

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1623

H.P. 1195

House of Representatives, December 30, 2013

**An Act To Further Protect Patient Access to Safe Medical
Marijuana by Allowing Dispensaries To Purchase Excess Marijuana
from Other Dispensaries**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, WILSON of
Augusta, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §2428, sub-§1-A, ¶E**, as enacted by PL 2011, c. 407, Pt. B,
3 §32, is amended to read:

4 E. Obtain prepared marijuana from a primary caregiver under section 2423-A,
5 subsection 2, paragraph H or from another registered dispensary.

6 **Sec. 2. 22 MRSA §2428, sub-§6, ¶G**, as amended by PL 2011, c. 407, Pt. B,
7 §32, is further amended to read:

8 G. A Except for the purchase from or sale to another registered dispensary of excess
9 prepared marijuana, a dispensary is prohibited from acquiring, possessing,
10 cultivating, manufacturing, delivering, transferring, transporting, supplying or
11 dispensing marijuana for any purpose except to assist qualifying patients who have
12 designated the dispensary to cultivate marijuana for them for the medical use of
13 marijuana directly or through the qualifying patients' primary caregivers.

14 **Sec. 3. 22 MRSA §2428, sub-§6, ¶L** is enacted to read:

15 L. If a dispensary has excess prepared marijuana, the dispensary may sell that excess
16 prepared marijuana to another registered dispensary.

17 **Sec. 4. 22 MRSA §2428, sub-§9, ¶B**, as amended by PL 2011, c. 407, Pt. B, §32,
18 is further amended to read:

19 B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a
20 person other than a qualifying patient who has designated the dispensary to cultivate
21 marijuana for the patient or to the patient's primary caregiver except that a dispensary
22 may sell and purchase excess prepared marijuana to and from another registered
23 dispensary.

24 **Sec. 5. 22 MRSA §2428, sub-§9, ¶E**, as corrected by RR 2013, c. 1, §41, is
25 amended to read:

26 E. A dispensary may acquire prepared marijuana only from a primary caregiver in
27 accordance with section 2423-A, subsection 2, paragraph H or K ~~or~~, through the
28 cultivation of marijuana by that dispensary either at the location of the dispensary or
29 at the one permitted additional location at which the dispensary cultivates marijuana
30 for medical use by qualifying patients who have designated the dispensary to
31 cultivate for them or by purchase from another registered dispensary that has excess
32 prepared marijuana.

33 **SUMMARY**

34 Under the Maine Medical Use of Marijuana Act, a registered dispensary may obtain
35 prepared marijuana only from a primary caregiver. This bill allows registered
36 dispensaries to purchase and sell excess prepared marijuana from and to each other.