MARYLAND

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015

B

Issue	Possible Points	
PATIENT RIGHTS & CIVIL PROTECTION (total)	**100**	**63**
Arrest protection	40	40
Affirmative defense	15	13
Child custody	10	0
DUID protections	5	0
Employment	5	0
Explicit privacy standards	7	7
Housing protections	5	0
Does not create new criminal penalties for patients	5	0
Organ transplants	5	0
Reciprocity	3	3
EASE OF NAVIGATION (total)	**100**	**88**
Comprehensive qualifying conditions	50	44
Adding new conditions (total)	10	9
Law/Regs allow for new conditions	5	5
System works for adding new conditions	5	4
Reasonable access for minors	10	9
Reasonable caregiver background check requirements	4	3
Number of caregivers	2	2
Patient/Practitioner focused task force/advisory Board	2	2
Reasonable fees (patients & caregivers)	10	8
Allows multiple-year registrations	2	2
Reasonable physician requirements	5	4
Does not classify cannabis as medicine of last resort	5	5
ACCESS TO MEDICINE (total)	**100**	**78**
Allows distribution programs (total)	40	38
Allows access to dried flowers	15	15
Allows delivery	5	5
No sales tax or reasonable sales tax	5	5
Reasonable number of dispensing facilities	5	5
Does not require vertical integration	2	1
Ownership/Employment restrictions	2	1
Provisions for labor standards	2	2
Environmental impact regulations	2	2
Unrestricted choice of dispensary	2	2
Non-commercial cultivation (total)	20	3
Personal cultivation	15	3
Collective gardens	5	0
Explicit right to edibles/concentrates/other forms	10	10
Does not impose limits or bans on THC	10	10
Does not impose minimum CBD requirements	10	10
Municipal bans/zoning	10	7
FUNCTIONALITY (total)	**100**	**65**
Patients are able to obtain medicine	50	30
Free of significant administrative or supply problems	15	12
Legal protections within reasonable time frame	10	9
Reasonable possession limit (ounces)	5	4
Reasonable purchase limits	5	4
Allows patients to medicate where they chose	5	4
Covered by insurance/state health aide	3	0
Financial hardship (fee waivers/discount medicine)	7	2
PRODUCT SAFETY (total - see back for details)	**100**	**100**
Dispensing	25	25
Cultivation	25	25
Manufacturing	25	25
Lab	25	25
Improvement Bonus		25
Total out of 500		419
Score percentage		84

Final Grade = B

Areas for improvement: The thoughtful adoption of product safety guidelines has earned Maryland a perfect score in this area, but the state still falls short in current access to medicine and overall patient rights. Given that the state is likely to have a delay in the licensing of dispensaries and cultivators due to a high number of applicants, Maryland should look for ways of facilitating patient access now. Specifically, the state should begin issuing patient ID cards and pass emergency legislation that grants full legal protections to patients allowing them to acquire their medicine from a state with reciprocity. Additionally, while Maryland's affirmative defense has been used in some instances to protect patients growing their own medicine, the state should explicitly allow for patients and their caregivers to have the right to home cultivation.

Background: Maryland's first legal protections for patients were established in 2003 with the Darrell Putman Compassionate Use Act, which created an affirmative defense for patients possessing less than one ounce of marijuana that reduced convictions to a misdemeanor offense with a maximum $100 fine. In 2011, Maryland passed SB 308 to recognize specific medical conditions and remove the misdemeanor penalty, but not the $100 fine. In 2013, HB 180 expanded the affirmative defense to caregivers, while HB 1101 allowed "Academic Medical Centers" to conduct medical cannabis research studies and established the Natalie M. LaParade Medical Marijuana Commission (Commission) to create regulations. In 2014, the Maryland legislature approved HB 881/SB 923, a comprehensive medical cannabis program that expanded and clarified legal protections for patients, caregivers, and physicians, and created a distribution system. Registered patients and their designated caregivers will be allowed to obtain and possess up to a 30-day supply of cannabis. Personal cultivation is prohibited. There are no explicit qualifying medical conditions in Maryland under HB 881/SB 923; instead, physicians must apply for permission to write recommendations for conditions they specify, although the Commission may add explicit qualifying conditions via rulemaking. This was revised by HB 490 (2015), and regulations went into effect on Sept. 14, 2015. The state is in the process of evaluating dispensary, cultivator, and processor license applications and is anticipated to make announcements sometime in 2016.

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PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points	
DISPENSING (total)	**25**	**25**
Dispensary training	5	5
Operating Procedures and Protocols	5	5
Facility sanitary conditions	Y or N	Y
Storage protocols	Y or N	Y
Reasonable security protocols	Y or N	Y
Inventory control	Y or N	Y
Recall protocol and adverse event reporting	5	5
Product Labeling	5	5
Product contents including source material ID	Y or N	Y
Allergens	Y or N	Y
Potency/compound identification	Y or N	Y
Required Testing	5	5
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
CULTIVATION (total)	**25**	**25**
Cultivation training	5	5
Standard Operating Procedures and Protocols	**5**	**5**
Facility and equipment sanitary conditions	Y or N	Y
Workforce safety protocols	Y or N	Y
Storage protocols (short and long term)	Y or N	Y
Reasonable security protocols	Y or N	Y
Batch and lot tracking	Y or N	Y
Disposal/waste	Y or N	Y
Water management	Y or N	Y
Pesticide Guidance and Protocols	**5**	**5**
Pesticide guidance	Y or N	Y
Product labeling	Y or N	Y
Required testing	5	5
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
Sample retention	Y or N	Y
Recall protocol and adverse event reporting	5	5
MANUFACTURING (total)	**25**	**25**
Manufacturing training	5	5
Standard Operating Procedures and Protocols	5	5
Facility and equipment sanitary conditions	Y or N	Y
Workforce safety protocols	Y or N	Y
Storage protocols	Y or N	Y
Reasonable security protocols	Y or N	Y
Batch and lot tracking	Y or N	Y
Product Labeling	5	5
Product contents with source material ID	Y or N	Y
Allergens	Y or N	Y
Potency/compound identification	Y or N	Y
Required Testing	5	5
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
Shelf life testing	Y or N	Y
Sample retention	Y or N	Y
Recall protocol and adverse event reporting:	5	5
LABORATORY (total)	**25**	**25**
Lab operations training	5	5
Method validation in accordance with AHP guidelines	5	5
Result reporting - disclose the type of testing used	5	5
Independent or third party certification	5	5
Standard operating procedures and protocols	**5**	**5**
Equipment and instrument calibration	Y or N	Y
Sample tracking	Y or N	Y
Facility and equipment sanitary conditions	Y or N	Y
Disposal/waste protocols	Y or N	Y
Storage protocols	Y or N	Y
Workforce safety protocols	Y or N	Y
Total out of 100		**100**

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at http://patientfocusedcertification.org/about/information-for-regulators/ and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.

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