

MAINE STATE LEGISLATURE

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Emergency
ROFS

Date: 6/14/13

L.D. 1404

(Filing No. H-514)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1000, L.D. 1404, Bill, "An Act To Ensure the Integrity of Maine's Medical Marijuana Program"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 22 MRSA §2422, sub-§8-A, as enacted by PL 2011, c. 407, Pt. B, §9, is amended to read:

8-A. Primary caregiver. "Primary caregiver" means a person or an employee of that person, a hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 that provides care for a qualifying patient in accordance with section 2423-A, subsection 2. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Sec. 2. 22 MRSA §2423-A, sub-§1, ¶F, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

F. Designate one primary caregiver or a registered dispensary to cultivate marijuana for the medical use of the patient, except that a hospice provider or a nursing facility that is designated as a primary caregiver by a patient and the staff of the provider or facility may not be designated to cultivate marijuana for the patient. The qualifying patient must designate the primary caregiver or registered dispensary to cultivate for the patient in a standardized written document, developed by the department, signed and dated by the qualifying patient, which must include a one-year expiration, the total number of mature plants the primary caregiver is designated to cultivate and the signed acknowledgment of the primary caregiver that the primary caregiver may be contacted to confirm the designation of the primary caregiver to cultivate for the patient and the number of mature plants to be cultivated and being cultivated for the patient or the signed acknowledgment of a person on behalf of the registered dispensary that the registered dispensary may be contacted to confirm the designation of the dispensary to cultivate for the patient and the number of mature plants to be cultivated and being cultivated for the patient; and

COMMITTEE AMENDMENT

1 **Sec. 3. 22 MRSA §2423-A, sub-§1, ¶G**, as amended by PL 2011, c. 407, Pt. B,
2 §16, is further amended to read:

3 G. Be in the presence or vicinity of the medical use of marijuana and assist any
4 qualifying patient with using or administering marijuana; and

5 **Sec. 4. 22 MRSA §2423-A, sub-§1, ¶H** is enacted to read:

6 H. Accept excess prepared marijuana from a primary caregiver in accordance with
7 subsection 2, paragraph H if nothing of value is provided to the primary caregiver.

8 **Sec. 5. 22 MRSA §2423-A, sub-§2, ¶G**, as amended by PL 2011, c. 407, Pt. B,
9 §16, is further amended to read:

10 G. Prepare food as defined in section 2152, subsection 4 containing marijuana for
11 medical use by a qualifying patient pursuant to section 2152, subsection 4-A and
12 section 2167; and

13 **Sec. 6. 22 MRSA §2423-A, sub-§2, ¶H**, as enacted by PL 2011, c. 407, Pt. B,
14 §16, is amended to read:

15 H. For the purpose of disposing of excess prepared marijuana, transfer marijuana to a
16 registered dispensary, a qualifying patient or another primary caregiver if nothing of
17 value is ~~received~~ provided to the primary caregiver. A primary caregiver who
18 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that
19 transfer qualify as a member of a collective; and

20 **Sec. 7. 22 MRSA §2423-A, sub-§2, ¶I** is enacted to read:

21 I. Employ one person to assist in performing the duties of the primary caregiver.

22 **Sec. 8. 22 MRSA §2423-A, sub-§3, ¶E** is enacted to read:

23 E. A person who is authorized to cultivate marijuana under subsection 1 or 2 and
24 who is employed by a primary caregiver pursuant to subsection 2, paragraph I may
25 not cultivate that person's own marijuana in the location used for cultivation by the
26 primary caregiver who employs that person.

27 **Sec. 9. 22 MRSA §2425, sub-§1, ¶F**, as amended by PL 2009, c. 631, §28 and
28 affected by §51, is further amended to read:

29 F. If the qualifying patient names one or 2 primary caregivers, an indication of which
30 person, if any, is designated to cultivate marijuana for the qualifying patient's medical
31 use. Only one ~~person may be~~ primary caregiver, including an employee of that
32 caregiver, is allowed to cultivate marijuana for a registered patient; and

33 **Sec. 10. 22 MRSA §2425, sub-§4**, as amended by PL 2009, c. 631, §31 and
34 affected by §51, is further amended to read:

35 **4. Primary caregiver registry identification card.** The department shall issue a
36 registry identification card to each registered primary caregiver, if any, who is named in a
37 registered patient's approved application pursuant to subsection 1, paragraph E and, if the
38 registered primary caregiver employs an employee pursuant to section 2423-A,
39 subsection 2, paragraph I, to that employee.



126th MAINE LEGISLATURE

LD 1404

LR 1583(02)

An Act To Ensure the Integrity of Maine's Medical Marijuana Program

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

ACH-514

Fiscal Note

Minor revenue increase - Other Special Revenue Funds

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

An increase in fee revenue for the Maine Medical Marijuana program is assumed to increase Other Special Revenue Funds revenue by minor amounts. Any additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.