

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

---

Legislative Document

No. 1538

S.P. 533

In Senate, April 4, 2005

### An Act To Amend the Laws Authorizing the Medical Use of Marijuana

---

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAGNON of Kennebec. (BY REQUEST)  
Cosponsored by Representative THOMPSON of China.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 19-A MRSA §1651**, as enacted by PL 1995, c. 694, Pt.  
5 B, §2 and affected by Pt. E, §2, is further amended by adding at  
6 the end a new paragraph to read:

7 The fact that a parent was or is authorized to possess a  
8 usable amount of marijuana for medical use under Title 22,  
9 section 2383-B or a similar law in another jurisdiction may not  
10 affect any decision by a court or the Department of Health and  
11 Human Services in matters relating to the care and custody of a  
12 child.

13 **Sec. 1. 22 MRSA §2383-B, sub-§3, ¶E**, as amended by PL 2001, c.  
14 580, §2, is further amended to read:

15 E. "Usable amount of marijuana for medical use" means ~~2-1/2~~  
16 ~~8~~ ounces or less of harvested marijuana and a total of ~~6-~~  
17 ~~no more than 12~~ immature plants, ~~--of which no more than 3--~~ may  
18 ~~be or 6~~ mature, flowering plants ~~or that amount indicated by~~  
19 ~~a physician in excess of these limits pursuant to subsection~~  
20 ~~5, paragraph I.~~

21 **Sec. 2. 22 MRSA §2383-B, sub-§5, ¶¶I and J** are enacted to read:

22 I. A physician may indicate an amount in excess of the  
23 limits set out in subsection 3, paragraph E on the medical  
24 record or other documentation under paragraph A to meet the  
25 medical needs of the person or to accommodate the various  
26 means of administering marijuana for medical use, including  
27 but not limited to inhalation, tincture, ingestion and  
28 poultice.

29 J. The department shall issue an identification card upon  
30 such proof and documentation as the commissioner by routine  
31 technical rule under Title 5, chapter 375, subchapter 2-A  
32 may require to an eligible patient or a designated caregiver  
33 indicating:

34 (1) The name, address and telephone number of the  
35 eligible patient;

36 (2) The name, address and telephone number of the  
37 designated caregiver;

38 (3) The name, address and telephone number of the  
39 physician of the eligible patient;

2                   (4) The expiration date of the identification card,  
                  which is one year from its date of issuance; and

4                   (5) Other information considered relevant by the  
                  commissioner.

6  
8                   To enable state and local law enforcement officers to have  
                  immediate access to information necessary to verify the  
10                  validity of an identification card issued by the department,  
                  the department shall establish and maintain a 24-hour,  
12                  toll-free telephone number or cost-effective Internet  
                  web-based site.

14  
16

### SUMMARY

18                  This bill amends the law authorizing the medical use of  
                  marijuana in the following ways.

20                  1. It increases the amounts considered a useable amount for  
                  medical use. It also authorizes a physician to indicate a  
22                  greater amount if necessary to meet the medical needs of the  
                  patient or to accommodate the various means of administering  
24                  marijuana.

26                  2. It requires the Department of Health and Human Services  
                  to issue identification cards to an eligible patient or that  
28                  person's designated caregiver so that a person's lawful  
                  possession may be easily and expeditiously verified.

30                  3. This bill also clearly articulates that the fact that a  
32                  parent was or is a user of marijuana under the medical exemption  
                  may not be used against that parent in any matter relating to the  
34                  care and custody of a child.