



Title 10
MARYLAND DEPARTMENT OF HEALTH
Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS
COMMISSION

10.62.10 Medical Cannabis Grower Premises

.07 Video Surveillance Requirements.

- A. A licensee shall maintain a motion-activated video surveillance recording system at all premises that:
- (1) Records all activity in images of high quality and high resolution capable of clearly revealing facial detail;
 - (2) Operates 24-hours a day, 365 days a year without interruption; and
 - (3) Provides a date and time stamp for every recorded frame.
- B. A licensee shall post appropriate notices advising visitors of the video surveillance.
- C. A surveillance camera shall be located and operated to capture each exit from the premises.
- D. A surveillance camera shall *be located and operated to* capture activity at each *area, and at each* entrance to an area, where medical cannabis is grown, tested, cured, manufactured, processed or stored.
- E. A recording of all images captured by each surveillance camera shall be kept:
- (1) At the licensed premises *for a minimum of 30 calendar days*; and
 - (2) At an off-site location *for a minimum of 90 calendar days*.
- F. The storage of all recordings of security video surveillance shall be:
- (1) Access-limited;
 - (2) Secured by a security alarm system that is independent of the main premises security alarm system; *and*
 - (3) In a format that can be easily accessed for investigational purposes. [*]; and*
 - (4) Retained for a minimum of 30 calendar days.]
- G. Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested.

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

A. When a visitor is admitted to [a non-public area of] the premises of a licensee, a registered grower agent shall:

- (1) Log the visitor in and out;
- (2) Retain with the log a photocopy of the visitor’s government-issued identification;
- (3) Continuously visually supervise the visitor while on the premises; and
- (4) Ensure that the visitor does not touch any plant or medical cannabis.

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. The licensee shall maintain a log of all visitors [to non-public areas] for 2 years.

10.62.12 Inventory Control by Grower

.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, licensed processor or a qualifying patient or caregiver.

B. In the event of a serious adverse event, an inventory control system shall be capable of tracking medical cannabis from a qualifying patient back to the source of medical cannabis.

C. The inventory control system shall be designed to promptly identify a discrepancy in the stocks.

.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

.09 Distribution of Medical Cannabis.

A licensed grower may not distribute medical cannabis free of charge or at a nominal cost to a licensed processor or licensed dispensary.

10.62.21 Medical Cannabis Processor Premises

.06 Video Surveillance Requirements.

- A. A licensee shall maintain a motion activated video surveillance recording system at all premises that:
- (1) Records all activity in images of high quality and high resolution capable of clearly revealing facial detail;
 - (2) Operates 24-hours a day, 365 days a year without interruption; and
 - (3) Provides a date and time stamp for every recorded frame.
- B. A licensee shall post appropriate notices advising visitors of the video surveillance.
- C. A surveillance camera shall be located and operated to capture activity at each exit from the premises.
- D. A surveillance camera shall *be located and operated to* capture activity at each *area, and each* entrance to an area, where medical cannabis is processed, tested, packaged, and stored.
- E. A recording of all images captured by each surveillance camera shall be kept at:
- (1) The licensed premises *for a minimum of 30 calendar days*; and
 - (2) An off-site location *for a minimum of 90 calendar days*.
- F. Recordings of security video surveillance shall be:
- (1) Access-limited;
 - (2) Secured by a security alarm system that is independent of the main premises security alarm system; *and*
 - (3) In a format that can be easily accessed for investigational purposes. [; and
 - (4) Retained for a minimum of 30 calendar days.]
- G. Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested.

.07 Visitor to the Premises.

- A. When a visitor is admitted to [a non-public area of] the premises of a licensee, a registered processor agent shall:
- (1) Log the visitor in and out;
 - (2) Retain with the log a photocopy of the visitor's government-issued identification;
 - (3) Continuously visually supervise the visitor while on the premises; and
 - (4) Ensure that the visitor does not touch any plant or medical cannabis.

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. The licensee shall maintain a log of all visitors [to non-public areas] for 2 years.

10.62.22 Medical Cannabis Processor Operations

.02 Standard Operating Procedures.

A. A licensee shall:

(1) Establish standard operating procedures for all aspects of the receipt, processing, storage, packaging, labeling, handling, tracking and shipping of products containing cannabis and medical cannabis waste;

(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) Train each registered processor agent in the standard operating procedure and retain attendance records.

B. A copy of the standard operating procedure shall be readily available on site for inspection by the Commission.

.08 Distribution of Medical Cannabis.

A licensed processor may not give away medical cannabis or distribute medical cannabis free of charge or at a nominal cost to a licensed dispensary.

.09 Theft or Diversion.

C. *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.*

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

(4) *Complete an investigation;*

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

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

10.62.27 Licensed Dispensary Premises

.07 Video Surveillance Requirements.

A. A licensee shall maintain a motion-activated video surveillance recording system at the premises that:

(1) Records all activity in images of high quality and high resolution capable of clearly revealing facial detail;

(2) Operates 24-hours a day, 365 days a year without interruption; and

(3) Provides a date and time stamp for every recorded frame.

B. A licensee shall post appropriate notices advising visitors of the video surveillance.

C. A surveillance camera shall be located and operated to capture activity at each exit from the premises.

D. A surveillance camera shall *be located and operated to capture activity at each entrance to an area where medical cannabis is packaged, tested, processed, stored or dispensed, and each area where medical cannabis is packaged, tested, processed, stored or dispensed.*

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

(1) The licensed premises *for a minimum of 30 calendar days*; and

(2) An off-site location *for a minimum of 90 calendar days*.

F. Recordings of security video surveillance shall be:

(1) Access-limited;

(2) Secured by a security alarm system that is independent of the main premises security alarm system; *and*

(3) In a format that can be easily accessed for investigational purposes. [; and

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

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

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

A. When a visitor is admitted to [a non-public area of] the premises of a licensee, a registered dispensary agent shall:

(1) Log the visitor in and out;

(2) Retain with the log a photocopy of the visitor's government-issued identification;

(3) Continuously visually supervise the visitor while on the premises; and

(4) Ensure that the visitor does not touch any medical cannabis.

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. The licensee shall maintain a log of all visitors [to non-public areas] for 2 years.

10.62.28 Licensed Dispensary Operations

.02 Standard Operating Procedure.

A. A licensee shall:

(1) Establish a standard operating procedure for all aspects of the receipt, storage, packaging, labeling, handling, tracking and dispensing of products containing medical cannabis and medical cannabis waste;

(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) Train each registered dispensary agent in the standard operating procedure and retain attendance records.

B. A copy of the standard operating procedure shall be readily available on site for inspection by the Commission.

.05 Equipment Sanitation, Accuracy and Maintenance Logs.

A. The licensee shall maintain the sanitation of equipment that comes in contact with medical cannabis to prevent contamination in accordance with the approved standard operating procedure.

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. Pursuant to the approved standard operating procedure, the licensee shall maintain an accurate log recording the:

(1) Cleaning of equipment;

(2) The maintenance of equipment; and

(3) The calibration of equipment.

.06 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.

10.62.30 Dispensing Medical Cannabis

.02 [Visitor and] Activity at a Licensed Dispensary.

A. In the service area of a licensed dispensary, a registered dispensary agent shall:

- (1) Escort a [member of the public] *qualifying patient or caregiver*; and
- (2) Maintain visual contact at all times.

B. A licensed dispensary may not permit the consumption of medical cannabis at the licensed premises.

.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 government-issued 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) The qualifying patient or caregiver is currently registered;
- (2) A certifying physician issued a valid written certification to the qualifying patient; and
- (3) The amount of medical cannabis that has already been dispensed pursuant to the written certification.

C. A dispensary agent may provide information on:

- (1) The available types of medical cannabis, cannabis varieties, and medical cannabis finished products;
- (2) Methods by which medical cannabis can be taken; and
- (3) How unused cannabis may be returned for disposal.

D. 30-day Supply.

(1) A qualifying patient or caregiver may obtain a portion of a 30-day supply at any time once the written certification is presented to a licensed dispensary, provided the portion being sought when added to portions previously obtained does not exceed a 30-day supply.

(2) The dispensary agent shall enter the weight of usable cannabis or the weight of [?A-Tetrahydrocannabinol] *Δ9-Tetrahydrocannabinol* (THC) dispensed in the Commission data network.

E. A registered dispensary agent may decline to dispense medical cannabis to a qualifying patient or caregiver if, in the professional opinion of the registered dispensary agent, the patient or caregiver appears to be currently under the influence of drugs or alcohol.

F. A licensed dispensary may not distribute [a sample of] medical cannabis *free of charge or at a nominal cost*.

G. If not used to purchase medical cannabis within 120 days of issuance, a written certification becomes null and void.

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

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

(1) The qualifying patient or caregiver shall provide identification that a dispensary agent can verify by means established by the Commission; and

(2) The qualifying patient or caregiver shall also provide a complete and verifiable delivery address.

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

(1) The available types of medical cannabis, cannabis varieties, and medical cannabis finished products:

(2) Methods by which medical cannabis can be used; and

(3) How unused cannabis may be returned for disposal.

C. Before any delivery of medical cannabis, a dispensary agent shall query the Commission data network and verify that:

(1) The qualifying patient or caregiver is currently registered;

(2) A certifying physician issued a valid written certification to the qualified patient; and

(3) The amount of medical cannabis requested does not exceed the 30-day supply;

D. 30-Day Supply.

(1) A qualifying patient or caregiver may obtain by delivery a portion of a 30-day supply at any time once the written certification is presented to a licensed dispensary, provided the portion being sought for delivery when added to portions previously obtained does not exceed a 30-day supply.

(2) The dispensary agent shall enter the weight dispensed in the Commission data network prior to delivery.

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.]

F. 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.

.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] agent.

B. The qualifying patient or caregiver shall sign a receipt for the medical cannabis.

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

D. A registered dispensary agent shall record in the inventory control and in the Commission data network each item dispensed including lot and batch number and the weight of medical cannabis that was dispensed.

E. A registered dispensary agent may not dispense medical cannabis to themselves or a parent, spouse, child, sibling, or other family member.

.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.*

10.62.33 Inspection

.04 Announced and Unannounced Inspections.

A. The Commission may conduct announced and unannounced inspections of the facilities of licensed growers, licensed processors, licensed dispensaries, and independent testing laboratories subject to the Commission's regulation, mission, and function, to determine compliance with statute and regulations.

B. Failure by a licensed grower, licensed processor, licensed dispensary or registered independent testing laboratory to provide the Commission with immediate access to any part of a premises, requested material, information, or agent as part of an inspection may result in the imposition of a civil fine, suspension of license, or revocation of license.

C. During an inspection, the Commission may:

- (1) Review and make copies of all records;
- (2) Enter any place, including a vehicle, in which medical cannabis is held, dispensed, sold, produced, tested, delivered, transported, manufactured or otherwise disposed of;
- (3) Inspect all equipment, raw and processed material, containers and labeling, and all things therein including:
 - (a) Records;
 - (b) Files;
 - (c) Financial data;
 - (d) Sales data;
 - (e) Shipping data;
 - (f) Pricing data;
 - (g) Employee data;
 - (h) Research;
 - (i) Papers;

- (j) Processes;
- (k) Controls; and
- (l) Facilities;
- (4) Inventory any medical cannabis;
- (5) Inspect any equipment, instruments, tools or machinery used to process:
 - (a) Medical cannabis;
 - (b) Medical cannabis concentrate; or
 - (c) Medical cannabis-infused product; and
- (6) Question personnel present at the location and any agent of the licensee.

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.

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. An inspector may:

- (1) Suspend the distribution of some or all medical cannabis from the licensed or registered premises;
- (2) Order immediate evacuation of the premises and seal the entry door; or
- (3) Quarantine some or all medical cannabis;

B. The Commission shall undertake a review of the inspection findings and may:

- (1) Request a recall of the medical cannabis;
- (2) Request independent testing of affected medical cannabis;
- (3) Approve a procedure to reprocess the medical cannabis;
- (4) Notify the Maryland State Police if diversion is suspected; or

(5) Order the destruction of contaminated or substandard medical cannabis; and

C. The inspector or Commission may notify the local fire department or police department, or appropriate regulatory agency, regarding a risk to public health and safety.

D. 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) The observations and findings of the inspection; and

(b) Any [suggestions or] demands for corrective action;

(2) Deliver a copy of the report to the inspected entity and obtain a receipt for the delivery; and

(3) If possible, discuss the inspection and inspection report with the licensee.

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) Set forth the plan for corrective action to be taken and the timetable for correction.

C. If an inspector finds evidence of operational failures or conditions that create a likelihood of diversion, contamination, or the risk to public health, an inspector may direct that the licensed premises may not distribute or participate in the distribution of any medical cannabis until the violation has been corrected and the premises pass re-inspection.