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Date: 6/13/11

L.D. 1296
(Filing No. H-615)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 951, L.D. 1296, Bill, "An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'PART A

Sec. A-1. 7 MRSA §483, first ¶, as amended by PL 2009, c. 631, §1 and affected by §51, is further amended to read:

For the purpose of this chapter and chapter 103, unless the term is more specifically defined, "adulterated" means made impure or inferior by adding extraneous ingredients. Goods that are prepared in food establishments that are licensed facilities under Title 22, section 2167 and that contain marijuana for medical use by a registered qualifying patient, pursuant to Title 22, chapter 558-C, are not considered to be adulterated under this subchapter.

Sec. A-2. 22 MRSA §2152, sub-§4-A, as amended by PL 2009, c. 631, §4 and affected by §51, is further amended to read:

4-A. Food establishment. "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. "Food establishment" includes a registered primary caregiver, as defined in section 2422, subsection ~~4~~ 8-A, and a registered dispensary, as defined in section 2422, subsection 6, that prepare food containing marijuana for medical use by a registered qualifying patient pursuant to chapter 558-C. The following establishments are not considered food establishments required to be licensed under section 2167:

- A. Eating establishments, as defined in section 2491, subsection 7;
- B. Fish and shellfish processing establishments inspected under Title 12, section 6101, 6102 or 6856;

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- 1 C. Storage facilities for native produce;
- 2 D. Establishments such as farm stands and farmers' markets primarily selling fresh
- 3 produce not including dairy and meat products;
- 4 E. Establishments engaged in the washing, cleaning or sorting of whole produce,
- 5 provided the produce remains in essentially the same condition as when harvested.
- 6 The whole produce may be packaged for sale, provided that packaging is not by a
- 7 vacuum packaging process or a modified atmosphere packaging process; and
- 8 F. Establishments that are engaged in the drying of single herbs that are generally
- 9 recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The
- 10 single herbs may be packaged for sale, provided that packaging is not by a vacuum
- 11 packaging process or a modified atmosphere packaging process; and
- 12 G. A primary caregiver, as defined in section 2422, subsection 8-A, conducting an
- 13 activity allowed in section 2423-A for a qualifying patient who is a member of the
- 14 family, as defined in section 2422, subsection 5-A, or member of the household, as
- 15 defined in section 2422, subsection 5-B, of the primary caregiver.

16 **Sec. A-3. 22 MRSA §2158**, as amended by PL 2009, c. 631, §5 and affected by
17 §51, is further amended to read:

18 **§2158. Addition of certain substances limited**

19 Any poisonous or deleterious substance added to any food, except where such
20 substance is required in the production thereof or cannot be avoided by good
21 manufacturing practice, must be deemed to be unsafe for purposes of the application of
22 section 2156, subsection 1, paragraph B; but when such substance is so required or cannot
23 be avoided, the Commissioner of Agriculture, Food and Rural Resources shall adopt rules
24 limiting the quantity therein or thereon to such extent as the commissioner finds
25 necessary for the protection of public health, and any quantity exceeding the limits so
26 fixed must be deemed to be unsafe for purposes of the application of section 2156,
27 subsection 1, paragraph B. While such a rule is in effect limiting the quantity of any such
28 substance in the case of any food, such food may not, by reason of bearing or containing
29 any added amount of such substance, be considered to be adulterated within the meaning
30 of section 2156, subsection 1, paragraph A. In determining the quantity of such added
31 substance to be tolerated in or on different articles of food, the commissioner shall take
32 into account the extent to which the use of such substance is required or cannot be
33 avoided in the production of each such article and the other ways in which the consumer
34 may be affected by the same or other poisonous or deleterious substances. Goods that are
35 prepared by a primary caregiver under section 2152, subsection 4-A, paragraph G or in a
36 food establishment that is a licensed facility under section 2167 and that contain
37 marijuana for medical use by a registered qualifying patient, pursuant to chapter 558-C,
38 are not considered to be adulterated under this subchapter.

39 **PART B**

40 **Sec. B-1. 22 MRSA §2422, sub-§1-A** is enacted to read:

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1 **1-A. Collective.** "Collective" means an association, cooperative, affiliation or group
2 of primary caregivers who physically assist each other in the act of cultivation, processing
3 or distribution of marijuana for medical use for the benefit of the members of the
4 collective.

5 **Sec. B-2. 22 MRSA §2422, sub-§2, ¶D,** as amended by PL 2009, c. 631, §9 and
6 affected by §51, is further amended to read:

7 D. Any other medical condition or its treatment ~~approved by the commissioner~~ as
8 provided for in section 2424, subsection 2.

9 **Sec. B-3. 22 MRSA §2422, sub-§3,** as enacted by IB 2009, c. 1, §5, is amended
10 to read:

11 **3. Enclosed, locked facility.** "Enclosed, locked facility" means a closet, room,
12 building, greenhouse or other enclosed area that is equipped with locks or other security
13 devices that permit access only by a ~~landholder~~ the individual authorized to cultivate the
14 marijuana.

15 **Sec. B-4. 22 MRSA §2422, sub-§§4-A and 4-B** are enacted to read:

16 **4-A. Incidental amount of marijuana.** "Incidental amount of marijuana" means an
17 amount of nonflowering marijuana plants and marijuana seeds, stalks and roots defined
18 by rules adopted by the department.

19 **4-B. Mature marijuana plant.** "Mature marijuana plant" means a harvestable
20 female marijuana plant that is flowering.

21 **Sec. B-5. 22 MRSA §2422, sub-§5,** as amended by PL 2009, c. 631, §11 and
22 affected by §51, is further amended to read:

23 **5. Medical use.** "Medical use" means the acquisition, possession, cultivation,
24 manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia
25 relating to the administration of marijuana to treat or alleviate a registered qualifying
26 patient's debilitating medical condition or symptoms associated with the patient's
27 debilitating medical condition.

28 **Sec. B-6. 22 MRSA §2422, sub-§§5-A and 5-B** are enacted to read:

29 **5-A. Member of the family.** "Member of the family" means a person who is a
30 spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent,
31 grandparent or grandchild of another person. "Member of the family" includes a person
32 living with a person as a spouse and a natural parent of a child of a person.

33 **5-B. Members of the same household.** "Members of the same household" means 2
34 or more people who share a dwelling unit.

35 **Sec. B-7. 22 MRSA §2422, sub-§6,** as amended by PL 2009, c. 631, §12 and
36 affected by §51, is further amended to read:

37 **6. Registered dispensary.** "Registered dispensary" or "dispensary" means a not-for-
38 profit entity registered under section 2428 that acquires, possesses, cultivates,
39 manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or
40 related supplies and educational materials to registered qualifying patients who have

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1 designated the dispensary to cultivate marijuana for their medical use and the registered
2 primary caregivers of those patients.

3 **Sec. B-8. 22 MRSA §2422, sub-§6-A**, as enacted by PL 2009, c. 631, §13 and
4 affected by §51, is repealed.

5 **Sec. B-9. 22 MRSA §2422, sub-§8-A** is enacted to read:

6 **8-A. Primary caregiver.** "Primary caregiver" means a person, a hospice provider
7 licensed under chapter 1681 or a nursing facility licensed under chapter 405 that provides
8 care for a qualifying patient in accordance with section 2423-A, subsection 2. A person
9 who is a primary caregiver must be at least 21 years of age and may not have been
10 convicted of a disqualifying drug offense.

11 **Sec. B-10. 22 MRSA §2422, sub-§9**, as enacted by IB 2009, c. 1, §5, is amended
12 to read:

13 **9. Qualifying patient.** "Qualifying patient" or "patient" means a person who has
14 been diagnosed by a physician as having a debilitating medical condition and who
15 possesses a valid written certification regarding medical use of marijuana in accordance
16 with section 2423-B.

17 **Sec. B-11. 22 MRSA §2422, sub-§11**, as repealed and replaced by PL 2009, c.
18 631, §16 and affected by §51, is amended to read:

19 **11. Registered primary caregiver.** ~~"Registered primary caregiver" or "primary~~
20 ~~caregiver" means a person, a hospice provider licensed under chapter 1681 or a nursing~~
21 ~~facility licensed under chapter 405 that provides care for a registered patient and that has~~
22 ~~been named by the patient as a primary caregiver to assist with a registered patient's~~
23 ~~medical use of marijuana. A person who is a primary caregiver must be at least 21 years~~
24 ~~of age and may not have been convicted of a disqualifying drug offense~~ primary caregiver
25 who is registered by the department pursuant to section 2425, subsection 4.

26 **Sec. B-12. 22 MRSA §2422, sub-§12**, as amended by PL 2009, c. 631, §17 and
27 affected by §51, is further amended to read:

28 **12. Registered patient.** ~~"Registered patient" or "patient"~~ means a qualifying patient
29 who is registered by the department pursuant to section 2425, subsection 1.

30 **Sec. B-13. 22 MRSA §2422, sub-§13-A** is enacted to read:

31 **13-A. Tamper-resistant paper.** "Tamper-resistant paper" means paper that
32 possesses an industry-recognized feature that prevents copying of the paper, erasure or
33 modification of information on the paper and the use of counterfeit documentation.

34 **Sec. B-14. 22 MRSA §2422, sub-§14**, as repealed and replaced by PL 2009, c.
35 631, §19 and affected by §51, is amended to read:

36 **14. Prepared marijuana.** "Prepared marijuana" means the dried leaves and flowers
37 of the marijuana plant that require no further processing and any mixture or preparation
38 of those dried leaves and flowers, including but not limited to tinctures, ointments and
39 other preparations, but does not include the seeds, stalks, leaves that are disposed of and
40 not dried for use and roots of the plant and does not include the ingredients, other than
41 marijuana, in tinctures, ointments or other preparations that include marijuana as an

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

3 **Sec. B-15. 22 MRSA §2422, sub-§16**, as enacted by IB 2009, c. 1, §5, is
4 amended to read:

5 **16. Written certification.** "Written certification" means a document on tamper-
6 resistant paper signed by a physician and stating that, that expires in one year and that
7 states that in the physician's professional opinion a patient is likely to receive therapeutic
8 or palliative benefit from the medical use of marijuana to treat or alleviate the patient's
9 debilitating medical condition or symptoms associated with the debilitating medical
10 condition. A written certification may be made only in the course of a bona fide
11 physician-patient relationship after the physician has completed a full assessment of the
12 qualifying patient's medical history. ~~The written certification must specify the qualifying~~
13 ~~patient's debilitating medical condition.~~

14 **Sec. B-16. 22 MRSA §2423-A**, as enacted by PL 2009, c. 631, §21 and affected
15 by §51, is amended to read:

16 **§2423-A. Authorized conduct for the medical use of marijuana**

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

19 A. Possess up to 2 1/2 ounces of prepared marijuana and an incidental amount of
20 marijuana as provided in subsection 5;

21 B. Cultivate, or designate a primary caregiver to cultivate under paragraph F, up to a
22 total of 6 mature marijuana plants if the patient elects to cultivate and the patient has
23 not designated a registered primary caregiver or registered dispensary to cultivate
24 marijuana on the patient's behalf for that qualifying patient. The total number of
25 mature marijuana plants per qualifying patient, whether cultivated by the patient or
26 by a primary caregiver, may not exceed 6. In addition to the 6 mature marijuana
27 plants, the patient who is cultivating the patient's own marijuana may have harvested
28 marijuana in varying stages of processing in order to ensure the patient is able to
29 maintain supply and meet personal needs. Two or more qualifying patients who are
30 members of the same household and cultivating their own marijuana may share one
31 enclosed, locked facility for cultivation;

32 C. Possess marijuana paraphernalia;

33 D. Furnish or offer to furnish to another registered qualifying patient for that person's
34 patient's medical use of marijuana up to 2 1/2 ounces of prepared marijuana if
35 nothing of value is offered or transferred in return;

36 E. ~~Name~~ Designate one person, hospice provider or nursing facility as a primary
37 caregiver to assist with the qualifying patient's medical use of marijuana in a
38 standardized written document, developed by the department, signed and dated by the
39 qualifying patient, including a one-year expiration and the signed acknowledgment of
40 the primary caregiver that the primary caregiver may be contacted to confirm the
41 designation of the primary caregiver. A 2nd person or hospice provider or nursing
42 facility may be ~~named~~ designated as a 2nd primary caregiver if the patient is under 18

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1 years of age. The primary caregivers for a patient are determined solely by the
2 patient's preference as ~~named on the application under section 2425, subsection 1~~
3 except that a parent, guardian or person having legal custody shall serve as a primary
4 caregiver for a minor child ~~pursuant to section 2425, subsection 2, paragraph B,~~
5 ~~subparagraph (2);~~

6 F. Designate one primary caregiver or a registered dispensary to cultivate marijuana
7 for the medical use of the patient, except that a hospice provider or a nursing facility
8 that is ~~named~~ designated as a primary caregiver by a ~~registered~~ patient and the staff of
9 the provider or facility may not be designated to cultivate marijuana for the patient.
10 ~~The primary caregiver or dispensary that may cultivate marijuana for a patient is~~
11 ~~determined solely by the patient's designation on the application under section 2425,~~
12 ~~subsection 1~~ The qualifying patient must designate the primary caregiver or
13 registered dispensary to cultivate for the patient in a standardized written document,
14 developed by the department, signed and dated by the qualifying patient, which must
15 include a one-year expiration, the total number of mature plants the primary caregiver
16 is designated to cultivate and the signed acknowledgment of the primary caregiver
17 that the primary caregiver may be contacted to confirm the designation of the primary
18 caregiver to cultivate for the patient and the number of mature plants to be cultivated
19 and being cultivated for the patient or the signed acknowledgment of a person on
20 behalf of the registered dispensary that the registered dispensary may be contacted to
21 confirm the designation of the dispensary to cultivate for the patient and the number
22 of mature plants to be cultivated and being cultivated for the patient; and

23 G. Be in the presence or vicinity of the medical use of marijuana and assist any
24 registered qualifying patient with using or administering marijuana.

25 **2. Primary caregiver.** Except as provided in section 2426, a ~~registered~~ primary
26 caregiver, for the purpose of assisting a ~~registered~~ qualifying patient who has ~~named~~
27 ~~designated~~ the primary caregiver as provided in ~~section 2425,~~ subsection 1, may:

28 A. Possess up to 2 1/2 ounces of prepared marijuana and an incidental amount of
29 marijuana as provided in subsection 5 for each qualifying patient who has ~~named~~
30 ~~designated~~ the person as a primary caregiver;

31 B. Cultivate up to 6 mature marijuana plants for each qualifying patient who has
32 designated the primary caregiver to cultivate marijuana on the patient's behalf,
33 subject to the limitation in subsection 1, paragraph B on the total number of plants
34 authorized per qualifying patient. A primary caregiver may not cultivate marijuana
35 for a patient unless the patient has designated the primary caregiver for that purpose
36 and the patient has not designated a registered dispensary to cultivate marijuana for
37 the patient's medical use. In addition to the marijuana plants otherwise authorized
38 under this paragraph, a primary caregiver may have harvested marijuana plants in
39 varying stages of processing in order to ensure the primary caregiver is able to meet
40 the needs of the primary caregiver's qualifying patients;

41 C. Assist no more than 5 patients at any one time with their medical use of
42 marijuana;

- 1 D. Receive reasonable monetary compensation for costs associated with assisting a
- 2 qualifying patient who named designated the primary caregiver through the
- 3 department's registration process;
- 4 E. Receive reasonable monetary compensation for costs associated with cultivating
- 5 marijuana for a patient who designated the primary caregiver to cultivate marijuana
- 6 through the department's registration process;
- 7 F. Be in the presence or vicinity of the medical use of marijuana and assist any
- 8 patient with the medical use ~~of~~, administration or preparation of marijuana; ~~and~~
- 9 G. Prepare food as defined in section 2152, subsection 4 containing marijuana for
- 10 medical use by a ~~registered~~ qualifying patient if the primary caregiver preparing the
- 11 food has obtained a license pursuant to section 2152, subsection 4-A and section
- 12 2167; and
- 13 H. For the purpose of disposing of excess prepared marijuana, transfer marijuana to a
- 14 registered dispensary or another primary caregiver if nothing of value is received. A
- 15 primary caregiver who transfers prepared marijuana pursuant to this paragraph does
- 16 not by virtue of only that transfer qualify as a member of a collective.
- 17 **3. Cultivation of marijuana.** The following provisions apply to the cultivation of
- 18 marijuana by a ~~registered~~ qualifying patient under subsection 1 of and a registered
- 19 primary caregiver under subsection 2.
- 20 A. A patient who elects to cultivate marijuana plants must keep the plants in an
- 21 enclosed, locked facility unless the plants are being transported because the patient is
- 22 moving or taking the plants to the patient's own property in order to cultivate them.
- 23 B. A primary caregiver who has been designated by a patient to cultivate marijuana
- 24 for the patient's medical use must keep all plants in an enclosed, locked facility unless
- 25 the plants are being transported because the primary caregiver is moving or taking the
- 26 plants to the primary caregiver's own property in order to cultivate them.
- 27 C. A primary caregiver designated to cultivate marijuana for a qualifying patient is
- 28 required to register with the department, except that the following primary caregivers
- 29 are not required to register:
- 30 (1) A primary caregiver designated to cultivate for a qualifying patient if that
- 31 qualifying patient is a member of the household of that primary caregiver;
- 32 (2) Two primary caregivers who are qualifying patients, if those primary
- 33 caregivers are members of the same household and assist one another with
- 34 cultivation; and
- 35 (3) A primary caregiver who cultivates for a qualifying patient if that qualifying
- 36 patient is a member of the family of that primary caregiver.
- 37 D. Two primary caregivers who are members of the same family or household may
- 38 share the same enclosed, locked facility.
- 39 **4. Hospice provider or nursing facility.** A registered patient may name a hospice
- 40 provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 to
- 41 serve as a registered primary caregiver. If a hospice provider or nursing facility is named

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1 as a primary caregiver, the provider or facility shall complete the registration process with
2 the department and obtain a primary caregiver registration card and the staff of the
3 provider or facility shall obtain registry identification cards. To be issued a registry
4 identification card, a staff person of a hospice provider or nursing facility that has been
5 named as a primary caregiver must be at least 21 years of age and may not have been
6 convicted of a disqualifying drug offense. The hospice provider or nursing facility and
7 the staff of the provider or facility may not cultivate marijuana for the patient.

8 **5. Incidental amount of marijuana.** For purposes of this section, any incidental
9 amount of marijuana ~~plants, seeds, stalks and roots, as defined by rule adopted by the~~
10 ~~department,~~ is lawful for a registered qualifying patient or a registered primary caregiver
11 to possess and is not included in the amounts of prepared marijuana specified in this
12 section.

13 ~~**6. Onsite assessments by the department.** Prior to making an onsite assessment of~~
14 ~~a registered primary caregiver who is designated to cultivate marijuana by 3 or more~~
15 ~~patients at any one time, the department shall provide 24 hours' notice to the registered~~
16 ~~primary caregiver.~~

17 **7. Collectives prohibited.** Collectives are prohibited under this chapter. A person
18 may not form or participate in a collective.

19 **Sec. B-17. 22 MRSA §2423-B,** as enacted by PL 2009, c. 631, §22 and affected
20 by §51, is repealed and the following enacted in its place:

21 **§2423-B. Authorized conduct by a physician**

22 A physician may provide a written certification for the medical use of marijuana
23 under this chapter and, after having done so, may otherwise state that in the physician's
24 professional opinion a qualifying patient is likely to receive therapeutic benefit from the
25 medical use of marijuana to treat or alleviate the patient's debilitating medical condition.

26 **1. Adult qualifying patient.** Prior to providing written certification for the medical
27 use of marijuana under this section, a physician shall inform an adult qualifying patient of
28 the risks and benefits of the medical use of marijuana and that the patient may benefit
29 from the medical use of marijuana.

30 **2. Minor qualifying patient.** Prior to providing written certification for the medical
31 use of marijuana by a minor qualifying patient under this section, a physician, referred to
32 in this subsection as "the treating physician," shall inform the minor qualifying patient
33 and the parent or legal guardian of the patient of the risks and benefits of the medical use
34 of marijuana and that the patient may benefit from the medical use of marijuana. Except
35 with regard to a minor qualifying patient who is eligible for hospice care, prior to
36 providing a written certification under this section, the treating physician shall consult
37 with a qualified physician, referred to in this paragraph as "the consulting physician,"
38 from a list of physicians who may be willing to act as consulting physicians maintained
39 by the department that is compiled by the department after consultation with statewide
40 associations representing licensed medical professionals. The consultation between the
41 treating physician and the consulting physician may consist of examination of the patient
42 or review of the patient's medical file. The consulting physician shall provide an advisory
43 opinion to the treating physician and the parent or legal guardian of the minor qualifying

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1 patient concerning whether the patient is likely to receive therapeutic or palliative benefit
2 from the medical use of marijuana to treat or alleviate the patient's debilitating medical
3 condition. If the department or the consulting physician does not respond to a request by
4 a treating physician within 10 days of receipt of the request, the treating physician may
5 provide written certification for treatment without consultation with another physician.

6 **3. Expiration.** A written certification form for the medical use of marijuana under
7 this section expires one year after issuance by the qualifying patient's physician.

8 **4. Form; content.** A written certification under this section must be in the form
9 required by rule adopted by the department and may not require a qualifying patient's
10 physician to state the patient's specific medical condition.

11 **5. Possible sanctions.** Nothing in this chapter prevents a professional licensing
12 board from sanctioning a physician for failing to properly evaluate or treat a patient's
13 medical condition or otherwise violating the applicable standard of care for evaluating or
14 treating medical conditions.

15 **Sec. B-18. 22 MRSA §2423-C**, as enacted by PL 2009, c. 631, §23 and affected
16 by §51, is amended to read:

17 **§2423-C. Authorized conduct**

18 A person may provide a registered qualifying patient or a registered primary
19 caregiver with marijuana paraphernalia for purposes of the registered qualifying patient's
20 medical use of marijuana in accordance with this chapter and be in the presence or
21 vicinity of the medical use of marijuana as allowed under this chapter.

22 **Sec. B-19. 22 MRSA §2423-D**, as enacted by PL 2009, c. 631, §24 and affected
23 by §51, is amended to read:

24 **§2423-D. Authorized conduct by a visiting qualifying patient**

25 A visiting qualifying patient who is visiting the State from another jurisdiction that
26 authorizes the medical use of marijuana pursuant to a law recognized by the department
27 who possesses a valid ~~registry identification card or its equivalent~~ written certification as
28 described in section 2423-B from the patient's treating physician and a valid medical
29 marijuana certification from that other jurisdiction and photographic identification or a
30 driver's license from that jurisdiction may for 30 days after entering the State engage in
31 conduct authorized for a registered qualifying patient without having to obtain a registry
32 identification card issued by the department except that the visiting qualifying patient
33 may not obtain in Maine marijuana for medical use based on a registry identification card
34 from another jurisdiction under this chapter.

35 **Sec. B-20. 22 MRSA §2423-E**, as enacted by PL 2009, c. 631, §25 and affected
36 by §51, is amended to read:

37 **§2423-E. Requirements**

38 **1. Rights of persons or entities acting pursuant to this chapter.** A person whose
39 conduct is authorized under this chapter may not be denied any right or privilege or be
40 subjected to any arrest, prosecution, penalty or disciplinary action, including but not
41 limited to a civil penalty or disciplinary action by a business or occupational or

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1 professional licensing board or bureau, for lawfully engaging in conduct involving the
2 medical use of marijuana authorized under this chapter.

3 **2. School, employer or landlord may not discriminate.** A school, employer or
4 landlord may not refuse to enroll or employ or lease to or otherwise penalize a person
5 solely for that person's status as a ~~registered~~ qualifying patient or a ~~registered~~ primary
6 caregiver unless failing to do so would put the school, employer or landlord in violation
7 of federal law or cause it to lose a federal contract or funding. This subsection does not
8 prohibit a restriction on the administration or cultivation of marijuana on premises when
9 that administration or cultivation would be inconsistent with the general use of the
10 premises. A landlord or business owner may prohibit the smoking of marijuana for
11 medical purposes on the premises of the landlord or business if the landlord or business
12 owner prohibits all smoking on the premises and posts notice to that effect on the
13 premises.

14 **3. Person may not be denied parental rights and responsibilities or contact with**
15 **a minor child.** A person may not be denied parental rights and responsibilities with
16 respect to or contact with a minor child as a result of acting in accordance with this
17 chapter, unless the person's conduct is contrary to the best interests of the minor child as
18 set out in Title 19-A, section 1653, subsection 3.

19 **4. Prohibition on seizure and retention.** Except when necessary for an ongoing
20 criminal or civil investigation, a law enforcement officer may not seize marijuana that is
21 in the possession of a qualifying patient, primary caregiver or registered dispensary as
22 authorized by this chapter. A law enforcement officer in possession of marijuana in
23 violation of this subsection must return the marijuana within 7 days after receiving a
24 written request for return by the owner of the marijuana. Notwithstanding the provisions
25 of Title 14, chapter 741, if the law enforcement officer fails to return marijuana possessed
26 in violation of this subsection within 7 days of receiving a written request for return of the
27 marijuana under this subsection, the owner of the marijuana may file a claim in the
28 District Court in the district where the owner lives or where the law enforcement officer
29 is employed.

30 **5. Requirements for protection.** To receive protection under this section for
31 conduct authorized under this chapter, a person must:

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

38 B. If the person is a primary caregiver, present upon request of a law enforcement
39 officer the original written document designating the person as a primary caregiver
40 by the qualifying patient under section 2423-A, subsection 1, paragraph E or F and
41 the primary caregiver's driver's license described under Title 29-A, section 1401 or a
42 nondriver identification card as described under Title 29-A, section 1410.

43 **6. Excess marijuana; forfeiture.** A person who possesses marijuana in excess of
44 the limits provided in section 2423-A and rules adopted under that section must forfeit the

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1 excess amounts to a law enforcement officer. The law enforcement officer is authorized
2 to remove all excess marijuana seedlings, marijuana plants and prepared marijuana in
3 order to catalog the amount of excess marijuana. Possession of marijuana in excess of the
4 limits provided in section 2423-A and rules adopted under that section is a violation as
5 follows:

6 A. Possession of prepared marijuana in an excess amount up to 2 1/2 ounces is a
7 violation of section 2383; and

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

10 7. Repeat forfeiture. If a cardholder has previously forfeited excess marijuana
11 pursuant to subsection 6 and a subsequent forfeiture occurs, the department shall revoke
12 the registry identification card of the cardholder and the entire amount of marijuana
13 seedlings, marijuana plants and prepared marijuana must be forfeited to a law
14 enforcement officer. The department shall adopt rules to implement this subsection.
15 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
16 chapter 375, subchapter 2-A.

17 8. Defense for possession of excess marijuana. Except as provided in section
18 2426, a qualifying patient may assert the medical purpose for using marijuana as a
19 defense to any prosecution involving marijuana possession and may present evidence in
20 court that the patient's necessary medical use or cultivation circumstances warranted
21 exceeding the amount of marijuana allowed under section 2423-A and was reasonably
22 necessary to ensure the uninterrupted availability of marijuana for the purpose of treating
23 or alleviating the patient's debilitating medical condition or symptoms associated with the
24 patient's debilitating medical condition.

25 **Sec. B-21. 22 MRSA §2424, sub-§2,** as repealed and replaced by PL 2009, c.
26 631, §26 and affected by §51, is repealed and the following enacted in its place:

27 2. Adding debilitating medical conditions. The department in accordance with
28 section 2422, subsection 2, paragraph D shall adopt rules regarding the consideration of
29 petitions from the public to add medical conditions or treatments to the list of debilitating
30 medical conditions set forth in section 2422, subsection 2. In considering those petitions,
31 the department shall provide an opportunity for public hearing of, and an opportunity to
32 comment on those petitions. After the hearing, the commissioner shall approve or deny a
33 petition within 180 days of its submission. The approval or denial of such a petition
34 constitutes final agency action, subject to judicial review. Jurisdiction and venue for
35 judicial review are vested in the Superior Court.

36 **Sec. B-22. 22 MRSA §2424, sub-§3,** as amended by PL 2009, c. 631, §27 and
37 affected by §51, is further amended to read:

38 3. Registry identification cards. ~~Not later than July 1, 2010, the~~ The department
39 shall adopt rules governing the manner in which it considers applications for and
40 renewals of registry identification cards for registered patients, registered caregivers,
41 principal officers, board members and employees of dispensaries and staff of hospice
42 providers and nursing facilities named designated as primary caregivers. The
43 department's rules must establish application and renewal fees that generate revenues
44 sufficient to offset all expenses of implementing and administering this chapter. The

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1 department may establish a sliding scale of application and renewal fees based upon a
2 registered patient's family income and status as a veteran of the Armed Forces of the
3 United States. The department may accept donations from private sources in order to
4 reduce the application and renewal fees.

5 **Sec. B-23. 22 MRSA §2425, sub-§2**, as amended by PL 2009, c. 631, §29 and
6 affected by §51, is further amended to read:

7 **2. Issuing patient registry identification card to minor child.** The department
8 may not register and issue a registry identification card to a qualifying patient who is
9 under 18 years of age unless:

10 A. The qualifying patient's physician has explained the potential risks and benefits of
11 the medical use of marijuana to the qualifying patient and to a parent, guardian or
12 person having legal custody of the qualifying patient;

13 B. The parent, guardian or person having legal custody consents in writing to:

14 (1) ~~Allow the~~ The qualifying patient's medical use of marijuana;

15 (2) ~~Serve~~ Serving as one of the qualifying patient's ~~registered~~ primary caregivers;
16 and

17 (3) ~~Control~~ Controlling the acquisition of the marijuana; and the dosage and the
18 frequency of the medical use of marijuana by the qualifying patient; and

19 ~~C. Except with regard to a qualifying patient who is eligible for hospice care, the~~
20 ~~commissioner or the commissioner's designee has approved an application for the~~
21 ~~medical use of marijuana by the qualifying patient. Prior to approving an application~~
22 ~~under this paragraph, the commissioner or the commissioner's designee must have~~
23 ~~received confirmation from a pediatrician and a psychiatrist chosen from a list~~
24 ~~maintained by the advisory board established under section 2424, subsection 2 that~~
25 ~~the pediatrician and psychiatrist have reviewed the medical file of or examined the~~
26 ~~qualifying patient and that in their professional opinions the qualifying patient is~~
27 ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~
28 ~~treat or alleviate the qualifying patient's debilitating medical condition or symptoms~~
29 ~~associated with the debilitating medical condition. If the commissioner or~~
30 ~~commissioner's designee fails to approve or disapprove a recommendation under this~~
31 ~~paragraph within 10 days of receipt of the statements of the pediatrician and~~
32 ~~psychiatrist under this paragraph, the application is deemed approved.~~

33 D. The requirements of section 2423-B, subsection 2 have been met.

34 **Sec. B-24. 22 MRSA §2425, sub-§5**, as amended by PL 2009, c. 631, §32 and
35 affected by §51, is further amended to read:

36 **5. Registry identification card issuance.** The department shall issue registry
37 identification cards to registered patients, to registered primary caregivers and to staff of
38 hospice providers and nursing facilities named designated by registered patients as
39 primary caregivers within 5 days of approving an application or renewal under this
40 section. Registry identification cards expire one year after the date of issuance. Registry
41 identification cards must contain:

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- 1 A. The name, ~~address and date of birth~~ of the patient cardholder;
- 2 ~~B. The name, address and date of birth of each registered primary caregiver, if any,~~
- 3 ~~of the patient;~~
- 4 C. The date of issuance and expiration date of the registry identification card;
- 5 D. A random identification number that is unique to the cardholder; and
- 6 ~~E. A photograph, if required by the department; and~~
- 7 ~~F. For a registered primary caregiver, a~~ A clear designation showing whether the
- 8 cardholder is allowed under this chapter to cultivate marijuana ~~plants for the patient's~~
- 9 ~~medical use.~~

10 **Sec. B-25. 22 MRSA §2425, sub-§7**, as repealed and replaced by PL 2009, c.
11 631, §33 and affected by §51, is repealed and the following enacted in its place:

12 **7. Possession of certain documents; application for registry identification card.**
13 Possession of a registry identification card by a cardholder, the act of applying for such a
14 registry identification card, possession of a written certification issued under section
15 2423-B or possession of a designation form executed under section 2423-A, subsection 1,
16 paragraph E or F is not evidence of unlawful conduct and may not be used to support the
17 search of that person or that person's property. The possession of or application for a
18 registry identification card or possession of a written certification does not prevent the
19 issuance of a warrant if probable cause exists on other grounds.

20 **Sec. B-26. 22 MRSA §2425, sub-§8, ¶A**, as amended by PL 2009, c. 631, §34
21 and affected by §51, is further amended to read:

22 A. Applications and supporting information submitted by qualifying patients and
23 registered patients under this chapter, including information regarding their primary
24 caregivers and physicians, are confidential.

25 **Sec. B-27. 22 MRSA §2425, sub-§8, ¶¶F, G, H and J**, as enacted by PL 2009,
26 c. 631, §34 and affected by §51, are amended to read:

27 F. Applications, supporting information and other information regarding a registered
28 dispensary are not confidential except that information that is contained within
29 dispensary information that identifies a qualifying patient, a registered patient, the
30 registered patient's physician and the patient's registered primary caregivers caregiver
31 of the qualifying patient or registered patient is confidential.

32 G. Records maintained by the department pursuant to this chapter that identify
33 applicants for a registry identification card, registered patients, registered primary
34 caregivers and registered patients' physicians are confidential and may not be
35 disclosed except as provided in this subsection and as follows:

- 36 (1) To department employees who are responsible for carrying out this chapter;
- 37 (2) Pursuant to court order;
- 38 (3) With written permission of the patient or the registered patient's guardian, if
- 39 the patient is under guardianship, or a parent, if the patient has not attained 18
- 40 years of age;

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1 (4) As permitted or required for the disclosure of health care information
2 pursuant to section 1711-C;

3 (5) To a law enforcement official for ~~law enforcement~~ verification purposes. The
4 records may not be disclosed further than necessary to achieve the limited goals
5 of a specific investigation; and

6 (6) To a registered patient's treating physician and to a registered patient's
7 primary caregiver for the purpose of carrying out this chapter.

8 H. This subsection does not prohibit a physician from notifying the department if the
9 physician acquires information indicating that a registered patient or qualifying
10 patient is no longer eligible to use marijuana for medical purposes or that a registered
11 patient or qualifying patient falsified information that was the basis of the physician's
12 certification of eligibility for use.

13 J. A hearing concerning the revocation of a registry identification card under
14 subsection 3-A is confidential. ~~If a registry identification card is revoked, the~~
15 ~~findings of the hearing and the revocation are public information.~~

16 **Sec. B-28. 22 MRSA §2425, sub-§9-A** is enacted to read:

17 **9-A. Registration requirement.** Registration under this section is voluntary for a
18 qualifying patient and for a primary caregiver who is exempt under section 2423-A,
19 subsection 3, paragraph C. Failure to register under this section does not affect
20 authorized conduct for a qualifying patient or for a primary caregiver who is exempt
21 under section 2423-A, subsection 3, paragraph C.

22 **Sec. B-29. 22 MRSA §2425, sub-§10, ¶C,** as enacted by IB 2009, c. 1, §5, is
23 repealed.

24 **Sec. B-30. 22 MRSA §2426, sub-§1, ¶E,** as enacted by IB 2009, c. 1, §5, is
25 amended to read:

26 E. Use or possess marijuana if that person does is not have a debilitating medical
27 condition qualifying patient, primary caregiver, registered dispensary or other person
28 authorized to use or possess marijuana under this chapter.

29 **Sec. B-31. 22 MRSA §2426, sub-§3-A** is enacted to read:

30 **3-A. Penalty for fraud.** Fraudulent misrepresentation regarding lawful possession
31 or medical use of marijuana and fraudulent procurement under this chapter are governed
32 by this subsection.

33 A. A person who misrepresents to a law enforcement official any fact or
34 circumstance relating to the possession or medical use of marijuana under this
35 chapter to avoid arrest or prosecution commits a civil violation for which a fine of
36 \$200 must be adjudged.

37 B. A qualifying patient who obtains marijuana from more than one source with the
38 result that the person receives more than 2 1/2 ounces of prepared marijuana in a
39 15-day period commits a civil violation for which a fine of \$200 must be adjudged.

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1 **Sec. B-32. 22 MRSA §2428**, as amended by PL 2009, c. 631, §42 and affected by
2 §51, is further amended to read:

3 **§2428. Registered dispensaries**

4 **1-A. Provisions pertaining to registered dispensary.** For the purpose of assisting a
5 ~~registered~~ qualifying patient who has designated a registered dispensary to cultivate
6 marijuana for the patient's medical use, a registered dispensary may in accordance with
7 rules adopted by the department:

8 A. Possess and dispense up to 2 1/2 ounces of prepared marijuana and possess an
9 incidental amount of marijuana for each qualifying patient who has designated the
10 dispensary. For the purposes of this chapter, any incidental amount of marijuana
11 ~~plants, seeds, stalks and roots, as defined by rule adopted by the department,~~ is lawful
12 for a registered dispensary to possess and is not included in the amounts of prepared
13 marijuana specified in this paragraph;

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

17 C. Receive reasonable monetary compensation for costs associated with assisting or
18 for cultivating marijuana for a patient who designated the dispensary ~~through the~~
19 ~~department's registration process;~~ and

20 D. Assist any patient who designated the dispensary ~~through the department's~~
21 ~~registration process~~ to cultivate marijuana with the medical use or administration of
22 marijuana; and

23 E. Obtain prepared marijuana from a primary caregiver under section 2423-A,
24 subsection 2, paragraph H.

25 **2. Registration requirements.** Subject to limitations on the number and location of
26 dispensaries in subsection 11 and rules adopted pursuant to this section, this subsection
27 governs the registration of a dispensary.

28 A. The department shall register a dispensary and issue a registration certificate
29 within 30 days to any person or entity that provides:

30 (1) An annual fee paid to the department as set by rule, in an amount not less
31 than \$5,000 and not more than \$15,000;

32 (2) The legal name of the dispensary, evidence of incorporation under Title 13-B
33 and evidence that the corporation is in good standing with the Secretary of State;

34 (3) The physical address of the dispensary and the physical address of a
35 maximum of one additional location, if any, where marijuana will be cultivated
36 for patients who have designated the dispensary to cultivate for them;

37 (4) The name, address and date of birth of each principal officer and board
38 member of the dispensary; and

39 (5) The name, address and date of birth of any person who is employed by the
40 dispensary.

1 B. The department shall track the number of registered patients who designate a
 2 dispensary to cultivate marijuana for them and issue to each dispensary a written
 3 statement of the number of patients who have designated the dispensary to cultivate
 4 marijuana for them. This statement must be updated each time a new registered
 5 patient designates the dispensary or ceases to designate the dispensary. The
 6 statement may be transmitted electronically if the department's rules so provide. The
 7 department may provide by rule that the updated written statements may not be
 8 issued more frequently than once each week.

9 C. The department shall issue each principal officer, board member and employee of
 10 a dispensary a registry identification card within 10 days of receipt of the person's
 11 name, address and date of birth under paragraph A and a fee in an amount established
 12 by the department. Each card must specify that the cardholder is a principal officer,
 13 board member or employee of a dispensary and must contain:

- 14 (1) The name, address and date of birth of the principal officer, board member or
 15 employee;
- 16 (2) The legal name of the dispensary with which the principal officer, board
 17 member or employee is affiliated;
- 18 (3) A random identification number that is unique to the cardholder;
- 19 (4) The date of issuance and expiration date of the registry identification card;
 20 and
- 21 (5) A photograph if required by the department.

22 D. The department may not issue a registry identification card to any principal
 23 officer, board member or employee of a dispensary who has been convicted of a
 24 disqualifying drug offense. The department may conduct a background check of each
 25 principal officer, board member or employee in order to carry out this provision. The
 26 department shall notify the dispensary in writing of the reason for denying the
 27 registry identification card.

28 **3. Rules.** ~~By July 1, 2010, the~~ The department shall adopt routine technical rules as
 29 defined in Title 5, chapter 375, subchapter 2-A governing the manner in which it
 30 considers applications for and renewals of registration certificates for dispensaries,
 31 including rules governing:

- 32 A. The form and content of registration and renewal applications;
- 33 B. Minimum oversight requirements for dispensaries and the one permitted
 34 additional location at which the dispensary cultivates marijuana for medical use by
 35 ~~registered~~ qualifying patients who have designated the dispensary to cultivate for
 36 them;
- 37 C. Minimum record-keeping requirements for dispensaries, including recording the
 38 disposal of marijuana that is not distributed by the dispensary to ~~registered~~ qualifying
 39 patients who have designated the dispensary to cultivate for them;

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- 1 D. Minimum security requirements for dispensaries and any additional location at
2 which the dispensary cultivates marijuana for medical use by ~~registered~~ qualifying
3 patients who have designated the dispensary to cultivate for them; and
- 4 E. Procedures for suspending or terminating the registration of dispensaries that
5 violate the provisions of this section or the rules adopted pursuant to this subsection.
- 6 **4. Expiration.** A dispensary registration certificate and the registry identification
7 card for each principal officer, board member or employee expire one year after the date
8 of issuance. The department shall issue a renewal dispensary registration certificate and
9 renewal registry identification cards within 10 days to any person who complies with the
10 requirements contained in subsection 2. A registry identification card of a principal
11 officer, board member or employee expires 10 days after notification by a dispensary that
12 such person ceases to work at the dispensary.
- 13 **5. Inspection.** A dispensary and any additional location at which the dispensary
14 cultivates marijuana for medical use by ~~registered patients~~ a qualifying patient who ~~have~~
15 has designated the dispensary to cultivate for ~~them~~ is the patient are subject to reasonable
16 inspection by the department. The department may enter the dispensary and the one
17 permitted additional location at which the dispensary cultivates marijuana at any time,
18 without notice, to carry out an inspection under this subsection.
- 19 **6. Registered dispensary requirements.** This subsection governs the operations of
20 registered dispensaries.
- 21 A. A dispensary must be operated on a not-for-profit basis for the mutual benefit of
22 ~~registered~~ qualifying patients who have designated the dispensary to cultivate
23 marijuana. The bylaws of a dispensary and its contracts with ~~registered~~ qualifying
24 patients must contain such provisions relative to the disposition of revenues and
25 receipts as may be necessary and appropriate to establish and maintain its not-for-
26 profit status. A dispensary need not be recognized as a tax-exempt organization
27 under 26 United States Code, Section 501(c)(3) but is required to incorporate
28 pursuant to Title 13-B and to maintain the corporation in good standing with the
29 Secretary of State.
- 30 B. A dispensary may not be located within 500 feet of the property line of a
31 preexisting public or private school.
- 32 C. A dispensary shall notify the department within 10 days of when a principal
33 officer, board member or employee ceases to work at the dispensary.
- 34 D. A dispensary shall notify the department in writing of the name, address and date
35 of birth of any new principal officer, board member or employee and shall submit a
36 fee in an amount established by the department for a new registry identification card
37 before the new principal officer, board member or employee begins working at the
38 dispensary.
- 39 E. A dispensary shall implement appropriate security measures to deter and prevent
40 unauthorized entrance into areas containing marijuana and the theft of marijuana at
41 the dispensary and the one permitted additional location at which the dispensary
42 cultivates marijuana for medical use by ~~registered~~ qualifying patients who have
43 designated the dispensary to cultivate for them.

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- 1 F. The operating documents of a dispensary must include procedures for the
2 oversight of the dispensary and procedures to ensure accurate record keeping.
- 3 G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing,
4 delivering, transferring, transporting, supplying or dispensing marijuana for any
5 purpose except to assist ~~registered~~ qualifying patients who have designated the
6 dispensary to cultivate marijuana for them ~~with~~ for the medical use of marijuana
7 directly or through the ~~registered~~ qualifying patients' ~~other~~ primary caregivers.
- 8 H. All principal officers and board members of a dispensary must be residents of this
9 State.
- 10 I. All cultivation of marijuana must take place in an enclosed, locked facility unless
11 the marijuana plants are being transported between the dispensary and a location at
12 which the dispensary cultivates ~~them~~ the marijuana plants, as disclosed to the
13 department in subsection 2, paragraph A, subparagraph (3).
- 14 J. A dispensary that is required to obtain a license for the preparation of food
15 pursuant to section 2167 shall obtain the license prior to preparing goods containing
16 marijuana for medical use by a ~~registered~~ qualifying patient.
- 17 K. A dispensary shall display the dispensary's registration certificate issued under
18 subsection 2, paragraph A in a publicly visible location in the dispensary.
- 19 **7. Maximum amount of marijuana to be dispensed.** A dispensary or a principal
20 officer, board member or employee of a dispensary may not dispense more than 2 1/2
21 ounces of prepared marijuana to a ~~registered~~ qualifying patient who has designated the
22 dispensary or to a primary caregiver on behalf of a ~~registered~~ qualifying patient who has
23 designated the dispensary during a 15-day period.
- 24 **8-A. Immunity.** The immunity provisions in this subsection apply to a registered
25 dispensary and officers, board members, agents and employees of the dispensary.
- 26 A. A registered dispensary is not subject to prosecution, search, seizure or penalty in
27 any manner, including but not limited to a civil penalty or disciplinary action by a
28 business or an occupational or professional licensing board or entity, and may not be
29 denied any right or privilege solely for acting in accordance with this section to assist
30 qualifying patients with the medical use of marijuana in accordance with this chapter.
- 31 B. A principal officer, board member, agent or employee of a registered dispensary
32 is not subject to arrest, prosecution, search, seizure or penalty in any manner,
33 including but not limited to a civil penalty or disciplinary action by a business or an
34 occupational or professional licensing board or entity, and may not be denied any
35 right or privilege solely for working for or with a registered dispensary to provide
36 prepared marijuana to qualifying patients or to otherwise assist qualifying patients
37 with the medical use of marijuana in accordance with this chapter.
- 38 **9. Prohibitions.** The prohibitions in this subsection apply to a registered dispensary.
- 39 A. A dispensary may not possess more than 6 ~~five~~ mature marijuana plants, ~~as~~
40 ~~defined in rules adopted by the department,~~ for each ~~registered~~ qualifying patient who
41 has designated the dispensary to cultivate marijuana for the ~~registered~~ qualifying

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1 patient's medical use subject to a limit of 6 mature plants total for a patient who also
2 cultivates marijuana.

3 B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a
4 person other than a ~~registered~~ qualifying patient who has designated the dispensary to
5 cultivate marijuana for the patient or to the patient's ~~other registered~~ primary
6 caregiver.

7 C. The department shall immediately revoke the registry identification card of a
8 principal officer, board member or employee of a dispensary who is found to have
9 violated paragraph B, and such a person is disqualified from serving as a principal
10 officer, board member or employee of a dispensary.

11 D. A person who has been convicted of a disqualifying drug offense may not be a
12 principal officer, board member or employee of a dispensary.

13 (1) A person who is employed by or is a principal officer or board member of a
14 dispensary in violation of this paragraph commits a civil violation for which a
15 fine of not more than \$1,000 may be adjudged.

16 (2) A person who is employed by or is a principal officer or board member of a
17 dispensary in violation of this paragraph and who at the time of the violation has
18 been previously found to have violated this paragraph commits a Class D crime.

19 E. A dispensary may ~~not~~ only acquire prepared marijuana or marijuana plants ~~except~~
20 from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph
21 H or through the cultivation of marijuana by that dispensary either at the location of
22 the dispensary or at the one permitted additional location at which the dispensary
23 cultivates marijuana for medical use by ~~registered~~ qualifying patients who have
24 designated the dispensary to cultivate for them.

25 F. A dispensary may not contract for the cultivation of seeds, seedlings or small
26 plants or the cultivation, production or preparation of marijuana or food containing
27 marijuana for medical use.

28 **10. Local regulation.** This chapter does not prohibit a political subdivision of this
29 State from limiting the number of dispensaries that may operate in the political
30 subdivision or from enacting reasonable regulations applicable to dispensaries. A local
31 government may not adopt an ordinance that is duplicative of or more restrictive than the
32 provisions of this Act. An ordinance that violates this subsection is void and of no effect.

33 **11. Limitation on number of dispensaries.** The department shall adopt rules
34 limiting the number and location of registered dispensaries. During the first year of
35 operation of dispensaries the department may not issue more than one registration
36 certificate for a dispensary in each of the 8 public health districts of the department, as
37 defined in section 411. After review of the first full year of operation of dispensaries and
38 periodically thereafter, the department may amend the rules on the number and location
39 of dispensaries; however, the number of dispensaries may not be less than 8.

40 **Sec. B-33. 22 MRSA §2429, sub-§1,** as amended by PL 2009, c. 631, §43 and
41 affected by §51, is repealed.

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Approved: 06/06/11 *mac*



125th MAINE LEGISLATURE

LD 1296

LR 794(02)

An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Current biennium revenue decrease - Other Special Revenue Funds
Minor cost increase - General Fund

Fiscal Detail and Notes

The bill's provisions making patient registration voluntary would likely result in a reduction in revenue collected by the Department of Health and Human Services that cannot be determined at the current time. Because the Medical program is required to be self-funded, the department would need to decrease costs or increase other fees as a result. The additional cost to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.