



*Natalie M. LaPrade*

**MARYLAND MEDICAL CANNABIS COMMISSION**

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# **Frequently Asked Questions (FAQ's)**

**6/26/2015**

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- **Physicians**
- **Dispensaries**
- **Growers**
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**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

## **General Questions**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

**What is the contact information for the Natalie M. LaPrade Medical Marijuana Commission?**

- The best means of contacting the office is email: [dhmh.medicacannabiscommission@maryland.gov](mailto:dhmh.medicacannabiscommission@maryland.gov)

**Where do I find program applications and information updates?**

- We anticipate posting applications to the Commission website in September. Additional information will be posted to the site as program milestones are achieved and updates become available.

**Can I get help with my application if I come to the Commission office?**

- No. The Commission will not offer assistance on filling out applications or other forms. Detailed instructions will accompany the forms. Please note, regulations and other information about Maryland's program remain under review and development, and, as a result, answers to some questions may not yet be available. When published, all application forms will include detailed instructions.

**Can the Commission help me understand the medical risks and benefits of cannabis?**

- The Commission advises anyone researching medical cannabis as a potential treatment option to speak with his or her physician. The Commission does not provide medical information to individuals and cannot assess a person's suitability for medical cannabis treatment.

**Will the Commission refer patients to doctors to obtain written certification?**

- No. Ask your doctor to register with the Commission

**Where can I read the complete list of regulations regarding medical cannabis in Maryland?**

- There is a link to latest draft of the regulations on our homepage: <http://mmmc.maryland.gov/>

**When will medical cannabis be available in Maryland?**

- Once the regulations are effective, which is likely in September 2015, and all aspects of the program are in place, including the patient, caregiver and physician registries, and licensure for growers, processors and dispensaries, the Commission anticipates medical cannabis could be available to qualifying patients in the second half of 2016.

**Can I sign up for an electronic update from the Commission?**

- No. We suggest you regularly check the Commission's website for updates.

## **FAQs – Regulations**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **When will medical cannabis regulations take effect?**

- There are a number of important steps that must be completed before regulations can take effect. Currently, the Commission and DHMH are in the process of finalizing regulations. The draft regulations have been published in the *Maryland Register* on June 26. After publication, the draft regulations will be open for public comment for thirty days – until July 27. The Commission anticipates the regulations will take effect in September. Each step that is completed will be posted on our website. The most recent version of the draft regulations is available on our website.

### **What will be covered by the regulations?**

- The regulations will cover all aspects of the medical cannabis program: patients, physicians, growers, processors, dispensaries, independent testing laboratories, inspection, enforcement, and license fees.

### **Where can I find the most recent version of the draft regulations?**

- They are posted on the Commission website.

### **Why did the Commission change the draft regulation regarding an applicant's race and ethnicity in the license application review sections?**

- The Maryland Attorney General's Office was specifically asked to review that section of the January 23, 2015 draft regulations, and responded with a letter that stated that it would be unconstitutional to consider an applicant's race or ethnicity in the award of a license. The letter can be found here: [http://mmcc.maryland.gov/pages/law/documents/AG\\_advice\\_letter-03-10-15.pdf](http://mmcc.maryland.gov/pages/law/documents/AG_advice_letter-03-10-15.pdf)

The updated draft regulations includes language that directs the Commission to “encourage applicants who qualify as a minority business enterprise.” The spirit and thrust of the statutes seeks diversity in applications for licenses in an effort to have a diverse group of license holders. Thus, as stated in the regulations, the Commission will encourage members of minority groups to have every opportunity to successfully apply for a license.

## **FAQs – Patients**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **Where can I obtain medical cannabis?**

- A Maryland patient can only obtain legal medical cannabis from Maryland-licensed dispensaries. The dispensaries can only obtain their cannabis from Maryland-licensed growers, and their extracts from Maryland-licensed processors.

### **When can I get medical cannabis?**

- The Commission anticipates that licenses for growers and dispensaries will be issued during the winter of 2015-2016. The Commission cannot estimate how long it will take to grow the cannabis and have it inspected to be certain it is pure and meets the specifications for active ingredients, and is ready to distribute to patients.
- The Commission anticipates that medical cannabis may first be available to patients in the second half of 2016.

### **How do I become a legal patient?**

- On the Commission's website, a patient will register by providing name, address, date of birth, and uploading an image of a government ID.
- Once registered, a patient will go to a doctor who has registered with the Commission to obtain a "written certification."

### **How do I get a "written certification"?**

- A patient needs an in-person visit with a registered physician with whom the patient has a "bona fide physician-patient relationship." If the patient meets the physician's criteria for treatment with medical cannabis, the physician will issue a written certification. The physician records the written certification on the Commission's website.

### **What is a "bona fide physician-patient relationship"?**

- It means the physician has examined the patient, reviewed medical records, assessed the patient's medical history, maintains records on the patient, and will provide follow-up care to the patient as needed.

### **What do I do after I get the "written certification"?**

- The patient can go to any dispensary to pick up medical cannabis. Some dispensaries will deliver medical cannabis to the patient's home. The dispensary must check the Commission website to confirm that the patient has a "written certification" and confirm the patient's identity.
- The dispensary will record how much medical cannabis has been dispensed to the patient.

### **How long will it take to obtain a written certification?**

- After the doctor has examined the patient and the patient's records, the physician may issue the patient a written certification.

**Will there be a list of physicians who can issue written certifications for medical cannabis?**

- The Commission will not publish a list.

**For what conditions or diseases can my physician write a written certification?**

- Any condition that is severe, for which other medical treatments have been ineffective, and if the symptoms “reasonably can be expected to be relieved” by the medical use of Cannabis.
- In addition, if the patient has a chronic or debilitating disease or medical condition that causes severe loss of appetite, wasting, severe or chronic pain, severe nausea, seizures or severe or persistent muscle spasms, or glaucoma or Post Traumatic Stress Disorder (PTSD).

**Do I need a patient ID card?**

- No.

**I am traveling and I want an ID card. Can I obtain one?**

- Yes. A patient ID card is optional. A patient ID card will cost \$50.

**How do I apply for a patient ID card?**

- You can request an ID card when you receive your written certification or apply for one later.

**I lost my patient ID card, or it was stolen or damaged?**

- There will be a process to apply for a replacement card.
- A replacement card will cost \$100.

**How much medical cannabis (dried flower) can a qualifying patient possess at one time?**

- No more than 120 grams — or approximately four ounces, unless a physician makes a special determination that a patient needs more.

**Is there a maximum amount of THC in an extract that a patient can get in a month?**

- Yes, 36 grams of THC.

**Will cannabis oil be considered a type of medical cannabis?**

- Yes, if the cannabis oil is produced by a Maryland-licensed processor.

**How will patient confidentiality be assured?**

- Federal law (HIPAA) requires that we — along with physicians and dispensaries — protect patient privacy and confidentiality. Our database will meet HIPAA standards and protect patient confidentiality.

**I want to become a caregiver. How can I become one?**

- Caregivers are only appointed by patients. If a patient selects you to be a caregiver, you must submit an application through the Commission’s website. Caregivers cannot care for more than five qualifying patients.

**Can patients cultivate their own cannabis? Can a caregiver cultivate cannabis for patients?**

- No, Maryland law will not allow this.

**Where can I legally travel with medical cannabis?**

- A legal patient may travel to any location in the state of Maryland. Maryland cannot authorize you to travel to other states or countries. Possession of cannabis is against federal law. Most states do not recognize legal medical cannabis. Many medical cannabis states will not recognize the validity of out-of-state medical cannabis authorizations.

**My child needs medical cannabis. Can he or she get it legally?**

- Children who meet their physician's criteria for treatment can become legal patients in Maryland. However, children must have a parent or guardian serve as a caregiver.

**Can veterans get medical cannabis?**

- Veterans can obtain medical cannabis in the same way as other patients, but not from the Veterans Affairs health system. Veterans need to make sure that using medical cannabis will not disqualify them from Veterans Affairs health system procedures they might need.

**Is there financial relief for patients who can't afford medical cannabis?**

- Providing any financial relief for patients will be a decision made by individual dispensaries.

**What if a qualifying patient changes their mailing address?**

- The patient who changes their address should notify the Commission within 3 days. It can be done easily by visiting the Commission's website.

**What if I want to obtain medical cannabis from a different dispensary?**

- A patient may obtain medical cannabis from a dispensary of their choice. The patient's written certification will be recorded in the Commission's database and can be confirmed by any licensed dispensary.

**What happens if I am stopped by law enforcement?**

- Patients do not have to disclose that they possess medical cannabis and do not have to consent to a search. However, if a search is conducted and medical cannabis is found, the patient should present their patient ID card or direct law enforcement to our database.

**I don't want to smoke cannabis. Will edible medical cannabis products be available in Maryland?**

- Medical cannabis will be available in forms which can be vaporized which is not smoking, or as extracts, lotions, ointments, tinctures, etc. Some extracts can be added to foods at home. Edible cannabis products will not be available from dispensaries in Maryland.

**Will health insurers cover the cost of medical cannabis?**

- Health insurers are not required to cover the cost of medical cannabis. Private health insurers are free under Maryland law to develop policies that will cover medical cannabis.

**What fees do patients have to pay the Commission to get medical cannabis?**

- Patients do not have to pay the Commission to register. Dispensaries do not have to pay the Commission to check that a patient has been issued a written certification.
- There are no fees, unless a qualifying patient desires an ID card.

**Are there special reduced fees for seniors?**

- There are no reduced fees for seniors.

**Is there a residency requirement to participate in the medical cannabis program?**

- Any person who lives in Maryland can participate in the program. A person from out-of-state who is in the state for the purpose of receiving medical care can be issued a written certification and obtain medical cannabis.

**Will Maryland dispensaries recognize other state medical cannabis ID cards?**

- Not at this time.

**Can you provide me with information on replacing opioids with medical cannabis for treatment of chronic pain?**

- That is a medical question that the Commission cannot answer. You need to discuss this question with your physician.

**My employer tests for drug use including cannabis. Can they test me if I am a medical cannabis patient? Can they fire me if I use medical cannabis?**

- Maryland law does not prevent an employer from testing for use of cannabis (for any reason) or taking action against an employee who tests positive for use of cannabis (for any reason).

**Are there drugs that are known to interact with medical cannabis for which my physician would exclude my qualification in the program?**

- This is a question for your physician.



## **FAQs – Physicians**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **What are my responsibilities to my patients who want medical cannabis?**

- A physician's professional obligations to prospective medical cannabis patients are not different from those for any other patient. A physician is not required to qualify a patient for medical cannabis. The physician is expected to assess a patient's medical history and medical condition, and recommend treatment that they think is appropriate.

### **What must I do to register with the Commission?**

- Physicians must register via a form on the Commission's website and renew every two years.
- Physicians who register are called "certifying physicians" because they can issue written certifications to their patients to obtain and use medical cannabis.
- You will need to specify the conditions or diseases that you plan to treat, and any criteria for including or excluding patients.

### **What are the general legal standards for determining if a patient qualifies for medical cannabis?**

- You and the patient must have a "bona fide physician-patient relationship."
- The patient's condition must be severe, other medical treatments have been ineffective, and the symptoms reasonably can be expected to be relieved by the medical use of cannabis.

### **What is a "bona fide physician-patient relationship?"**

- Maryland law defines this term. Essentially it is a treatment or counseling relationship between a physician and patient in which the physician reviews the patient's relevant medical records, completes an in person assessment of the patient's medical history and current medical condition, creates and maintains medically standardized records, expects to monitor patient program and takes any medically indicated action to follow up.

### **Are there conditions that qualify for treatment with medical cannabis?**

- Yes, if the patient has a chronic or debilitating disease or medical condition that results in being admitted into hospice or receiving palliative care.
- If the patient has a chronic or debilitating disease or medical condition that causes (or is receiving treatment for a chronic or debilitating disease or medication condition that causes): cachexia, anorexia, wasting syndrome, severe or chronic pain, severe nausea, seizures, or severe or persistent muscle spasms.
- If the patient has glaucoma or post-traumatic stress disorder (PTSD).

**If I have a patient I think would benefit from medical cannabis, what do I do?**

- Once you determine that your patient's treatment, disease, or medical condition qualifies him or her for medical cannabis, you or your staff will go to the Commission website to issue your patient a "written certification."
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**What information will be contained on the written certification?**

- Patient name, address, date of birth, physician's name, the date of patient qualification, and medical condition(s).

**How often should a physician follow-up with a patient?**

- A Physician should direct a patient to follow-up as you think is medically appropriate.
- At minimum, the physician must perform an in-person, evaluation once every 365 days, with additional evaluation to be performed at the discretion of the physician, to continue to issue a written certification to the patient.

**Can a physician revoke a patient's certification?**

- Yes, a physician may amend or revoke a certification on any medical grounds or if the patient no longer meets the physician's inclusion criteria or the patient now meets the physician's exclusion criteria.
- Two examples of exclusion criteria are that the physician suspects that the patient is abusing cannabis or the patient is diverting cannabis to others.

**Will the Commission make a list of certifying physicians available to the public?**

- No. The Commission will not maintain a list of certifying physicians.

**Will the Commission refer prospective patients to certified physicians?**

- No, we will not be referring patients.

## **FAQs – Dispensaries**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **How will dispensaries be licensed?**

- Prospective dispensary operators will submit an application for a license in each Senatorial district in which the applicant is seeking a license. All applications will be reviewed and ranked by the Commission and its review team. Applications will be ranked on the evaluation of their merit. The weights for the criteria for issuing licenses to operate a dispensary will be in the regulations, which will be posted the website.

### **Will the application process be online?**

- Once the regulations are final, the process will be explained on the website.

### **Where will dispensaries be located?**

- State law does not limit the number of dispensaries in Maryland. However, the Commission is proposing that there be no more than two dispensaries located in each of the 47 legislative districts in the state, not including the dispensary of a licensed grower who may hold a dispensary license. The following is a link to Maryland's senatorial districts:

<http://msa.maryland.gov/msa/mdmanual/05sen/html/sendist.html>

### **What services will a dispensary be able to provide?**

- Dispensaries may distribute medical cannabis in processed form or dried flower. Dispensaries will also be permitted to supply devices to administer medical cannabis.
- Dispensaries may offer delivery services to patients.

### **Will there be a list of licensed dispensaries?**

- We will post a list of licensed dispensaries on the website.

### **Will dispensaries be subject to state inspection?**

- Yes, all dispensaries located in Maryland will be subject to state inspection.

### **When will the application for dispensary licenses be available?**

- The Commission anticipates that the regulations will become final in September 2015. At that point the Commission will post the instructions and application for a dispensary license on its website.

### **When will dispensary licenses be awarded?**

- The Commission anticipates that dispensary licenses will be awarded mid-December-January.

**How will awardees be notified?**

- The Commission will notify awardees promptly.

**Will I be able to check the status of my application during the review process?**

- No.

**Can a dispensary lose its license?**

- Yes. The Commission is authorized to inspect dispensaries on an ongoing basis. In the case of a major deficiency, or a failed inspection, the Commission may take action, including revoking a license to dispense medical cannabis.

**What would a Maryland medical cannabis dispensary look like in my neighborhood?**

- A medical cannabis dispensary in Maryland is not going to look very different from other businesses or medical facilities currently located in your neighborhood. The Commission's regulations and application process are designed so that the successful applicants for medical cannabis dispensary licenses will operate facilities that will not deviate from the character of the streetscape where they are located, and not offend or disrupt the character of the local community.
- Maryland law provides that all medical cannabis dispensaries must comply with local zoning and planning requirements. The Maryland Medical Cannabis Commission will not license any operation that does not have local zoning and planning board approval. This means that local rules that govern other medical or retail facilities, where they may be located, and the signage that they are permitted to use will apply to medical cannabis dispensaries in the community. Failure to carry out the plans spelled out in the dispensary application could result in a fine of \$5,000 or the suspension or revocation of the license.

**Is the consumption of medical cannabis allowed at the premises of a license dispensary?**

- No; consumption on the premises is not allowed. The regulations require patients to sign a statement that they understand that they are not immune from any prohibition on smoking cannabis in a public place or in a motor vehicle, or on private property where it is prohibited by the property owner. Dispensary operators who violate the regulations or medical cannabis law are subject to fine and the suspension or revocation of their license.

## **FAQs – Growers**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **How will growers be licensed?**

- After applications are submitted, an independent review team will review and rank applications based on criteria set forth in the regulations. The team will send a report on the review and ranking to the Commission. The Commission will vote on pre-approvals for licenses. Once applications are pre-approved, prospective licensees will need to finalize a location for their facility, obtain local zoning and planning approvals, begin construction and hire and train staff. (Stage 1)
- Then facilities will be inspected to confirm that the facility and the proposed production process meet the requirements of the regulations and the terms of the approved application. Once these inspections are completed, final licenses will be granted and licensees can begin cultivating and producing medical cannabis. (Stage 2)

### **Will the application process be online?**

- Once the regulations are final, the process will be explained on the website.

### **When will the application for grower licenses be available?**

- The Commission anticipates soliciting Stage 1 applications from prospective growers in the fall of 2015.

### **When will grower licenses be awarded?**

- The Commission anticipates that grower licenses will be awarded in the winter of 2015-2016.

### **How will criteria be weighted during the review process?**

- The applicants' business plans, site plans, security plans, grow plans, and quality control plans will be given the most weight during the review process as provided by the draft regulations.

### **What are the full criteria for issuing a grower license?**

- The full criteria will be set forth in the final regulations which will be posted on the Commission website.

### **Will I be able to check the status of my application during the review process?**

- No.

### **Once I submit an application, can I amend it?**

- No, except to provide updated information about owners, managers, etc., as stipulated in the regulations.

**Where will grow facilities be located?**

- Growers can choose any location in Maryland as long as the activity and location are permitted by local zoning ordinances.

**How will growers interact with independent testing labs?**

- Growers will contract with one or more independent testing laboratories for the laboratory to test every batch of medical cannabis to assure that every batch meets approved specifications.

**Will growers be subject to state inspection?**

- Yes; all growers in Maryland will be subject to inspection.

## **FAQs – Processors**

**These FAQs are based on DRAFT regulations that have not yet been adopted. FAQs will be continually updated.**

### **How will processors be licensed?**

- Prospective processors will submit applications for licenses that will be reviewed and ranked according to criteria set forth in the regulations. Based on the ranking, the chosen applicants will get a pre-approval of a license from the Commission. Then each applicant will demonstrate their financial capacity, finalize their location, get zoning and planning permissions, construct their facility, train their staff, and establish their production procedures. Then they will be inspected and get a license to start production.

### **Will the application process be online?**

- Once the regulations are final, the process will be explained on the website.

### **Where will processors be located, and how many will be licensed?**

- Processors can be located anywhere in Maryland.
- There is no limit on the number of processors. The Commission will issue pre-approvals for licenses to the number of processors necessary to supply the demand for medical cannabis concentrates and medical cannabis infused products in a range of routes of administration desired by patients.

### **How will the Commission rank applications during the license review process?**

- The Commission will rank applications according to the factors set forth in the regulations for issuing license pre-approvals.

### **What are the criteria for issuing a processor license?**

- The criteria are set forth in the regulations. Draft regulations are posted on the Commission website. The website will be updated as the regulations move through the approval process.

### **Will I be able to check the status of my application during the review process?**

- No.

### **Once I submit an application, can I amend it?**

- With the addition of new investors (of more than 5 percent), managers, or directors, as stipulated in the regulations.

### **What services will a processor be able to provide?**

- A processor will process usable medical cannabis into medical cannabis concentrates, or medical cannabis-infused products.

**What is a medical cannabis-infused product?**

- A cannabis-infused product means an oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate, or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.

**Can a processor process medical cannabis into an *edible* medical cannabis-infused product?**

- No.

**Will processed medical cannabis concentrates and cannabis-infused products be subject to independent laboratory testing before release?**

- Yes. All products will be subject to independent laboratory testing to assure that the medicine is pure and meets the processor's specifications.

**Will there be a list of licensed processors available?**

- We will post list of licensed processors on the website.

**Will processors be subject to state inspection?**

- Yes; all processors in Maryland will be subject to inspection.

**How will processors interact with growers?**

- Processors will contract with one or more licensed growers to obtain medical cannabis to process. There will need to be careful inventory controls, specified in the draft regulations and the licensed processors' standard operating procedures.

**Can licensed processors obtain medical cannabis from growers outside Maryland?**

- No.

**Can licensed processors transport outside Maryland?**

- No.

**How will processors interact with dispensaries?**

- Processors will contract with dispensaries to distribute their products. They will need to follow inventory controls, specified in the draft regulations, and in the standard operating procedures of the processors and dispensaries.

**When will the application for processor licenses be available?**

- The Commission anticipates soliciting Stage 1 applications from prospective processors in the fall of 2015.

**When will processor licenses be awarded?**

- The Commission anticipates that processor licenses will be awarded in the winter of 2015-2016.



**How will awardees be notified?**

- Awardees will be promptly notified.

**Can a processor lose their license?**

- Yes. The Commission has the authority to inspect processors on an ongoing basis. In the case of a major deficiency or a failed inspection, the Commission may discipline the licensee, including by revoking the processor's license.

**Are there any packaging requirements for finished products processed by licensed processors?**

- Yes. The draft regulations list the requirements for packaging and labeling of medical cannabis finished products.

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