

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 367
H.P. 695 - L.D. 939**

**An Act To Support Maine's
Medical Marijuana Program
and Ensure Patient Access**

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

Sec. 1. 22 MRSA §2423-A, sub-§2, ¶I, as amended by PL 2017, c. 452, §4, is further amended to read:

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver;

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶I-1 is enacted to read:

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver;

Sec. 3. 22 MRSA §2423-A, sub-§2, ¶K-1, as amended by PL 2019, c. 354, §2, is further amended to read:

K-1. Transfer to and accept from another registered caregiver or a dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration ~~up to 75% an unlimited amount~~ of the mature marijuana plants grown by the caregiver over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from ~~that 75% of the~~ mature marijuana plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A registered caregiver that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this paragraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;

Sec. 4. 22 MRSA §2423-A, sub-§2, ¶P, as amended by PL 2019, c. 217, §2, is further amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; ~~and~~

Sec. 5. 22 MRSA §2423-A, sub-§2, ¶Q, as enacted by PL 2017, c. 452, §4, is amended to read:

Q. Be organized as any type of legal business entity recognized under the laws of the State; and

Sec. 6. 22 MRSA §2423-A, sub-§2, ¶R is enacted to read:

R. Accept a digital image of a written certification for the purposes of initiating a transaction for harvested marijuana. The caregiver must verify the written certification in person before transferring any harvested marijuana to the qualifying patient.

Sec. 7. 22 MRSA §2423-A, sub-§10, ¶B, as repealed and replaced by PL 2019, c. 331, §13, is amended to read:

B. An assistant of a marijuana testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. An assistant of a marijuana testing facility must be 21 years of age or older.

Sec. 8. 22 MRSA §2423-F, sub-§4, ¶G, as repealed and replaced by PL 2019, c. 331, §17, is amended to read:

G. May hire any number of assistants who are 21 years of age or older to assist in performing the duties of the manufacturing facility.

Sec. 9. 22 MRSA §2423-F, sub-§5, ¶G, as repealed and replaced by PL 2019, c. 331, §17, is amended to read:

G. May hire any number of assistants who are 21 years of age or older to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant.

Sec. 10. 22 MRSA §2423-F, sub-§10, ¶F, as repealed and replaced by PL 2019, c. 331, §17, is amended to read:

F. Minimum record-keeping requirements, ~~including an annual audit requirement.~~

Sec. 11. 22 MRSA §2425-A, sub-§3, as enacted by PL 2017, c. 452, §12, is amended to read:

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

The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status. Except as provided in subsection

tion 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

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

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

- (1) The qualifying patient's medical use of marijuana;
- (2) Serving as one of the qualifying patient's caregivers; and
- (3) Controlling the acquisition of the marijuana plants or harvested marijuana and the dosage and the frequency of the medical use of marijuana by the qualifying patient.

Sec. 12. 22 MRSA §2425-A, sub-§5, ¶A, as enacted by PL 2017, c. 452, §12, is amended to read:

A. A registry identification card expires one year after the date of issuance, regardless of the person's employment status. The card must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date;
- (3) A random identification number that is unique to the cardholder; and
- (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana plants.

Sec. 13. 22 MRSA §2428, sub-§1-A, ¶F, as repealed and replaced by PL 2019, c. 331, §24 and c. 354, §7, is further amended by repealing subparagraph (4) and enacting the following in its place:

(4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that

acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

Sec. 14. 22 MRSA §2428, sub-§1-A, ¶K, as enacted by PL 2017, c. 452, §16, is amended to read:

K. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary; and

Sec. 15. 22 MRSA §2429-B, sub-§2, ¶D, as enacted by PL 2017, c. 452, §18, is amended to read:

D. A prohibition on advertising or marketing directed toward location-based devices, ~~including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and unless such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older.~~

Sec. 16. 22 MRSA §2430-G, sub-§1, ¶A, as enacted by PL 2017, c. 452, §24, is amended by amending subparagraph (2) to read:

- (2) Keep the books and records maintained by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility for a period of 7 4 years;

Sec. 17. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Medical Use of Marijuana Fund Z265

Initiative: Provides funding for 2 Field Investigator positions to ensure timely inspection of records kept by program participants.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$163,054	\$168,272
All Other	\$10,693	\$10,693
OTHER SPECIAL REVENUE FUNDS TOTAL	\$173,747	\$178,965

See title page for effective date.