Maryland General Assembly 2020 Session Recap

House Bill 378 – Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers
Cross File: Senate Bill 304
Sponsor: Delegate Kipke
Status: Returned Passed (Senate: 45 – 0; House: 136 – 0)
Effective Date: October 1, 2020
- Amends the definition of "certifying provider" to include physician assistants.
- A physician assistant is eligible to register with the Maryland Medical Cannabis Commission ("Commission") as a certifying provider if they:
  o Have an active, unrestricted license to practice;
  o Have an active delegation agreement with a primary supervising physician who is a certifying provider; and
  o Are in good standing with the Maryland Board of Physicians.

House Bill 617 – Public and Nonpublic Schools – Medical Cannabis – Policy for Administration During School Hours and Events (Connor and Raina’s Law)
Cross File: Senate Bill 604
Sponsors: Delegates Johnson, Kipke, Lisanti, et al
Status: Returned Passed (Senate: 46 - 0; House: 130 – 3)
Effective Date: Emergency Bill – Effective upon the Governor’s signing
- Allows a parent or guardian of a minor qualified patient to designate two additional adults to be a caregiver.
- Allows a minor qualified patient to obtain medical cannabis from designated school personnel.
- Allows caregivers of students who are qualifying medical cannabis patients to administer medical cannabis to a student on school property, during school – sponsored activities, and on a school bus.
- Exempts caregivers and school personnel from certain penalties related to the administration of cannabis
- Requires MSDE and the Commission to jointly develop guidelines for public schools regarding administration of medical cannabis to certain students during school hours and school-sponsored activities and on school busses, including:
  o Which school personnel are authorized to administer medical cannabis to a qualifying patient.
  o Locations where medical cannabis may be administered.
  o Security protocols for the possession, storage, and loss or theft of medical cannabis on school property.
  o A plan for administration that includes labeling, dosing, timing, and delivery route instructions as provided by the certifying provider’s written instructions.
- Permits nonpublic schools to adopt policies regarding the administration of medical cannabis to qualifying patient students during school hours and school-sponsored activities
- Requiring the Maryland Board of Nursing and the Commission, by December 31st, 2020,
to submit a legislative report concerning whether it is necessary to amend the Title 8 of the Health Occupations Article or any other State law to allow school nurses or other designated school personnel to administer medical cannabis to a student who is a qualifying patient.

House Bill 870 – Natalie M. LaPrade Medical Cannabis Commission – Compassionate Use Fund – Revisions (The Fakiza Rahman Act)
Sponsor: Delegate Pena - Melnyk, et al
Status: Passed Enrolled (Senate: 45-0; House: 129 – 0)
Effective Date: October 1, 2020

- Requiring the Commission to establish a program to allow individuals enrolled in the Maryland Medical Assistance Program or the Veteran Affairs Maryland Health Care System to obtain medical cannabis at a reduced cost, including by:
  - Setting a fee structure to assess fees on licensed growers, processors, and dispensaries to provide funding for the reduced-cost cannabis through the Compassionate Use Fund.
  - Establishing a procedure to collect fees on licensed growers, processors, and dispensaries.
  - Reimbursing licensed dispensaries for the reduced-cost medical cannabis.
- Requiring the Commission to adopt regulations, taking into consideration certain factors, including:
  - Any impact § 280(e) of the Internal Revenue Code has on the fee structure.
  - Measures that may be implemented to identify and deter diversion of medical cannabis and medical cannabis products,
  - Methods for assisting licensed medical cannabis dispensaries in determining the eligibility of patients.

Licensing Bills: The following introduced bills would have altered the existing cap on grower and processor licenses – none of these bills passed.

House Bill 1317/Senate Bill 953 – Medical Cannabis - Dispensary Grower – Processor Licenses
- Introduced a new class of licenses categorized as a “dispensary grower-processor” license. The bill permitted any licensed dispensary to apply for a grower-processor license.

House Bill 1369/Senate Bill 821 – Cannabis - Medical Cannabis Boutique Grower Licenses and Pesticides
- Established a new boutique grower and processor license. The bill limited the number of boutique grower and processor licenses available to 10, and restricted facility size to under 30,000 square feet.

House Bill 1449/SB 1012 – Medical Cannabis Reauthorization Act
- Eliminated the existing grower and processor licensing cap for the medical cannabis market.