

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-332)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 523, L.D. 665, Bill,
'AN ACT to Establish a Marijuana Therapeutic Research Program.'

Amend the Bill by striking out all of subsection 1 of that part designated "§2403." and inserting in its place the following:

'1. Board. "Board" means the Participation Review Board.'

Further amend the Bill in that part designated "§2404." by striking out all of the first underlined sentence of subsection 2 and inserting in its place the following: 'Subject to Title 5, chapter 375, the department shall adopt rules necessary for the proper administration of the program.'

Further amend the Bill by striking out all of subsection 3 of that part designated "§2404." and inserting in its place the following:

'3. Supply. The commissioner shall contract with the National Institute on Drug Abuse for the receipt of marijuana under rules adopted by the National Institute on Drug Abuse, the Food and Drug Administration and the Drug Enforcement Agency. If, within a reasonable period of time, the commissioner is unable to obtain marijuana as provided in this subsection, he shall contract with appropriate law enforcement agencies in this State for the receipt of confiscated marijuana not intended for use as evidence in any criminal proceeding. Any marijuana so received shall be made free of impurities and analyzed for potency by the department.'

4. Distribution. The commissioner shall deliver marijuana received under subsection 3 to appropriate state or privately operated licensed pharmacies designated by the commissioner. Any marijuana so delivered shall be distributed to patients upon the written prescription of their approved practitioner. Any privately operated licensed pharmacy designated by the

commissioner under this section shall not be liable, except for gross negligence, in any civil action on account of marijuana distributed to patients under this chapter.'

Further amend the Bill by striking out everything after that part designated "§2404." and inserting in place thereof the following:

'§2405. Participation Review Board

The commissioner shall appoint a participation review board to review practitioners for participation in the program. The board shall serve at the commissioner's pleasure and shall consist of:

1. Physician licensed to practice in this State. / A physician licensed to practice in this State and certified by the American Board of Ophthalmology;

2. Physician licensed to practice in this State; American Board of Internal Medicine. A physician licensed to practice in this State and certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology; and

3. Physician licensed to practice in this State; American Board of Psychiatry. A physician licensed to practice in this State and certified by the American Board of Psychiatry.

Members of the board may be reimbursed for their attendance at meetings at the rate of \$40 per day.

§2406. Participation in the program

1. Application. Any practitioner who wants to participate in the program shall apply to the board for approval and pay a \$25 application fee.

2. Review and approval. The board shall review all applicants and, if they are eligible under subsection 3 and the rules adopted by the department under section 2404, subsection 2, shall approve them for participation. In performing these duties, the board shall be subject to Title 5, chapter 375.

3. Prescriptions. A practitioner approved for participation in the program may prescribe marijuana to only those patients who are undergoing cancer chemotherapy or suffering from glaucoma and are in a life-threatening or sense-threatening situation, and who are not responding to conventional treatment or who are suffering severe side effects even though conventional treatment is proving effective.

§2407. Expressly authorized possession, prescription and distribution

A practitioner approved for participation in the program is expressly authorized to prescribe marijuana under this chapter. A patient for whom marijuana has been prescribed by a practitioner approved for participation in the program is expressly authorized to possess marijuana under this chapter. A state or privately operated licensed pharmacy designated by the commissioner is expressly authorized to possess and distribute marijuana under this chapter.

§2408. Confidentiality

The commissioner and the board shall withhold from all persons not directly connected with the program the names and other identifying characteristics of practitioners and patients. Persons acting under this section may not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify practitioners or patients, except to the extent necessary

to permit the commissioner and the board to determine whether the program is being administered under the law. Meetings and records of the board shall not be subject to the requirements of Title 1, chapter 13.

§2409. Reports

The administrator and the board shall annually report their findings and recommendations regarding the program to the Governor and the Legislature.

§2410. Two-year sunset

This chapter shall be repealed 2 years after it becomes effective.'

Statement of Fact

The purpose of this amendment is to create a special panel of physicians to review other physicians for participation in the program, to allow the commissioner to designate certain privately operated pharmacies as distribution sources, to permit the commissioner to obtain marijuana from law enforcement agencies as well as the Federal Government, to protect the privacy rights of patients and physicians and to sunset the law after 2 years.