

Natalie M. LaPrade

MARYLAND MEDICAL CANNABIS COMMISSION



# Medical Cannabis in Maryland

June 24, 2015  
Presented by  
Eric E. Sterling, J.D.  
Commissioner

## Disclaimer

- Regulations are not yet adopted, there may be changes.
- Application process is not final.
- My comments and slides are only informational, and not authoritative.
- You should not rely upon these slides or my comments as an authoritative statement of the law or the regulations.



## Background

- Critical Leadership by Delegates Dan Morhaim, M.D. and Cheryl Glenn and Senator Jamie Raskin
- 2013 law created Natalie M. LaPrade Medical Cannabis Commission in Department of Health and Mental Hygiene to carry out the law
- Program expanded by General Assembly in 2014 (S.B. 923) and 2015 (H.B. 490). (Health General Article, Title 13, Subtitle 33 –NOT updated yet.)
- Regulations in development since December 2013 with numerous opportunities for public input at meetings and in written submissions
  - Latest version available on Commission website:  
[mmcc.maryland.gov](http://mmcc.maryland.gov)
- Regulations will be formally published on June 26, 2015, and open for public comment for 30 days.
- We anticipate regulations will be effective in September.



## The Commission

- An independent Commission that functions within the Department of Health and Mental Hygiene (DHMH)
- Develops policies, procedures, guidelines and regulations to implement medical cannabis program
- Consists of 16 members including the Secretary of DHMH: 2 members from the public representing patients; 1 member of National Council on Alcohol and Drug Dependence; 3 physicians; 1 nurse; 1 pharmacist; 1 research scientist; 1 member of law enforcement; 1 attorney; 1 member representing each of these: MD Department of Agriculture, University of Maryland Extension; Office of the Comptroller; and Maryland States Attorneys Association
- Chair appointed by the Governor

## Overview of Regulation of Licensees

- Regulations detail establishment and oversight of all licensees
  - Medical cannabis to be grown initially by 15 licensed growers, who also will be eligible for a dispensary license
  - Licensed processors to convert leaf and flowers into products such as ointments, salves, lotions, and vaporizable extracts
  - Two licensed dispensaries per State senatorial district plus any dispensaries that licensed growers may operate
- Independent testing laboratories to inspect all products to confirm they meet specifications prior to release

## Overview of Regulation of Licensees (Con't.)

- Growers
  - Premises may be secure building, green house or secure outdoor field
  - Premises must comply with detailed security requirements
  - Grower must implement strict controls/standard operating procedures to assure product quality and consistency
  - Facilities and operations will be inspected by Commission
  - Each batch to be tested by Independent Testing Laboratory issuing a certificate of analysis for each batch
  - Comply with strict inventory control
  - Growers must annually report to the Commission on their minority owners and employees

## Overview of Regulation of Licensees (Con't.)

- Dispensaries
  - Premises is separate from growing or processing facility
  - Comply with strict security and inventory controls
  - Product package must be plain, opaque and tamper-evident
  - Label must identify active components and their strength
  - Product may be obtained from dispensary by patient and caregivers or delivered to patient and caregivers by dispensary agents
  - Patient education will be encouraged
  - Will record dispensing in Commission database accessible by doctors of patients
  - Adverse events must be reported

## Fees -- Program not paid for by taxpayers

- Grower application – Stage 1, \$2,000; Stage 2, \$4,000.
- Processor application – Stage 1, \$2000; Stage 2, \$4000.
- Dispensary application – Stage 1, \$1000; Stage 2, 4000.
- Annual Fees:
  - Grower -- \$125,000
  - Processor -- \$40,000
  - Dispensary -- \$40,000
- Registration of Grower Agents, Processor Agents, Dispensary Agents -- \$200
- Independent Testing Laboratory -- \$100 registration.
  - Independent Testing Laboratory Employee registration -- \$200

## Plan for License Application

- Applications and instructions likely to be released in September.
- Likely 45 day period in which to apply.
- Applications to be reviewed and ranked according to published rubric by independent review team.
- Pre-approval of licenses likely by end of 2015.

## After pre-approval of license

- Applicant finalizes capitalization, closes on real estate, obtains zoning and planning approval, constructs facility, installs equipment, finishes Standard Operating Procedure, hires staff, trains staff.
- Applicant pays fee, finishes State 2 application, seeks inspection.
- Passes inspection, license issued, operations commence.

## Qualifying Patients

- Must register with the Commission
  - Establish identity
  - Obtain registration number
  - Limited to 30-day supply with written certification
    - 120g “usable cannabis” or 36g of  $\Delta$ 9-THC in infused products
    - Dispensary tracks quantity dispensed
- Patient must have **“bona fide physician-patient relationship”** with physician
- No charge to register
- Identification card, if requested, costs \$50



## Certifying Physician Requirements

- Physician must register with Commission to issue “written certifications” to qualifying patients
  - Register online at Commission website
  - No registration fee
  - Registration valid for two years
- Attest Maryland license to practice medicine:
  - Active
  - Unrestricted
  - In good standing
- Registered to prescribe controlled dangerous substances in Maryland

## Physician General Registration

- Certifying Physicians may register to treat a patient who has a condition:
  - That is severe
  - For which other medical treatments have been ineffective
  - For which symptoms can reasonably be expected to be relieved by medical use of cannabis

## Certifying Physicians Are Encouraged to Register to Treat Certain Conditions

- Chronic or debilitating disease or medical condition, or treatment, that cause:
  - Cachexia
  - Anorexia
  - Wasting Syndrome
  - Severe or chronic pain
  - Severe nausea
  - Seizures
  - Severe or persistent muscle spasm
  - Glaucoma
  - Post Traumatic Stress Disorder (PTSD)

## Certifying Physician Issues Written Certification

- Log on to Commission website
- Provide certifying physician's name, license number, telephone number
- Provide qualifying patient's name, date of birth, address, county of residence
- Condition(s) requiring medical cannabis
- Date patient is qualified
- Written certification good for 30-day supply, up to 120 g. usable cannabis or 36 g. of delta9-THC in a medical cannabis-infused product
- If requested provide patient with a print-out of certification
- Dispensary does not need to see a print-out of certification
- Commission will not charge for written certifications
- In extraordinary cases, physician may issue written certification for an amount that exceeds 30-day supply if that amount would be inadequate to meet the medical needs of qualifying patient

## Qualifying Patient Goes to the Dispensary

- Patient may go to any dispensary and obtain any amount of medical cannabis up to a 30 day supply
- Dispensary checks identification, goes to Commission website to determine that patient has been issued a written certification
- Dispensary may counsel patient
- Dispensary records the batch and lot number and amount of medical cannabis dispensed to patient on Commission database. This enables patient to go to any dispensary and obtain what they need up to 30 day supply.
- Physicians can check database to monitor the exact medication and specification their patients are using



## Violations of Maryland Medical Cannabis Law

- General Assembly is very concerned about diversion
- Diverting medical cannabis, or possessing, distributing or using diverted cannabis punished by up to 5 years in prison and up to \$10,000 fine
- Health Law penalties are in addition to the criminal law penalties!

Natalie M. LaPrade

# MARYLAND MEDICAL CANNABIS COMMISSION



Contact:

[mmcc.maryland.gov](http://mmcc.maryland.gov)

[dhmh.medicalcannabiscommission@maryland.gov](mailto:dhmh.medicalcannabiscommission@maryland.gov)