

MEDICAL CANNABIS LICENSEE PROVISIONS PROPOSAL

Summary

The overall goal of this proposal is to streamline Maryland Medical Cannabis Commission administrative processes, reduce the regulatory burden on medical cannabis licensees, and improve product access and safety for patients and caregivers. Specifically, this proposal:

- Codifies the Commission’s existing practices concerning its oversight of major renovations or modifications of licensed premises by requiring a medical cannabis licensee to obtain prior Commission approval and pass an onsite inspection before making major renovations or modifications to a licensed premises;
- Eliminates the requirement that a licensed grower, processor, and dispensary submit a quarterly report to the Commission with a list of medical cannabis products and their specifications that the licensee offered for distribution, since the Commission already collects this information through METRC, its seed-to-sale inventory system;
- Codifies the Commission’s existing practices relating to its oversight of “deli-style sales” of medical cannabis, by establishing a regulatory framework for “deli-style sales” of medical cannabis;
- Authorizes drive-through dispensing, pending Commission review and approval for safety and security; and
- Amends the period required for a medical cannabis licensee to report the renewal of its license from at least “30 business days” to “30 calendar days” before the license expires, in order to make the period easier for licensees to calculate.

Modification of Premises: 10.62.10.02, 10.62.21.02, and 10.62.27.02E.

10.62.10 Medical Cannabis Grower Premises

.02 Premises Generally.

A. A licensed premises shall be located within Maryland[.].

B. – C. (text unchanged)

D. Modification of Premises.

(1) [A licensee shall notify the Commission of proposed major renovations or modifications to a licensed premise.

(2)] No major renovation or modification *to a licensed premises* shall be undertaken without [notification to] *prior approval from* the Commission.

(2) The Commission shall approve the renovation or modification upon a determination that the licensed grower passes an onsite inspection that ensures the proposed premises conform to the requirements of this chapter.

10.62.21 Medical Cannabis Processor Premises

.02 Premises Generally.

A. – C. (text unchanged)

D. Modification of Premises.

(1) No major renovation or modification to a licensed premises shall be undertaken without [notification to] prior approval from the Commission.

(2) The Commission shall approve the renovation or modification upon a determination that the licensed processor passes an onsite inspection that ensures the proposed premises conform to the requirements of this chapter.

10.62.27 Licensed Dispensary Premises

.02 Premises Generally.

A. – D. (text unchanged)

E. Modification of Premises.

(1) No major renovation or modification to a licensed premises shall be undertaken without [notification to] prior approval from the Commission.

(2) The Commission shall approve the renovation or modification upon a determination that the licensed dispensary passes an onsite inspection that ensures the proposed premises conform to the requirements of this chapter.

Quarterly Reporting: 10.62.15.08, 10.62.22.06, and 10.62.30.08

10.62.15 Medical Cannabis Grower Quality Control

[.08 Report of Products Offered for Distribution.

A licensed grower shall submit to the Commission quarterly a list of the products and their specifications that the licensed grower offered for distribution in the previous quarter.]

10.62.22 Medical Cannabis Processor Operations

[.06 Report of Products Offered for Distribution.

A licensee shall submit to the Commission at the end of the month following each calendar quarter a list of the products and the products' specifications that the licensee offered for distribution in the previous calendar quarter.]

10.62.30 Dispensing Medical Cannabis

[.08 Report of Products Offered for Distribution.

A licensee shall submit to the Commission on the last day of the month following each quarter a list of the products and the products' specifications that the licensee offered for distribution in the quarter.]

[.09] .08 (text unchanged)

Deli-style Sales: 10.62.30.10

10.62.30 Dispensing Medical Cannabis

.10 Deli-style Sales of Medical Cannabis.

A. As used in this chapter, "deli-style sales" means an over-the-counter purchase of medical cannabis by a qualified patient or caregiver during which a dispensary agent packages the medical cannabis flower while the patient or caregiver is present on the dispensary premises.

B. (1) Each licensed dispensary shall develop written standard operating procedures approved by the Commission that address all aspects of deli-style sales including:

(a) The weighing, labelling, and repackaging of the medical cannabis; and

(b) Appropriate location, security, and records.

(2) Each licensed dispensary shall comply with the licensed dispensary's standard operating procedures for deli-style sales of medical cannabis throughout the selection, repackaging, and dispensing of the individual deli-style sales transactions.

C. The scales and equipment must conform to standards established by the Maryland Department of Agriculture's "Guidelines for Purchasing a Scale to be Used in Direct Sale Applications" which is available on the Commission's website.

D. Equipment must be sanitized and maintained in accordance with COMAR 10.62.28.05.

E. Final product packaging must meet all the packaging and labeling requirements in COMAR 10.62.24 and 10.62.29.

F. (1) Before initiating deli-style sales, a licensed dispensary shall undergo a pre-operation inspection.

(2) The Commission shall conduct a pre-operation inspection to:

(a) Ensure that all aspects of deli-style sales conform to the written standard operating procedures and standards established by the Maryland Department for Agriculture.

(b) Perform a review of the intended work space and equipment for deli-style sales; and

(c) Observe a complete deli-style sales transaction.

(3) The Commission shall provide written approval to offer deli-style sales to a licensed dispensary that meets the requirements of this regulation.

Drive-through Dispensing: 10.62.01, 10.62.27.08, 10.62.27.09, 10.62.27.11

10.62.01 Definitions

.01 Definitions.

A. (text unchanged)

B. (1) – (12) (text unchanged)

(13) “Drive-through dispensing” means a method of dispensing medical cannabis through a window or other opening in the exterior wall of a dispensary, that enables a registered dispensary agent to provide services to a qualifying patient or registered caregiver who drives a vehicle to the dispensary without a:

(a) Registered dispensary agent leaving the dispensary service area; or

(b) Qualifying patient or registered caregiver leaving his or her vehicle.

[(13)] (14) – [(40)] (44) (text unchanged)

10.62.27 Licensed Dispensary Premises

.08 Licensed Dispensary Premises Organization.

A. (text unchanged)

B. (1) – (3) (text unchanged)

(4) Notwithstanding (B)(2) of this regulation, children under the age of 18 years may remain with a parent or legal guardian, who is a qualifying patient or caregiver, if the parent or legal guardian obtains medical cannabis via drive-through dispensing.

C. – H. (text unchanged)

.09 Visitor to a Non-Public Area of the Premises.

A. – B. (text unchanged)

C. This regulation does not apply to children under the age of 18 years who are accompanied by a parent or legal guardian, who is a qualifying patient or caregiver, if the parent or legal guardian obtains medical cannabis via drive-through dispensing.

.11 Drive-through Dispensing.

A licensee may not provide drive-through dispensing services to a qualifying patient or caregiver unless the licensee:

A. Establishes a written standard operating procedure for drive-through dispensing services that:

(1) Ensures the safety and security of the medical cannabis, patient or caregiver, and dispensary agent; and

(2) Is approved by the Commission;

B. Passes a pre-operation inspection; and

C. Otherwise complies with the dispensing requirements in this chapter.

30 Calendar Days for Renewal of Licensure Reporting: 10.62.08.10, 10.62.19.09, 10.62.25.10

10.62.08 Medical Cannabis Grower License

.10 Renewal of License.

A. – B. (text unchanged)

C. At least 30 [business] *calendar* days before a license expires a licensee shall submit:

(1) - (4) (text unchanged)

D. – H. (text unchanged)

10.62.19 Medical Cannabis Processor License

.09 Renewal of License.

A. – B. (text unchanged)

C. At least 30 [business] *calendar* days before a license expires a licensee shall submit:

(1) – (4) (text unchanged)

D. – H. (text unchanged)

10.62.25 Medical Cannabis Dispensary License

.10 Renewal of License.

A – B, (text unchanged)

C. At least 30 [business] *calendar* days before a license expires a licensee shall submit:

(1) – (4) (text unchanged)

D. - H. (text unchanged)