

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-525)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 523,  
Bill,  
L.D. 665, "AN ACT to Establish a Marijuana Therapeutic Research  
Program."

Amend the amendment by striking out all of that part  
designated "§2408." and inserting in its place the following:

'§2408. Confidentiality.

1. Access to information. Only <sup>the</sup> following persons → shall  
have access to the names and other identifying characteristics  
of patients for whom marijuana has been prescribed under this  
chapter:

A. The commissioner;

B. The board;

C. The Attorney General or his designee;

D. Any person directly connected with the program who has  
a legitimate need for the information; and

E. Any person for whom access has been specifically auth-  
orized by a patient.

← Meetings and records of the board shall not be subject to  
the requirements of Title 1, chapter 13.

2. Exceptions. Nothing in this section shall affect the  
right to inspect the records of any pharmacy under Title 17-A,  
section 1113, or prohibit access to or release of information  
concerning any persons acting under color of this chapter with  
respect to conduct not expressly authorized by this chapter.'

Further amend the amendment in that part designated "§2409." by striking out the word "administrator" and inserting in its place the word 'commissioner'.

Statement of Fact

This amendment corrects a typographical error and completely rewrites the committee amendment's confidentiality section. It narrows the scope of protection to the names and identities of patients only. It gives the Attorney General access to all information. It makes clear that the confidentiality section does not interfere with state's right to inspect pharmacy records. Finally, no protection whatsoever is given to anyone whose conduct is not expressly authorized under this chapter. Thus, for example, if it is determined that a patient is selling marijuana prescribed for him or that a physician is prescribing marijuana for patients who are not suffering from glaucoma or undergoing chemotherapy, there is no right to confidentiality.

Filed by Mr. Leighton of Harrison  
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