

**SB0627/878670/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 627  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “making marijuana a Schedule II controlled dangerous substance;”; in line 11, after “check;” insert “requiring the Department to assign a certain identification number to certain permit holders for certain purposes;”; in line 22, after “circumstances;” insert “requiring certain physicians to provide notice to certain patients and the Department regarding the withdrawal of a patient’s written certification under certain circumstances; requiring the Department to send a certain notice; requiring certain patients and certain primary caregivers to send to the Department a certain registry identification card under certain circumstances and to dispose of any marijuana within the patient’s possession within a certain number of days;”; and in line 30, strike “requiring a physician to provide certain written”.

On page 2, strike beginning with “instructions” in line 1 down through “met;” in line 3 and substitute “requiring certain pharmacies or dispensing centers to dispense a certain amount of usable marijuana to certain individuals for a certain period of time except under certain circumstances; prohibiting certain pharmacies and dispensing centers from dispensing more than a certain amount of marijuana to certain individuals within a certain period of time except under certain circumstances; authorizing certain pharmacies or dispensing centers to dispense more than a certain amount of marijuana to certain individuals under certain circumstances; requiring certain pharmacies and dispensing centers to maintain certain records;”; in line 6, after “time;” insert “establishing procedures for a patient to change an authorized pharmacy or dispensing center;”; in line 9, strike “that” and substitute “for the construction of”; strike beginning with “may” in line 9 down through “place” in line 12; and in line 18, strike “the General Fund of” and substitute “drug rehabilitation programs throughout”.

(Over)

AMENDMENT NO. 2

On page 2, after line 19, insert:

“BY renumbering

Article – Criminal Law

Section 5–403(d), (e), and (f), respectively

to be Section 5–403(e), (f), and (g), respectively

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–402(d)(1)

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

BY adding to

Article – Criminal Law

Section 5–403(d)

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 26 and 27 and substitute:

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

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

Article – Criminal Law

5–402.

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

- (i) bufotenine;
- (ii) diethyltryptamine;
- (iii) dimethyltryptamine;
- (iv) 4–methyl–2, 5–dimethoxyamphetamine;
- (v) ibogaine;
- (vi) lysergic acid diethylamide;
- [(vii) marijuana;]
- [(viii) (VII) mescaline;
- [(ix) (VIII) peyote;
- [(x) (IX) psilocybin;
- [(xi) (X) psilocyn;

(Over)

- [(xii)] (XI) tetrahydrocannabinol;
- [(xiii)] (XII) thiophene analog of phencyclidine;
- [(xiv)] (XIII) 2, 5-dimethoxyamphetamine;
- [(xv)] (XIV) 4-bromo-2, 5-dimethoxyamphetamine;
- [(xvi)] (XV) 4-methoxyamphetamine;
- [(xvii)] (XVI) 3, 4-methylenedioxyamphetamine;
- [(xviii)] (XVII) 3, 4-methylenedioxymethamphetamine (MDMA);
- [(xix)] (XVIII) 5-methoxy-3, 4-methylenedioxyamphetamine;
- [(xx)] (XIX) 3, 4, 5-trimethoxyamphetamine;
- [(xxi)] (XX) N-methyl-3-piperidyl benzilate;
- [(xxii)] (XXI) N-ethyl-3-piperidyl benzilate;
- [(xxiii)] (XXII) N-ethyl-1-phenylcyclohexylamine;
- [(xxiv)] (XXIII) 1-(1-phenylcyclohexyl)-pyrrolidine;
- [(xxv)] (XXIV) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- [(xxvi)] (XXV) 1-methyl-4-phenyl-4-propionoxypiperidine  
(MPPP); and

[(xxvii)](XXVI) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP).

5-403.

(D) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS MARIJUANA IS A SUBSTANCE LISTED IN SCHEDULE II.”.

AMENDMENT NO. 4

On page 6, in line 5, strike “AND”; and in line 7, after “SCHOOLS” insert “;AND”

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

On page 8, after line 7, insert:

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

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

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

2. IDENTIFY THE ONLY DISPENSING CENTER OR PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS AUTHORIZED TO OBTAIN MARIJUANA.”;

(Over)

in line 8, strike “(3)” and substitute “(4)”; and in line 26, after “CARD” insert “WITH A PHOTOGRAPH”.

AMENDMENT NO. 5

On page 9, in line 4, after “PATIENT” insert “, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT”; in line 6, after “PHYSICIAN” insert “WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH”; in line 24, strike “RECOGNIZED” and substitute “:

A. RECOGNIZED;

and in line 25, after “EFFECTIVE” insert “; OR

B. OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION”.

On page 10, in line 4, after “PATIENT” insert “, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT”; in line 6, after “PHYSICIAN” insert “WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION”; in line 10, strike “VERIFY” and substitute “:

(1) VERIFY;

and in line 11, after “SECTION” insert “; AND

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

On page 12, in line 5, strike “AND”; after line 5, insert:

“(V) THE IDENTIFICATION CODE OF THE AUTHORIZED DISPENSING CENTER OR PHARMACY; AND”;

in line 6, strike “(V)” and substitute “(VI)”;

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

2. ON RECEIPT OF A PHYSICIAN’S NOTICE OF WITHDRAWAL OF A PATIENT’S WRITTEN CERTIFICATION, THE DEPARTMENT SHALL:

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

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

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

(Over)

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

**B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN THE PATIENT'S POSSESSION.**”;

and in line 21, after “CARDS” insert “**AND THE AUTHORIZED DISPENSING CENTER OR PHARMACY OF EACH REGISTERED QUALIFYING PATIENT**”.

**AMENDMENT NO. 6**

On page 13, strike beginning with “A” in line 5 down through “PERSON” in line 7 and substitute “**ANY OF THE FOLLOWING PERSONS**”; in line 9, after “TO” insert “**ARREST, PROSECUTION, OR**”; and in line 11, after “MARIJUANA” insert “:

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

**(i) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR**

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

**(2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S EMPLOYEE;**

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

- (4) A PHYSICIAN; OR
- (5) ANY OTHER PERSON".

AMENDMENT NO. 7

On pages 13 and 14, strike in their entirety the lines beginning with line 23 on page 13 through line 10 on page 14, inclusive.

On page 14, after line 10, insert:

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

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

(II) IS REGISTERED WITH THAT PHARMACY OR DISPENSING CENTER WITH THE DEPARTMENT AS THE PATIENT’S AUTHORIZED PHARMACY OR DISPENSING CENTER.

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

(Over)

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

strike in their entirety lines 11 through 15, inclusive; in line 16, strike “(2)” and substitute “(B)”; in line 17, strike “PARAGRAPH (1)” and substitute “SUBSECTION (A)”; in the same line, strike “SUBSECTION” and substitute “SECTION”; strike in their entirety lines 19 through 21, inclusive; after line 21, insert:

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

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

(I) THE AMOUNT OF MARIJUANA DISPENSED;

(II) THE REGISTRY IDENTIFICATION NUMBER OF THE INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT’S PRIMARY CAREGIVER; AND

(III) THE DATE AND TIME OF THE TRANSACTION.

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

**(i) IS CONFIDENTIAL; AND**

**(ii) MAY NOT INCLUDE NAMES OR OTHER PERSONAL IDENTIFYING INFORMATION.”;**

in line 22, strike “(E)” and substitute “(D) (1)”; after line 23, insert:

**“(2) (i) IF A REGISTERED QUALIFYING PATIENT NEEDS TO CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER, THE PATIENT SHALL:**

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

**AND**

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

**(ii) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST TO CHANGE A PATIENT’S DESIGNATED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:**

**1. UPDATE THE REGISTERED QUALIFYING PATIENT’S RECORD AND THE PATIENT’S PRIMARY CAREGIVER RECORD, IF ANY;**  
**AND**

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

(Over)

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

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

in line 25, strike “(A)”; and strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 8

On page 15, in line 5, strike “OR”; and in line 6, after “PLACE” insert “;

(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR

(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:

(I) 1. IS RENTED FROM A LANDLORD; AND

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

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

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

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

**AMENDMENT NO. 9**

On page 16, in line 29, strike “**THE GENERAL FUND OF**” and substitute “**DRUG REHABILITATION PROGRAMS THROUGHOUT**”; and in line 30, strike “2.” and substitute “**3.**”.