

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1539

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H.P. 1060

House of Representatives, April 27, 2017

### An Act To Amend Maine's Medical Marijuana Law

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.

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

2 **Sec. 1. 22 MRSA §2422, sub-§§1-C to 1-E** are enacted to read:

3 **1-C. Cannabis.** "Cannabis" or "marijuana" means any part of the cannabis plant  
4 including the leaves, seeds, stems and flowers of all species of the plant genus Cannabis,  
5 whether growing or not, and the resin and cannabinoids extracted for medical use from  
6 any part of that plant. "Cannabis" or "marijuana" includes prepared cannabis products,  
7 such as edibles, tinctures, infusions, extractions, distillations and purifications.

8 **1-D. Cannabis plant or marijuana plant.** "Cannabis plant" or "marijuana plant"  
9 means the genus of the plant that includes the 3 species of Cannabis sativa, Cannabis  
10 indica and Cannabis ruderalis or their hybrids.

11 **1-E. Clone.** "Clone" means a rooted cutting from a cannabis plant that is the same  
12 size as a seedling.

13 **Sec. 2. 22 MRSA §2422, sub-§2, ¶B,** as enacted by IB 2009, c. 1, §5, is  
14 amended to read:

15 B. A chronic or debilitating disease or medical condition or its treatment that  
16 produces intractable pain, which is pain that has not responded to ordinary medical or  
17 surgical measures for more than 6 months or which is pain that, in the medical  
18 provider's opinion, is not managed effectively by prescription narcotics;

19 **Sec. 3. 22 MRSA §2422, sub-§2, ¶D,** as amended by PL 2013, c. 361, §1, is  
20 further amended to read:

21 D. Any other medical condition or its treatment as provided for in section 2424,  
22 subsection 2; ~~or~~

23 **Sec. 4. 22 MRSA §2422, sub-§2, ¶E,** as enacted by PL 2013, c. 361, §1, is  
24 amended to read:

25 E. Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic  
26 movement disorders and other diseases causing severe and persistent muscle spasms;  
27 or

28 **Sec. 5. 22 MRSA §2422, sub-§2, ¶F** is enacted to read:

29 F. A diagnosed medical condition that, in the patient's medical provider's opinion,  
30 may be alleviated by the therapeutic use of cannabis.

31 **Sec. 6. 22 MRSA §2422, sub-§3,** as amended by PL 2011, c. 407, Pt. B, §3, is  
32 further amended to read:

33 **3. Enclosed, locked facility.** "Enclosed, locked facility" means a closet, room,  
34 building, greenhouse or other ~~enclosed~~ indoor or outdoor area that is enclosed and  
35 equipped with locks or other security devices that permit access only by the individual  
36 authorized to cultivate the marijuana under this chapter.

1           **Sec. 7. 22 MRSA §2422, sub-§3-A**, as enacted by PL 2013, c. 503, §1, is  
2 amended to read:

3           **3-A. Extended inventory supply interruption.** "Extended inventory supply  
4 interruption" means any circumstance that prevents the patient's designated cultivation  
5 source from providing for an extended period of time marijuana for medical use for the  
6 patient's qualifying debilitating medical condition. "Extended inventory supply  
7 interruption" includes any circumstance that:

8           A. Requires a registered dispensary or a patient's designated primary caregiver to  
9 limit for more than a 2-week period the amount that a patient may purchase to less  
10 than 2 1/2 ounces during a 15-day period; or

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

14           C. Prevents an authorized primary caregiver who has been designated to cultivate  
15 marijuana from initially or consistently offering for a 2-week period or longer the  
16 strain of marijuana needed for the qualifying patient's medical use; or

17           D. Results in catastrophic crop failure.

18           **Sec. 8. 22 MRSA §2422, sub-§3-B** is enacted to read:

19           **3-B. Excess marijuana.** "Excess marijuana" means an amount of harvested  
20 marijuana or the number of cannabis plants that is greater than the quantities permitted  
21 under this chapter and rules adopted by the department. "Excess marijuana" includes any  
22 incidental amount of marijuana.

23           **Sec. 9. 22 MRSA §2422, sub-§4-A**, as amended by PL 2015, c. 475, §2, is  
24 further amended to read:

25           **4-A. Incidental amount of marijuana.** "Incidental amount of marijuana" means an  
26 amount of ~~nonflowering marijuana plants;~~ marijuana, including the seeds, stalks, leaves,  
27 stems and roots; ~~and harvested, dried unprepared marijuana defined by rules adopted by~~  
28 the department, that is not intended for medical use. An incidental amount of marijuana  
29 is considered disposable and is not included when calculating the total usable amount.

30           **Sec. 10. 22 MRSA §2422, sub-§4-B**, as enacted by PL 2011, c. 407, Pt. B, §4, is  
31 amended to read:

32           **4-B. Mature marijuana plant.** "Mature marijuana plant" means a harvestable  
33 flowering female ~~marijuana~~ cannabis plant that is flowering.

34           **Sec. 11. 22 MRSA §2422, sub-§§4-D and 4-E** are enacted to read:

35           **4-D. Harvested marijuana.** "Harvested marijuana" means marijuana including all  
36 forms of cannabis and cannabis concentrations, infusions, purifications and extractions,  
37 derived by physical means or solventless or solvent-based extractions, for medical use by  
38 a patient, but does not include the seeds, stalks, leaves and roots of the plant that are not

1 dried for use and that are disposed of. In calculating the weight of harvested marijuana to  
2 determine the total amount in possession, the ingredients, other than cannabis, contained  
3 in prepared cannabis products, including ointments and other topicals, tinctures, extracts  
4 and edible products, are not included. The harvested marijuana intended for use by a  
5 patient that is not yet dried to be suitable for a patient's use is considered to be no more  
6 than 25% of the actual weight to account for moisture content.

7 **4-E. Immature plant.** "Immature plant" means a nonflowering plant of which the  
8 main stalk measures more than 24 inches from the grow medium to the apex of the plant  
9 or more than 18 inches measuring from the main stalk of the plant to the most distant  
10 point of the plant's leaf stem or branch.

11 **Sec. 12. 22 MRSA §2422, sub-§5-B,** as enacted by PL 2011, c. 407, Pt. B, §6, is  
12 amended to read:

13 **5-B. Members of the same household.** "Members of the same household" means 2  
14 or more people residents of the State who share reside in a shared dwelling unit.

15 **Sec. 13. 22 MRSA §2422, sub-§5-D** is enacted to read:

16 **5-D. Nonflowering plant.** "Nonflowering plant" means a cannabis plant that is in a  
17 stage of growth where the plant's pistils are not showing or are in a preflowering stage,  
18 showing only pistils protruding in pairs from scattered calyxes.

19 **Sec. 14. 22 MRSA §2422, sub-§6-B** is enacted to read:

20 **6-B. On-site assessment.** "On-site assessment" means an inspection of premises by  
21 the department for the purpose of assessing compliance with this chapter or rules adopted  
22 under this chapter.

23 **Sec. 15. 22 MRSA §2422, sub-§13-A,** as enacted by PL 2011, c. 407, Pt. B, §13,  
24 is amended to read:

25 **13-A. Tamper-resistant paper.** "Tamper-resistant paper" means paper issued by  
26 the department that possesses an industry-recognized feature that prevents copying of the  
27 paper, erasure or modification of information on the paper and the use of counterfeit  
28 documentation.

29 **Sec. 16. 22 MRSA §2422, sub-§14,** as amended by PL 2013, c. 516, §4, is  
30 further amended to read:

31 **14. Prepared marijuana.** "Prepared marijuana" means the dried harvested  
32 marijuana leaves and flowers and the by-products of the dried leaves and flowers of the  
33 ~~marijuana~~ cannabis plant that require no further processing and any mixture or  
34 preparation of those dried leaves and flowers and by-products, including but not limited  
35 to tinctures, ointments, extracts, edibles and other preparations, but does not include the  
36 seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and  
37 does not include the ingredients, other than marijuana, in tinctures, ointments or other

1 preparations that include marijuana as an ingredient or food or drink prepared with  
2 marijuana as an ingredient for human consumption.

3 **Sec. 17. 22 MRSA §2422, sub-§14-B** is enacted to read:

4 **14-B. Seedling.** "Seedling" means a nonflowering plant that measures 24 inches or  
5 less from the plant stalk at the grow medium to the apex of the plant and measures 18  
6 inches or less from the plant stalk to the most distant point of the plant's leaf stem.

7 **Sec. 18. 22 MRSA §2423-A**, as amended by PL 2015, c. 475, §§6 to 14, is further  
8 amended to read:

9 **§2423-A. Authorized conduct for the medical use of marijuana**

10 **1. Qualifying patient.** Except as provided in section 2426, a qualifying patient may:

11 A. Possess up to ~~2 1/2 ounces of prepared~~ the allowable amount of harvested  
12 marijuana and an incidental amount of marijuana for medical use as provided in  
13 subsection ~~5~~ 5-A;

14 B. ~~Cultivate, or designate a primary caregiver to cultivate~~ under paragraph F, up to a  
15 total of 6 mature marijuana plants ~~for that qualifying patient, except that a visiting~~  
16 qualifying patient may not cultivate. The total number of mature marijuana plants  
17 per qualifying patient, whether cultivated by the patient or by a primary caregiver,  
18 may not exceed 6. In addition to the 6 mature marijuana plants, the patient who is  
19 cultivating the patient's own marijuana may have harvested marijuana in varying  
20 stages of processing in order to ensure the patient is able to maintain supply and meet  
21 personal needs. A qualifying patient, including a patient who cultivates, and a visiting  
22 qualifying patient may have one primary caregiver designated to cultivate on behalf  
23 of the patient. No more than a total of 6 mature marijuana plants may be cultivated  
24 for medical use for a qualifying patient whether cultivated by the patient or the  
25 primary caregiver on behalf of the patient. Two or more qualifying patients who are  
26 members of the same household and cultivating their own marijuana may share one  
27 enclosed, locked facility for cultivation to cultivate and process marijuana for  
28 medical use;

29 C. Possess marijuana paraphernalia;

30 D. Furnish or offer to furnish to another qualifying patient for that patient's medical  
31 use of marijuana up to 2 1/2 ounces of prepared marijuana or cannabis plants or seeds  
32 if nothing of value is offered or transferred in return;

33 E. Designate ~~one person~~ authorized persons, including hospice provider providers or  
34 a nursing facility, as a noncultivating primary caregiver caregivers to assist with the  
35 qualifying patient's medical use of marijuana in a standardized written document,  
36 developed by the department, signed and dated by the qualifying patient, ~~including a~~  
37 one-year or the qualifying patient's legal guardian or representative, that includes an  
38 expiration date not to exceed the expiration date of the written certification and the  
39 signed acknowledgment of ~~the~~ each primary caregiver that the primary caregiver may  
40 be contacted to confirm the information on the designation of the primary caregiver  
41 form. A 2nd person or hospice provider or nursing facility may be designated as a

1 ~~2nd primary caregiver if the patient is under 18 years of age. The designation form~~  
2 ~~must indicate that the authorized persons are acting as noncultivating primary~~  
3 ~~caregivers for the patient. A primary caregiver who is not specified as a cultivation~~  
4 ~~source on a patient's designation form may not cultivate on behalf of the patient. The~~  
5 ~~primary caregivers for a patient are determined solely by the patient's preference~~  
6 ~~except that a parent, guardian or person having legal custody shall serve as a primary~~  
7 ~~caregiver for a minor child;~~

8 F. Designate one primary caregiver or a registered dispensary to cultivate marijuana  
9 for the medical use of the patient, except that a hospice provider or a nursing facility  
10 that is designated as a primary caregiver by a patient and the staff of the provider or  
11 facility may not be designated to cultivate marijuana for the patient. The qualifying  
12 patient must designate the primary caregiver or registered dispensary to cultivate for  
13 the patient in a standardized written document, developed by the department, signed  
14 and dated by the qualifying patient, which must include ~~a one-year~~ an expiration date  
15 that does not exceed the expiration date of the written certification, the total number  
16 of mature plants ~~the primary caregiver is designated to cultivate~~ the primary caregiver  
17 or registered dispensary and the signed acknowledgment of the primary caregiver or  
18 registered dispensary that the primary caregiver or registered dispensary may be  
19 contacted to confirm the information on the designation of the primary caregiver to  
20 cultivate for the patient and the number of mature plants to be cultivated and being  
21 cultivated for the patient or the signed acknowledgment of a person on behalf of the  
22 registered dispensary that the registered dispensary may be contacted to confirm the  
23 designation of the dispensary to cultivate for the patient and the number of mature  
24 plants to be cultivated and being cultivated for the patient form;

25 G. Be in the presence or vicinity of the medical use of marijuana and assist any  
26 qualifying patient with using or administering marijuana after verifying the written  
27 certification;

28 H. Accept excess ~~prepared~~ marijuana from a registered dispensary or a primary  
29 caregiver in accordance with subsection 2, paragraph H if nothing of value is  
30 provided to the primary caregiver; and

31 I. Provide samples to a marijuana testing facility for testing and research purposes;  
32 and

33 J. Notwithstanding paragraphs B, E and F, acquire marijuana, including cannabis  
34 plants, clones and seedlings, in accordance with this chapter.

35 **1-A. Patient unauthorized conduct.** A patient who violates a provision of this  
36 chapter or a rule adopted by the department may be subject to fines, penalties, arrest and  
37 prosecution for the violation, regardless of the patient's possessing a current, valid written  
38 certification.

39 **2. Primary caregiver.** Except as provided in section 2426, a primary caregiver, for  
40 the purpose of assisting a qualifying patient who has designated the primary caregiver as  
41 provided in subsection 1, may:

42 A. Possess up to ~~2 1/2 ounces of prepared marijuana and an incidental amount of~~  
43 ~~marijuana as provided in subsection 5 for each qualifying patient who has designated~~

1 ~~the person as a primary caregiver~~ the allowable amount of harvested marijuana for  
2 medical use, as provided in subsection 5-A;

3 B. ~~Cultivate up to~~ As a registered primary caregiver, cultivate no more than 6 mature  
4 marijuana plants for each qualifying patient who has designated the primary caregiver  
5 to cultivate marijuana on the patient's behalf, subject to the limitation in subsection 1,  
6 paragraph B on the total number of plants authorized per qualifying patient per  
7 registry identification card up to a maximum of 30 mature plants, 60 immature plants  
8 and unlimited seedlings. A primary caregiver ~~may not cultivate marijuana for a~~  
9 ~~patient unless the patient has designated the primary caregiver for that purpose and~~  
10 ~~the patient has not designated a registered dispensary to cultivate marijuana for the~~  
11 ~~patient's medical use.~~ In addition to the marijuana plants otherwise authorized under  
12 this paragraph, a primary caregiver may have harvested marijuana plants in varying  
13 stages of processing in order to ensure the primary caregiver is able to meet the needs  
14 of the primary caregiver's qualifying patients who is not required to register under  
15 this chapter may possess marijuana on behalf of a patient up to the allowable amount  
16 pursuant to subsection 5-A, unlimited seedlings and no more than 6 mature plants and  
17 12 immature plants for each of the maximum of 2 qualifying patients who are  
18 members of the primary caregiver's household or family;

19 C. ~~Assist a maximum of 5 patients who have designated the primary caregiver to~~  
20 ~~cultivate marijuana for their medical use;~~

21 D. Receive reasonable monetary compensation for costs associated with assisting a  
22 qualifying patient who designated the primary caregiver;

23 E. Receive reasonable monetary compensation for costs associated with cultivating  
24 marijuana for a patient who designated the primary caregiver to cultivate marijuana;

25 F. Be in the presence or vicinity of the medical use of marijuana and assist any  
26 patient with the medical use, administration or preparation of marijuana;

27 G. Prepare food as defined in section 2152, subsection 4 containing marijuana,  
28 including tinctures of marijuana, for medical use by a qualifying patient pursuant to  
29 section 2152, subsection 4-A and section 2167;

30 H. For the purpose of disposing of excess ~~prepared~~ marijuana, transfer ~~prepared~~  
31 marijuana to a registered dispensary, a qualifying patient or another designated  
32 primary caregiver if nothing of value is provided to the primary caregiver. A primary  
33 caregiver who transfers ~~prepared~~ marijuana pursuant to this paragraph does not by  
34 virtue of only that transfer qualify as a member of a collective;

35 I. ~~Employ one person~~ If the primary caregiver is designated to cultivate and is  
36 registered under this chapter, employ persons 21 years of age or older to assist in  
37 performing the duties of designated by the qualifying patient to the registered primary  
38 caregiver. The number of employees may not exceed the number of active registry  
39 identification cards issued to the registered primary caregiver;

40 J. Use a pesticide in the cultivation of marijuana if the pesticide is used consistent  
41 with federal labeling requirements, is registered with the Department of Agriculture,  
42 Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section  
43 607 and is used consistent with best management practices for pest management



1 approved by the Commissioner of Agriculture, Conservation and Forestry. A  
2 registered primary caregiver may not in the cultivation of marijuana use a pesticide  
3 unless the registered primary caregiver or the registered primary caregiver's employee  
4 is certified in the application of the pesticide pursuant to section 1471-D and any  
5 employee who has direct contact with treated plants has completed safety training  
6 pursuant to 40 Code of Federal Regulations, Section 170.130. An employee of the  
7 registered primary caregiver who is not certified pursuant to section 1471-D and who  
8 is involved in the application of the pesticide or handling of the pesticide or  
9 equipment must first complete safety training described in 40 Code of Federal  
10 Regulations, Section 170.230;

11 K. For the purpose of disposing of excess ~~prepared~~ marijuana, transfer ~~prepared~~  
12 marijuana to a an authorized registered dispensary or designated primary caregiver  
13 for reasonable compensation. The transfer of ~~prepared~~ marijuana by a primary  
14 caregiver to one or more dispensaries or primary caregivers under this paragraph is  
15 limited to a registered primary caregiver designated to cultivate. A registered  
16 primary caregiver may not transfer more than 2 pounds of excess ~~prepared~~ marijuana  
17 for reasonable compensation under this paragraph in a calendar year at one time. For  
18 the purpose of disposing of excess plants, a transfer of cannabis plants may not  
19 exceed 6 mature plants and 12 nonflowering plants. A primary caregiver who  
20 transfers ~~prepared~~ marijuana pursuant to this paragraph does not by virtue of only that  
21 transfer qualify as a member of a collective;

22 L. ~~If the primary caregiver is a registered primary caregiver, provide~~ Provide  
23 samples to a marijuana testing facility for testing and research purposes; and

24 M. If the primary caregiver is a registered primary caregiver, conduct marijuana  
25 testing at the request of anyone authorized to possess marijuana under this chapter for  
26 research and development purposes only-, as long as the primary caregiver does not  
27 exceed the allowable amounts of marijuana permitted under this chapter; and

28 N. May acquire and possess seeds and cannabis plants in accordance with this  
29 chapter and rules adopted by the department for the purpose of cultivating marijuana  
30 for a patient's medical use if the primary caregiver is experiencing an extended  
31 inventory supply interruption. The primary caregiver designated by a patient to  
32 cultivate may acquire harvested marijuana on behalf of the patient during the period  
33 of the extended inventory supply interruption to ensure the qualifying patient's access  
34 to marijuana for medical use.

35 A registered primary caregiver designated to cultivate for a patient may furnish seeds  
36 and cannabis plants to a person authorized to cultivate for reasonable compensation  
37 as long as the transfer of cannabis plants does not exceed 6 mature plants and 12  
38 nonflowering plants or 2 1/2 ounces of seeds. A primary caregiver or dispensary must  
39 be designated to cultivate by a patient to acquire and possess the cannabis seeds and  
40 plants on behalf of the patient. Any person acquiring seeds and cannabis plants as  
41 described in this paragraph must maintain a record of the lawful transfer that includes  
42 the registry identification card number of the primary caregiver furnishing the  
43 marijuana, date of transfer and cost.

44 A registered primary caregiver may assist a qualifying patient and the qualifying  
45 patient's designated primary caregiver with the medical use of marijuana, including

1           the acquisition, preparation or administration of marijuana, for reasonable  
2           compensation. The transfer of harvested marijuana or product containing prepared  
3           marijuana by a registered primary caregiver to a patient's designated primary  
4           caregiver under this paragraph for reasonable compensation is limited to a registered  
5           caregiver who is designated to cultivate, and the transfer of harvested marijuana may  
6           not exceed 2 pounds. A primary caregiver not designated to cultivate is prohibited  
7           from acquiring harvested marijuana or product containing marijuana to furnish to a  
8           patient, except from that patient or that patient's designated cultivation source. The  
9           primary caregiver must maintain a record of lawful transfer or the sale of harvested  
10           marijuana that includes the registry identification card number of the source of the  
11           marijuana, date of transfer and cost.

12           **2-A. Authorized conduct for cultivating primary caregivers.** A primary caregiver  
13           may be issued a registry identification card to cultivate marijuana for a patient's medical  
14           use. A primary caregiver may be issued up to a maximum of 5 registry identification  
15           cards and is required to have one valid patient designation for each registry identification  
16           card to support cultivation. A primary caregiver may not cultivate without a designation  
17           by a patient to cultivate. A primary caregiver is authorized to cultivate marijuana for  
18           medical use when the primary caregiver is in possession of a registry identification card  
19           and a designation by a patient to cultivate. The primary caregiver shall lawfully dispose  
20           of excess marijuana and cannabis plants and seeds within 10 days of the designated  
21           termination date, unless another patient designates the primary caregiver to cultivate. The  
22           primary caregiver whose registry identification card is revoked by the department due to  
23           noncompliance shall lawfully dispose of all marijuana or forfeit marijuana within 10 days  
24           of notice of revocation. A registered primary caregiver designated to cultivate is  
25           authorized to cultivate up to 6 mature marijuana plants and 12 immature plants and to  
26           possess unlimited seeds and seedlings per registry identification card. A registered  
27           primary caregiver cultivating marijuana shall tag all plants with the primary caregiver's  
28           registry identification card number. A primary caregiver designated to cultivate who is  
29           not required to register under this chapter may cultivate up to 6 mature plants and 12  
30           immature plants and possess unlimited seeds and seedlings for each patient who is a  
31           family member or a member of the primary caregiver's household up to a maximum of 2  
32           patients.

33           A. A primary caregiver shall track the number of patients who designate the primary  
34           caregiver to cultivate marijuana for the patient's medical use and shall submit to the  
35           department, at least annually, a written statement of the number of patients who have  
36           designated the primary caregiver to cultivate marijuana for medical use. The  
37           statement may be transmitted electronically. The department may provide by rule that  
38           written statements are not required to be submitted more frequently than once a  
39           quarter.

40           **2-B. Authorized conduct of an employee of a registered primary caregiver.**  
41           Except as provided in section 2426, an employee of a registered primary caregiver  
42           designated to cultivate marijuana for a patient's medical use may assist in duties  
43           designated to the primary caregiver by a qualifying patient. The time worked for a  
44           primary caregiver may not be concurrent with time worked for another primary caregiver  
45           or dispensary. An employee of a primary caregiver must be authorized to work in the

1 United States, and the primary caregiver shall maintain a record of hours worked for  
2 payroll and compliance monitoring purposes.

3 **2-C. Authorized conduct for noncultivating primary caregiver.** A primary  
4 caregiver who does not cultivate marijuana is required to possess one registry  
5 identification card indicating authorized conduct as a primary caregiver. A registry  
6 identification card issued to a primary caregiver not designated to cultivate authorizes the  
7 primary caregiver to possess and transfer harvested marijuana on behalf of a patient. A  
8 primary caregiver not designated to cultivate may not possess more than the allowable  
9 amount of marijuana per patient pursuant to subsection 5-A and may not exceed the  
10 allowable amount for 5 patients at any time.

11 A. A primary caregiver designated to assist a qualifying patient is required to register  
12 with the department, except that the following primary caregivers who assist no more  
13 than 2 patients are not required to register:

14 (1) A primary caregiver designated to assist 2 or fewer qualifying patients if the  
15 qualifying patients are members of the household of that primary caregiver;

16 (2) Two primary caregivers who are qualifying patients, if those primary  
17 caregivers are members of the same household and assist one another with  
18 cultivation; and

19 (3) A primary caregiver designated to assist 2 or fewer qualifying patients if the  
20 qualifying patients are members of the family of that primary caregiver.

21 **3. Cultivation of marijuana.** The following provisions apply to the cultivation of  
22 marijuana by a qualifying patient under subsection 1 and a primary caregiver under  
23 ~~subsection~~ subsections 2 and 2-A.

24 A. A patient who elects to cultivate marijuana plants must keep the plants in an  
25 enclosed, locked facility unless the plants are being transported because the patient is  
26 moving or taking the plants to the patient's own property in order to cultivate ~~them~~  
27 the marijuana. Access to the cultivation facility is limited to the patient, except that a  
28 primary caregiver designated by the patient, emergency services personnel, an  
29 employee of a marijuana testing facility or a person who needs to gain access to the  
30 cultivation facility in order to perform repairs or maintenance or to do construction  
31 may access the cultivation facility to provide those professional services while under  
32 the direct supervision of the patient.

33 B. A primary caregiver who has been designated by a patient to cultivate marijuana  
34 for the patient's medical use must keep all plants in an enclosed, locked facility unless  
35 the plants are being transported because the primary caregiver is moving or taking the  
36 plants to the primary caregiver's own property in order to cultivate ~~them~~ the  
37 marijuana. Marijuana plants may be transported by an authorized person for the  
38 purpose of a lawful transfer in accordance with this chapter. The primary caregiver  
39 shall use a numerical identification system to enable the primary caregiver to identify  
40 marijuana plants cultivated for a patient. The numerical identification system must  
41 include the primary caregiver's registry identification card number, if applicable,  
42 from a designation form executed under section 2423-A, subsection 1, paragraph E or  
43 F, the number of marijuana plants and all transaction records. Access to the

1 cultivation facility is limited to the primary caregiver and a primary caregiver's  
2 employee, except that an elected official invited by the primary caregiver for the  
3 purpose of providing education to the elected official on cultivation by the primary  
4 caregiver, emergency services personnel, an employee of a marijuana testing facility  
5 or a person who needs to gain access to the cultivation facility in order to perform  
6 repairs or maintenance or to do construction may access the cultivation facility to  
7 provide those professional services while under the direct supervision of the primary  
8 caregiver.

9 ~~C. A primary caregiver designated to cultivate marijuana for a qualifying patient is~~  
10 ~~required to register with the department, except that the following primary caregivers~~  
11 ~~are not required to register:~~

12 (1) ~~A primary caregiver designated to cultivate for a qualifying patient if that~~  
13 ~~qualifying patient is a member of the household of that primary caregiver;~~

14 (2) ~~Two primary caregivers who are qualifying patients, if those primary~~  
15 ~~caregivers are members of the same household and assist one another with~~  
16 ~~cultivation; and~~

17 (3) ~~A primary caregiver who cultivates for a qualifying patient if that qualifying~~  
18 ~~patient is a member of the family of that primary caregiver.~~

19 D. Two primary caregivers who are members of the same family or household may  
20 share the same enclosed, locked facility.

21 E. A person who is authorized to cultivate marijuana under subsection 1 ~~or~~ 2 or 2-A  
22 and who is employed by a primary caregiver pursuant to subsection 2, paragraph 1  
23 may not cultivate that person's own marijuana in the location used for cultivation by  
24 the primary caregiver who employs that person, except that an employee who is a  
25 member of the registered primary caregiver's family or household may share the same  
26 enclosed, locked facility.

27 **4. Hospice provider or nursing facility.** A registered patient may name a hospice  
28 provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 to  
29 serve as a registered primary caregiver. If a hospice provider or nursing facility is named  
30 as a primary caregiver, the provider or facility shall complete the registration process with  
31 the department and obtain a primary caregiver registration card ~~and the staff of the~~  
32 ~~provider or facility shall obtain registry identification cards~~ for staff providing direct care  
33 for the qualifying patient. To be issued a registry identification card, a staff person of a  
34 hospice provider or nursing facility that has been named as a primary caregiver must be at  
35 least 21 years of age and may not have been convicted of a disqualifying drug offense.  
36 The hospice provider or nursing facility and the staff of the provider or facility may not  
37 cultivate marijuana for the patient.

38 **4-A. Use and storage in inpatient hospice facility or nursing facility permitted.**  
39 A qualifying patient who is a resident of a hospice provider facility licensed under  
40 chapter 1681 or nursing facility licensed under chapter 405, while in the hospice provider  
41 facility or nursing facility, may use forms of ~~prepared~~ harvested marijuana for medical  
42 use that are ~~not smoked~~ permitted by the facility's policy, including, but not limited to,  
43 vaporized marijuana; and products in the form of edible marijuana ~~and~~ tinctures and

1 salves of marijuana. A qualifying patient who uses a form of prepared marijuana  
2 pursuant to this subsection may store the prepared marijuana in the qualifying patient's  
3 room and is not required to obtain a registry identification card or to designate the  
4 hospice provider or nursing facility as a primary caregiver under subsection 4. A hospice  
5 provider or nursing facility is not required to be named as a primary caregiver by a  
6 qualifying patient who uses prepared marijuana pursuant to this subsection. This  
7 subsection does not limit the ability of a hospice provider or nursing facility to prohibit or  
8 restrict the use or storage of prepared marijuana by a qualifying patient.

9 ~~**5. Incidental amount of marijuana.** For purposes of this section, any incidental  
10 amount of marijuana is lawful for a qualifying patient or a primary caregiver to possess  
11 and is not included in the amounts of prepared marijuana specified in this section.~~

12 **5-A. Allowable amount of marijuana.** For the purpose of this chapter, the  
13 allowable amount of harvested marijuana for medical use by a patient includes all  
14 harvested marijuana and prepared forms, including tinctures, edibles, topicals and other  
15 products containing infusions, extractions and purifications of cannabis. An authorized  
16 person may possess up to 8 pounds of harvested marijuana in accordance with this  
17 chapter. The amount of seeds, leaves, stems, roots or other parts of the cannabis plant that  
18 is not intended for use possessed by an authorized person is considered an incidental  
19 amount of marijuana and is not included when calculating the total amount in possession.  
20 Any amount of excess marijuana must be lawfully disposed of or the person may be  
21 subject to enforcement action, including revocation of any authorization for conduct.  
22 Lawful transfers of harvested marijuana may not exceed 2 pounds of harvested marijuana  
23 in any one transfer, and a visiting qualifying patient may not be dispensed more than 2  
24 1/2 ounces of harvested marijuana during a 15-day period.

25 A. A registered primary caregiver designated to assist a patient may possess up to 8  
26 pounds of harvested marijuana per registry identification card and may be issued a  
27 maximum of 5 cards.

28 B. A primary caregiver who is not required to register under this chapter and who is  
29 designated to assist a patient may possess up to 8 pounds of harvested marijuana on  
30 behalf of the patient who is a member of the primary caregiver's family or household.

31 C. A registered dispensary may possess no more than 8 pounds of harvested  
32 marijuana on behalf of a patient who has designated the dispensary to cultivate  
33 marijuana for the patient.

34 **6-A. On-site assessments.** The department may conduct an inspection or on-site  
35 assessment to determine compliance with the provisions of this chapter and rules adopted  
36 by the department. The department may initiate an on-site assessment to ensure  
37 compliance, including conducting an inspection prior to issuing a registry identification  
38 card and in response to a report alleging noncompliance. The department shall request  
39 permission to enter a person's private residence, and entry or inspection of a person's  
40 private residence may not occur without the presence of the primary caregiver or patient.  
41 The department shall make reasonable efforts to coordinate an agreeable time for an on-  
42 site assessment or inspection that is within 10 days of the department's notice to inspect,  
43 unless the department has determined that the alleged conduct jeopardizes health or  
44 safety. Access to an enclosed, locked facility may require that specific measures be taken

1 to reduce potential contamination prior to entry. The department shall disclose the reason  
2 for the on-site assessment to the authorized person prior to inspecting an enclosed, locked  
3 facility. Failure to comply with the department's request to access the enclosed, locked  
4 facility for the purpose of ensuring compliance may be grounds for revocation of  
5 authorization for conduct in accordance with this chapter. Rules adopted pursuant to this  
6 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7 **7. Excess marijuana; forfeiture.** A person who possesses ~~marijuana seedlings,~~  
8 ~~marijuana~~ cannabis plants or ~~prepared~~ harvested marijuana in excess of the limits  
9 provided in this section and rules adopted under this section must forfeit the excess  
10 amounts to a law enforcement officer or to the department at the time of an inspection.  
11 The law enforcement officer or department is authorized to remove all excess ~~marijuana~~  
12 ~~seedlings, marijuana~~ cannabis plants and ~~prepared~~ harvested marijuana in order to catalog  
13 the amount of excess marijuana. An authorized person in possession of excess marijuana  
14 must have the opportunity to lawfully dispose of the marijuana that is in excess of the  
15 limits permitted before the law enforcement officer or department removes it. Possession  
16 of marijuana in excess of the limits ~~provided in this section and rules adopted under this~~  
17 ~~section~~ is subject to department review. Possession of an amount determined to be excess  
18 marijuana, and only the excess, is a violation as follows:

19 A. Possession of marijuana in an excess amount up to 2 1/2 ounces is a violation of  
20 ~~section 2383~~ this subsection; and

21 B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of  
22 Title 17-A, chapter 45.

23 **8. Repeat forfeiture.** If a cardholder has previously forfeited excess marijuana  
24 pursuant to subsection 7 and a subsequent forfeiture occurs, the department shall revoke  
25 the registry identification card of the cardholder and the entire amount of marijuana  
26 seedlings, ~~marijuana~~ cannabis plants ~~and prepared,~~ harvested marijuana and products  
27 containing marijuana must be forfeited to a law enforcement officer. The department  
28 shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection  
29 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 **9. Collectives prohibited.** Collectives are prohibited under this chapter. A person  
31 may not form or participate in a collective.

32 **10. Marijuana testing facility.** The following provisions apply to a marijuana  
33 testing facility.

34 A. A marijuana testing facility may receive and possess samples from qualifying  
35 patients, designated primary caregivers and dispensaries to provide testing for the  
36 cannabinoid profile and potency of the samples and for contaminants in the samples,  
37 including but not limited to mold, mildew, heavy metals, plant regulators and illegal  
38 pesticides. For the purposes of this paragraph, "plant regulator" has the same  
39 meaning as in Title 7, section 604, subsection 26.

40 B. An employee of a marijuana testing facility may have access to cultivation  
41 facilities pursuant to subsection 3, paragraphs A and B and section 2428, subsection  
42 6, paragraph I.

- 1 C. A marijuana testing facility shall:
- 2 (1) Properly dispose of marijuana residue in compliance with department rules;
- 3 (2) House and store marijuana in the facility's possession or control during the
- 4 process of testing, transport or analysis in a manner to prevent diversion, theft or
- 5 loss;
- 6 (3) Label marijuana being transported to and from the facility with the following
- 7 statement: "For Testing Purposes Only";
- 8 (4) Maintain testing results as part of the facility's business books and records;
- 9 and
- 10 (5) Operate in accordance with rules adopted by the department.

11 D. The department shall adopt routine technical rules as defined in Title 5, chapter

12 375, subchapter 2-A governing marijuana testing facilities, including but not limited

13 to:

- 14 (1) Marijuana testing facility director qualification requirements;
- 15 (2) Required security for marijuana testing facilities; and
- 16 (3) Requirements for the licensing, certifying or other approval of marijuana
- 17 testing facilities.

18 **11. Immunity.** The immunity provisions in this subsection apply to a marijuana

19 testing facility's principal officers, board members, agents and employees. Any immunity

20 provision in this chapter in conflict with this subsection does not apply to a marijuana

21 testing facility.

22 A. A marijuana testing facility is not subject to prosecution, search, seizure or

23 penalty in any manner, including but not limited to a civil penalty or disciplinary

24 action by a business or an occupational or professional licensing board or entity, and

25 may not be denied any right or privilege solely for acting in accordance with this

26 chapter.

27 B. A principal officer, board member, agent or employee of a marijuana testing

28 facility is not subject to arrest, prosecution, search, seizure or penalty in any manner,

29 including but not limited to a civil penalty or disciplinary action by a business or an

30 occupational or professional licensing board or entity, and may not be denied any

31 right or privilege solely for working for or with a marijuana testing facility to test

32 marijuana provided by a qualifying patient, registered primary caregiver or

33 dispensary.

34 **12. Interest.** A principal officer, board member or employee of a registered

35 dispensary or primary caregiver may not have a financial or other interest in a marijuana

36 testing facility providing services associated with product labeling for that dispensary or

37 primary caregiver.

38 **Sec. 19. 22 MRSA §2423-B, first ¶**, as amended by PL 2013, c. 516, §8, is

39 further amended to read:

1 A medical provider who is in good standing with the appropriate licensing board may  
2 provide a written certification for the medical use of marijuana under this chapter and,  
3 after having done so, may otherwise state that in the medical provider's professional  
4 opinion a qualifying patient is likely to receive therapeutic benefit from the medical use  
5 of marijuana to treat or alleviate the patient's debilitating medical condition.

6 **Sec. 20. 22 MRSA §2423-B, sub-§1**, as amended by PL 2013, c. 516, §8, is  
7 further amended to read:

8 **1. Adult qualifying patient.** Prior to providing written certification for the medical  
9 use of marijuana under this section, a medical provider shall inform an adult qualifying  
10 patient or the patient's legal guardian or representative of the risks and benefits of the  
11 medical use of marijuana and that the patient may benefit from the medical use of  
12 marijuana.

13 **Sec. 21. 22 MRSA §2423-B, sub-§2**, as amended by PL 2013, c. 516, §8, is  
14 further amended to read:

15 **2. Minor qualifying patient.** Prior to providing written certification for the medical  
16 use of marijuana by a minor qualifying patient under this section, a medical provider,  
17 referred to in this subsection as "the treating medical provider," shall inform the minor  
18 qualifying patient and the parent or legal guardian of the patient of the risks and benefits  
19 of the medical use of marijuana and that the patient may benefit from the medical use of  
20 marijuana. Except with regard to a minor qualifying patient who is eligible for hospice  
21 care, prior to providing a written certification under this section, the treating medical  
22 provider shall consult with a qualified physician, referred to in this paragraph as "the  
23 consulting physician," from a list of physicians who may be willing to act as consulting  
24 physicians maintained by the department that is compiled by the department after  
25 consultation with statewide associations representing licensed medical professionals. The  
26 consultation between the treating medical provider and the consulting physician may  
27 consist of examination of the patient or review of the patient's medical file. The  
28 consulting physician shall provide an advisory opinion to the treating medical provider  
29 and the parent or legal guardian of the minor qualifying patient concerning whether the  
30 patient is likely to receive therapeutic or palliative benefit from the medical use of  
31 marijuana to treat or alleviate the patient's debilitating medical condition. If ~~the~~  
32 ~~department or~~ the consulting physician does not respond to a request by the treating  
33 medical provider within ~~40~~ 3 business days of receipt of the request, the treating medical  
34 provider may provide written certification for treatment without consultation with a  
35 physician. In the absence of a list of physicians willing to consult on certifications for  
36 minors, the department shall inform the treating medical provider within one business day  
37 of the treating medical provider's request for consultation that the treating medical  
38 provider may proceed with the certification process.

39 A. The parent or legal guardian of a minor may submit a request to the department  
40 for reimbursement of the cost associated with obtaining a 2nd opinion required by  
41 this chapter. Requests must be submitted on a form developed by the department. The  
42 department shall review the family's annual income and expenses in determining  
43 whether to reimburse the family for the cost of the required 2nd consultation from the  
44 Medical Use of Marijuana Fund under section 2430. The department shall adopt rules



1 to implement this paragraph. Rules adopted pursuant to this paragraph are routine  
2 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 **Sec. 22. 22 MRSA §2423-B, sub-§5**, as amended by PL 2013, c. 516, §8, is  
4 further amended to read:

5 **5. Possible sanctions.** A person who violates this section is subject to sanctions by  
6 the department. Sanctions may include revocation of authorization for conduct, fines and  
7 prohibiting a physician from participation in the written certification process. Nothing in  
8 this chapter prevents a professional licensing board from sanctioning a medical provider  
9 for failing to properly evaluate or treat a patient's medical condition or otherwise  
10 violating the applicable standard of care for evaluating or treating medical conditions.  
11 The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
12 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
13 2-A.

14 **Sec. 23. 22 MRSA §2423-D**, as amended by PL 2013, c. 516, §9, is further  
15 amended to read:

16 **§2423-D. Authorized conduct by a visiting qualifying patient**

17 A qualifying patient who is visiting the State from another jurisdiction that authorizes  
18 the medical use of marijuana pursuant to a law recognized by the department who  
19 possesses a valid written certification as described in section 2423-B from the patient's  
20 treating medical provider and a valid medical marijuana certification from that other  
21 jurisdiction and photographic identification ~~or~~, a driver's license from that jurisdiction or  
22 a government-issued identification that includes a photo and proof of address may engage  
23 in conduct authorized ~~for a qualifying patient~~ under this chapter while in the State. The  
24 visiting qualifying patient must use the designation form approved by the department to  
25 designate either a registered primary caregiver or registered dispensary to assist with the  
26 administration of marijuana for medical use. A visiting patient is prohibited from  
27 furnishing marijuana to any person, may not cultivate marijuana and may not possess  
28 more than 2 1/2 ounces of harvested marijuana during a 15-day period.

29 **Sec. 24. 22 MRSA §2423-E, sub-§5, ¶A**, as enacted by PL 2011, c. 407, Pt. B,  
30 §20, is amended to read:

31 A. If the person is a qualifying patient, present upon request of a law enforcement  
32 officer the original written certification for the patient and the patient's driver's  
33 license as described under Title 29-A, section 1401 or a nondriver identification card  
34 as described under Title 29-A, section 1410 or, if the person is a visiting patient under  
35 section 2423-D, the equivalent proof of identity from the visiting patient's state of  
36 residence; ~~and~~

37 **Sec. 25. 22 MRSA §2423-E, sub-§5, ¶B**, as enacted by PL 2011, c. 407, Pt. B,  
38 §20, is amended to read:

39 B. If the person is a primary caregiver, present upon request of a law enforcement  
40 officer the original written document designating the person as a primary caregiver  
41 by the qualifying patient under section 2423-A, subsection 1, paragraph E or F and

1 the primary caregiver's driver's license described under Title 29-A, section 1401 or a  
2 nondriver identification card as described under Title 29-A, section 1410-; and

3 **Sec. 26. 22 MRSA §2423-E, sub-§5, ¶C** is enacted to read:

4 C. Be authorized by the department or be a cardholder.

5 **Sec. 27. 22 MRSA §2423-E, sub-§6**, as enacted by PL 2011, c. 407, Pt. B, §20,  
6 is amended to read:

7 **6. Excess marijuana; forfeiture.** A person who possesses marijuana in excess of  
8 the limits provided in section 2423-A and rules adopted under that section must forfeit the  
9 excess amounts to a law enforcement officer or the department. The law enforcement  
10 officer or the department is authorized to remove all excess ~~marijuana seedlings,~~  
11 ~~marijuana~~ cannabis plants and ~~prepared~~ harvested marijuana in order to catalog the  
12 amount of excess marijuana. Possession of marijuana in excess of the limits provided in  
13 section 2423-A and rules adopted under that section is subject to department review.  
14 Possession of an amount determined to be excess marijuana, and only the excess, is a  
15 violation as follows:

16 A. Possession of prepared marijuana in an excess amount up to 2 1/2 ounces is a  
17 violation of ~~section 2383~~ this subsection; and

18 B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of  
19 Title 17-A, chapter 45.

20 **Sec. 28. 22 MRSA §2423-E, sub-§7**, as enacted by PL 2011, c. 407, Pt. B, §20,  
21 is amended to read:

22 **7. Repeat forfeiture.** If a cardholder has previously forfeited excess marijuana  
23 pursuant to subsection 6 and a subsequent forfeiture occurs, the department shall revoke  
24 the registry identification card of the cardholder and the entire amount of marijuana  
25 seedlings, ~~marijuana~~ cannabis plants and ~~prepared~~ harvested marijuana must be forfeited  
26 to a law enforcement officer. The department shall adopt rules to implement this  
27 subsection. Rules adopted pursuant to this subsection are routine technical rules as  
28 defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 29. 22 MRSA §2423-E, sub-§10** is enacted to read:

30 **10. Immunity for cardholders.** The immunity provisions in this subsection apply  
31 to a registered primary caregiver and a registered primary caregiver employee. A  
32 registered primary caregiver or a registered primary caregiver employee is not subject to  
33 prosecution, search, seizure or penalty in any manner, including but not limited to a civil  
34 penalty or disciplinary action by a business or an occupational or professional licensing  
35 board or entity, and may not be denied any right or privilege solely for acting in  
36 accordance with this chapter.

37 **Sec. 30. 22 MRSA §2424, sub-§2**, as repealed and replaced by PL 2011, c. 407,  
38 Pt. B, §21, is amended to read:

1           **2. Adding debilitating medical conditions.** The department in accordance with  
2 section 2422, subsection 2, paragraph D shall adopt rules regarding the consideration of  
3 petitions from the public to add medical conditions or treatments to the list of debilitating  
4 medical conditions set forth in section 2422, subsection 2. In considering those petitions,  
5 the department shall provide an opportunity for public hearing of, and an opportunity to  
6 comment on those petitions. After the hearing, the commissioner shall consider counsel  
7 of a medical provider panel comprising a minimum of 3 medical providers, one of whom  
8 may be selected by the petitioner, and shall approve or deny a petition within 180 days of  
9 its submission. The approval or denial of such a petition constitutes final agency action,  
10 subject to judicial review. Jurisdiction and venue for judicial review are vested in the  
11 Superior Court.

12           **Sec. 31. 22 MRSA §2425, sub-§1,** as amended by PL 2013, c. 516, §10, is  
13 further amended to read:

14           **1. Application for patient registry identification card; qualifications.** The  
15 department shall register and issue registry identification cards to ~~qualifying patients who~~  
16 ~~submit the documents and information described in this subsection, in accordance with~~  
17 ~~the department's rules:~~ eligible applicants who submit a complete application.

18           ~~A. Written certification;~~

19           ~~C. Name, address and date of birth of the qualifying patient, except that if the~~  
20 ~~applicant is homeless no address is required;~~

21           ~~D. Name, address and telephone number of the qualifying patient's medical provider;~~

22           ~~E. Name, address and date of birth of each primary caregiver, if any, named by the~~  
23 ~~qualifying patient;~~

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

28           ~~G. If the qualifying patient elects to cultivate marijuana for the qualifying patient's~~  
29 ~~own medical use, the qualifying patient shall indicate that choice on the application.~~

30           **Sec. 32. 22 MRSA §2425, sub-§3,** as amended by PL 2013, c. 394, §4, is further  
31 amended to read:

32           **3. Department approval or denial.** The department shall verify the information  
33 contained in an application or renewal of a registry identification card submitted pursuant  
34 to this section and shall approve or deny an application or renewal within 30 days of  
35 receiving it. The department shall issue a registry identification card within 5 days of  
36 approving a completed application. The department may deny an application or renewal  
37 only if the applicant did not provide the information required pursuant to this section or  
38 the department determines that the applicant does not qualify for a registry identification  
39 card or that the information provided was falsified. ~~Rejection of an application or renewal~~  
40 ~~is considered a final agency action, subject to judicial review. Jurisdiction and venue for~~  
41 ~~judicial review are vested in the Superior Court. A qualified applicant whose registry~~

1 identification card application is denied pursuant to this subsection may request an  
2 administrative hearing.

3 **Sec. 33. 22 MRSA §2425, sub-§3-A**, as enacted by PL 2009, c. 631, §30 and  
4 affected by §51, is amended to read:

5 **3-A. Department revocation.** The department may revoke a registry identification  
6 card for violation of this chapter and the rules adopted under this chapter. Revocation in  
7 accordance with section 2423-A, subsection 8 is considered a final agency action, subject  
8 to judicial review under Title 5, chapter 375, subchapter 7. Unless otherwise specified as  
9 final agency action, persons who have had authorization for conduct under this chapter  
10 revoked due to failure to comply with this chapter and rules adopted by the department  
11 must be able to request an informal hearing. The department shall adopt rules to specify  
12 the period of time, which may not exceed one year, that the person whose registry  
13 identification card was revoked is ineligible for reauthorization under this chapter. The  
14 person must demonstrate compliance prior to being issued a new registry identification  
15 card. Rules adopted pursuant to this subsection are routine technical rules as defined in  
16 Title 5, chapter 375, subchapter 2-A.

17 **Sec. 34. 22 MRSA §2425, sub-§4**, as amended by PL 2013, c. 396, §10, is  
18 further amended to read:

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

24 **Sec. 35. 22 MRSA §2425, sub-§4-A**, as enacted by PL 2015, c. 475, §20, is  
25 amended to read:

26 **4-A. Marijuana testing facility and dispensary identification card.** The  
27 department shall issue registry identification cards to principal officers, board members  
28 and employees of a marijuana testing facility or registered dispensary within 5 business  
29 days of approving an application or renewal under this section in accordance with  
30 department rules. Registry identification cards expire one year after the date of issuance.  
31 Registry identification cards must contain:

- 32 A. The name of the cardholder;
- 33 B. The date of issuance and expiration date of the registry identification card; and
- 34 C. A random identification number that is unique to the cardholder.

35 **Sec. 36. 22 MRSA §2425, sub-§5**, as amended by PL 2013, c. 396, §11, is  
36 further amended to read:

37 **5. Registry identification card issuance.** The department shall issue registry  
38 identification cards to registered patients, to registered primary caregivers, to employees  
39 of registered caregivers and to staff of hospice providers and nursing facilities designated

1 by registered patients as primary caregivers within 5 days of approving an application or  
2 renewal under this section. Registry identification cards expire one year after the date of  
3 issuance ~~except that the date of issuance and expiration date of a registered primary~~  
4 ~~caregiver's registry identification card must be the same as the issuance and expiration~~  
5 ~~dates on the patient's registry identification card.~~ Registry identification cards must  
6 contain:

- 7 A. The name of the cardholder;
- 8 C. The date of issuance and expiration date of the registry identification card;
- 9 D. A random identification number that is unique to the cardholder; and
- 10 F. A clear designation showing whether the cardholder is allowed under this chapter  
11 to cultivate marijuana.

12 **Sec. 37. 22 MRSA §2425, sub-§6**, as amended by PL 2013, c. 516, §12, is  
13 further amended to read:

14 **6. Notification of changes in status or loss of card.** This subsection governs  
15 notification of changes in status or the loss of a registry identification card.

16 ~~A. A registered qualifying patient shall notify the department within 10 days of any~~  
17 ~~change in the registered qualifying patient's name, address, primary caregiver or~~  
18 ~~preference regarding who may cultivate marijuana for the registered qualifying~~  
19 ~~patient, if the registry identification card is no longer accurate, if the change renders~~  
20 ~~the registry identification card inaccurate or if the registered qualifying patient ceases~~  
21 ~~to have a debilitating medical condition.~~

22 ~~B. A registered qualifying patient who fails to notify the department as required~~  
23 ~~under paragraph A commits a civil violation for which a fine of not more than \$150~~  
24 ~~may be adjudged. If the registered qualifying patient's certifying medical provider~~  
25 ~~notifies the department in writing that the registered qualifying patient has ceased to~~  
26 ~~suffer from a debilitating medical condition, the registered qualifying patient's~~  
27 ~~registry identification card becomes void upon notification by the department to the~~  
28 ~~qualifying patient.~~

29 ~~C. A registered primary caregiver shall notify the department if the card of the~~  
30 ~~registered primary caregiver is no longer accurate within 10 days of the event that~~  
31 ~~caused the inaccuracy and of any change in the caregiver's name or address within 10~~  
32 ~~days of such change. A registered primary caregiver who fails to notify the~~  
33 ~~department of any of these changes commits a civil violation for which a fine of not~~  
34 ~~more than \$150 may be adjudged.~~

35 ~~D. When a registered qualifying patient or registered primary caregiver notifies the~~  
36 ~~department of any changes listed in this subsection, the department shall issue the~~  
37 ~~registered qualifying patient and each registered primary caregiver a new registry~~  
38 ~~identification card within 10 days of receiving the updated information and the fee~~  
39 ~~required by subsection 12, paragraph E.~~

40 ~~E. When a registered qualifying patient changes the patient's registered primary~~  
41 ~~caregiver, the department shall notify the old primary caregiver within 10 days. The~~

1           ~~old primary caregiver's protections as provided in this chapter expire 10 days after~~  
2           ~~notification by the department.~~

3           F. If a cardholder loses the cardholder's registry identification card, the cardholder  
4           shall notify the department and submit the fee required by subsection 12, paragraph E  
5           within 10 days of losing the card. Within 5 days after such notification, the  
6           department shall issue a new registry identification card ~~with a new random~~  
7           ~~identification number.~~

8           G. If the information appearing on the cardholder's registry identification card is  
9           incorrect or changes, the cardholder shall notify the department of the inaccuracy or  
10           change. The fee required by subsection 12, paragraph E must be submitted with the  
11           corrected or changed information within 10 days of the correction or change in  
12           information. Within 5 days after such notification, the department shall issue a new  
13           registry identification card. A cardholder who fails to notify the department as  
14           required under this paragraph commits a civil violation for which a fine of not more  
15           than \$150 may be adjudged.

16           **Sec. 38. 22 MRSA §2425, sub-§8, ¶D**, as enacted by IB 2009, c. 1, §5, is  
17           amended to read:

18           D. The department shall verify to law enforcement personnel whether a registry  
19           identification card is valid without disclosing more information than is reasonably  
20           necessary to verify the authenticity of the registry identification card and authorized  
21           conduct.

22           **Sec. 39. 22 MRSA §2425, sub-§8-A** is enacted to read:

23           **8-A. Patient records.** Patient records specific to marijuana for medical use are  
24           confidential and may not be disclosed except as provided in this chapter. Primary  
25           caregivers and dispensaries are required to maintain patient records of transactions  
26           occurring during the most recent 12 months and shall develop a record management  
27           system that includes a unique identifier corresponding to the patient for whom the  
28           marijuana was dispensed. As evidence of compliance by the primary caregiver or  
29           dispensary, patient records must include valid copies of the written certification,  
30           designation form and driver's license or Maine-issued photo identification. Records of the  
31           patient's protected health information are not subject to review by the department.

32           **Sec. 40. 22 MRSA §2425, sub-§9**, as amended by PL 2009, c. 631, §35 and  
33           affected by §51, is further amended to read:

34           **9. Revocation of registry identification card.** The department shall revoke the  
35           registry identification card of a cardholder who sells, furnishes or gives marijuana to a  
36           person who is not ~~allowed~~ authorized to possess marijuana for medical purposes under  
37           this chapter. A cardholder who sells, furnishes or gives marijuana to a person who is not  
38           ~~allowed~~ authorized to possess marijuana for medical purposes under this chapter is liable  
39           for any other penalties for selling, furnishing or giving marijuana to a person. The  
40           department may revoke the registry identification card of any cardholder who violates  
41           this chapter, and the cardholder is liable for any other penalties for the violation.

1           **Sec. 41. 22 MRSA §2425, sub-§9-A**, as enacted by PL 2011, c. 407, Pt. B, §28,  
2 is amended to read:

3           **9-A. Registration requirement.** Registration under this section is voluntary for a  
4 qualifying patient, for a visiting qualifying patient and for a primary caregiver who is  
5 exempt under section 2423-A, subsection ~~3~~ 2-C, paragraph ~~C~~ A. Failure to register under  
6 this section does not affect authorized conduct for a qualifying patient, for a visiting  
7 qualifying patient or for a primary caregiver who is exempt under section 2423-A,  
8 subsection ~~3~~ 2-C, paragraph ~~C~~ A.

9           **Sec. 42. 22 MRSA §2425, sub-§10, ¶B**, as enacted by IB 2009, c. 1, §5, is  
10 amended to read:

11           B. The number of qualifying patients and registered primary caregivers approved in  
12 each county;

13           **Sec. 43. 22 MRSA §2425, sub-§10, ¶F**, as amended by PL 2009, c. 631, §36 and  
14 affected by §51, is further amended to read:

15           F. The number of registered dispensaries; ~~and~~

16           **Sec. 44. 22 MRSA §2425, sub-§10, ¶G**, as amended by PL 2009, c. 631, §36  
17 and affected by §51, is further amended to read:

18           G. The number of primary caregiver and marijuana testing facility employees and  
19 the number of principal officers, board members and employees of dispensaries; ~~and~~

20           **Sec. 45. 22 MRSA §2425, sub-§10, ¶H** is enacted to read:

21           H. The number of patients served by primary caregivers and dispensaries.

22           **Sec. 46. 22 MRSA §2425, sub-§11**, as enacted by PL 2011, c. 383, §4, is  
23 amended to read:

24           **11. Valid identification.** ~~A registered patient, registered primary caregiver or a~~  
25 ~~principal officer, board member or employee of a registered dispensary~~ Any person who  
26 has been issued a valid registry identification card pursuant to this section must also  
27 possess a valid Maine-issued driver's license with a photo or other Maine-issued photo  
28 identification in order to establish proof of residency in this State and for authorized  
29 participation in the medical use of marijuana under this chapter.

30           **Sec. 47. 22 MRSA §2425, sub-§12**, as amended by PL 2015, c. 475, §21, is  
31 further amended to read:

32           **12. Registration and related fees.** The department by rule shall establish fees in  
33 accordance with this subsection. The fees must be credited to the Medical Use of  
34 Marijuana Fund pursuant to section 2430. Any fines collected pursuant to this chapter  
35 and rules adopted by the department must be credited to the Medical Use of Marijuana  
36 Fund. Rules adopted pursuant to this subsection are routine technical rules as defined in  
37 Title 5, chapter 375, subchapter 2-A.

1 A. There is no annual fee to register a qualifying patient or primary caregiver who is  
2 not required to register under section 2423-A, subsection 2-C, paragraph A.

3 B. Primary caregiver fees are as follows.

4 (1) There is no annual fee to register a primary caregiver who does not cultivate  
5 marijuana for a qualifying patient.

6 (2) There is an annual fee to register a primary caregiver who has been  
7 designated to cultivate marijuana under ~~subsection~~ section 2423-A, subsection 1,  
8 paragraph F. The fee must be not less than \$50 and not more than ~~\$300~~ \$240 for  
9 each ~~qualifying patient who has designated the primary caregiver~~ registry  
10 identification card issued.

11 ~~(3) There is no fee for a registered primary caregiver to register for the~~  
12 ~~remainder of the registration period a new qualifying patient in place of a former~~  
13 ~~qualifying patient who has revoked the designation of the primary caregiver.~~

14 C. There is an annual fee to register a dispensary of not less than \$5,000 and not  
15 more than ~~\$15,000~~ \$12,000. There is a fee to change the location of a registered  
16 dispensary or the location at which a registered dispensary cultivates marijuana of not  
17 less than \$3,000 and not more than ~~\$5,000~~ \$4,000.

18 D. There is an annual fee to register a primary caregiver employee or a principal  
19 officer, board member or employee of a registered dispensary or a marijuana testing  
20 facility of not less than ~~\$25~~ \$20 and not more than \$50. The fee must be paid by the  
21 ~~registered dispensary applicant.~~

22 E. There is a fee to replace a registry card that has been lost, stolen or destroyed or a  
23 card that contains information that is no longer accurate of not less than \$10 and not  
24 more than \$20.

25 F. There is an annual fee for a criminal history record check for a primary caregiver  
26 or a principal officer, board member or employee of a registered dispensary of not  
27 less than \$31 and not more than \$60. The fee must be paid by the primary caregiver  
28 or by the registered dispensary for a principal officer, board member or employee of  
29 the registered dispensary.

30 G. There is a fee for laboratory testing of marijuana that is cultivated, harvested,  
31 processed, prepared or provided by a registered primary caregiver or registered  
32 dispensary of not less than \$50 and not more than \$300 per test specimen.

33 Beginning January 2014 and every 2 years thereafter, the department shall review the  
34 balance in the Medical Use of Marijuana Fund established under section 2430. If the  
35 balance in the Medical Use of Marijuana Fund exceeds \$400,000, the department shall  
36 reduce the fees established under paragraphs B ~~and~~, C, D and E for a 2-year period  
37 beginning with the calendar year following the review.

38 **Sec. 48. 22 MRSA §2425, sub-§13** is enacted to read:

39 **13. Reporting patient access.** A registered primary caregiver and a registered  
40 dispensary must submit annually the number of qualifying patients and visiting qualifying  
41 patients who have designated the primary caregiver or dispensary for assistance with the



1 access to and administration of marijuana for medical use. Reporting may not disclose  
2 patient identity, directly or indirectly. The department shall adopt rules to implement this  
3 subsection. Rules adopted pursuant to this subsection are routine technical rules as  
4 defined in Title 5, chapter 375, subchapter 2-A.

5 **Sec. 49. 22 MRSA §2426, sub-§3-A, ¶B,** as enacted by PL 2011, c. 407, Pt. B,  
6 §31, is amended to read:

7 B. A qualifying patient who obtains marijuana from more than one source with the  
8 result that the ~~person~~ patient receives more than 2 1/2 ounces of prepared marijuana  
9 in a 15-day period pounds during one transfer or is in the possession of marijuana in  
10 excess of limits specified in this chapter commits a civil violation for which a fine of  
11 \$200 must be adjudged.

12 **Sec. 50. 22 MRSA §2426, sub-§3-A, ¶¶C and D** are enacted to read:

13 C. A visiting qualifying patient who obtains marijuana under this chapter with the  
14 result that the visiting qualifying patient is in possession of more than 2 1/2 ounces  
15 during a 15-day period commits a civil violation for which a fine of \$200 must be  
16 adjudged.

17 D. A person who misrepresents the possession of a registry identification card or  
18 misrepresents the person's authorized conduct commits a civil violation for which a  
19 fine of \$200 must be adjudged, and the person may be liable for other penalties and  
20 sanctions under this chapter.

21 **Sec. 51. 22 MRSA §2428, sub-§1-A,** as amended by PL 2013, c. 503, §2, is  
22 further amended to read:

23 **1-A. Provisions pertaining to registered dispensary.** For the purpose of assisting a  
24 qualifying patient who has designated a registered dispensary to cultivate marijuana for  
25 and assist with the patient's medical use of marijuana, a registered dispensary may in  
26 accordance with rules adopted by the department:

27 A. Possess and dispense up to 2 1/2 ounces of prepared marijuana and possess an  
28 incidental amount of marijuana for each marijuana for medical use to a qualifying  
29 patient who has designated the dispensary or to that patient's designated primary  
30 caregiver. For the purposes of this chapter, any incidental amount of marijuana is  
31 lawful for a registered dispensary to possess and is not included in the amounts of  
32 prepared marijuana specified in this paragraph A dispensary may transfer up to 2  
33 pounds of harvested marijuana to a qualifying patient, except that a dispensary may  
34 not dispense more than 2 1/2 ounces during a 15-day period to a visiting qualifying  
35 patient;

36 B. Cultivate up to 6 mature marijuana plants for each patient who has designated the  
37 dispensary to cultivate the plants on the patient's behalf subject to the limit of 6  
38 mature plants total for a patient who also cultivates marijuana;

39 C. Receive reasonable monetary compensation for costs associated with assisting or  
40 for cultivating marijuana for a patient who designated the dispensary;

1 D. Assist any patient who designated the dispensary to cultivate marijuana with the  
2 medical use or administration of marijuana; and

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

7 **Sec. 52. 22 MRSA §2428, sub-§2, ¶B**, as amended by PL 2009, c. 631, §42 and  
8 affected by §51, is further amended to read:

9 B. ~~The department~~ A dispensary shall track the number of ~~registered~~ patients who  
10 designate ~~a the~~ dispensary to cultivate marijuana for them and ~~issue to each~~  
11 ~~dispensary~~ submit a written statement of the number of patients who have designated  
12 the dispensary to cultivate marijuana ~~for them~~. This statement must be updated each  
13 time a new registered patient designates the dispensary or ceases to designate the  
14 dispensary. The statement may be transmitted electronically if the department's rules  
15 so provide. The department may provide by rule that the updated written statements  
16 may not be issued more frequently than once ~~each week~~ a month.

17 **Sec. 53. 22 MRSA §2428, sub-§2, ¶C**, as amended by PL 2009, c. 631, §42 and  
18 affected by §51, is further amended to read:

19 C. The department shall issue each principal officer, board member and employee of  
20 a dispensary a registry identification card within ~~40~~ 30 days of receipt of the person's  
21 name, address and date of birth under paragraph A and a fee in an amount established  
22 by the department. Each card must specify that the cardholder is a principal officer,  
23 board member or employee of a dispensary and must contain:

24 (1) The name, address and date of birth of the principal officer, board member or  
25 employee;

26 (2) The legal name of the dispensary with which the principal officer, board  
27 member or employee is affiliated;

28 (3) A random identification number that is unique to the cardholder;

29 (4) The date of issuance and expiration date of the registry identification card;  
30 and

31 (5) A photograph if required by the department.

32 **Sec. 54. 22 MRSA §2428, sub-§7**, as amended by PL 2011, c. 407, Pt. B, §32, is  
33 further amended to read:

34 **7. Maximum amount of marijuana to be dispensed.** A transfer by a dispensary or  
35 a principal officer, board member or employee of a dispensary may not consist of more  
36 than 2 pounds to a qualifying patient or to that patient's designated primary caregiver. A  
37 dispensary or a principal officer, board member or employee of a dispensary may not  
38 dispense more than 2 1/2 ounces of prepared marijuana during a 15-day period to a  
39 visiting qualifying patient who has designated the dispensary ~~or to a primary caregiver on~~  
40 ~~behalf of a qualifying patient who has designated the dispensary during a 15-day period.~~

1           **Sec. 55. 22 MRSA §2430-A**, as amended by PL 2015, c. 475, §26, is further  
2 amended to read:

3           **§2430-A. Compliance**

4           The department may take action necessary to ensure compliance with this chapter,  
5 including, but not limited to, collecting, possessing, transporting and performing  
6 laboratory testing on soil and marijuana plant specimens and portions of products  
7 containing marijuana from registered primary caregivers and registered dispensaries to  
8 determine compliance with this chapter and for evidence purposes.

9           **1. Responding to a complaint alleging noncompliance.** The department shall  
10 respond to a valid report regarding an alleged violation of this chapter or rules adopted by  
11 the department or a valid complaint of conduct related to the medical use of marijuana  
12 that poses potential risk to public health and safety.

13           A. A report alleging violation of this chapter or rules adopted by the department and  
14 complaints of conduct related to the medical use of marijuana that poses potential risk  
15 to public health and safety must be entered into an electronic database maintained by  
16 the department within one business day of receipt.

17           B. The department shall document the assignment of each report. The department  
18 shall screen and assign or refer a valid report within 3 business days of receipt. Prior  
19 to referring the report to another entity, the department shall determine the  
20 protections given to the authorized conduct under this chapter of a person against  
21 whom a report has been entered.

22           C. Department staff may be assigned to assess the compliance of a patient, primary  
23 caregiver or cardholder who is alleged to be in violation of this chapter or rules  
24 adopted by the department. The department may refer a report to a law enforcement  
25 agency when the department determines the conduct is criminal activity, including  
26 diversion. For the purpose of a criminal investigation, the department shall disclose to  
27 the law enforcement agency the unlawful conduct by the person who is the subject of  
28 the report.

29           D. The department must provide notification of receipt of the complaint to the  
30 subject of the report within 3 business days of assignment under paragraph B. The  
31 department notification must inform the subject of the report of the nature of the  
32 report and whether the department is conducting an on-site assessment or has referred  
33 the report to another entity. This paragraph does not restrict the department from  
34 conducting an on-site assessment under section 2423-A, subsection 6-A without prior  
35 notice to assess compliance at any location where conduct described under this  
36 chapter is occurring if the report indicates jeopardy to health and safety.

37           E. The department must provide the outcome of an on-site assessment under  
38 paragraph D to the subject of the report within 30 days of performing the assessment.  
39 A person aggrieved by the department's actions may file a request for an informal  
40 hearing under subsection 2 to dispute the department's findings from an on-site  
41 assessment in accordance with this chapter and rules adopted by the department.  
42 Failure of the department to issue a notice of findings within 30 days of an on-site  
43 assessment voids the initial findings and requires the department to complete an

1 additional on-site assessment before taking further action. The department may  
2 revoke authorization for conduct described under this chapter for a violation of this  
3 chapter and rules adopted by the department, and the department shall provide the  
4 person a period of 10 days, unless otherwise stated, to remedy a violation identified  
5 by the department prior to revoking authorization for conduct. The department may  
6 revoke a registry identification card issued to any person who the department has  
7 determined is noncompliant, with no plan of correction, or has repeated the same  
8 violation within one year.

9 **2. Findings; notification.** When the department completes an on-site assessment  
10 and issues findings of noncompliance pursuant to subsection 1 to a person authorized  
11 under this chapter, the department shall notify the person that, within 10 days of receipt  
12 of the department's notice of findings of noncompliance, the person may file a written  
13 request with the department for an informal hearing. The informal hearing must be held  
14 in accordance with the rules and procedures of the department's office of administrative  
15 hearings, and the hearing officer shall issue a recommended decision within the  
16 applicable time frames as provided by statute or rule. All hearing officer decisions must  
17 be in the form of recommended decisions, with final agency action reserved to the  
18 commissioner. The hearing officer shall furnish the recommended decision to the person  
19 aggrieved, the department and the Office of the Attorney General. The commissioner  
20 shall issue a final decision either adopting, modifying or rejecting the hearing officer's  
21 recommended decision within 30 business days of the date of the recommended decision.  
22 In the event the final decision of the commissioner results in the modification or rejection  
23 of the recommended decision, the commissioner shall state in writing the basis for the  
24 decision. In the event the commissioner fails to issue a written final decision within 30  
25 business days of the date of the recommended decision, the recommended decision of the  
26 hearing officer is deemed the final decision of the commissioner. The commissioner's  
27 decision constitutes final agency action, subject to judicial review. Jurisdiction and venue  
28 for judicial review are vested in the Superior Court. All decisions of the commissioner  
29 must include notice of the aggrieved party's right to judicial review, including the  
30 requisite time frame for filing an appeal. A person aggrieved by a decision issued may  
31 file, within 30 days of the notice of the decision, a complaint with the Superior Court as  
32 provided in Title 5, section 11002.

## 33 SUMMARY

34 This bill amends the laws governing the cultivation, possession and use of medical  
35 marijuana. It:

36 1. Amends definitions to add terms and to expand upon or provide clarity for  
37 existing terms;

38 2. Amends the qualifying condition of intractable pain to include pain that a medical  
39 provider determines is not managed effectively by prescription narcotics and allows a  
40 medical provider the discretion to issue a written certification for any medical condition  
41 that the physician believes may be alleviated by the patient's using marijuana for medical  
42 use. It also requires consultation with a minimum of 3 medical professionals, one of

1 whom may be selected by the petitioner, prior to accepting or denying a petition to add a  
2 debilitating medical condition as a qualifying condition;

3 3. Replaces the limit of 2 1/2 ounces of marijuana that may be dispensed to a  
4 qualifying patient who is a Maine resident during a 15-day period with a limit of no more  
5 than 2 pounds in one transfer;

6 4. Allows a qualifying patient who is cultivating marijuana to furnish seeds and  
7 plants to another qualifying patient;

8 5. Permits a qualifying patient to designate more than one primary caregiver to assist  
9 the patient; the additional primary caregivers may not cultivate marijuana for the patient;

10 6. Prohibits a visiting qualifying patient, who is not a resident of Maine, from  
11 cultivating marijuana;

12 7. Permits a primary caregiver designated to cultivate marijuana to furnish seeds and  
13 plants to an authorized person;

14 8. Increases the number of employees that a registered cultivating primary caregiver  
15 may employ. A primary caregiver designated to cultivate can employ one person for each  
16 registry identification card the caregiver is issued;

17 9. Permits a primary caregiver designated to cultivate marijuana to dispose of  
18 marijuana by transferring the marijuana to a designated primary caregiver; current law  
19 allows the transfer to a dispensary;

20 10. Allows for certain authorized transfers of marijuana by a primary caregiver  
21 designated to cultivate marijuana for reasonable compensation;

22 11. Allows a primary caregiver who is assisting no more than 2 patients who are  
23 members of the primary caregiver's household or family to not register with the  
24 department;

25 12. Authorizes a primary caregiver designated to cultivate marijuana to cultivate up  
26 to 6 mature marijuana plants per registry identification card. The maximum number of  
27 plants allowed for cultivation is the same as in current law;

28 13. Removes the limit of 2 1/2 ounces of prepared marijuana and establishes the  
29 allowable amount of harvested marijuana to be up to 8 pounds that may be possessed by a  
30 patient or authorized person on behalf of a patient. It also establishes the allowable  
31 amount of marijuana to be up to 8 pounds per registry identification card for a designated  
32 primary caregiver required to register, no more than 8 pounds per patient, up to 2 patients,  
33 for a primary caregiver not required to register and 8 pounds per patient for a dispensary  
34 designated by a patient;

35 14. Establishes tracking and reporting requirements for primary caregivers and  
36 dispensaries;

- 1           15. Permits the Department of Health and Human Services to inspect areas related to  
2 marijuana for medical use to assess compliance with the laws regulating marijuana;
- 3           16. Reduces the review period from 10 days to 3 business days for a 2nd physician  
4 consultation in order for a qualifying patient who is a minor to obtain a written  
5 certification when there is a list of consulting physicians and permits a physician to  
6 proceed with certification for a minor in the absence of a consulting physician list  
7 maintained by the department. It allows the Medical Use of Marijuana Fund to be used at  
8 the department's discretion to reimburse families for the cost of the required consultation  
9 by a 2nd physician;
- 10           17. Extends the immunity existing for dispensary employees, principal officers and  
11 board members to registered primary caregivers and their employees;
- 12           18. Authorizes the department, in addition to law enforcement agencies, to remove  
13 marijuana determined to be in excess of allowable limits;
- 14           19. Permits the department to establish a period of time when persons who have had  
15 authorizations denied or revoked are ineligible for reauthorization;
- 16           20. Requires a cardholder to notify the department when the information on the card  
17 issued by the department is inaccurate or changes;
- 18           21. Amends fees for various registrations;
- 19           22. Adds a sanction for a person found to be in possession of a registry identification  
20 card issued to another person; and
- 21           23. Provides for an opportunity for an informal hearing process for specified persons  
22 aggrieved by a department enforcement action.