

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2002

H.P. 1418

House of Representatives, January 8, 2020

**An Act To Improve Compliance with Department of Administrative
and Financial Services, Office of Marijuana Policy Registration and
Licensure Requirements**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §2425-A, sub-§3**, as enacted by PL 2017, c. 452, §12, is
4 amended to read:

5 **3. Application for registry identification card; qualifications.** The department
6 shall register and issue a registry identification card to an applicant who submits a
7 complete application that meets the requirements of this subsection.

8 The department shall conduct a criminal history record check for any applicant for a
9 registry identification card. Except as provided in subsection 3-A, the department may
10 not issue a registry identification card to an applicant who is not permitted under this
11 chapter to have a disqualifying drug offense.

12 An application must include, as applicable:

13 A. The annual fee required pursuant to subsection 10; ~~and~~

14 B. A statement that the requirements of section 2423-B have been met if the
15 qualifying patient applying for the registry identification card has not attained 18
16 years of age and the qualifying patient's parent, guardian or person having legal
17 custody of the qualifying patient consents in writing to:

18 (1) The qualifying patient's medical use of marijuana;

19 (2) ~~Serving~~ Serve as one of the qualifying patient's caregivers; and

20 (3) ~~Controlling~~ Control the acquisition of the marijuana plants or harvested
21 marijuana and the dosage and the frequency of the medical use of marijuana by
22 the qualifying patient; ~~and~~

23 C. The applicant's social security number.

24 **Sec. A-2. 22 MRSA §2425-A, sub-§4, ¶B**, as enacted by PL 2017, c. 452, §12,
25 is amended to read:

26 B. The department may deny an application for a card or for renewal of a card only
27 if:

28 (1) The applicant did not provide the information required pursuant to subsection
29 3;

30 (2) The department determines that the applicant does not qualify; ~~or~~

31 (3) The department determines that the information provided by the applicant
32 was falsified; ~~or~~

33 (4) The department determines, upon review of the social security number
34 supplied by the applicant, that a registry identification card has already been
35 issued to an individual using that social security number who is not the applicant.

36 **Sec. A-3. 22 MRSA §2425-A, sub-§12, ¶L**, as enacted by PL 2017, c. 452, §12,
37 is repealed and the following enacted in its place:

1 L. The department shall comply with the provisions of Title 36, section 175.

2 (1) Information provided by the department pursuant to this paragraph may be
3 used by the Department of Administrative and Financial Services, Bureau of
4 Revenue Services only for the administration and enforcement of taxes imposed
5 under Title 36.

6 (2) Social security numbers provided to the department pursuant to subsection 3
7 may be used by the office of marijuana policy within the department to verify the
8 identity of each applicant for a registry identification card. It is unlawful for any
9 public official or any employee or agent of the office of marijuana policy within
10 the department to inspect, review, divulge, make known in any manner or
11 otherwise use any individual's social security number for any purpose other than
12 the conduct of the official duties described in this section. A person who
13 willfully violates this subparagraph commits a Class E crime. A person who
14 willfully violates this subparagraph who is an officer, employee or agent of the
15 State must be dismissed from office.

16 **PART B**

17 **Sec. B-1. 28-B MRSA §106**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended
18 to read:

19 **§106. Individual identification cards**

20 The department shall issue individual identification cards to natural persons licensed
21 under this chapter and, upon the request of a licensee, shall issue individual identification
22 cards to owners, officers, managers, contractors, employees or other support staff of the
23 licensee who meet the requirements of this section for the issuance of an individual
24 identification card. Individual identification cards issued by the department must be
25 renewed annually using forms provided by the department.

26 **1. Rules.** The department shall adopt rules regarding the issuance and format of and
27 the information to be included on individual identification cards issued pursuant to this
28 section.

29 **2. Criminal history record check.** Prior to issuing an individual identification card
30 to a natural person pursuant to this section, the department shall require the person to
31 submit to a criminal history record check in accordance with section 204.

32 **3. Social security number disclosure required.** Prior to issuing or renewing an
33 individual identification card to a natural person pursuant to this section, the department
34 shall require the person to disclose to the department the person's social security number
35 to allow the department to verify the identity of the individual identification card holder.
36 It is unlawful for any public official or an employee or agent of the office of marijuana
37 policy within the department to inspect, review, divulge, make known in any manner or
38 otherwise use any individual's social security number for any purpose other than the
39 conduct of the official duties described in this section. A person who willfully violates
40 this subsection commits a Class E crime. A person who willfully violates this subsection
41 who is an officer, employee or agent of the State must be dismissed from office.

1 **SUMMARY**

2 This bill does the following.

3 Part A authorizes the Department of Administrative and Financial Services to collect
4 and use the social security numbers of applicants to ensure that only one registry
5 identification card is issued to each participant under the Maine Medical Use of
6 Marijuana Act.

7 Part B authorizes the office of marijuana policy within the Department of
8 Administrative and Financial Services to collect and use the social security numbers of
9 applicants to ensure that only one individual identification card is issued to each
10 individual identification card holder under the Marijuana Legalization Act.