

MAINE STATE LEGISLATURE

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L.D. 1739

Date: 3/20/14

Majority

(Filing No. H-713)

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. 1245, L.D. 1739, Bill, "An Act To Amend the Maine Medical Use of Marijuana Act"

Amend the bill in section 1 in subsection 1-B in the last line (page 1, line 8 in L.D.) by striking out the following: "and who is a qualifying patient's primary care provider"

Amend the bill by striking out all of section 2 (page 1, lines 9 to 13 in L.D.) and inserting the following:

'Sec. 2. 22 MRSA §2422, sub-§4-C is enacted to read:

4-C. Medical provider. "Medical provider" means a physician or a certified nurse practitioner.'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 22 MRSA §2422, sub-§14, as amended by PL 2011, c. 407, Pt. B, §14, is further amended to read:

14. Prepared marijuana. "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption. "Prepared marijuana" does not include hashish as defined in Title 17-A, section 1101, subsection 5.'

Amend the bill by striking out all of section 7 (page 2, lines 4 to 21 in L.D.)

Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (5) in the last line (page 5, line 5 in L.D.) by striking out the following: "~~and~~" and inserting the following: 'and'

COMMITTEE AMENDMENT

1 Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (6) in
2 the last line (page 5, line 8 in L.D.) by striking out the following: "and" and inserting
3 the following: '.

4 Amend the bill in section 13 in subsection 8 in paragraph G by striking out all of
5 subparagraph (7) (page 5, lines 9 to 11 in L.D.)

6 Amend the bill in section 13 in subsection 8 by inserting at the end the following:

7 'L. Notwithstanding any provision of this subsection to the contrary, the department
8 shall comply with Title 36, section 175.'

9 Amend the bill by striking out all of sections 15 to 17 (page 5, lines 36 to 40 and page
10 6, lines 1 to 7 in L.D.)

11 Amend the bill by striking out all of sections 19 and 20 (page 6, lines 13 to 38 and
12 page 7, lines 1 to 10 in L.D.) and inserting the following:

13 **'Sec. 19. 22 MRSA §2430-A**, as enacted by PL 2009, c. 631, §46 and affected by
14 §51, is repealed and the following enacted in its place:

15 **§2430-A. Compliance**

16 The department may take action necessary to ensure compliance with this chapter,
17 including, but not limited to, collecting, possessing, transporting and performing
18 laboratory testing on soil and marijuana plant samples and samples of products containing
19 marijuana from registered primary caregivers and registered dispensaries to determine
20 compliance with this chapter and for evidence purposes.

21 **Sec. 20. Framework for processing, documenting and investigating**
22 **complaints regarding the Maine Medical Use of Marijuana Act.** The
23 Department of Health and Human Services shall develop a framework for processing,
24 documenting and investigating complaints concerning the implementation of the Maine
25 Medical Use of Marijuana Act. The department shall review mechanisms for processing,
26 documenting and investigating complaints and shall report its recommendations to the
27 joint standing committee of the Legislature having jurisdiction over health and human
28 services matters by December 1, 2014. The department shall include in its report whether
29 enacting new laws or authorizing new rules, either routine technical or major substantive,
30 is required to implement the recommendations of the department.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
32 section number to read consecutively.

33 **SUMMARY**

34 This amendment is the majority report of the committee. It makes the following
35 changes to the bill:

36 1. The amendment removes the requirement that a certified nurse practitioner who
37 may certify medical use of marijuana for a patient must be the patient's primary care
38 provider;

1 2. The amendment adds to the definition of "prepared marijuana" to include the by-
2 products of leaves and flowers and provides that prepared marijuana does not include
3 hashish;

4 3. The amendment removes from the bill provisions that change the commissioner
5 with responsibility for best practices in pest management from the Commissioner of
6 Agriculture, Conservation and Forestry to the Commissioner of Health and Human
7 Services;

8 4. The amendment adds to the provisions on confidentiality in the medical use of
9 marijuana program that the confidentiality provisions do not prevent the Department of
10 Health and Human Services from complying with the Maine Revised Statutes, Title 36,
11 section 175. The amendment strikes from the bill a provision that creates an exception to
12 confidentiality for release by the department to Maine Revenue Services for taxation
13 compliance purposes;

14 5. The amendment removes from the bill provisions on complaint investigation,
15 penalties, injunctive relief and attorneys' fees and costs. The amendment retains
16 provisions in the bill allowing the department to ensure compliance, including, but not
17 limited to, laboratory testing on soil, marijuana plant samples and samples of products;
18 and

19 6. The amendment directs the Department of Health and Human Services to develop
20 a framework for processing, documenting and investigating complaints concerning the
21 implementation of the Maine Medical Use of Marijuana Act. It directs the department to
22 review mechanisms for processing, documenting and investigating complaints and to
23 report its recommendations to the joint standing committee of the Legislature having
24 jurisdiction over health and human services matters by December 1, 2014. The
25 amendment directs the department to include in its report whether enacting new laws or
26 authorizing new rules, either routine technical or major substantive, is required to
27 implement the recommendations of the department.