

IN THE MATTER OF

*

BEFORE THE MARYLAND

E. H.

*

NATALIE M. LAPRADE

Respondent

*

MEDICAL CANNABIS COMMISSION

*

Case No.: 19-00002

Patient No.: XXXX-XXXX-XXXX-██████████ *

* * * * *

FINAL ORDER OF REVOCATION OF PATIENT REGISTRATION

The Natalie M. LaPrade Medical Cannabis Commission (the “Commission”) previously notified E. H.¹ (the “Respondent”) of its intent to revoke his patient registration pursuant to its authority to regulate medical cannabis under Md. Code Ann., Health-Gen. § 13-3301, *et seq.* (2015 Repl. Vol. and 2018 Supp.). The pertinent statutory provisions provide as follows:

§ 13-3313

(b)(1) A person may not distribute, possess, manufacture, or use cannabis that has been diverted from a qualifying patient, a caregiver, a licensed grower, or a licensed dispensary.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

Furthermore, the applicable regulation in the Code of Maryland Regulations (COMAR) states as follows:

COMAR 10.62.34.01 Operational Failure Risking Diversion or Endangering Health

In the event the Commission finds there is a reasonable likelihood of diversion . . . after written notice and a hearing in accordance with the State Government Article, §§10-201 –

¹ Due to privacy considerations, the patient’s full name and patient identification number have been redacted.

10-226, Annotated Code of Maryland, the Commission may:

...

D. Revoke the license, licensee, agent, employee, registration or registrant[.]

The Commission's notice to the Respondent also informed him that unless he requested a hearing in writing within thirty (30) days of receipt of said notice, the Commission would sign this Final Order, a copy of which was enclosed with the notice. More than thirty (30) days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

FINDINGS OF FACT

The Commission finds the following facts:

1. The Respondent became a registered medical cannabis patient on August 6, 2018.
2. The Respondent received a certification from a certifying provider on August 10, 2018.
3. On December 9, 2018, a dispensary agent working at a dispensary in Laurel, Maryland observed the Respondent attempting to shoplift in the patient area and demanded that the Respondent return an item he had taken.
4. On December 18, 2018, the owner of the same dispensary contacted the Commission to report that he and his staff reviewed dispensary surveillance footage and determined that the Respondent, who had been a regular customer at the dispensary, had shoplifted from the dispensary on several earlier occasions.
5. The dispensary owner confronted the Respondent and presented the Respondent with an itemized bill for all items that he believed that the Respondent stole, totaling more than one thousand dollars.
6. The Respondent has since paid the dispensary approximately half the value of the itemized bill.

7. The Respondent's theft of medical cannabis product was a diversion of medical cannabis in violation of Md. Code Ann., Health-Gen. § 13-3313(b).

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Commission concludes that the Respondent diverted medical cannabis when he took cannabis from a medical dispensary. Contrary to § 13-3313 of the Health-General Article, the Respondent possessed cannabis that had been diverted from a licensed dispensary. As a result, COMAR 10.62.34.01 authorizes the Commission to revoke the Respondent's patient registration.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of December 2019, by a majority of a quorum of the Commission hereby

ORDERED that the Respondent's patient registration in the State of Maryland is hereby **REVOKED**; and it is further


ORDERED that the Respondent shall return to the Commission his patient registration card within ten (10) days of the date of this Order; and it is further

ORDERED that should the Respondent wish to seek reinstatement of his patient registration, he must apply to the Commission to do so; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Commission; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Commission and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol., 2018 Supp.).

12-16-19
Date


Brian Lopez, Chairman
Natalie M. LaPrade Medical Cannabis Commission