

# Medical Cannabis in Maryland

Maryland-DC Society of Addiction Medicine  
Ten Oaks Ballroom  
September 22, 2018

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No Disclosures

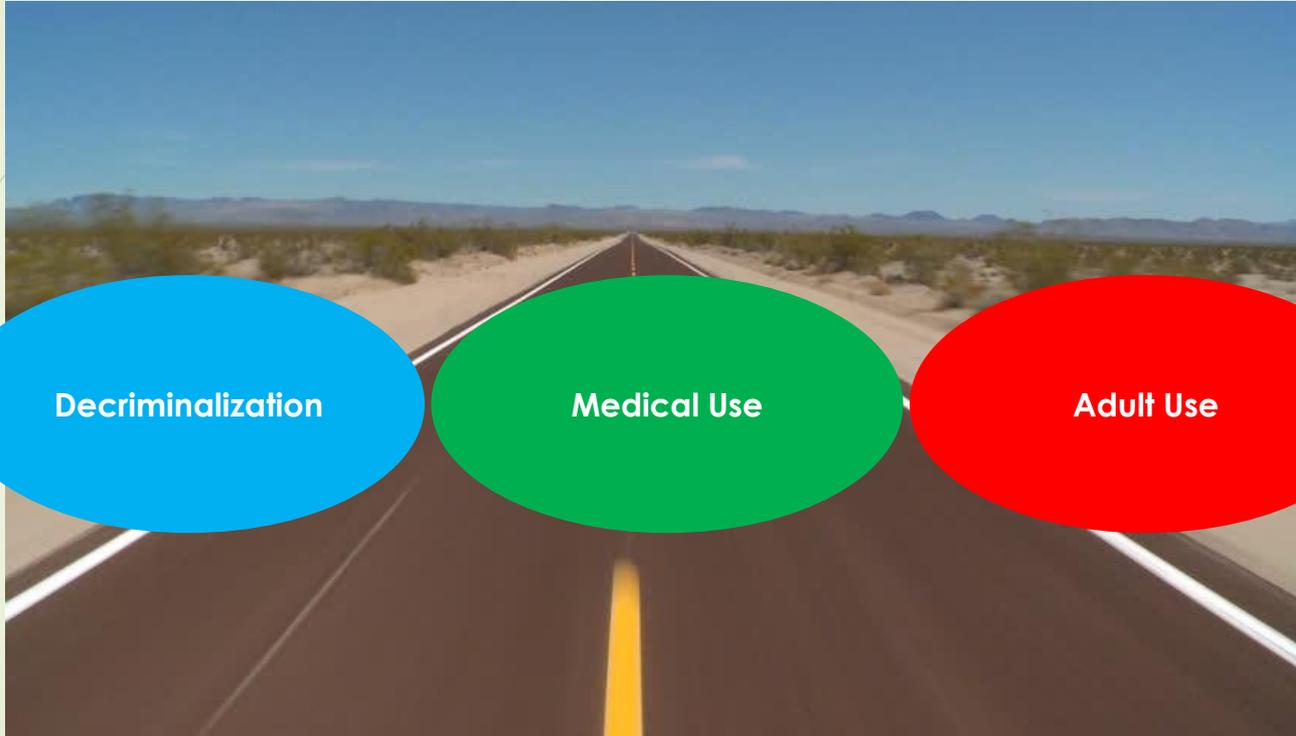


# Presentation Overview

- What's Legal in Maryland?
- MMCC's Role
- Snapshot of medical cannabis program in Maryland



# What's Legal in Maryland?



# Medical Use

- ▶ Qualifying patients may lawfully access a specific amount of medical cannabis from a licensed Maryland dispensary
- ▶ A **qualifying patient** is an individual who:
  - Has a chronic or debilitating disease or medical condition,
  - Registers with MMCC,
  - Receives an in-person assessment from a certifying provider, and
  - The certifying provider determines the (1) patient meets the inclusion criteria for treatment with medical cannabis, and (2) potential health benefits outweigh the health risks for the patient.
- ▶ **Minor patients** are permitted, but must have a parent/guardian as a caregiver, and caregiver must obtain and administer medical cannabis
- ▶ **Patient Certification**
  - Valid for up to 1 year (provider can set any time period)
  - Can be revoked by the provider at any time
  - "30-Day supply" is default (120 grams/.26 pounds of usable cannabis/36 grams of THC); may be increased or decreased by certifying provider



# Adult Use/Recreational

- ▶ Use, possession, or distribution by individuals not registered with MMCC and certified by a certifying provider
  - For **99.7%** of Maryland residents, cannabis use remains illegal
- ▶ Even for qualifying patients, the following remains illegal:
  - Cultivation at home
  - Possession of cannabis from out-of-state (e.g., D.C.)
  - Edibles
  - Use in any public place, while driving, or in a dispensary
- ▶ The penalties associated with use vary according to age and amount
  - Due to the lessening of penalties for use and possession, many local jurisdictions in Maryland have de-prioritized marijuana enforcement



# Decriminalization

- ▶ Use or possession of 10 grams (.02 pounds) or less is a civil money penalty
- ▶ Fine of up to \$100
- ▶ For individuals under 21, in addition to fine must attend a drug education program
- ▶ Use or possession of more than 10 grams
  - ▶ Criminal misdemeanor and up to 1 year in prison and/or a fine up to \$1,000
- ▶ Affirmative defense that the defendant possessed marijuana for medical use out of medical necessity (does not need to be in program to assert defense)



# Medical Cannabis Program in Maryland



# MMCC's Role

- ▶ Regulate the legal medical cannabis market:

*Oversee all licensing, registration, inspection, and testing measures pertaining to Maryland's medical cannabis program and provide relevant program information to patients, providers, caregivers, growers, processors, dispensaries and testing laboratories.*

- ▶ Use, possession, and distribution of illicit cannabis remains under authority of state and local law enforcement
  - ▶ MMCC restricted from establishing any additional provisions related to locations where use is permitted/restricted (e.g., workplace, schools, or correctional facilities)
- ▶ State licensing boards remain authority for certifying providers
  - MMCC prohibited from establishing continuing education or other requirements for certifying providers



# Program Snapshot



# Program History

**2013**

General Assembly establishes the MMMC to oversee academic medical centers growing and dispensing medical marijuana

**2015**

MMCC issues regulations and accepts license applications

**2017**

Dispensaries open and begin selling cannabis

**2015**

Marijuana is out, cannabis is in.

Authorizes MMCC to license processors and independent testing laboratories

Est. immunity for licensed entities

**2016**

Dentists, podiatrists, nurse practitioners, and certified nurse midwives added to certifying providers

Preapprovals announced for growers, processors, and dispensaries

**2018**

HB 2 passed by General Assembly  
Altering the makeup of the Commission and the industry



# Current Statistics

- ▶ **Patients and Caregivers**
  - Certified Patients – 42,106 (300-350 applicants per day)
  - Minor patients – 152
- ▶ **Providers (1,060)**
  - Physicians – 676
  - Nurses – 315
  - Podiatrists – 11
  - Dentists – 58
- ▶ **Licensees**
  - Dispensary **65 out of 102**
  - Grower **14 out of 15** (up to 7 more permitted under Ch. 598)
  - Processor **14 out of 15** (up to 13 more permitted under Ch. 598)
- ▶ **Independent Testing Laboratories** – 5 registered and accredited



# Medical Cannabis Products in MD

- Flower/ Pre-rolls
- Extracts, Oils, & Tinctures
- Vape Cartridges
- Capsules & Patches
- Salves, Lotions, Ointments
- Cannabis-infused edible food products  
**ARE NOT** approved in Maryland



Tinctures



Pre-rolls

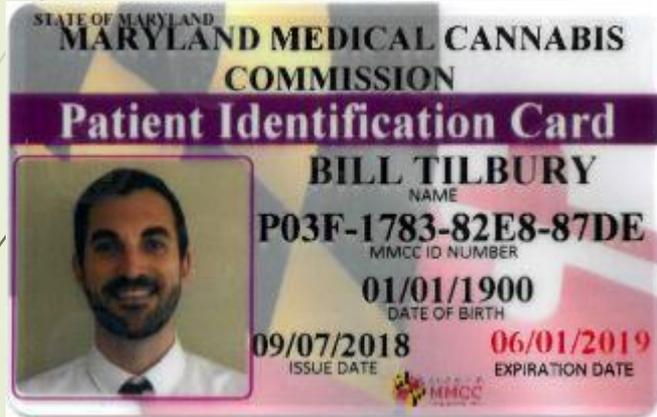


Extracts



Oils

# Patient Identification Card



# Caregiver Identification Card



# Who is a Caregiver?

- A person designated by a patient to purchase cannabis from a licensed medical cannabis dispensary
- Must be (1) 21 years of age or older, (2) register with the MMCC, (3) designated by a valid patient, and (4) carrying an ID card
- A patient may only have 2 caregivers at a time
- A minor patient must have a caregiver who is a parent/guardian

# Chapter 598 of the Acts of 2018

## ► **Licensing**

- Increase number of grower licenses from 15 to 22
- Increase number of processor licenses from 15 to 28
- Develop emergency regulations to address needs of minority and women business owners and entrepreneurs interested in a medical cannabis license
- Develop new application and new application process, incorporating new diversity provisions

## ► **Compassionate Use Fund**

- Establish compassionate use fund to provide reduced cost or free medical cannabis to Medicaid enrollees and Veterans

## ► **Commission Makeup**

- Reduce the number of Commissioners from 16 to 13, beginning on October 1, 2019;
- Remove authority to license beyond newly established caps

## ► **Outreach/Education**

- Conduct outreach to small, minority, and women businesses, including, (1) training programs for employment, and (2) educational information on licensing process
- Make grants to educate and train interested minority and women business owners and entrepreneurs

## ► **Reporting**

- Fees and revenues necessary to implement the Compassionate Use Fund
- Providers, product demand, and consumer price
- Advertising and marketing practices of licensees
- Use of medical cannabis to treat opioid use disorder



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# Any Questions? E-mail:

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**Note:** The information presented here are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.

