

# MAINE STATE LEGISLATURE

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L.D. 1623

Date: 3/17/14

(Filing No. H-691)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1195, L.D. 1623, Bill, "An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the First Regular Session of the 126th Legislature enacted a law to permit a registered primary caregiver to sell up to a total of 2 pounds of excess prepared marijuana annually to registered dispensaries; and

**Whereas,** the purchase by a dispensary of up to 2 pounds of excess prepared marijuana per primary caregiver could not realistically meet the demands of patients at a dispensary if that dispensary suffered a crop failure or other unforeseen disaster; and

**Whereas,** immediate enactment of this Act is necessary to ensure continued access to safe marijuana for medical use for the thousands of Maine patients who currently hold written certificates from their physicians and who purchase their prepared marijuana from dispensaries; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2422, sub-§3-A** is enacted to read:

**3-A. Extended inventory supply interruption.** "Extended inventory supply interruption" means any circumstance that:

1 A. Requires a registered dispensary to limit for more than a 2-week period the  
2 amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period;  
3 or

4 B. Prevents a registered dispensary from consistently offering for a 2-week period or  
5 longer a full range of strains of marijuana, including but not limited to strains rich in  
6 cannabidiol, to a patient.

7 **Sec. 2. 22 MRSA §2428, sub-§1-A, ¶E**, as enacted by PL 2011, c. 407, Pt. B,  
8 §32, is amended to read:

9 E. Obtain prepared marijuana from a primary caregiver under section 2423-A,  
10 subsection 2, paragraph H or from another registered dispensary for the purposes of  
11 addressing an extended inventory supply interruption under subsection 6, paragraph  
12 G.

13 **Sec. 3. 22 MRSA §2428, sub-§6, ¶G**, as amended by PL 2011, c. 407, Pt. B,  
14 §32, is further amended to read:

15 G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing,  
16 delivering, transferring, transporting, supplying or dispensing marijuana for any  
17 purpose except to assist qualifying patients who have designated the dispensary to  
18 cultivate marijuana for them for the medical use of marijuana directly or through the  
19 qualifying patients' primary caregivers, to obtain prepared marijuana as provided in  
20 subsection 1-A, paragraph E or to provide prepared marijuana as provided in  
21 paragraph L and subsection 9, paragraph B.

22 **Sec. 4. 22 MRSA §2428, sub-§6, ¶L** is enacted to read:

23 L. A dispensary may provide excess prepared marijuana to another dispensary that is  
24 experiencing an extended inventory supply interruption.

25 **Sec. 5. 22 MRSA §2428, sub-§9, ¶B**, as amended by PL 2011, c. 407, Pt. B, §32,  
26 is further amended to read:

27 B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a  
28 person other than a qualifying patient who has designated the dispensary to cultivate  
29 marijuana for the patient or, to the patient's primary caregiver or to a dispensary as  
30 provided in subsection 6, paragraphs G and L.

31 **Sec. 6. 22 MRSA §2428, sub-§9, ¶E**, as corrected by RR 2013, c. 1, §41, is  
32 amended to read:

33 E. A dispensary may acquire prepared marijuana only from a primary caregiver in  
34 accordance with section 2423-A, subsection 2, paragraph H or K or, through the  
35 cultivation of marijuana by that dispensary either at the location of the dispensary or  
36 at the one permitted additional location at which the dispensary cultivates marijuana  
37 for medical use by qualifying patients who have designated the dispensary to  
38 cultivate for them or from a dispensary as provided in subsection 1-A, paragraph E.

39 **Emergency clause.** In view of the emergency cited in the preamble, this  
40 legislation takes effect when approved.'

**SUMMARY**

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This amendment replaces the bill. This amendment adds an emergency preamble and emergency clause. This amendment defines "extended inventory supply interruption" and, in the event of an extended inventory supply interruption, allows a dispensary to obtain prepared marijuana from another dispensary and provide prepared marijuana to another dispensary.