

FINAL AND PROPOSAL

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Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Final Action

[21-038-F]

On October 14, 2021, the Secretary of Health adopted:

- (1) Amendments to Regulation .01 under COMAR 10.62.01 Definitions;
- (2) Amendments to Regulation .01 under COMAR 10.62.03 Certifying Providers;
- (3) Amendments to Regulations .04 and .05 under COMAR 10.62.04 Patient and Caregiver Registry;
- (4) Amendments to Regulations .02, .05, and .10 under COMAR 10.62.08 Medical Cannabis Grower License;
- (5) Amendments to Regulation .02 under COMAR 10.62.10 Medical Cannabis Grower Premises;
- (6) The repeal of existing Regulation .08 under COMAR 10.62.15 Medical Cannabis Grower Quality Control;
- (7) Amendments to Regulation .06 under COMAR 10.62.16 Independent Testing Laboratory Registration;
- (8) Amendments to Regulations .01 and .04—.10 under COMAR 10.62.18 Registration of Ancillary Businesses and Security Guard Agencies;
- (9) Amendments to Regulations .02, .04, and .09 under COMAR 10.62.19 Medical Cannabis Processor License;
- (10) Amendments to Regulation .02 under COMAR 10.62.21 Medical Cannabis Processor Premises;
- (11) Amendments to Regulations .02 and .03, the repeal of existing Regulation .06, and the recodification of existing Regulation .07 to be Regulation .06 under COMAR 10.62.22 Medical Cannabis Processor Operations;
- (12) Amendments to Regulations .02, .05, and .10 under COMAR 10.62.25 Medical Cannabis Dispensary License;
- (13) Amendments to Regulations .02, .08, and .09 and new Regulation .10 under COMAR 10.62.27 Licensed Dispensary Premises;
- (14) Amendments to Regulations .02 and .03 under COMAR 10.62.28 Licensed Dispensary Operations;
- (15) Amendments to Regulation .04, the repeal of existing Regulation .08, the recodification of existing Regulation .09 to be Regulation .08, and new Regulation .09 under COMAR 10.62.30 Dispensing Medical Cannabis;
- (16) Amendments to Regulation .01 under COMAR 10.62.35 Fee Schedule; and
- (17) Amendments to Regulation .01 under COMAR 10.62.36 Academic Research.

This action, which was proposed for adoption in 48:12 Md. R. 476—483 (June 4, 2021), has been adopted as proposed.

Effective Date: November 15, 2021.

DENNIS R. SCHRADER
Secretary of Health

PROPOSAL

Maryland Register

Issue Date: June 4, 2021

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Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Proposed Action

The Secretary of Health proposes to:

- (1) Amend Regulation .01 under **COMAR 10.62.01 Definitions**;
- (2) Amend Regulation .01 under **COMAR 10.62.03 Certifying Providers**;
- (3) Amend Regulations .04 and .05 under **COMAR 10.62.04 Patient and Caregiver Registry**;
- (4) Amend Regulations .02, .05, and .10 under **COMAR 10.62.08 Medical Cannabis Grower License**;
- (5) Amend Regulation .02 under **COMAR 10.62.10 Medical Cannabis Grower Premises**;
- (6) Repeal existing Regulation .08 under **COMAR 10.62.15 Medical Cannabis Grower Quality Control**;
- (7) Amend Regulation .06 under **COMAR 10.62.16 Independent Testing Laboratory Registration**;
- (8) Amend Regulations .01 and .04—.10 under **COMAR 10.62.18 Registration of Ancillary Businesses and Security Guard Agencies**;
- (9) Amend Regulations .02, .04, and .09 under **COMAR 10.62.19 Medical Cannabis Processor License**;
- (10) Amend Regulation .02 under **COMAR 10.62.21 Medical Cannabis Processor Premises**;
- (11) Amend Regulations .02 and .03, repeal existing Regulation .06, and recodify existing Regulation .07 to be Regulation .06 under **COMAR 10.62.22 Medical Cannabis Processor Operations**;
- (12) Amend Regulations .02, .05, and .10 under **COMAR 10.62.25 Medical Cannabis Dispensary License**;
- (13) Amend Regulations .02, .08, and .09 and adopt new Regulation .10 under **COMAR 10.62.27 Licensed Dispensary Premises**;
- (14) Amend Regulations .02 and .03 under **COMAR 10.62.28 Licensed Dispensary Operations**;
- (15) Amend Regulation .04, repeal existing Regulation .08, recodify existing Regulation .09 to be Regulation .08, and adopt new Regulation .09 under **COMAR 10.62.30 Dispensing Medical Cannabis**;
- (16) Amend Regulation .01 under **COMAR 10.62.35 Fee Schedule**; and
- (17) Amend Regulation .01 under **COMAR 10.62.36 Academic Research**.

Statement of Purpose

The purpose of this action is to:

- (1) Amend the definition of qualifying medical cannabis provider to include physician assistants, and increase the number of caregivers qualifying medical cannabis patients who are under 18 years old;
- (2) Codify the Maryland Medical Cannabis Commission's (the Commission) current ancillary business and security guard agency registration requirements into law, which will clarify the registration process and reduce the overall administrative burden of approving and denying these registrations; and
- (3) Make numerous licensee-related changes concerning renovations/modifications to licensed grower, processor, and dispensary premises, "deli-style sales," drive-through dispensing, and reporting requirements to streamline Commission administrative processes, reduce the regulatory burden on medical cannabis licensees, and improve product access and safety for patients and caregivers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through July 6, 2021. A public hearing has not been scheduled.

10.62.01 Definitions

Authority: Heath-General Article, §§13-3301—13-3303 and 13-3305.2, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) "Ancillary business agent" means an owner, a member, an employee, a volunteer, an officer, or a director of an ancillary business that is registered with the Commission to transport, deliver, or dispose of medical cannabis or green waste.

[(1)] (2)—[(3)] (4) (text unchanged)
 [(4)] (5) Caregiver.
 (a) (text unchanged)
 (b) “Caregiver” means, for a qualifying patient younger than 18 years old[,]:
 (i) [a] A parent [,] or legal guardian[.]; and
 (ii) *Not more than two additional adults designated by the parent or legal guardian.*
 [(5)] (6) (text unchanged)
 [(6)] (7) “Certifying provider” has the meaning stated in Health-General Article, [§13-3301(c)] §13-3301(d), Annotated Code of Maryland.
 [(7)] (8)—[(13)] (14) (text unchanged)
 (15) *“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 their vehicle.*
 [(14)] (16)—[(40)] (42) (text unchanged)
 [(41)] (43) “Secure medical cannabis transport vehicle” means a vehicle owned or leased by a licensee or [a secure transportation company] *an ancillary business as defined in COMAR 10.62.18.01B(1)* for the purpose of transporting medical cannabis that:
 (a)—(d) (text unchanged)
 [(42)] (44)—[(43)] (45) (text unchanged)
 [(44)] “Transportation agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a registered secure transportation company.]
 [(45)] (46)—[(47)] (48) (text unchanged)

10.62.03 Certifying Providers

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.01 Provider Application for Registration.

A. A provider seeking registration as a certifying provider shall submit an application provided by the Commission that includes:
 (1) The provider’s:
 (a)—(d) (text unchanged)
 (e) Maryland Board of Physicians, Board of Dental Examiners, Board of Podiatric Medical Examiners, or Board of Nursing license number *and, for certifying providers who are physician assistants, the license number of the physician assistant’s primary supervising physician;* and
 (f) (text unchanged)
 (2)—(5) (text unchanged)
 B.—E. (text unchanged)

10.62.04 Patient and Caregiver Registry

Authority: Health-General Article, §§13-3301, 13-3302(d), 13-3303(g), and 13-3307(f)(3), Annotated Code of Maryland

.04 Registration of a Caregiver.

A. A qualifying patient, *or a parent or legal guardian of a qualifying patient younger than 18 years old*, may designate an individual 21 years old or older to serve as a caregiver by logging onto the Commission website.
 B. Upon being designated a caregiver by a qualifying patient, *or a parent or legal guardian of a qualifying patient younger than 18 years old*, a caregiver shall register with the Commission by logging onto the Commission website for caregiver registration and submitting:
 (1)—(8) (text unchanged)
 C. If designated to serve as a caregiver by another qualifying patient, *or a parent or guardian of a qualifying patient younger than 18 years old*, a registered caregiver may update [his or her] *the caregiver’s* registration by:
 (1) [logging] *Logging* onto the Commission website; and
 (2) [submitting] *Submitting* the name and other details of the additional qualifying patient for whom the caregiver is providing assistance [or for whom the caregiver is a parent or legal guardian].

.05 Addition or Termination of a Caregiver.

A. A qualifying patient, *or a parent or guardian of a qualifying patient younger than 18 years old*, may terminate a caregiver by logging onto the Commission website and making the change.
 B. (text unchanged)
 C. *Notwithstanding §B of this regulation, a parent or legal guardian who is a caregiver for a qualifying patient younger than 18 years old may designate up to two additional caregivers.*

D. Maximum Number of Caregivers.

(1) Except as provided in §D(2) of this regulation, a qualifying patient may have no more than two caregivers.

(2) A qualifying patient under the age of 18 years may have no more than four caregivers, including each parent or legal guardian of the minor patient.

10.62.08 Medical Cannabis Grower License

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306, and 13-3312, Annotated Code of Maryland

.02 Application for a Medical Cannabis Grower License.

A.—B. (text unchanged)

C. In addition to the application form, the applicant shall submit the following documents to be included as addenda to the application form:

(1)—(12) (text unchanged)

(13) A disposal plan for [medical cannabis] *green* waste.

D.—G. (text unchanged)

.05 Application Review.

A.—H. (text unchanged)

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall be ranked based on the following weighted criteria:

(1)—(3) (text unchanged)

(4) Production control factors will be afforded 15 percent weight, including:

(a)—(b) (text unchanged)

(c) A detailed [medical cannabis] *green* waste disposal plan;

(5)—(6) (text unchanged)

J.—K. (text unchanged)

.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)

10.62.10 Medical Cannabis Grower Premises

Authority: Health-General Article, §13-3306(a)(3), (d), and (e), Annotated Code of Maryland

.02 Premises Generally.

A.—C. (text unchanged)

D. Modification of Premises.

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

[(2)] *(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 grower passes an on-site inspection that ensures the proposed premises conform to the requirements of this chapter.

10.62.16 Independent Testing Laboratory Registration

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3311, Annotated Code of Maryland

.06 Transportation of Products Containing Medical Cannabis.

A. (text unchanged)

B. A registered independent laboratory shall transport samples of medical cannabis and products containing medical cannabis:

(1) (text unchanged)

(2) Using a [secure medical cannabis transport] vehicle [as defined in COMAR 10.62.01.] *that*:

(a) Meets the criteria specified in COMAR 10.62.18.05 and .06; and

(b) Is registered with the Commission.

10.62.18 [Shipment of Products Between Licensees] *Registration of Ancillary Businesses and Security Guard Agencies*

.01 Definitions.

A. [The] *In this chapter, the following terms have the meanings indicated.*

B. Terms Defined.

(1) *“Ancillary business” means a third-party business that is registered with the Commission to transport, deliver, or dispose of medical cannabis or green waste.*

[(1)] (2) *“Receiving licensee” means the licensee that receives [the] a shipment.*

[(2)] *“Secure transportation company” means a business that is registered with the Commission, whose employees are bonded, and that provides highly secure vehicles for the transportation of valuables, and can assure that medical cannabis is secured at all times during transport.]*

(3) *“Security guard agency” means a business that is licensed with the Maryland State Police to provide security guard services; and*

[(3)] (4) *“Shipping licensee” means the licensee that initiates [the] a shipment.*

.04 [Transportation] Agents Transporting, Delivering, or Disposing of Medical Cannabis or Green Waste.

A. A registered grower agent, processor agent, dispensary agent, or [transportation] *ancillary business* agent [driving a secure medical cannabis transport vehicle] *who transports, delivers, or disposes of medical cannabis or green waste* shall have a current driver’s license.

B. While in transit, a registered grower agent, processor agent, dispensary agent, or [transportation] *ancillary business* agent may not wear any clothing or symbols that may indicate ownership or possession of cannabis.

.05 Transportation of [Products Containing] Medical Cannabis Between Licensees.

A. [Either a secure transportation company or a licensed grower, processor, or dispensary shall transport products containing medical cannabis.] *A licensed grower, processor, dispensary, or registered ancillary business shall use a secure medical cannabis transport vehicle to transport medical cannabis between licensees.*

B. A [secure transportation company or a licensed grower, processor, or dispensary] *licensed grower, processor, dispensary, or registered ancillary business that transports medical cannabis* shall comply with all of the following:

(1) Each secure medical cannabis transport vehicle shall be operated with at least one registered grower, processor, dispensary, or [transportation] *ancillary business* agent; and

(2) (text unchanged)

C. *The requirements of this regulation do not apply to a registered ancillary business that only transports or disposes of green waste, or that only delivers medical cannabis to patients or caregivers.*

.06 [Secure Medical Cannabis Transport Vehicle] Vehicles That Transport, Deliver, or Dispose of Medical Cannabis or Green Waste.

A secure medical cannabis transport vehicle, *a vehicle used to transport samples of medical cannabis for laboratory testing, a vehicle used to deliver medical cannabis, and a vehicle that transports and disposes of green waste:*

A.—C. (text unchanged)

.07 Registration.

A. [A secure transportation company] *An ancillary business and security guard agency* shall register with the Commission.

B. To register, [a secure transportation company] *an ancillary business or security guard agency* shall submit:

(1) A completed [secure transportation company] registration form;

(2) The name, address, and date of birth and Social Security number of each [transportation] *ancillary business or security guard* agent [and a copy of the registration form completed by each transportation agent];

(3) A security plan, including protocol in case of emergency; [and]

(4) *A copy of the articles of incorporation and authorization to do business in Maryland;*

(5) *The registration fee specified in COMAR 10.62.35.01; and*

[(4)] (6) (text unchanged)

C. *A registration for an ancillary business or a security guard agency shall be approved by the Commission if the ancillary business or security guard agency:*

(1) *Submits a complete and accurate registration form;*

(2) *Is authorized to do business in Maryland; and*

(3) *Pays the required fee specified in COMAR 10.62.35.01.*

D. *Notwithstanding §C of this regulation, the Commission shall deny a registration for an ancillary business or a security guard agency if any agent or individual investor is convicted of or pleads nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.*

[C.] E. (text unchanged)

[D.] F. The registration may be renewed by submitting to the Commission:

(1) A copy of the [secure transportation company] registration form;

(2) Proof that fingerprints have been submitted to CJIS and the FBI for every [transportation] *ancillary business or security guard* agent; and

(3) (text unchanged)

.08 [Transportation] Ancillary Business and Security Guard Agent Registration and Criminal History Record.

A. Each [transportation] *ancillary business and security guard agent* shall be registered with the Commission before the *ancillary business or security guard agent* may volunteer or work for [a secure transportation company] *an ancillary business or a security guard agency*.

B. A registered [secure transportation company] *ancillary business or security guard agency* shall apply to register [a transportation] *an ancillary business or a security guard agent* by submitting to the Commission:

(1) The name, address, date of birth, and Social Security number of [a transportation] *the ancillary business or security guard agent*;

(2) Documentation of the submission of fingerprints of the [transportation] *ancillary business or security guard agent* to the Central Registry; and

(3) The request for the criminal history record information of the [transportation] *ancillary business or security guard agent* to be forwarded to the Commission.

C. A prospective [transportation] *ancillary business or security guard agent* may not be registered if the prospective [transportation] *ancillary business or security guard agent* has ever been convicted of a felony drug offense, except as provided in Health-General Article, §13-3310(d), Annotated Code of Maryland.

D. The Commission, after review of the criminal history record information, may disqualify from registration any prospective [transportation] *ancillary business or security guard agent* who is convicted of or pleads nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

.09 Registered [Transportation] Ancillary Business and Security Guard Agent Identification Cards.

A. The Commission shall issue to each registered [transportation] *ancillary business and security guard agent* an identification card which includes a photograph of the face of the registered [transportation] *ancillary business or security guard agent* taken no more than 6 months before the date of the application.

B. While transporting medical cannabis, every registered [transportation] *ancillary business and security guard agent* shall visibly wear the identification card issued to the registered [transportation agent] *ancillary business or security guard agency* by the Commission.

C. (text unchanged)

D. If a registered [transportation] *ancillary business or security guard agent's* identification card is lost, destroyed, or stolen, within 24 hours of becoming aware of the loss, destruction, or theft, the [secure transportation company] *ancillary business or security guard agency* shall:

(1)—(3) (text unchanged)

E. (text unchanged)

F. If a registered [transportation] *ancillary business or security guard agent's* identification card is lost, destroyed, or stolen, a copy of notification to the Commission shall be evidence of registration until a new card is obtained from the Commission.

.10 Termination.

A. As soon as possible upon termination of a registered [transportation] *ancillary business or security guard agent's* association with [a secure transportation company] *an ancillary business or a security guard agency*, the [secure transportation company] *the ancillary business or security guard agency* shall:

(1) Take custody of a terminated registered [transportation] *ancillary business or security guard agent's* identification card;

(2) Obtain any keys or other entry devices from a terminated registered [transportation] *ancillary business or security guard agent*; and

(3) Ensure a terminated registered [transportation] *ancillary business or security guard agent* can no longer gain access to the premises of the [secure transportation company] *ancillary business or security guard agency*.

B. Within 1 business day of a termination of a registered [transportation] *ancillary business or security guard agent's* association with [a secure transportation company] *an ancillary business or a security guard agency*, [a secure transportation company] *the ancillary business or security guard agency* shall:

(1) Notify the Commission:

(a) (text unchanged)

(b) Whether a terminated registered [transportation] *ancillary business or security guard agent* has returned the agent's identification card; and

(2) Initiate delivery of a terminated registered [transportation] *ancillary business or security guard agent's* identification card to the Commission.

C. The Commission shall revoke a registration of [a transportation] *an ancillary business or a security guard agent* upon receiving notification that [a transportation] *the ancillary business or security guard agent* is no longer associated with [a secure transportation company] *an ancillary business or a security guard agency*.

D. If a registered [transportation] *ancillary business or security guard agent* did not return the agent's identification card within 30 calendar days of the termination, the Commission shall notify the Maryland State Police [and place a notice in the register of that fact].

10.62.19 Medical Cannabis Processor License

.02 Application.

- A. (text unchanged)
- B. An application on a form developed by the Commission shall be completed and submitted to the Commission for consideration. In addition to the application form, the applicant shall submit the following documents to be included as addenda to the application form:
 - (1)—(9) (text unchanged)
 - (10) A plan for inventorying, safekeeping and tracking medical cannabis from entry into inventory to sale or disposal of [medical cannabis] *green* waste;
 - (11) A plan for the disposal of [medical cannabis] *green* waste;
 - (12)—(14) (text unchanged)
- C.—F. (text unchanged)

.04 Application Review.

- A.—H. (text unchanged)
- I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .04E of this chapter. The applications shall be ranked based on the following weighted criteria:
 - (1)—(3) (text unchanged)
 - (4) Production control factors will be afforded 15 percent weight, including:
 - (a)—(b) (text unchanged)
 - (c) A detailed [medical cannabis] *green* waste disposal plan;
 - (5)—(6) (text unchanged)
- J. (text unchanged)

.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)

10.62.21 Medical Cannabis Processor Premises

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3309, Annotated Code of Maryland

.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 on-site inspection that ensures the proposed premises conform to the requirements of this chapter.*

10.62.22 Medical Cannabis Processor Operations

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306(b) and (e), 13-3307(f), 13-3309, and 13-3311(c), Annotated Code of Maryland

.02 Standard Operating Procedures.

- A. A licensee shall:
 - (1) Establish standard operating procedures for all aspects of the receipt, processing, storage, packaging, labeling, handling, tracking and shipping of products containing cannabis and [medical cannabis] *green* waste;
 - (2)—(3) (text unchanged)
- B. (text unchanged)

.03 Receipt of Products Containing Cannabis.

- A.—C. (text unchanged)
- D. Upon arrival of a secure medical cannabis transport vehicle, the [transportation] agent *who delivers the shipment* shall notify an appropriate registered processor agent to continue the chain of custody of the shipment of products containing *medical* cannabis.
- E. An agent of the receiving licensee shall:
 - (1)—(2) (text unchanged)
 - (3) Confirm that:
 - (a) The [transportation] agent *who delivers the shipment* is carrying appropriate identification;

- (b)—(d) (text unchanged)
- (4) (text unchanged)
- (5) Obtain in the electronic manifest the signature or identification number of the [transportation] agent who delivers the shipment;
- (6)—(10) (text unchanged)
- F. The [transportation] agent *who delivers the shipment* shall provide a copy of the electronic manifest for the shipment to the receiving licensee.
- G. The [transportation] agent *who delivers the shipment* shall provide the completed electronic manifest to the shipping licensee.
- H. (text unchanged)
- I. Discrepancy in the Shipment.
 - (1) A discrepancy between the electronic manifest and the shipment, identified by either [a transportation] *an agent who delivers the shipment* or a receiving agent, shall be reported by each agent to [each] *the agent's supervisor*.
 - (2)—(3) (text unchanged)
 - (4) The shipping licensee shall submit to the Commission:
 - (a) Within 7 [business] *calendar* days of the observation of the discrepancy, a preliminary report of an investigation of a discrepancy; and
 - (b) Within 30 [business] *calendar* days, a final report of the investigation.

10.62.25 Medical Cannabis Dispensary License

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.02 Application.

- A. (text unchanged)
- B. An application on a form developed by the Commission shall be completed and submitted to the Commission for consideration. In addition to the application form, the applicant shall submit the following documents to be included as addenda to the application form:
 - (1)—(9) (text unchanged)
 - (10) A plan for inventorying, safekeeping and tracking medical cannabis from entry into inventory to sale or disposal of [medical cannabis] *green waste*;
 - (11) A plan for the disposal of [medical cannabis] *green waste*;
 - (12)—(14) (text unchanged)
- C.—E. (text unchanged)

.05 Application Review.

- A.—H. (text unchanged)
- I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications, as described in Regulations .02B and .05E of this chapter, for each Senatorial district. The applications shall be ranked based on the following weighted criteria:
 - (1)—(3) (text unchanged)
 - (4) Retail management factors will be afforded 15 percent weight, including:
 - (a)—(c) (text unchanged)
 - (d) A detailed [medical cannabis] *green waste* disposal plan;
 - (5)—(6) (text unchanged)
- J.—L. (text unchanged)

.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)

10.62.27 Licensed Dispensary Premises

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.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 on-site inspection that ensures the proposed premises conform to the requirements of this chapter.*

.08 Licensed Dispensary Premises Organization.

A. (text unchanged)

B. Public Zone.

(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.—C. (text unchanged)

D. *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.*

.10 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.*

10.62.28 Licensed Dispensary Operations

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.02 Standard Operating Procedure.

A. A licensee shall:

(1) Establish a standard operating procedure for all aspects of the receipt, storage, packaging, labeling, handling, tracking, and dispensing of products containing medical cannabis and [medical cannabis] *green* waste;

(2)—(3) (text unchanged)

B. (text unchanged)

.03 Receipt of Products Containing Cannabis.

A.—C. (text unchanged)

D. Upon arrival of a secure medical cannabis transport vehicle, the [transportation] agent *who delivers the medical cannabis* shall notify an appropriate registered dispensary agent or registered grower agent to continue the chain of custody of the shipment of products containing cannabis.

E. An agent of the receiving licensee shall:

(1)—(2) (text unchanged)

(3) Confirm that:

(a) The [transportation] agent *who delivers the shipment* is carrying appropriate identification;

(b)—(d) (text unchanged)

(4) (text unchanged)

(5) Obtain in the electronic manifest the signature or the identification number of the [transportation] agent who delivers the shipment;

(6)—(10) (text unchanged)

F. The [transportation] agent *who delivers the shipment* shall provide a copy of the electronic manifest for the shipment to the receiving licensee.

G. The [transportation] agent *who delivers the shipment* shall provide the completed electronic manifest to the shipping licensee.

H. (text unchanged)

I. Discrepancy in the Shipment.

(1) (text unchanged)

(2) Within 30 [business] *calendar* days of discovering the discrepancy, the licensee shall:

(a)—(c) (text unchanged)

(3) The shipping licensee shall submit to the Commission:

(a) Within 7 [business] *calendar* days of the observation of the discrepancy, a preliminary report of an investigation of a discrepancy; and

(b) Within 30 [business] *calendar* days, a final report of the investigation.

10.62.30 Dispensing Medical Cannabis

Authority: Health-General Article, §§13-3301, 13-3302, 13-3307, 13-3313, and 13-3314, Annotated Code of Maryland

.04 Delivery of Medical Cannabis to a Qualifying Patient or Caregiver.

A.—F. (text unchanged)

G. A registered agent shall deliver medical cannabis using a [secure medical cannabis transport] vehicle that:

(1) (text unchanged)

(2) Shall be insured as required by law; [and]

(3) May not display any sign or illustration related to medical cannabis or a licensee[.];

(4) *Is registered with the Commission; and*

(5) *Meets the relevant criteria specified in COMAR 10.62.18.*

.09 Deli-Style Sales of Medical Cannabis.

A. As used in this chapter, “deli-style sales” means a purchase of medical cannabis by a qualified patient or caregiver on the premises of a licensed dispensary during which a dispensary agent weighs and packages the medical cannabis flower in the dispensing service area while in the presence of the patient or caregiver.

B. Standard Operating Procedures.

(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 shall 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 shall be sanitized and maintained in accordance with COMAR 10.62.28.05.

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

F. Pre-Operation Inspection.

(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 of 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.

10.62.35 Fee Schedule

Authority: Health-General Article, §§13-3301—13-3304, 13-3306, 13-3307, 13-3309, and 13-3311, Annotated Code of Maryland

.01 Fees.

The following fees are established by the Commission:

A.—I. (text unchanged)

J. Academic Research Institution fees:

(1)—(2) (text unchanged)

(3) Academic research representative card replacement fee — \$100; [and]

K. Ancillary business and security guard agency fees:

(1) Ancillary business and security guard agency:

(a) Registration fee — \$100; and

(b) Renewal fee — \$100;

(2) Ancillary business and security guard agency agent:

(a) Registration fee — \$200; and

(b) Replacement identification card fee — \$100;

[K.] L. Edible cannabis product permit fees:

(1) Application fee — \$1,000; and

(2) Annual permit fee — \$1,000[.]; and

[L.] M. (text unchanged)

10.62.36 Academic Research

Authority: Health-General Article, §§13-3301—13-3304.1, 13-3306, 13-3307, 13-3309, and 13-3311, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “Research protocol” means a written plan for conducting a bona fide research project relating to the health effects, medical uses, properties, or composition of medical cannabis that includes the following information:

(a)—(c) (text unchanged)

(d) Standard operating procedures for the safe and secure receipt, storage, packaging, labeling, handling, tracking, and dispensing of products containing medical cannabis and [medical cannabis] *green* waste.

DENNIS R. SCHRADER
Secretary of Health