOTO IDENTIFICATION OF THE CARDHOLDER; ~~AND~~

28           (V) THE IDENTIFICATION CODE OF THE AUTHORIZED  
29 DISPENSING CENTER OR PHARMACY; AND

30           ~~(VI)~~ (VI) ANY OTHER INFORMATION PROVIDED FOR BY THE  
31 DEPARTMENT IN REGULATIONS.

32           (2) (I) A PATIENT WHO HAS BEEN ISSUED A REGISTRY  
33 IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN

1 THE PATIENT'S NAME, ADDRESS, PHYSICIAN OR PRIMARY CAREGIVER, OR  
2 CHANGE IN STATUS OF THE PATIENT'S DEBILITATING MEDICAL CONDITION,  
3 WITHIN 10 DAYS OF THE CHANGE, OR THE REGISTRY IDENTIFICATION CARD  
4 SHALL BE CONSIDERED VOID.

5 (II) A PRIMARY CAREGIVER WHO HAS BEEN ISSUED A  
6 REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY  
7 CHANGE IN THE PRIMARY CAREGIVER'S NAME OR ADDRESS, WITHIN 10 DAYS OF  
8 THE CHANGE, OR THE REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED  
9 VOID.

10 (III) 1. IF THERE IS A CHANGE IN THE STATUS OF A  
11 PATIENT'S DEBILITATING MEDICAL CONDITION THAT REQUIRES A PHYSICIAN  
12 TO WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION, THE PHYSICIAN SHALL  
13 PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE DEPARTMENT WITHIN 10  
14 DAYS OF THE CHANGE.

15 2. ON RECEIPT OF A PHYSICIAN'S NOTICE OF  
16 WITHDRAWAL OF A PATIENT'S WRITTEN CERTIFICATION, THE DEPARTMENT  
17 SHALL:

18 A. REVOKE THE PATIENT'S AND, IF APPLICABLE,  
19 THE PATIENT'S PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD; AND

20 B. SEND THE PATIENT AND, IF APPLICABLE, THE  
21 PATIENT'S PRIMARY CAREGIVER A REVOCATION NOTICE REQUIRING THE  
22 IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.

23 3. ON RECEIPT OF A REVOCATION NOTICE UNDER  
24 SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A PATIENT AND, IF  
25 APPLICABLE, A PATIENT'S PRIMARY CAREGIVER SHALL:

26 A. IMMEDIATELY SEND THE DEPARTMENT THEIR  
27 REGISTRY IDENTIFICATION CARD; AND

28 B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN  
29 THE PATIENT'S POSSESSION.

30 (G) (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST  
31 OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY  
32 IDENTIFICATION CARDS AND THE AUTHORIZED DISPENSING CENTER OR  
33 PHARMACY OF EACH REGISTERED QUALIFYING PATIENT.

34 (2) THE NAMES OF INDIVIDUALS AND OTHER IDENTIFYING  
35 INFORMATION OF THE LIST:



1 (I) ARE CONFIDENTIAL;

2 (II) MAY NOT BE CONSIDERED A PUBLIC RECORD; AND

3 (III) MAY NOT BE DISCLOSED EXCEPT TO:

4 1. AUTHORIZED EMPLOYEES OF THE DEPARTMENT  
5 AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR

6 2. AUTHORIZED EMPLOYEES OF STATE OR LOCAL  
7 LAW ENFORCEMENT, TO VERIFY THAT AN INDIVIDUAL WHO IS ENGAGED IN THE  
8 SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS LAWFULLY IN  
9 POSSESSION OF A REGISTRY IDENTIFICATION CARD.

10 (H) A REGISTRY IDENTIFICATION CARD IS VALID FOR 1 YEAR.

11 13-3005.

12 (A) ~~A QUALIFYING PATIENT, PRIMARY CAREGIVER, AUTHORIZED~~  
13 ~~GROWER, PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS~~  
14 ~~SUBTITLE, DISPENSING CENTER, PHYSICIAN, OR ANY OTHER PERSON~~ ANY OF  
15 THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE PROVISIONS OF  
16 THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR ANY CIVIL  
17 OR ADMINISTRATIVE PENALTY OR DENIED ANY RIGHT OR PRIVILEGE,  
18 INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL  
19 LICENSING BOARD, FOR THE MEDICAL USE OF MARIJUANA:

20 (1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER  
21 WHO:

22 (I) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR

23 (II) HOLDS A VALID REGISTRY IDENTIFICATION CARD AND  
24 IS IN POSSESSION OF AN AUTHORIZED AMOUNT OF USABLE MARIJUANA  
25 PURCHASED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;

26 (2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S  
27 EMPLOYEE;

28 (3) A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER  
29 THIS SUBTITLE OR A DISPENSING CENTER OR AN EMPLOYEE OF A PHARMACY OR  
30 DISPENSING CENTER;

31 (4) A PHYSICIAN; OR

1           **(5) ANY OTHER PERSON.**

2           **(B) THE POSSESSION OF, OR THE APPLICATION FOR, A REGISTRY**  
3 **IDENTIFICATION CARD DOES NOT ALONE CONSTITUTE PROBABLE CAUSE TO**  
4 **SEARCH AN INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL POSSESSING OR**  
5 **APPLYING FOR THE REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT**  
6 **THE INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A**  
7 **GOVERNMENTAL UNIT.**

8           **(C) AN INDIVIDUAL MAY NOT BE SUBJECT TO ARREST OR PROSECUTION**  
9 **FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR ANY OTHER OFFENSE FOR**  
10 **BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AS**  
11 **ALLOWED UNDER THIS SUBTITLE.**

12 **13-3006.**

13           ~~**(A) (1) A PHYSICIAN SHALL PROVIDE WRITTEN INSTRUCTIONS FOR A**~~  
14 ~~**REGISTERED QUALIFYING PATIENT OR PRIMARY CAREGIVER OF THE PATIENT**~~  
15 ~~**TO PRESENT TO A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER**~~  
16 ~~**THIS SUBTITLE OR DISPENSING CENTER CONCERNING THE TOTAL AMOUNT OF**~~  
17 ~~**USABLE MARIJUANA THAT MAY BE DISPENSED TO A PATIENT, IN WEIGHT, IN A**~~  
18 ~~**30 DAY PERIOD THAT MAY NOT EXCEED 2 OUNCES.**~~

19           ~~**(2) IF NO AMOUNT IS NOTED IN THE WRITTEN INSTRUCTIONS,**~~  
20 ~~**THE MAXIMUM AMOUNT THAT MAY BE DISPENSED AT ONE TIME IS 2 OUNCES.**~~

21           ~~**(B) A PHYSICIAN MAY ISSUE MULTIPLE WRITTEN INSTRUCTIONS AT ONE**~~  
22 ~~**TIME AUTHORIZING THE PATIENT TO RECEIVE A TOTAL OF UP TO A 90 DAY**~~  
23 ~~**SUPPLY OF MARIJUANA, IF:**~~

24           ~~**(1) EACH SEPARATE SET OF INSTRUCTIONS IS ISSUED FOR A**~~  
25 ~~**LEGITIMATE MEDICAL PURPOSE BY THE PHYSICIAN, AS PROVIDED IN THIS**~~  
26 ~~**SUBTITLE;**~~

27           ~~**(2) EACH SEPARATE SET OF INSTRUCTIONS INDICATES THE**~~  
28 ~~**EARLIEST DATE ON WHICH A PHARMACY OR DISPENSING CENTER MAY**~~  
29 ~~**DISPENSE THE MARIJUANA, EXCEPT FOR THE FIRST DISPENSATION IF IT IS TO**~~  
30 ~~**BE FILLED IMMEDIATELY; AND**~~

31           ~~**(3) THE PHYSICIAN HAS DETERMINED THAT PROVIDING THE**~~  
32 ~~**PATIENT WITH MULTIPLE INSTRUCTIONS IN THIS MANNER DOES NOT CREATE**~~  
33 ~~**AN UNDUE RISK OF DIVERSION OR ABUSE.**~~

1        (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
2 SUBSECTION, AN AGENT OF A PHARMACY THAT HOLDS A REGISTRATION PERMIT  
3 UNDER THIS SUBTITLE OR A DISPENSING CENTER MAY DISPENSE AN AMOUNT  
4 OF USABLE MARIJUANA THAT DOES NOT EXCEED 6 OUNCES FOR A 30-DAY  
5 PERIOD TO A REGISTERED QUALIFYING PATIENT OR THE QUALIFYING  
6 PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:

7                (I) PRESENTS A VALID REGISTRY IDENTIFICATION CARD  
8 WITH THE IDENTIFICATION CODE OF THE PHARMACY OR DISPENSING CENTER;  
9 AND

10                (II) IS REGISTERED WITH THAT PHARMACY OR DISPENSING  
11 CENTER WITH THE DEPARTMENT AS THE PATIENT'S AUTHORIZED PHARMACY  
12 OR DISPENSING CENTER.

13        (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
14 SUBSECTION, AN APPROVED PHARMACY OR DISPENSING CENTER MAY NOT  
15 DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED  
16 QUALIFYING PATIENT OR THE PATIENT'S REGISTERED PRIMARY CAREGIVER IN  
17 A SINGLE 30-DAY PERIOD.

18        (3) AN APPROVED PHARMACY OR DISPENSING CENTER MAY  
19 DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED  
20 QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER IF THE PATIENT OR  
21 THE PATIENT'S PRIMARY CAREGIVER PRESENTS THE AGENT OF THE PATIENT'S  
22 DESIGNATED APPROVED PHARMACY OR DISPENSING CENTER A SIGNED,  
23 WRITTEN CERTIFICATION STATING THAT THE PATIENT NEEDS A SPECIFIED  
24 AMOUNT OF MARIJUANA THAT IS GREATER THAN 6 OUNCES FOR A SINGLE  
25 30-DAY PERIOD.

26        ~~(C) (1) A REGISTERED QUALIFYING PATIENT OR THE PATIENT'S~~  
27 ~~PRIMARY CAREGIVER SHALL PRESENT THE QUALIFYING PATIENT'S OR PRIMARY~~  
28 ~~CAREGIVER'S REGISTRY IDENTIFICATION CARD AND ANY WRITTEN~~  
29 ~~INSTRUCTIONS FROM THE PHYSICIAN TO THE APPROVED PHARMACY OR~~  
30 ~~DISPENSING CENTER.~~

31        ~~(2) (B)~~ ON RECEIPT OF THE INFORMATION REQUIRED UNDER  
32 ~~PARAGRAPH (1)~~ SUBSECTION (A) OF THIS ~~SUBSECTION~~ SECTION, THE  
33 APPROVED PHARMACY OR DISPENSING CENTER SHALL VERIFY AND LOG THE  
34 INFORMATION PRESENTED.

35        ~~(D) THE DISPENSATION OF MARIJUANA UNDER ANY WRITTEN~~  
36 ~~INSTRUCTIONS SHALL OCCUR WITHIN 1 MONTH OF THE DATE OF THE WRITING~~  
37 ~~OF THE INSTRUCTIONS OR THE INSTRUCTIONS ARE VOID.~~

1           **(C) (1) EACH APPROVED PHARMACY AND DISPENSING CENTER**  
2 **SHALL MAINTAIN INTERNAL RECORDS OF EACH MARIJUANA DISPENSING**  
3 **TRANSACTION.**

4           **(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS**  
5 **SUBSECTION SHALL INCLUDE:**

6                   **(I) THE AMOUNT OF MARIJUANA DISPENSED;**

7                   **(II) THE REGISTRY IDENTIFICATION NUMBER OF THE**  
8 **INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT**  
9 **INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S**  
10 **PRIMARY CAREGIVER; AND**

11                   **(III) THE DATE AND TIME OF THE TRANSACTION.**

12           **(3) A RECORD MAINTAINED UNDER THIS SUBSECTION:**

13                   **(I) IS CONFIDENTIAL; AND**

14                   **(II) MAY NOT INCLUDE NAMES OR OTHER PERSONAL**  
15 **IDENTIFYING INFORMATION.**

16           ~~**(D)**~~ **(1) A PATIENT MAY BE REGISTERED AT ONLY ONE**  
17 **PHARMACY OR DISPENSING CENTER AT ANY TIME.**

18           **(2) (I) IF A REGISTERED QUALIFYING PATIENT NEEDS TO**  
19 **CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER,**  
20 **THE PATIENT SHALL:**

21                   **1. REGISTER THE CHANGE WITH THE DEPARTMENT;**

22 **AND**

23                   **2. PAY A \$15 FEE TO THE DEPARTMENT.**

24                   **(II) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST**  
25 **TO CHANGE A PATIENT'S DESIGNATED PHARMACY OR DISPENSING CENTER**  
26 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:**

27                   **1. UPDATE THE REGISTERED QUALIFYING**  
28 **PATIENT'S RECORD AND THE PATIENT'S PRIMARY CAREGIVER RECORD, IF ANY;**  
29 **AND**

1                   **2. NOTIFY THE PATIENT THAT THE DESIGNATION**  
 2 **CHANGE REQUEST HAS BEEN PROCESSED.**

3                   **(III) ON RECEIPT OF A PATIENT'S OLD REGISTRY**  
 4 **IDENTIFICATION CARD, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY**  
 5 **IDENTIFICATION CARD TO A PATIENT WHO REGISTERS WITH A DIFFERENT**  
 6 **AUTHORIZED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I)**  
 7 **OF THIS PARAGRAPH.**

8                   **(IV) THE DEPARTMENT MAY LIMIT THE NUMBER OF TIMES A**  
 9 **PATIENT MAY CHANGE A DESIGNATION OF A PHARMACY OR DISPENSING**  
 10 **CENTER TO ONE TIME EVERY 30 DAYS.**

11 **13-3007.**

12           **(A) THE SECRETARY SHALL ESTABLISH A SYSTEM TO MONITOR THE**  
 13 **DISPENSATION OF MARIJUANA IN THE STATE FOR MEDICAL USE AS**  
 14 **AUTHORIZED UNDER THIS SUBTITLE.**

15           **(B) A PHYSICIAN WHO PROVIDES WRITTEN CERTIFICATION OR WRITTEN**  
 16 **INSTRUCTION FOR THE MEDICAL USE OF MARIJUANA TO A QUALIFYING PATIENT**  
 17 **UNDER THIS SUBTITLE AND ANY PHARMACY THAT HOLDS A REGISTRATION**  
 18 **PERMIT UNDER THIS SUBTITLE OR DISPENSING CENTER SHALL PROVIDE TO**  
 19 **THE SECRETARY ANY INFORMATION REQUIRED BY THE SECRETARY FOR**  
 20 **INCLUSION IN THE SYSTEM CREATED UNDER SUBSECTION (A) OF THIS SECTION.**

21 **13-3008.**

22           **THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY INDIVIDUAL**  
 23 **TO:**

24           **(1) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL**  
 25 **OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE**  
 26 **OF MARIJUANA; ~~OR~~**

27                   **(2) SMOKE MARIJUANA IN ANY PUBLIC PLACE;**

28                   **(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR**

29                   **(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:**

30                           **(i) 1. IS RENTED FROM A LANDLORD; AND**

31                                   **2. IS SUBJECT TO A POLICY THAT PROHIBITS THE**  
 32 **SMOKING OF MARIJUANA ON THE PROPERTY; OR**

1                   **(ii) IS SUBJECT TO A POLICY THAT PROHIBITS THE**  
2 **SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING**  
3 **ADOPTED BY ONE OF THE FOLLOWING ENTITIES:**

4                   **1. THE BOARD OF DIRECTORS OF THE COUNCIL OF**  
5 **UNIT OWNERS OF A CONDOMINIUM REGIME; OR**

6                   **2. THE GOVERNING BODY OF A HOMEOWNERS**  
7 **ASSOCIATION.**

8 **13-3009.**

9                   **NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE A PUBLIC**  
10 **OR PRIVATE HEALTH INSURER TO REIMBURSE AN INDIVIDUAL FOR THE COSTS**  
11 **ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.**

12 **13-3010.**

13                   **(A) BEGINNING OCTOBER 1, 2011, AND EACH OCTOBER 1**  
14 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN**  
15 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
16 **GENERAL ASSEMBLY ON:**

17                   **(1) THE NUMBER OF APPLICATIONS FOR REGISTRY**  
18 **IDENTIFICATION CARDS;**

19                   **(2) THE NUMBER OF QUALIFYING PATIENTS AND PRIMARY**  
20 **CAREGIVERS REGISTERED;**

21                   **(3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF**  
22 **THE QUALIFYING PATIENTS;**

23                   **(4) THE ENTITIES SELECTED TO GROW MARIJUANA;**

24                   **(5) THE ENTITIES RECEIVING PERMITS TO DISPENSE MARIJUANA;**

25                   **(6) THE NUMBER OF REGISTRY IDENTIFICATION CARDS**  
26 **REVOKED;**

27                   **(7) THE NUMBER OF PERMITS TO ENTITIES TO GROW OR**  
28 **DISPENSE MARIJUANA REVOKED; AND**

29                   **(8) THE NUMBER OF PHYSICIANS PROVIDING WRITTEN**  
30 **CERTIFICATIONS FOR PATIENTS.**

1           **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**  
2 **MAY NOT CONTAIN ANY IDENTIFYING INFORMATION OF PATIENTS, PRIMARY**  
3 **CAREGIVERS, ENTITIES SELECTED TO GROW OR DISPENSE MARIJUANA, OR**  
4 **PHYSICIANS.**

5           **(C) ON OR BEFORE OCTOBER 1, 2012, AND EVERY 2 YEARS**  
6 **THEREAFTER, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN**  
7 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
8 **GENERAL ASSEMBLY ON:**

9                   **(1) WHETHER THERE ARE SUFFICIENT NUMBERS OF APPROVED**  
10 **PHARMACIES AND DISPENSING CENTERS TO MEET THE NEEDS OF REGISTERED**  
11 **QUALIFYING PATIENTS THROUGHOUT THE STATE;**

12                   **(2) WHETHER THE MAXIMUM AMOUNT OF MEDICAL MARIJUANA**  
13 **ALLOWED UNDER THIS SUBTITLE IS SUFFICIENT TO MEET THE MEDICAL NEEDS**  
14 **OF QUALIFYING PATIENTS; AND**

15                   **(3) WHETHER ANY APPROVED PHARMACY OR DISPENSING**  
16 **CENTER HAS CHARGED EXCESSIVE PRICES FOR MARIJUANA THAT THE**  
17 **PHARMACY OR CENTER DISPENSED.**

18 **13-3011.**

19           **ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ADOPT**  
20 **REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

21 **13-3012.**

22           **(A) THE DEPARTMENT MAY ACCEPT FROM ANY SOURCE GRANTS OR**  
23 **CONTRIBUTIONS TO BE USED IN CARRYING OUT THE PROVISIONS OF THIS**  
24 **SUBTITLE.**

25           **(B) ANY FEES COLLECTED UNDER THIS SUBTITLE SHALL BE USED TO**  
26 **OFFSET THE COST OF THE DEPARTMENT'S ADMINISTRATION OF THIS SUBTITLE.**

27           **(C) ANY FUNDS RECEIVED BY THE DEPARTMENT IN EXCESS OF THE**  
28 **AMOUNT REQUIRED TO FULFILL THE PROVISIONS OF THIS SUBTITLE SHALL BE**  
29 **DISTRIBUTED TO ~~THE GENERAL FUND OF~~ DRUG REHABILITATION PROGRAMS**  
30 **THROUGHOUT THE STATE.**

31           **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take**  
32 **effect October 1, 2010.**