

MARYLAND HOUSE BILL 1101

MEDICAL MARIJUANA – ACADEMIC MEDICAL CENTERS

LEGISLATING COMPASSION

Introduced by Delegate Dan K. Morhaim, et al.

Analysis of introduced version (introduced Feb. 8, 2013)

Who would be protected by the law?

- Patients, caregivers, doctors, academic medical center (AMC) employees, and cultivators. 13–3109.

What medical conditions would be eligible for medical cannabis (marijuana) therapy?

- Only conditions for which an AMC has applied and been approved to conduct research on may qualify. No express conditions, which would make Maryland the only state that doesn't explicitly authorize any conditions for which patients can be assured of qualifying. 13–3104.

How would patients safely access medical cannabis under the law?

- Patients or their caregiver may acquire medicine only from an AMC (note: the MD Dept. of Legislative Services has stated the likelihood of an AMC stepping forward is essentially “nonexistent”).
- To be determined by the Commission; no general guidance provided other than patients must stay below authorized amounts. 13–309.

Would the law prevent discrimination against medical cannabis patients?

- No civil protections. By completely ignoring these protections patients would be open to discrimination for housing, employment, education, child custody, and organ transplants.
- Law enforcement has unfettered access to patient/caregiver registry, opening patients and caregivers up to harassment from over-zealous law enforcement agents.

What limitations must patients and caregivers adhere to under this law?

- Smoking medical cannabis in public or on private property without permission of the owner is prohibited. 13–3110(A)(3), (5).
- Standard prohibition on operating a motor vehicle while under the influence, with no per se limits. 13–3110(A)(2), (4).
- May not undertake any task where being under the influence of cannabis would constitute negligence or professional malpractice. 13–3110(A)(1).
- Caregiver Restrictions: caregivers can serve up to five patients; patients may have up to two caregivers. 13–3106(C).

Would the law impose criminal penalties on Maryland residents?

- Would make it a felony, punishable by up to five years and/or a \$10,000 fine, to violate any portion of the law whether knowingly or not. Legally recognized patients would be at risk for this felony simply by using medicine of a family member who is also a legally recognized patient with the same ailment. 13–3109(B).

