



3

4

5

6 7

8

9

10

11

12

15

16

17

18

19

36

Date 6 14 13

L.D. 1404 (Filing No. H-514)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "*H*" to H.P. 1000, L.D. 1404, Bill, "An Act To Ensure the Integrity of Maine's Medical Marijuana Program"

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

13 'Sec. 1. 22 MRSA §2422, sub-§8-A, as enacted by PL 2011, c. 407, Pt. B, §9, is 14 amended to read:

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

20 Sec. 2. 22 MRSA §2423-A, sub-§1, ¶F, as amended by PL 2011, c. 407, Pt. B, 21 $\S16$, is further amended to read:

22 F. Designate one primary caregiver or a registered dispensary to cultivate marijuana 23 for the medical use of the patient, except that a hospice provider or a nursing facility 24 that is designated as a primary caregiver by a patient and the staff of the provider or 25 facility may not be designated to cultivate marijuana for the patient. The qualifying 26 patient must designate the primary caregiver or registered dispensary to cultivate for 27 the patient in a standardized written document, developed by the department, signed 28 and dated by the qualifying patient, which must include a one-year expiration, the 29 total number of mature plants the primary caregiver is designated to cultivate and the 30 signed acknowledgment of the primary caregiver that the primary caregiver may be 31 contacted to confirm the designation of the primary caregiver to cultivate for the 32 patient and the number of mature plants to be cultivated and being cultivated for the 33 patient or the signed acknowledgment of a person on behalf of the registered 34 dispensary that the registered dispensary may be contacted to confirm the designation 35 of the dispensary to cultivate for the patient and the number of mature plants to be cultivated and being cultivated for the patient; and

Page 1 - 126LR1583(02)-1

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "

Sec 3 22 MRSA

1

2

3

4

5 6

7

8

9

10

11

12

29

30

31

32

Sec. 3. 22 MRSA §2423-A, sub-§1, \P G, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

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

Sec. 4. 22 MRSA §2423-A, sub-§1, ¶H is enacted to read:

H. Accept excess prepared marijuana from a primary caregiver in accordance with subsection 2, paragraph H if nothing of value is provided to the primary caregiver.

Sec. 5. 22 MRSA §2423-A, sub-§2, ¶G, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

- G. Prepare food as defined in section 2152, subsection 4 containing marijuana for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167; and
- 13 Sec. 6. 22 MRSA §2423-A, sub-§2, ¶H, as enacted by PL 2011, c. 407, Pt. B,
 §16, is amended to read:
- H. For the purpose of disposing of excess prepared marijuana, transfer marijuana to a
 registered dispensary, a <u>qualifying patient</u> or another primary caregiver if nothing of
 value is received provided to the primary caregiver. A primary caregiver who
 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that
 transfer qualify as a member of a collective-; and
- 20 Sec. 7. 22 MRSA §2423-A, sub-§2, ¶ is enacted to read:
- 21 I. Employ one person to assist in performing the duties of the primary caregiver.
- 22 Sec. 8. 22 MRSA §2423-A, sub-§3, ¶E is enacted to read:

E. A person who is authorized to cultivate marijuana under subsection 1 or 2 and
 who is employed by a primary caregiver pursuant to subsection 2, paragraph I may
 not cultivate that person's own marijuana in the location used for cultivation by the
 primary caregiver who employs that person.

- 27
 Sec. 9. 22 MRSA §2425, sub-§1, ¶F, as amended by PL 2009, c. 631, §28 and

 28
 affected by §51, is further amended to read:
 - F. If the qualifying patient names one or 2 primary caregivers, an indication of which person, if any, is designated to cultivate marijuana for the qualifying patient's medical use. Only one person may be primary caregiver, including an employee of that caregiver, is allowed to cultivate marijuana for a registered patient; and
- 33
 Sec. 10. 22 MRSA §2425, sub-§4, as amended by PL 2009, c. 631, §31 and

 34
 affected by §51, is further amended to read:

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

Page 2 - 126LR1583(02)-1

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "H" to H.P. 1000, L.D. 1404

Sec. 11. 22 MRSA §2425, sub-§5, as repealed and replaced by PL 2011, c. 691, Pt. A, §21, is amended to read:

5. Registry identification card issuance. The department shall issue registry identification cards to registered patients, to registered primary caregivers, to employees of registered caregivers and to staff of hospice providers and nursing facilities designated by registered patients as primary caregivers within 5 days of approving an application or renewal under this section. Registry identification cards expire one year after the date of issuance except that the date of issuance and expiration date of a registered primary caregiver's registry identification card must be the same as the issuance and expiration dates on the patient's registry identification card. Registry identification cards must contain:

A. The name of the cardholder;

C. The date of issuance and expiration date of the registry identification card;

14

1

2

3

4

5

6

7

8

9

10

11

12

13

31

- D. A random identification number that is unique to the cardholder; and
- 15 F. A clear designation showing whether the cardholder is allowed under this chapter 16 to cultivate marijuana.

17 Sec. 12. Adoption of rules. The Department of Health and Human Services shall 18 adopt rules within its medical use of marijuana program with regard to a person who is 19 employed by a primary caregiver pursuant to the Maine Revised Statutes, Title 22, 20 section 2423-A, subsection 2, paragraph I to establish an annual registration fee of no less 21 than \$25 and no more than \$50, to require a criminal history record check of the 22 employee prior to registration and annually thereafter and to establish a criminal history 23 record check fee of no less than \$31 and no more than \$60.'

- 24 **SUMMARY**
- 25 This amendment does the following.
- 26 1. It removes from the bill the provision that allows primary caregivers to provide 27 services to an unlimited number of patients.
- 28 2. It retains and clarifies the provision of the bill that allows a primary caregiver to 29 employ one person to assist the primary caregiver in performing the duties of the primary 30 caregiver.
- 3. It allows a primary caregiver, for the purposes of disposing of excess prepared 32 marijuana, to transfer marijuana to a qualifying patient if nothing of value is provided to 33 the primary caregiver and allows the patient to accept the excess prepared marijuana.
- 34 4. It directs the Department of Health and Human Services to adopt rules regarding 35 employees of primary caregivers to establish an annual registration fee of no less than 36 \$25 and no more than \$50, to require a criminal history record check prior to registration 37 and annually thereafter and to establish a criminal history record check fee of no less than 38 \$31 and no more than \$60.

FISCAL NOTE REQUIRED (See attached)

Page 3 - 126LR1583(02)-1

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1404

LR 1583(02)

An Act To Ensure the Integrity of Maine's Medical Marijuana Program

Fiscal Note for Bill as Amended by Committee Amendment A:(H-514) Committee: Health and Human Services Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - Other Special Revenue Funds Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

An increase in fee revenue for the Maine Medical Marijuana program is assumed to increase Other Special Revenue Funds revenue by minor amounts. Any additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.