



MARYLAND LAWS ADDRESSING MARIJUANA
Fact Sheet

Medical Cannabis in Maryland

Medical Cannabis Commission

The Natalie M. LaPrade Medical Cannabis Commission oversees the medical cannabis program in Maryland. Specifically, the Commission may:

- Develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner. [Health-Gen. Article §13-3302\(c\)](#)
- Develop and maintain a website (<http://mmcc.maryland.gov/>) that provides information on how an individual can obtain medical cannabis in the state, and provides contact information for licensed dispensaries. [Health-Gen. Article §13-3302\(e\)](#)
- Register certifying physicians, who can make medical cannabis available to patients for medical use. [Health-General Article §13-3304](#)
- Develop ID cards for qualifying patients and caregivers. [Health-Gen. Article §13-3302\(d\)](#). A certifying physician provides written certification for qualifying patients to the Commission. On receipt of a written certification, the Commission issues an identification card to each qualifying patient or caregiver named in the written certification. [Health-Gen. Article §13-3304\(g\)](#)
- License growers that meet all requirements established by the Commission to operate in the State. Licensed growers may provide cannabis to: processors licensed by the Commission; dispensaries licensed by the Commission; qualifying patients and caregivers; and independent testing laboratories registered with the Commission. [Health-Gen. Article §13-3306\(a\)\(1\)](#)
- License no more than 15 medical cannabis growers. Beginning June 1, 2018, the Commission may issue the number of licenses necessary to meet the demand for medical cannabis by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner. [Health-Gen. Article §13-3306\(a\)\(2\)](#)
- Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers. [Health-Gen. Article §13-3306\(a\)\(9\)\(i\)\(1\)](#)

Medical Cannabis Growers

- Medical cannabis growers are licensed by the Commission that cultivate, manufacture, process, package, or dispense medical cannabis and medical cannabis products; and are authorized by the Commission to provide cannabis to a qualifying patient, caregiver, processor, dispensary or independent testing laboratory. [Health-Gen. Article §13-3301\(h\)](#)
- Growers may provide cannabis only to: processors licensed by the Commission; dispensaries licensed by the Commission; qualified patients; caregivers; and independent testing laboratories registered with the Commission. [Health-Gen. Article §13-3306\(b\)](#)

Medical Cannabis Dispensaries

- In Maryland, a medical cannabis dispensary means an entity licensed by the Commission that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver. [Health-Gen. Article §13-3301\(e\)](#)
- A medical cannabis grower may dispense cannabis from a facility of a grower licensed as a dispensary. [Health-Gen. Article §13-3306\(c\)\(1\)](#)

Who May Use Medical Cannabis

- Only qualifying patients may use medical cannabis in Maryland.
- Certifying physicians must provide written certification for each qualifying patient to the Commission. [Health-Gen. Article §13-3304\(g\)](#)
- To become a certifying physician, a physician must provide the Commission with an attestation that standard patient evaluations will be completed for each individual seeking to become a qualifying patient. The evaluation must include a history, a physical examination, a review of symptoms, and other pertinent medical information. [Health-Gen. Article § 13-3304\(b\)\(2\)](#)
- On receipt of a written certification, the Commission shall issue an identification card to each qualifying patient or caregiver named in the written certification. 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. [Health-Gen. Article §13-3304\(g\)](#)
 - Qualifying patients are individuals who: have been provided with a written certification by a certifying physician in accordance with a bona fide physician–patient relationship. Patients under age 18 must have a caregiver. [Health-Gen. Article §13-3301\(m\)](#)
 - Written certification is a certification that: is issued by a physician to a qualifying patient with whom the physician has a bona fide physician–patient relationship; and includes a statement that, in the physician’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a condition:
 - That the physician is certified to treat.
 - For which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient.
 - The written certification may also state that, in the physician’s professional opinion, a 30-day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient. [Health-Gen. Article §13-3301\(n\)](#)
- A qualifying patient in possession of an amount of medical cannabis determined by the Commission to constitute a 30–day supply may not be subject to arrest, prosecution, 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 cannabis. [Health-General Article 13–3313\(a\)](#)

- A qualifying patient in possession of an amount of medical cannabis that constitutes more than a 30 day supply may not be subject to arrest, prosecution, or any civil or administrative penalty, or be denied any right or privilege for the medical use of cannabis, if the patient has a written certification from a physician stating that a 30-day supply of medical cannabis would be inadequate to meet the medical needs of the qualifying patient. [Health-General Article 13-3313\(a\)](#)

What if a qualifying patient uses non-medical cannabis or marijuana?

- In a prosecution for the use or possession of marijuana, medical necessity may be a mitigating factor. Except for use or possession of more than 10 grams, the court will dismiss any charges if the individual possessed cannabis out of medical necessity. [Criminal Law Article §5-601\(c\)\(3\)\(ii\)\(2\)](#)
- If a court finds that a person used marijuana or possessed less than ten grams of marijuana because of medical necessity, the court shall dismiss the charge. [Criminal Law Article §5-601\(c\)\(3\)\(ii\)\(2\)](#)

Prohibitions on using medical cannabis and marijuana

- Maryland law specifically prohibits the following activities while under the influence of medical cannabis or marijuana:
 - Undertaking any task, when doing so would constitute negligence or professional malpractice;
 - Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat;
- Smoking marijuana or cannabis is prohibited:
 - In any public place;
 - In a motor vehicle; or
 - On a private property that:
 - Is rented from a landlord; and
 - Is subject to a policy that prohibits the smoking of marijuana or cannabis on the property; or
 - Is subject to a policy that prohibits the smoking of marijuana or cannabis on the property of an attached dwelling adopted by one of the following entities: 1. The board of directors of the council of unit owners of a condominium regime; or 2. The governing body of a homeowners association. [Health-General Article §13-3314](#)
- These prohibitions do not apply to vaporizing cannabis.

Youth Use of Medical Cannabis

- A qualifying patient under the age of 18 years may obtain medical cannabis only through the qualifying patient's caregiver. [Health-General Article §13-3304\(g\)\(5\)\(ii\)](#)

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