



SPECIAL ORDER 2018-01 MEDICAL CANNABIS

EFFECTIVE AUGUST 10, 2018

This Special Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES FOR CALLS FOR SERVICE
- IV. MISUSE OF PATIENT OR CAREGIVER ID CARDS

I. POLICY

The Howard County Department of Police (HCPD) shall uphold all Maryland state laws and regulations regarding the growing, processing, dispensing, and use of medical cannabis.

II. DEFINITIONS

- A. Agent: For the purpose of this Special Order, Agent is used interchangeably with persons certified by the Maryland Medical Cannabis Commission (MMCC) to be a Grower, Processor, or Dispensary employee.
- B. Caregiver: Individuals registered with the MMCC who may be in possession of medical cannabis for delivery to a Patient.
 - 1. Caregivers must be 21 years of age or older and may be registered for up to five (5) Patients.
 - 2. Caregivers may not purchase or transport medical cannabis until their qualifying Patient has a Certification.
 - 3. Caregivers are required to obtain an MMCC identification card. They must have the card in their possession when transporting medical cannabis.
 - 4. Caregivers may also be Patients.
 - 5. Caregiver status and the Patients for whom they are registered can be verified in Dashboard, the Maryland Criminal Justice Portal maintained by the Department of Public Safety and Correctional Services.
- C. Certification: An authorization provided by a practitioner allowing a Patient to purchase medical cannabis. Certifications are not prescriptions. Certifications are valid for one (1) year or less.
- D. Dispensary: A licensed establishment that provides both flower and cannabis-infused products to qualifying Patients and Caregivers.
 - 1. Employees of dispensaries must be in possession of an MMCC-issued dispensary employee identification card.
 - 2. Dispensary employees may transport medical cannabis and deliver it to registered Patients.
- E. Grower: An establishment licensed by the MMCC to grow and cultivate cannabis plants in a controlled facility. Growers sell product to Processors and Dispensaries. Growers must be in possession of an MMCC-issued identification card.

- F. Maryland Medical Cannabis Commission (the Commission or MMCC): The Natalie M. LaPrade Medical Cannabis Commission was created by the Maryland General Assembly to develop policies, procedures, guidelines, enforcement, and regulations to implement programs to provide medical cannabis in the state.
- G. Patient: Persons registered with the MMCC to purchase medical cannabis from a Dispensary with certification from an approved Provider.
 - 1. Patients may be any age, but Patients under the age of 18 must have a Caregiver who is a legal guardian.
 - 2. Patients may have up to two (2) Caregivers. Patients may also be Caregivers.
 - 3. Generally, Patients may be certified to receive up to 120 grams of useable flower or 36 grams of THC oil, or a combination of the two, as determined by the medical provider. Medical providers may certify Patients to receive more in some circumstances.
 - 4. Patients are not required to obtain or carry an MMCC identification card.
 - 5. Patient status and their registered Caregivers can be verified in Dashboard using the Patient's MMCC identification number. Patient information in the MMCC database is considered confidential medical information and is protected from disclosure.
 - 6. Patients are not required to maintain their medical cannabis in dispensary packaging.
- H. Processor: An establishment licensed by the MMCC to obtain medical cannabis flowers, buds, shakes, or trims from Growers and transform it into cannabis-infused products such as oils, tinctures, capsules, waxes or creams, patches, sublingual sprays, etc. Processors sell to Dispensaries. Processors must be in possession of an MMCC-issued identification card.
- I. Provider: A licensed medical professional who has registered with the MMCC to issue medical cannabis Certifications. A provider may be a physician, dentist, podiatrist, certified nurse practitioner, or a nurse midwife.
- J. Transportation Agent: A secure transportation company or shipping licensee who may transport products containing medical cannabis.
 - 1. A registered Grower Agent, registered Processor Agent, or registered Dispensary Agent authorized by license to transport products containing medical cannabis; or
 - 2. A licensed and bonded carrier of a secure transportation company that provides highly secure vehicles for the transportation of valuables.
 - 3. Transportation Agents must carry a transportation manifest, their MMCC Agent identification card, and driver's license at all times, and may not wear clothing or any accessory with any name, illustration, etc. that refers to medical cannabis.
 - 4. The transportation vehicle shall display current State registration and be insured as required by law.
 - 5. Transportation vehicles may not display any sign or illustration related to medical cannabis.
 - 6. Transportation Agent status and manifest validity can be verified in Dashboard.
 - 7. Transportation Agents must maintain medical cannabis in the processor's packaging and may not repackage or alter the packaging in any manner.

III. PROCEDURES FOR CALLS FOR SERVICE

- A. Written reports are required for all incidents occurring at licensed cannabis dispensaries, grower, or processor establishments and surrounding parking lots, as well as any incidents that involve violations of the MMCC rules away from the facility. A copy of the report shall be forwarded to the Vice and Narcotics Division, Vice and Technical Support Section supervisor.
- B. Traffic stops or encounters involving the odor of marijuana when an individual is a validated Patient, Caregiver, or Transportation Agent:¹
 - 1. Vehicles
 - a. The mere odor or presence of marijuana consistent with a medical cannabis certification does not justify a vehicle search.
 - b. A Carroll search of the vehicle should only be conducted if there are other factors indicating criminal activity, including but not limited to:
 - i. Packaging consistent with street sales of marijuana.
 - ii. Information known to the officer, (Intelligence, ILeads, etc.) to indicate the possibility of criminal activity.
 - iii. Recent association with known drug offenders.
 - iv. In or around areas with known drug activity.
 - v. Probable Cause search for other violations of the law.
 - vi. Past criminal CDS possession by the occupants.
 - vii. Known violations of the MMCC rules (i.e. smoking CDS in the vehicle), while an administrative violation, may contribute to probable cause to conduct a Carroll search.
 - c. Searches shall be limited only to compartments of or within the vehicle where evidence can reasonably be located.
 - d. Because a police canine can detect drugs other than marijuana, a positive K-9 alert provides probable cause to search a vehicle even if a person in the vehicle possesses a valid MMCC identification card and/or is registered with the MMCC in Dashboard. Refer to General Order OPS 14, K-9 Program, for guidance on canine scans.
 - e. Consistent with General Order OPS-08, Search and Seizure, officers are required to complete an incident report after any vehicle search.
 - 2. Persons: A search of an individual is NOT authorized for the odor of marijuana when the individual is a validated Patient, Caregiver, or Transportation Agent, absent a search incident to arrest for other criminal or there is probable cause to search the person for weapons.
 - 3. Places, Locations, and Things: The mere odor of marijuana at a home or location where Fourth Amendment protections exist and where a validated Patient, Caregiver, or Transportation Agent resides is not sufficient probable cause for a search warrant. Other information such as evidence of a grow operation is necessary.
- C. Patients are prohibited from smoking or vaping medical cannabis in vehicles or in public places.

¹ CALEA 1.2.4

- D. If a person states they are a Patient but do not have an ID card or know their MMCC identification number, or state they are a Caregiver, dispensary employee, or Transportation Agent and are not in possession of their identification card, officers shall attempt to verify the individual's status through investigative means (i.e. verifying in Dashboard per training).
 - 1. Patients may still be in possession of legally obtained medical cannabis even if their patient registration is expired.
 - 2. If an individual's status and their possession of medical cannabis cannot be verified, or Dashboard indicates their status has been revoked, the interaction shall proceed like a normal stop and follow all applicable laws and General Orders for search, seizure, and/or arrest.
 - 3. A supervisor shall be consulted prior to any arrest or the seizure of any cannabis that may be medical cannabis.
 - a. Section 13-3313 of the Maryland Health General Code exempts Patients, Caregivers, and Agents from arrest for the possession of legally obtained medical cannabis.
 - b. Individuals shall be advised that any seized cannabis products, even if it is verified at a later time that it was legally obtained medical cannabis, cannot be returned under any circumstance.
 - 4. A written report is required when any arrest is made of a person who is or was a registered Agent with the MMCC or the seizure of any cannabis that may be medical cannabis. A copy of the report shall be forwarded to the Vice and Narcotics Division, Vice and Technical Support Section supervisor.

IV. MISUSE OF PATIENT OR CAREGIVER ID CARDS

- A. Identification cards presented to law enforcement not issued to the person presenting the card shall be confiscated and placed into Property and Evidence. If the identification card is not needed for court purposes, it shall be returned to the Commission.
- B. Officers encountering an individual misusing a Patient or Caregiver card or in possession of a false or forged MMCC ID card may seize any cannabis products in the individual's possession and submit it to Property and Evidence following the procedures in General Order ADM-49, Property and Evidence Control. Any stops of this nature shall be treated like any other CDS stop.
- C. Possessing or presenting another state's Patient or Agent identification does not permit those persons to possess cannabis in Maryland. Any stops of this nature shall be treated like any other CDS stop.
- D. A written report shall be completed for any of the above situations, and a copy shall be forwarded to the Vice and Technical Support Section supervisor.

AUTHORITY:



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