

D(1). As the result of a person being authorized to have an ownership interest in up to four dispensaries instead of only one, this proposal has the potential to increase revenue for a person with an ownership interest in multiple dispensaries.

D(2). See A2 above.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through February 18, 2020. A public hearing has not been scheduled.

10.62.01 Definitions

Authority: Health-General Article, §§13-3301—13-3303 and 13-3305-2, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1)—(8) (text unchanged)

(9) “Control” means the authority to direct:

(a) The management of a business through independent and unilateral decisions that guide the business; or

(b) The operation of the technical aspects of the business.

[(9)] (10)— [(21)] (22) (text unchanged)

(23) “Management agreement” means an agreement between a licensee and a third party under which the third party receives control of the business in exchange for a fee, financial interest, or a percentage of the licensee’s revenue.

[(22)] (24) [“Medical cannabis” means any product containing usable cannabis or medical cannabis finished product.] *Medical Cannabis.*

(a) “Medical cannabis” means all parts of any plant of the genus *cannabis*, whether growing or not, including:

(i) The seeds of the plant;

(ii) The resin extracted from any part of the plant; and

(iii) Any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

(b) “Medical cannabis” does not include:

(i) Hemp, as defined in Agriculture Article, §14-101, Annotated Code of Maryland;

(ii) Mature stalks of the plant or fiber produced from the mature stalks;

(iii) Oil or cake made from the seeds of the plant;

(iv) Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; or

(v) The sterilized seed of the plant that is incapable of germination.

[(23)] (25)—[(26)] (28) (text unchanged)

(29) “Owner” means a person or entity with an ownership interest.

(30) “Ownership interest” means an equity interest in a licensed grower, processor, or dispensary, including in its shares or stock.

[(27)] (31) (text unchanged)

(32) “Principal officer” means a board member, president, vice president, secretary, treasurer, partner, officer, or managing member, or any other person with a profit sharing, financial interest, or revenue sharing arrangement, including a person with the authority to control a licensed medical cannabis grower, processor, or dispensary.

[(28)] (33)—[(32)] (37) (text unchanged)

[(33)] (38) “Secure medical cannabis transport vehicle” means a vehicle owned or leased by a licensee or a secure transportation company for the purpose of transporting medical cannabis that:

(a) (text unchanged)

(b) Is equipped with:

(i) A secure area within the body or compartment of the vehicle containing solid or locking metal partitions, cages, or high strength shatterproof acrylic; [and] or

(ii) (text unchanged)

(c)—(d) (text unchanged)

[(34)] (39)—[(36)] (41) (text unchanged)

[(37)] Usable Cannabis.

(a) “Usable cannabis” means the dried leaves and flowers of the cannabis plant.

(b) “Usable cannabis” does not include seedlings, seeds, stems, stalks or roots of the plant or the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration.]

[(38)] (42)—[(40)] (44) (text unchanged)

10.62.03 Certifying Providers

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.01 Provider Application for Registration.

A.—B. (text unchanged)

C. A provider may be registered as a certifying [physician] provider to treat a patient who has a condition that is:

(1)—(3) (text unchanged)

D.—E. (text unchanged)

.03 Renewal of Certifying Provider Registration to Certify.

A.—C. (text unchanged)

D. The Commission shall grant the application for renewal of registration if:

(1) The certifying provider attests that:

(a) The certifying provider’s license to practice [medicine] in Maryland is active, unrestricted and in good standing; and

(b) (text unchanged)

(2) (text unchanged)

E. (text unchanged)

10.62.06 Patient and Caregiver Identification Cards

Authority: Health-General Article, §§13-3301, 13-3302(d), 13-3303(g), and 13-3307(f)(3), Annotated Code of Maryland

.01 Patient Identification Cards.

A.—C. (text unchanged)

D. The required fee as specified in COMAR 10.62.35 is waived for a qualifying patient enrolled in the:

(1) Maryland Medical Assistance Program; or

(2) Veterans Administration Maryland Health Care System.

10.62.08 Medical Cannabis Grower License

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306, and 13-3312, Annotated Code of Maryland

.02 Application for a Medical Cannabis Grower License.

A.—E. (text unchanged)

F. A [party applying for a license shall] *person may not* have an *ownership* interest in [only] or *control of, including the power to manage or operate, more than one grower license [application].*

G. (text unchanged)

.08 [Change] Transfer of Ownership [of] Interest in a License.

A. No *ownership* interest [of 5 percent or more of a license issued pursuant to this chapter] shall be assignable or transferable unless:

(1) The Commission has received notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an *ownership* interest in a license to another party;

(2) *The Commission approves the transfer or assignment;*

(3) *The transferee has paid the required fee specified in COMAR 10.62.35; and*

[(2)] (4) [The] *If the ownership interest is 5 percent or more, the transferee has [had forwarded] provided the criminal history record information and an audited financial statement to the Commission of the transferee;*

(3) The Commission does not object to the transfer or assignment within 45 days of its receipt of notice; and

(4) The transferee has paid the required fee specified in COMAR 10.62.35].

B. If the licensee is a business entity with publicly traded stock, §A of this regulation only applies to a proposed transfer of an ownership interest of 5 percent or more.

C. A transfer or assignment of ownership interest shall be approved if:

(1) *The Commission receives notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license to another party, in a form prescribed by the Commission;*

(2) *The proposed transfer does not violate Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland;*

(3) *The transferee has paid the required fee specified in COMAR 10.62.35; and*

(4) *If the ownership interest is 5 percent or more:*

(a) *The criminal history record information does not violate COMAR 10.62.09.03; and*

(b) *The payment of taxes due in any jurisdiction is not in arrears.*

[B.] D. The Commission may deny transfer of an interest [in a license] for any proposed transferee[, if the]:

(1) [Transferee] *If the transferee is convicted of or pleads nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; [or]*

(2) [Payment] *If the payment of taxes due in any jurisdiction is in arrears[.]; or*

(3) *For other good cause.*

E. *A person or entity may not have an ownership interest in or control of, including the power to manage or operate, more than one licensed grower.*

.12 Disclosure of Ownership and Control.

A. Each licensee shall submit a table of organization, ownership, and control with the Commission:

(1) *On or before July 1 of each year;*

(2) *Within 10 business days of any change in ownership interest or control; and*

(3) *Upon request by the Commission.*

B. *The table of organization, ownership, and control shall identify the management structure, ownership, and control of the licensee, including the:*

(1) *Name of each owner or principal officer and any other individual or entity with the authority to control the licensee;*

(2) *The office or position held, if any; and*

(3) *The percentage of ownership interest, if any.*

C. *If the licensee is a business entity with publicly traded stock, the identification of ownership shall include:*

(1) *The name and percentage of ownership interest of each individual or business entity with ownership of more than 5 percent of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings; and*

(2) *To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10 percent of the voting shares of the entity.*

D. *A licensee that is owned or controlled, in whole or in part, by another entity shall disclose to the Commission:*

(1) *The relationship between the licensee and the parent or affiliate; and*

(2) *Each owner, board member, or officer and any other individual with control or management authority over those entities owning or controlling the license.*

.13 Management Agreements.

A. *Prior to any management agreement taking effect, a licensee shall submit to the Commission:*

(1) *A copy of the management agreement;*

(2) *Information detailing any compensation paid in exchange for the management services;*

(3) *Criminal history record information and an audited financial statement of the third party providing the management services; and*

(4) *Any other information relevant to the management agreement requested by the Commission.*

B. *A management agreement may not take effect unless the Commission has:*

(1) *Received proper notice of the management agreement, as specified in §A of this regulation;*

(2) *Received the required fee specified in COMAR 10.62.35; and*

(3) *Approved the management agreement.*

C. *The Commission may deny a management agreement:*

(1) *If the management agreement constitutes an invalid transfer of an interest in a license, as specified in Regulation .08 of this chapter;*

(2) *If the criminal history record information or the background investigation reveals the third party providing the management services has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or*

(3) *For other good cause.*

D. *In the case of material change to a management agreement, including a change of ownership or control of the management company, the licensee shall:*

(1) *Provide any relevant records, files, or information to the Commission; and*

(2) *Receive Commission approval prior to the material change to the management agreement taking effect.*

E. If a management agreement transfers control and an ownership interest, the transferee shall only pay the required fee specified in COMAR 10.62.35 once.

10.62.10 Medical Cannabis Grower Premises

Authority: Health-General Article, §13-3306(a)(3), (d), and (e), Annotated Code of Maryland

.07 Video Surveillance Requirements.

A.—C. (text unchanged)

D. A surveillance camera shall capture activity at each:

(1) [entrance] *Entrance* to an area where medical cannabis is grown, tested, cured, manufactured, processed, or stored[.]; *and*

(2) *Area where medical cannabis is trimmed, packaged, cured, or stored.*

[E.] A recording of all images captured by each surveillance camera shall be kept:

(1) At the licensed premises; and

(2) At an off-site location.]

[F.] *E.* The storage of all recordings of security video surveillance shall be:

(1)—(3) (text unchanged)

(4) Retained for a minimum of [30] 90 calendar days.

[G.] *F.* Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested *within 48 hours.*

G. Violation.

(1) *Failure to provide the Commission with any recording of video surveillance within 48 hours of a request from the Commission is a violation of COMAR 10.62.34.01.*

(2) *Each day of recording that a licensee fails to provide to the Commission, within the minimum of 90 calendar days that shall be retained, constitutes a separate violation.*

.08 Visitor to a Non-Public Area of the Premises.

A. (text unchanged)

B. A Commission inspector as defined in COMAR 10.62.33.01 is not subject to the visitor requirements established in §A of this regulation.

[B.] C. (text unchanged)

10.62.12 Inventory Control by Grower

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3306(e), Annotated Code of Maryland

.02 Inventory Control System.

A. A licensee shall [use] *enter timely and accurate data into a perpetual inventory control system that identifies and tracks the licensee’s stock of medical cannabis from the time the medical cannabis is propagated from seed or cutting to the time it is delivered to a licensed dispensary, a licensed processor, or a qualifying patient or caregiver.*

B.—C. (text unchanged)

.09 Theft or Diversion.

A. If the licensee finds evidence of a theft or diversion, the licensee shall report the theft or diversion to the Commission and to the Maryland State Police within 1 business day.

B. Within 30 business days of discovering the theft or diversion, the licensee shall:

(1) *Complete an investigation;*

(2) *Amend the licensee’s standard operating procedures, if necessary; and*

(3) *Send a report of the investigation to the Commission.*

10.62.15 Medical Cannabis Grower Quality Control

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306, and 13-3311, Annotated Code of Maryland

.05 Contents of Certificate of Analysis.

An independent testing laboratory shall issue to the licensed grower a certificate of analysis for each batch, with supporting data, to report:

A. (text unchanged)

B. That the presence of the following contaminants does not exceed the levels provided in the Commission’s current version of technical authority for medical cannabis testing:

(1)—(2) (text unchanged)

(3) Microbiological impurities such as:

(a)—(e) (text unchanged)

(f) Ochratoxin A.; *and*

(g) Pesticide residue; and

[(h) Heavy metals; and]

(4) (text unchanged)

10.62.18 Shipment of Products Between Licensees

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306(b) and (e), 13-3307(f), 13-3309(f), 13-3311(c), and 13-3313(a), Annotated Code of Maryland

.05 Transportation of Products Containing Medical Cannabis.

A. (text unchanged)

B. A secure transportation company or a licensed grower, processor, or dispensary shall comply with all of the following:

(1) Each secure medical cannabis transport vehicle shall be operated with at least [two] *one* registered grower, processor, dispensary, or transportation [agents] *agent; and*

[(2) At least one registered grower, processor, dispensary, or transportation agent shall remain with the vehicle at all times during the transport of medical cannabis; and]

[(3)] (2) (text unchanged)

10.62.19 Medical Cannabis Processor License

Authority: Health-General Article, §§13-3301, 13-3302, 13-3309, and 13-3310, Annotated Code of Maryland

.02 Application.

A.—C. (text unchanged)

D. Any party applying for a license shall have an *ownership interest in or control of, including the power to manage or operate,* only one processor license.

E.—F. (text unchanged)

.07 [Change] Transfer of Ownership Interest [of] in a License.

A. No *ownership interest [of 5 percent or more of a license issued pursuant to this chapter]* shall be assignable or transferable unless:

(1) The Commission has received notice in a matter determined by the Commission of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an *ownership interest in a license to another party;*

(2) *The Commission approves the transfer or assignment;*

(3) *The transferee has paid the required fee specified in COMAR 10.62.35; and*

[(2)] (4) [The] *If the ownership interest is 5 percent or more, the transferee has [had forwarded] provided the criminal history record information and an audited financial statement to the Commission of the transferee[;*

(3) The Commission does not object to the transfer or assignment within 45 days of its receipt of notice; and

(4) The transferee has paid the required fee specified in COMAR 10.62.35].

B. If the licensee is a business entity with publicly traded stock, §A of this regulation only applies to a proposed transfer of an ownership interest of 5 percent or more.

C. A transfer or assignment of ownership interest shall be approved if:

(1) *The Commission receives notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license to another party, in a form prescribed by the Commission;*

(2) *The proposed transfer does not violate Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland;*

(3) *The transferee has paid the required fee specified in COMAR 10.62.35; and*

(4) *The ownership interest is 5 percent or more and the:*

(a) *Criminal history record information does not violate COMAR 10.62.20.03; and*

(b) *Payment of taxes due in any jurisdiction is not in arrears.*

[B.] *D. The Commission may deny transfer of an interest [in a license if,] for any proposed transferee:*

(1) [The] *If the transferee is convicted of or pleads nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; [or]*

(2) [The] *If the payment of taxes due in any jurisdiction is in arrears[.]; or*

(3) *For other good cause.*

E. A person or entity may not have an ownership interest in or control of, including the power to manage or operate, more than one licensed processor.

.10 Disclosure of Ownership and Control.

A. Each licensee shall submit a table of organization, ownership, and control to the Commission:

(1) *On or before July 1 of each year;*

(2) *Within 10 business days of any change in ownership interest or control; and*

(3) *Upon request by the Commission.*

B. The table of organization, ownership, and control shall identify the management structure, ownership, and control of the licensee, including the:

(1) *Name of each owner or principal officer and any other individual or entity with the authority to control the licensee;*

(2) *The office or position held, if any; and*

(3) *The percentage of ownership interest, if any.*

C. If the licensee is a business entity with publicly traded stock, the identification of ownership shall include:

(1) *The name and percentage of ownership interest of each individual or business entity with ownership of more than 5 percent of the voting shares of the entity, to the extent the information is known or contained in 13D or 13G Securities and Exchange Commission filings; and*

(2) *To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10 percent of the voting shares of the entity.*

D. A licensee that is owned or controlled, in whole or in part, by another entity shall disclose to the Commission:

(1) *The relationship between the licensee and the parent or affiliate; and*

(2) *Each owner, board member, or officer and any other individual with control or management authority over those entities owning or controlling the license.*

.11 Management Agreements.

A. Prior to any management agreement taking effect, a licensee shall submit to the Commission:

(1) *A copy of the management agreement;*

(2) *Information detailing any compensation paid in exchange for the management services;*

(3) *Criminal history record information and an audited financial statement of the third party providing the management services; and*

(4) *Any other information relevant to the management agreement requested by the Commission.*

B. A management agreement may not take effect unless the Commission has:

(1) *Received proper notice of the management agreement, as specified in §A of this regulation;*

(2) *Received the required fee specified in COMAR 10.62.35; and*

(3) *Approved the management agreement.*

C. The Commission may deny a management agreement:

(1) *If the management agreement constitutes an invalid transfer of an interest in a license as specified in Regulation .07 of this chapter;*

(2) *If the criminal history record information or the background investigation reveals the third-party vendor has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or*

(3) *For other good cause.*

D. In the case of material change to a management agreement, including a change of ownership or control of the management company, the licensee shall:

(1) *Provide any relevant records, files, or information to the Commission; and*

(2) *Receive Commission approval prior to the material change to the management agreement taking effect.*

E. If a management agreement transfers control and an ownership interest, the transferee shall only pay the required fee specified in COMAR 10.62.35 once.

10.62.21 Medical Cannabis Processor Premises

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3309, Annotated Code of Maryland

.06 Video Surveillance Requirements.

A.—C. (text unchanged)

D. A surveillance camera shall capture activity at each:

(1) [entrance] *Entrance to an area where medical cannabis is processed, tested, packaged, and stored[.]; and*

(2) *Area where medical cannabis is processed, packaged, and stored.*

[E. A recording of all images captured by each surveillance camera shall be kept at:

(1) *The licensed premises; and*

(2) *An off-site location.]*

[F.] *E. Recordings of security video surveillance shall be:*

(1)—(3) (text unchanged)

(4) *Retained for a minimum of [30] 90 calendar days.*

[G.] *F. Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested within 48 hours.*

G. Violation.

(1) Failure to provide the Commission with any recording of video surveillance within 48 hours of a request from the Commission is a violation of COMAR 10.62.34.01.

(2) Each day of recording that a licensee fails to provide to the Commission, within the minimum of 90 calendar days that shall be retained, constitutes a separate violation.

.07 Visitor to the Premises.

A. (text unchanged)

B. A Commission inspector as defined in COMAR 10.62.33.01 is not subject to the visitor requirements established in §A of this regulation.

[B.] C. (text unchanged)

10.62.22 Medical Cannabis Processor Operations

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306(b) and (e), 13-3307(f), 13-3309, and 13-3311(c), Annotated Code of Maryland

.02 Standard Operating Procedures.

A. A licensee shall:

(1) (text unchanged)

(2) Create and [use] enter timely and accurate data into a perpetual inventory control system that identifies and tracks the licensee's stock of medical cannabis from the time it is delivered or produced to the time it is delivered to another licensee, a licensed grower, or a qualifying patient or caregiver; and

(3) (text unchanged)

B. (text unchanged)

.03 Receipt of Products Containing Cannabis.

A. (text unchanged)

B. Hemp.

(1) A licensee may acquire hemp, as defined in Agriculture Article, §14-101, Annotated Code of Maryland, from a person licensed to produce hemp by the Maryland Department of Agriculture or the Secretary of the U.S. Department of Agriculture.

(2) Any product derived from hemp shall comply with the testing requirements established in COMAR 10.62.23 prior to distribution to a licensed medical cannabis dispensary.

[B.] C.—[H.] I. (text unchanged)

.07 Theft or Diversion.

A. If the licensee finds evidence of theft or diversion, the licensee shall report the theft or diversion to the Commission and the Maryland State Police within 1 business day.

B. Within 30 business days of discovering the discrepancy, the licensee shall:

(1) Complete an investigation;

(2) Amend the licensee's standard operating procedures, if necessary; and

(3) Send a report of the investigation to the Commission.

10.62.25 Medical Cannabis Dispensary License

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.02 Application.

A.—D. (text unchanged)

E. [Any] A party applying for a license [shall] may not have an ownership interest in [only one license] or control of, including the power to manage or operate, more than four dispensaries.

.08 [Change] Transfer of Ownership Interest [of] in a License.

A. No ownership interest [of 5 percent or more of a license issued pursuant to this chapter] shall be assignable or transferable unless:

(1) The Commission has received notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license to another party;

(2) The Commission approves the transfer or assignment;

(3) The transferee has paid the required fee specified in COMAR 10.62.35; and

[(2)] (4) [The] The ownership interest is 5 percent or more, and the transferee has [had forwarded] provided the criminal history record information and an audited financial statement to the Commission of the transferee[;

(3) The Commission does not object to the transfer or assignment within 45 days of its receipt of notice; and

(4) The transferee has paid the required fee specified in COMAR 10.62.35].

B. If the licensee is a business entity with publicly traded stock, §A of this regulation only applies to a proposed transfer of an ownership interest of 5 percent or more.

C. A transfer or assignment of ownership interest shall be approved if the:

(1) Commission receives notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license to another party, in a form prescribed by the Commission;

(2) Proposed transfer does not violate Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland;

(3) Transferee has paid the required fee specified in COMAR 10.62.35; and

(4) Ownership interest is 5 percent or more and the:

(a) Criminal history record information does not violate COMAR 10.62.26.03; and

(b) Payment of taxes due in any jurisdiction is not in arrears.

[B.] D. The Commission may deny transfer of an interest [in a license if.] for any proposed transferee:

(1) [The] If the transferee is convicted of or pleads nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; [or]

(2) [Payment] If the payment of taxes due in any jurisdiction is in arrears[.]; or

(3) For other good cause.

E. A person or entity may not have an ownership interest in or control of, including the power to manage or operate, more than four licensed dispensaries.

.11 Disclosure of Ownership and Control.

A. Each licensee shall submit a table of organization, ownership, and control with the Commission:

(1) On or before July 1 of each year;

(2) Within 10 business days of any change in ownership interest or control; and

(3) Upon request by the Commission.

B. The table of organization, ownership, and control shall identify the management structure, ownership, and control of the licensee, including the:

(1) Name of each owner or principal officer and any other individual or entity with the authority to control the licensee;

(2) The office or position held, if any; and

(3) The percentage of ownership interest, if any.

C. If the licensee is a business entity with publicly traded stock, the identification of ownership shall include:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5 percent of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings; and

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10 percent of the voting shares of the entity.

D. A licensee that is owned or controlled, in whole or in part, by another entity shall disclose to the Commission:

(1) The relationship between the licensee and the parent or affiliate; and

(2) Each owner, board member, or officer and any other individual with control or management authority over those entities owning or controlling the license.

.12 Management Agreements.

A. Prior to any management agreement taking effect, a licensee shall submit to the Commission:

(1) A copy of the management agreement;

(2) Information detailing any compensation paid in exchange for the management services;

(3) Criminal history record information and an audited financial statement of the third party providing the management services; and

(4) Any other information relevant to the management agreement requested by the Commission.

B. A management agreement may not take effect unless the Commission has:

(1) Received proper notice of the management agreement, as specified in §A of this regulation;

(2) Received the required fee specified in COMAR 10.62.35; and

(3) Approved the management agreement.

C. The Commission may deny a management agreement:

(1) If the management agreement constitutes an invalid transfer of an interest in a license as specified in Regulation .08 of this chapter;

(2) If the criminal history record information or the background investigation reveals the third party providing the management services has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or

(3) For other good cause.

D. In the case of material change to a management agreement, including a change of ownership or control of the management company, the licensee shall:

(1) Provide any relevant records, files, or information to the Commission; and

(2) Receive Commission approval prior to the material change to the management agreement taking effect.

E. If a management agreement transfers control and an ownership interest, the transferee shall only pay the required fee specified in COMAR 10.62.35 once.

10.62.27 Licensed Dispensary Premises

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.07 Video Surveillance Requirements.

A.—C. (text unchanged)

D. A surveillance camera shall capture activity at each:

(1) [entrance] Entrance to an area where medical cannabis is packaged, [tested, processed,] stored, or dispensed[.]; and

(2) Area where medical cannabis is packaged, stored, or dispensed.

[E.] A recording of all images captured by each surveillance camera shall be kept at:

(1) The licensed premises; and

(2) An off-site location.]

[F.] E. Recordings of security video surveillance shall be:

(1)—(3) (text unchanged)

(4) Retained for a minimum of [30] 90 calendar days.

[G.] F. Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested within 48 hours.

G. Violation.

(1) Failure to provide the Commission with any recording of video surveillance within 48 hours of a request from the Commission is a violation of COMAR 10.62.34.01.

(2) Each day of recording that a licensee fails to provide to the Commission, within the minimum of 90 calendar days that shall be retained, constitutes a separate violation.

.09 Visitor to a Non-Public Area of the Premises.

A. (text unchanged)

B. A Commission inspector as defined in COMAR 10.62.33.01 is not subject to the visitor requirements established in §A of this regulation.

[B.] C. (text unchanged)

10.62.28 Licensed Dispensary Operations

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.02 Standard Operating Procedure.

A. A licensee shall:

(1) (text unchanged)

(2) Create and [use] enter timely and accurate data into a perpetual inventory control system that identifies and tracks the licensee's stock of medical cannabis from the time it is delivered or produced to the time it is delivered to another licensee, a licensed grower, or a qualifying patient or caregiver; and

(3) (text unchanged)

B. (text unchanged)

.03 Receipt of Products Containing Cannabis.

A. (text unchanged)

B. Hemp.

(1) A licensee may acquire hemp product derived from hemp produced in accordance with Agriculture Article, §§14-301—14-309, Annotated Code of Maryland.

(2) Any product derived from hemp shall comply with the testing requirements established in COMAR 10.62.23 prior to distribution to a qualifying patient or caregiver.

[B.] C.—[H.] I. (text unchanged)

.05 Equipment Sanitation, Accuracy and Maintenance Logs.

A. (text unchanged)

B. Pursuant to the approved standard operating procedure, the licensee shall require that:

(1) Automatic, mechanical, or electronic equipment is routinely calibrated and [periodically] checked at least once each month to ensure proper performance; and

(2) Any scale, balance, or other measurement device is routinely calibrated and [periodically] checked at least once each month to ensure accuracy.

C. (text unchanged)

.06 Theft or Diversion.

A. *If the licensee finds evidence of theft or diversion, the licensee shall report the theft or diversion to the Commission and the Maryland State Police within 1 business day.*

B. *Within 30 business days of discovering the theft or diversion, the licensee shall:*

- (1) *Complete an investigation;*
- (2) *Amend the licensee's standard operating procedures, if necessary; and*
- (3) *Send a report of the investigation to the Commission.*

10.62.30 Dispensing Medical Cannabis

Authority: Health-General Article, §§13-3301, 13-3302, 13-3307, 13-3313, and 13-3314, Annotated Code of Maryland

.03 Procedure for Dispensing Medical Cannabis.

A. A registered dispensary agent shall dispense medical cannabis only from the service area to a qualifying patient or caregiver who has presented a Commission-issued patient or caregiver identification card.

B. Before any distribution of medical cannabis, a dispensary agent shall query the Commission data network using a unique log-in that identifies the registered dispensary agent and verify that:

- (1)—(3) (text unchanged)

C.—G. (text unchanged)

.04 Delivery of Medical Cannabis to a Qualifying Patient or Caregiver.

A. A qualifying patient or caregiver shall [first telephone] contact a registered dispensary to request the delivery of medical cannabis:

- (1)—(2) text unchanged

B. During [the telephone conversation] any interaction with the qualifying patient or caregiver, a registered dispensary agent may provide information on:

- (1)—(3) (text unchanged)

C.—D. (text unchanged)

E. Only a qualified patient or caregiver, or a medical facility where the qualifying patient is receiving in-patient treatment, may accept delivery of medical cannabis.

F. [Only a registered dispensary agent may deliver medical cannabis.] *A licensee or registrant may only deliver medical cannabis to a private home or residence, or a medical facility where the qualifying patient is receiving in-patient treatment.*

G. (text unchanged)

.06 Dispensing Controls.

A. In cases of delivery, at the point of delivery a qualified patient or caregiver shall display identification to the delivering [dispensary] registered agent.

B. (text unchanged)

C. The [dispensary] registered agent and the qualifying patient or caregiver shall each retain a copy of the receipt.

D. (text unchanged)

E. *A registered dispensary agent may not dispense medical cannabis to themselves.*

.10 Product Returned for Destruction.

A licensee shall:

A. *Accept and record the return of any medical cannabis from a qualifying patient or a caregiver; and*

B. *Destroy the returned medical cannabis.*

10.62.31 Licensed Dispensary Clinical Director

Authority: Health-General Article, §§13-3301, 13-3302, 13-3307, and 13-3314, Annotated Code of Maryland

.01 Clinical Director Responsibilities.

A. A licensed dispensary [may] shall appoint an individual [who is a Maryland-licensed physician, nurse practitioner or pharmacist] to function as clinical director who:

- (1) *Is eligible to serve as a certifying provider, as defined in Health-General Article, §13-3301, Annotated Code of Maryland;*
- (2) *Is a licensed pharmacist in good standing with the State Board of Pharmacy; or*
- (3) *Has substantial education, training, and experience in the medical use of cannabis, as determined by the Commission.*

B. *During the hours of operation, a licensed dispensary shall have a clinical director:*

- (1) *On-site; or*
- (2) *Available via electronic communication.*

C. *A clinical director shall:*

- (1) *Register as a clinical director with the Commission;*
- (2) *Complete at least one training course each year that is approved by the Commission, which includes:*
 - (a) *The latest scientific research on medical cannabis;*
 - (b) *The risks and benefits of medical cannabis; and*
 - (c) *Other information considered necessary by the Commission;*
- (3) *Educate qualifying patients and caregivers on:*

- (a) *Treatment of the qualifying patient's medical condition with medical cannabis;*
- (b) *Potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;*
- (c) *Possible side effects or contraindications of medical cannabis use;*
- (d) *The potential for differing strengths and effects of medical cannabis strains; and*
- (e) *Different methods, forms, and routes of medical cannabis administration; and*

(4) *Provide training to dispensary agents on:*

- (a) *Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical cannabis;*
- (b) *Recognizing signs and symptoms of substance abuse;*

and

- (c) *Guidelines for refusing to provide medical cannabis to an individual who appears to be under the influence of drugs or alcohol.*

D. *A clinical director for a licensed dispensary may not provide a written certification for medical cannabis to any qualifying patient.*

E. *Reporting.*

(1) *A licensee shall submit to the Commission on the last day of the month following each quarter a report in a manner determined by the Commission on:*

- (a) *The most frequently asked questions by qualifying patients and caregivers to the clinical director; and*
- (b) *The responses provided to the most frequently asked questions by qualifying patients and caregivers to the clinical director.*

(2) *The reporting requirement under this regulation shall remain in effect until July 1, 2022, when it shall terminate and be of no further force and effect.*

10.62.33 Inspection

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306, 13-3307, 13-3309, and 13-3311, Annotated Code of Maryland

.04 Announced and Unannounced Inspections.

A.—C. (text unchanged)

D. *During an inspection, a material misstatement, omission, misrepresentation, or untruth by the licensee or registrant or a registered agent or employee may result in:*

- (1) *The imposition of a civil fine;*
- (2) *Suspension of a license or registration; or*
- (3) *Revocation of a license or registration.*

.06 Action Upon Findings in Inspection.

A. In the event that an inspector has reasonable suspicion of an operational failure or of conditions that create a likelihood of diversion, contamination, or a risk to the public health:

[A.] (1)—[C.] (3) (text unchanged)

B. *In the course of an inspection or any investigation, a licensee, registrant, agent, or employee shall comply with a Commission request for the licensee, registrant, agent, or employee to:*

- (1) *Appear for a sworn statement; or*
- (2) *Submit specified records, files, or similar information.*

.08 Report of Inspection.

A. An inspector shall:

- (1) Prepare a report of:
 - (a) (text unchanged)
 - (b) Any [suggestions or] demands for corrective action;
- (2)—(3) (text unchanged)

B. If an inspection report contains a [suggestion or] demand for corrective action, within 10 business days from the delivery of the report, the inspected entity shall:

- (1) Respond in writing to every [suggestion or] demand for corrective action; and
- (2) (text unchanged)

C. (text unchanged)

10.62.34 Discipline and Enforcement

Authority: Health-General Article, §§13-3301, 13-3302, 13-3304, 13-3306, 13-3307, 13-3309, and 13-3311, Annotated Code of Maryland

.04 Action Against a Provider.

A. After written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may deny a certifying provider’s application for registration, or revoke registration to certify if the [physician] *provider*:

- (1)—(3) (text unchanged)
- B. (text unchanged)

.06 Summary Suspension.

A.—D. (text unchanged)

E. Show Cause Hearing.

- (1)—(3) (text unchanged)
- (4) The show cause hearing shall be conducted before the Commission or a [designee] *delegatee* of the Commission who:
 - (a)—(c) (text unchanged)
- (5) At the conclusion of the show cause hearing, the Commission or the Commission’s [designee] *delegatee* may:
 - (a)—(d) (text unchanged)

(6) After the show cause hearing, if the Commission or the Commission’s [designee] *delegatee* decides to continue the summary suspension, the licensee or registrant aggrieved by the decision may request an evidentiary hearing.

F. (text unchanged)

10.62.35 Fee Schedule

Authority: Health-General Article, §§13-3301—13-3304, 13-3306, 13-3307, 13-3309, and 13-3311, Annotated Code of Maryland

.01 Fees.

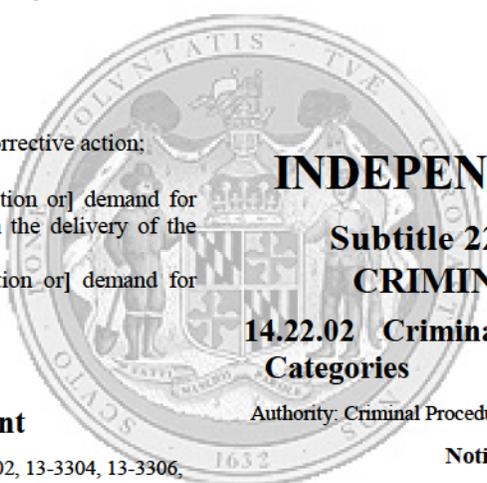
The following fees are established by the Commission:

A.—J. (text unchanged)

K. Miscellaneous fees:

- (1) Transfer of ownership *interest in or control of a grower* [license], processor, or dispensary license *with entity transferee* — \$7,000; [and]
- (2) *Transfer of ownership interest in a grower, processor, or dispensary license with individual transferee* — \$500 per person;
- [(2)] (3) Change in the location of a grower, processor, or dispensary premises — \$7,000; and
- [(3)] (4) (text unchanged)

ROBERT R. NEALL
Secretary of Health



**Title 14
INDEPENDENT AGENCIES**

**Subtitle 22 COMMISSION ON
CRIMINAL SENTENCING**

**14.22.02 Criminal Offenses and Seriousness
Categories**

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

**Notice of Proposed Action
[20-031-P]**

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulations .01 and .02 under COMAR 14.22.02 **Criminal Offenses and Seriousness Categories**.

Statement of Purpose

The purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect one new offense from the 2019 Legislative Session, the addition of CJIS codes for a number of offenses, and minor edits to the table.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.