

# SENATE BILL 855

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9lr2790

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By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Medical Cannabis – Medical Treatment for Inmates**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services,  
4 in consultation with the Natalie M. LaPrade Medical Cannabis Commission, to adopt  
5 certain regulations relating to the treatment of certain inmates using medical  
6 cannabis at State and local correctional facilities; requiring that certain regulations  
7 adopted by the Natalie M. LaPrade Medical Cannabis Commission include certain  
8 procedures for the treatment of certain inmates; defining certain terms; and  
9 generally relating to medical treatment for inmates using medical cannabis.

10 BY adding to

11 Article – Correctional Services  
12 Section 9–617  
13 Annotated Code of Maryland  
14 (2017 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Health – General  
17 Section 13–3301(a), (b), (c), (m), and (n)  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health – General  
22 Section 13–3316  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Correctional Services

9–617.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CAREGIVER” HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

(3) “CERTIFYING PROVIDER” HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

(4) “QUALIFYING PATIENT” HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

(5) “WRITTEN CERTIFICATION” HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION, SHALL ADOPT REGULATIONS FOR STATE AND LOCAL CORRECTIONAL FACILITIES THAT:

(1) REQUIRE MEDICAL TREATMENT USING MEDICAL CANNABIS FOR AN INMATE WHO IS A QUALIFYING PATIENT;

(2) ESTABLISH PROCEDURES TO ALLOW AN INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY TO:

(I) OBTAIN A WRITTEN CERTIFICATION FROM A CERTIFYING PROVIDER; AND

(II) APPLY TO THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION TO BECOME A QUALIFYING PATIENT;

(3) PROVIDE FOR AND REQUIRE STATE AND LOCAL CORRECTIONAL FACILITIES TO OBTAIN MEDICAL CANNABIS FOR TREATMENT OF INMATES WHO ARE QUALIFYING PATIENTS; AND

(4) REQUIRE EACH STATE AND LOCAL CORRECTIONAL FACILITY TO DESIGNATE AN EMPLOYEE OR AGENT OF THE CORRECTIONAL FACILITY TO:

(I) BE REGISTERED WITH THE NATALIE M. LAPRADE MEDICAL

1 **CANNABIS COMMISSION AS A CAREGIVER; AND**

2 **(II) DISTRIBUTE MEDICAL CANNABIS TO AN INMATE WHO IS A**  
3 **QUALIFYING PATIENT.**

4 **Article – Health – General**

5 13–3301.

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

7 (b) “Caregiver” means:

8 (1) A person who has agreed to assist with a qualifying patient’s medical  
9 use of cannabis; and

10 (2) For a qualifying patient under the age of 18 years, a parent or legal  
11 guardian.

12 (c) “Certifying provider” means an individual who:

13 (1) (i) 1. Has an active, unrestricted license to practice medicine  
14 that was issued by the State Board of Physicians under Title 14 of the Health Occupations  
15 Article; and

16 2. Is in good standing with the State Board of Physicians;

17 (ii) 1. Has an active, unrestricted license to practice dentistry  
18 that was issued by the State Board of Dental Examiners under Title 4 of the Health  
19 Occupations Article; and

20 2. Is in good standing with the State Board of Dental  
21 Examiners;

22 (iii) 1. Has an active, unrestricted license to practice podiatry  
23 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the  
24 Health Occupations Article; and

25 2. Is in good standing with the State Board of Podiatric  
26 Medical Examiners; or

27 (iv) 1. Has an active, unrestricted license to practice registered  
28 nursing and has an active, unrestricted certification to practice as a nurse practitioner or  
29 a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health  
30 Occupations Article; and

31 2. Is in good standing with the State Board of Nursing;

1 (2) Has a State controlled dangerous substances registration; and

2 (3) Is registered with the Commission to make cannabis available to  
3 patients for medical use in accordance with regulations adopted by the Commission.

4 (m) “Qualifying patient” means an individual who:

5 (1) Has been provided with a written certification by a certifying provider  
6 in accordance with a bona fide provider–patient relationship; and

7 (2) If under the age of 18 years, has a caregiver.

8 (n) “Written certification” means a certification that:

9 (1) Is issued by a certifying provider to a qualifying patient with whom the  
10 provider has a bona fide provider–patient relationship; and

11 (2) Includes a written statement certifying that, in the provider’s  
12 professional opinion, after having completed an assessment of the patient’s medical history  
13 and current medical condition, the patient has a condition:

14 (i) That meets the inclusion criteria and does not meet the exclusion  
15 criteria of the certifying provider’s application; and

16 (ii) For which the potential benefits of the medical use of cannabis  
17 would likely outweigh the health risks for the patient; and

18 (3) May include a written statement certifying that, in the provider’s  
19 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the  
20 medical needs of the qualifying patient.

21 13–3316.

22 (A) The Commission shall adopt regulations to implement the provisions of this  
23 subtitle.

24 (B) **REGULATIONS ADOPTED BY THE COMMISSION UNDER THIS SECTION**  
25 **SHALL INCLUDE PROCEDURES FOR THE TREATMENT OF INMATES AT STATE AND**  
26 **LOCAL CORRECTIONAL FACILITIES UNDER § 9–617 OF THE CORRECTIONAL**  
27 **SERVICES ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2019.