

# SENATE BILL 604

J1, F1

EMERGENCY BILL

0lr1909  
CF HB 617

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By: **Senators Feldman, Augustine, Beidle, Benson, Guzzone, Hayes, Jennings, Kramer, Lee, Reilly, and ~~Young~~ Young, Hershey, and Klausmeier**

Introduced and read first time: January 31, 2020

Assigned to: Education, Health, and Environmental Affairs and Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public and Nonpublic Schools – Medical Cannabis – Policy for Administration**  
3 **During School Hours and Events**  
4 **(Connor and Raina’s Law)**

5 FOR the purpose of altering the definition of “caregiver” to include, for an individual who  
6 is a qualifying patient for the use of medical cannabis and under the age of 18 years,  
7 ~~an adult~~ a certain number of additional adults designated by the parent or legal  
8 guardian of the qualifying patient; ~~specifying that the definition of “caregiver” does~~  
9 ~~not include certain designated school personnel; altering specifying~~ the number of  
10 caregivers a certain qualifying patient may have; authorizing a qualifying patient  
11 under the age of 18 years to obtain medical cannabis from certain designated school  
12 personnel; repealing a limitation on the number of qualifying patients that a certain  
13 ~~caregiver may serve for a certain purpose~~ exempting certain caregivers and  
14 designated school personnel from civil and criminal penalties relating to the  
15 administration of medical cannabis, subject to a certain exception; authorizing  
16 caregivers of certain students who are qualifying medical cannabis patients to  
17 administer medical cannabis to a student on school property, during  
18 school-sponsored activities, and on school buses; requiring, on or before a certain  
19 date, the State Department of Education and the Natalie M. LaPrade Medical  
20 Cannabis Commission jointly to develop guidelines for public schools regarding the  
21 administration of medical cannabis to certain students during school hours and  
22 school-sponsored after-school activities and on school buses; providing for the  
23 contents of the guidelines; requiring, on or before a certain date, the Department and  
24 ~~the Commission jointly to provide certain technical assistance to schools for certain~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~purposes, to develop a process to monitor implementation of certain guidelines, and to share certain guidelines with certain nonpublic schools;~~ authorizing nonpublic schools to adopt a certain policy regarding the administration of medical cannabis to certain students during school hours and school-sponsored ~~after-school~~ activities; ~~requiring the Commission to provide certain assistance to certain nonpublic schools;~~ requiring the Maryland Board of Nursing and the Commission to submit a certain report on or before a certain date; making this Act an emergency measure; and generally relating to medical cannabis and public and nonpublic schools.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13-3301(a)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13-3301(c), ~~and 13-3304(g)(6)~~ 13-3304(g)(5) and (6), and 13-3313(a)(8) and (9)

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Health – General

Section 13-3304(g)(7) and (8) and 13-3313(a)(10)

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Education

Section 7-446

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

### **Article – Health – General**

13-3301.

(a) In this subtitle the following words have the meanings indicated.

(c) **(1)** “Caregiver” means:

~~(1)~~ **(I)** A person who has agreed to assist with a qualifying patient’s medical use of cannabis; and

~~(2)~~ **(II)** For a qualifying patient under the age of 18 years[, a]:

~~(H)~~ **1.** A parent or legal guardian; AND

~~(H)~~ **2.** ~~AN NOT MORE THAN TWO ADDITIONAL ADULT ADULTS~~  
**DESIGNATED BY THE PARENT OR LEGAL GUARDIAN.**

**(2) “CAREGIVER” DOES NOT INCLUDE ANY DESIGNATED SCHOOL  
PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN  
ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE  
EDUCATION ARTICLE.**

13-3304.

~~(g)~~ **(5) (i)** Except as provided in subparagraph (ii) of this paragraph, a  
qualifying patient or caregiver may obtain medical cannabis only from a medical cannabis  
grower licensed by the Commission or a dispensary licensed by the Commission.

**(ii)** A qualifying patient under the age of 18 years may obtain  
medical cannabis only through [the]:

**1. THE qualifying patient’s caregiver; OR**

**2. ANY DESIGNATED SCHOOL PERSONNEL AUTHORIZED  
TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE  
GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE.**

~~(g)~~ **(6) [(i)]** A caregiver may serve no more than five qualifying patients at  
any time.

**(ii)] A EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
PARAGRAPH, A** qualifying patient may have no more than ~~two~~ **FOUR** caregivers.

**(III) A QUALIFYING PATIENT UNDER THE AGE OF 18 YEARS MAY  
HAVE NO MORE THAN FOUR CAREGIVERS.**

**(7) ANY DESIGNATED SCHOOL PERSONNEL DESCRIBED IN  
PARAGRAPH (5)(II) OF THIS SUBSECTION:**

**(I) MAY ADMINISTER TO A STUDENT ONLY MEDICAL CANNABIS:**

**1. THAT IS OBTAINED THROUGH THE STUDENT’S  
CAREGIVER; AND**

2. IN ACCORDANCE WITH DOSING, TIMING, AND DELIVERY ROUTE INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER'S WRITTEN INSTRUCTIONS; AND

(II) ARE NOT REQUIRED TO REGISTER WITH THE COMMISSION UNDER THIS SUBTITLE.

(8) BEGINNING JUNE 1, 2020, A CAREGIVER MAY ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT OF THE CAREGIVER ON SCHOOL PROPERTY, DURING SCHOOL-SPONSORED ACTIVITIES, AND WHILE ON A SCHOOL BUS.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis:

(8) A hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; [or]

(9) A third-party vendor authorized by the Commission to test, transport, or dispose of medical cannabis, medical cannabis products, or medical cannabis waste under the provisions of this subtitle; OR

(10) DESIGNATED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER § 7-446 OF THE EDUCATION ARTICLE UNLESS THE ACT OR OMISSION CONSTITUTES GROSS NEGLIGENCE OR WANTON OR WILLFUL MISCONDUCT.

#### Article – Education

**7-446.**

**(A) ON OR BEFORE DECEMBER 31, 2020, THE DEPARTMENT AND THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL DEVELOP GUIDELINES FOR PUBLIC SCHOOLS REGARDING ALLOWING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL HOURS AND SCHOOL-SPONSORED AFTER-SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS.**

(B) THE GUIDELINES SHALL ~~INCLUDE~~ ESTABLISH:

(1) THE SCHOOL PERSONNEL WHO ARE AUTHORIZED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

(2) SPECIFIC LOCATIONS, INCLUDING A REQUIREMENT THAT A SCHOOL ALLOW THE ADMINISTRATION OF MEDICAL CANNABIS IN THE SCHOOL BUILDING, WHERE MEDICAL CANNABIS MAY BE ADMINISTERED TO A STUDENT WHO IS A QUALIFYING PATIENT DURING SCHOOL HOURS AND SCHOOL-SPONSORED ACTIVITIES AND WHILE ON A SCHOOL BUS;

~~(1) (3) PROCEDURES FOR EDUCATING SCHOOL NURSES ANY DESIGNATED SCHOOL PERSONNEL ON ISSUES RELATING TO MEDICAL CANNABIS, INCLUDING: SAFETY CONSIDERATIONS FOR PATIENT USE OF MEDICAL CANNABIS AS IT RELATES TO A SCHOOL SETTING;~~

~~(I) THE STATE'S MEDICAL CANNABIS PROGRAM;~~

~~(II) FEDERAL AND STATE LAWS AND REGULATIONS;~~

~~(III) PROFESSIONAL LICENSURE AND CIVIL AND CRIMINAL LIABILITY ISSUES;~~

~~(IV) CANNABIS PHARMACOLOGY AND RESEARCH ASSOCIATED WITH THE MEDICAL USE OF CANNABIS; AND~~

~~(V) SAFETY CONSIDERATIONS FOR PATIENT USE OF CANNABIS AS IT RELATES TO A SCHOOL SETTING;~~

~~(2) (4) PROTOCOLS TO ENSURE STUDENTS WHO ARE QUALIFYING PATIENTS RECEIVE CARE DURING SCHOOL HOURS AND SCHOOL-SPONSORED AFTER SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS, AS DETERMINED BY:~~

~~(I) THE STUDENT'S CERTIFYING PROVIDER;~~

~~(II) THE STUDENT'S PARENT OR GUARDIAN OR CAREGIVER; AND~~

~~(III) THE SCHOOL NURSE'S ASSESSMENT;~~

~~(3) (5) SECURITY PROTOCOLS FOR THE POSSESSION, STORAGE, AND LOSS OR THEFT OF MEDICAL CANNABIS ON SCHOOL PROPERTY;~~

1           **(6) A PLAN FOR THE ADMINISTRATION OF MEDICAL CANNABIS THAT**  
2 **MUST INCLUDE LABELING AS WELL AS DOSING, TIMING, AND DELIVERY ROUTE**  
3 **INSTRUCTIONS AS PROVIDED BY THE CERTIFYING PROVIDER'S WRITTEN**  
4 **INSTRUCTIONS;**

5           **(7) A CLEAR PROHIBITION ON ANY METHOD OF ADMINISTRATION OF**  
6 **MEDICAL CANNABIS THAT INCLUDES SMOKING OR VAPING;**

7           ~~**(4) APPROPRIATE METHODS FOR ADMINISTERING MEDICAL**~~  
8 ~~**CANNABIS BY A SCHOOL NURSE OR CAREGIVER DURING SCHOOL HOURS AND**~~  
9 ~~**SCHOOL-SPONSORED AFTER SCHOOL ACTIVITIES AND WHILE ON A SCHOOL BUS;**~~

10           ~~**(5)**~~ **(8) NOTICE REQUIREMENTS TO APPROPRIATE SCHOOL**  
11 **PERSONNEL, PARENTS AND GUARDIANS OR CAREGIVERS, AND LOCAL LAW**  
12 **ENFORCEMENT, IF NECESSARY; AND**

13           **(9) WHETHER THE MEDICAL CANNABIS MAY BE RETAINED ON**  
14 **SCHOOL GROUNDS AT THE END OF THE SCHOOL DAY OR SCHOOL-SPONSORED**  
15 **ACTIVITY OR WHETHER IT MUST BE RETURNED TO THE STUDENT'S CAREGIVER; AND**

16           ~~**(6)**~~ **(10) ANY OTHER NECESSARY GUIDELINES ON ISSUES**  
17 **CONCERNING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE**  
18 **QUALIFYING PATIENTS DURING SCHOOL HOURS AND SCHOOL-SPONSORED**  
19 **AFTER SCHOOL ACTIVITIES AND ON A SCHOOL BUS.**

20           ~~**(C) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE**~~  
21 ~~**NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION JOINTLY SHALL:**~~

22           ~~**(1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:**~~

23           ~~**(I) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS**~~  
24 ~~**SECTION; AND**~~

25           ~~**(II) INSTRUCT SCHOOL PERSONNEL AT THE LOCAL LEVEL**~~  
26 ~~**REGARDING THE GUIDELINES ESTABLISHED UNDER THIS SECTION;**~~

27           ~~**(2) DEVELOP A PROCESS TO MONITOR IMPLEMENTATION OF THE**~~  
28 ~~**GUIDELINES; AND**~~

29           ~~**(3) SHARE THE GUIDELINES ESTABLISHED UNDER THIS SECTION**~~  
30 ~~**WITH A NONPUBLIC SCHOOL THAT ESTABLISHES OR SEEKS TO ESTABLISH A POLICY**~~  
31 ~~**UNDER SUBSECTION (D) OF THIS SECTION.**~~

~~(D)~~ (C) ~~(1)~~ EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY REGARDING THE ADMINISTRATION OF MEDICAL CANNABIS TO STUDENTS WHO ARE QUALIFYING PATIENTS UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DURING SCHOOL HOURS AND SCHOOL-SPONSORED ~~AFTER-SCHOOL~~ ACTIVITIES.

~~(2) THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION SHALL:~~

~~(i) PROVIDE TECHNICAL ASSISTANCE TO IMPLEMENT A POLICY ESTABLISHED BY A NONPUBLIC SCHOOL UNDER THIS SUBSECTION; AND~~

~~(ii) INSTRUCT SCHOOL PERSONNEL OF A NONPUBLIC SCHOOL REGARDING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.~~

(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A SCHOOL NURSE MAY NOT BE REQUIRED TO ADMINISTER MEDICAL CANNABIS TO A STUDENT WHO IS A QUALIFYING PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That in developing the guidelines under § 7-446(a) of the Education Article, as enacted by Section 1 of this Act, the Maryland Board of Nursing and the Natalie M. LaPrade Medical Cannabis Commission shall:

(1) consider whether it is necessary to amend Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient; and

(2) on or before December 31, 2020, make recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article, on any amendments to Title 8 of the Health Occupations Article or any other State law to allow school nurses or other authorized designated school personnel to administer medical cannabis to a student who is a qualifying patient.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and shall take effect from the date it is enacted.