

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1597

H.P. 1168

House of Representatives, December 30, 2013

An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GATTINE of Westbrook.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: CASAVANT of Biddeford, FARNSWORTH of Portland, HICKMAN of
Winthrop, McCABE of Skowhegan, SANDERSON of Chelsea.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** changes made during the First Regular Session of the 126th Legislature to
4 the laws regarding access to facilities where medical marijuana is cultivated need to be
5 clarified; and

6 **Whereas,** it is important to provide this clarification as soon as possible in order to
7 ensure the proper administration of the Maine Medical Use of Marijuana Act; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

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

13 **Sec. 1. 22 MRSA §2423-A, sub-§3, ¶A,** as amended by PL 2013, c. 374, §1, is
14 further amended to read:

15 A. A patient who elects to cultivate marijuana plants must keep the plants in an
16 enclosed, locked facility unless the plants are being transported because the patient is
17 moving or taking the plants to the patient's own property in order to cultivate them.
18 Access to the cultivation facility is limited to the patient, except that government
19 officials acting within the scope of their employment, emergency services personnel
20 or a person who needs to gain access to the cultivation facility in order to perform
21 repairs or maintenance or to do construction may access the cultivation facility to
22 perform those duties or provide those professional services while under the direct
23 supervision of the patient.

24 **Sec. 2. 22 MRSA §2423-A, sub-§3, ¶B,** as amended by PL 2013, c. 424, Pt. G,
25 §1 and affected by §2, is further amended to read:

26 B. A primary caregiver who has been designated by a patient to cultivate marijuana
27 for the patient's medical use must keep all plants in an enclosed, locked facility unless
28 the plants are being transported because the primary caregiver is moving or taking the
29 plants to the primary caregiver's own property in order to cultivate them. The
30 primary caregiver shall use a numerical identification system to enable the primary
31 caregiver to identify marijuana plants cultivated for a patient. Access to the
32 cultivation facility is limited to the primary caregiver, except that government
33 officials acting within the scope of their employment, emergency services personnel
34 or a person who needs to gain access to the cultivation facility in order to perform
35 repairs or maintenance or to do construction may access the cultivation facility to
36 perform those duties or provide those professional services while under the direct
37 supervision of the primary caregiver.

38 **Sec. 3. 22 MRSA §2428, sub-§6, ¶I,** as amended by PL 2013, c. 374, §2, is
39 further amended to read:

1 I. All cultivation of marijuana must take place in an enclosed, locked facility unless
2 the marijuana plants are being transported between the dispensary and a location at
3 which the dispensary cultivates the marijuana plants, as disclosed to the department
4 in subsection 2, paragraph A, subparagraph (3). The dispensary shall use a numerical
5 identification system to enable the dispensary to track marijuana plants from
6 cultivation to sale and to track prepared marijuana obtained pursuant to section
7 2423-A, subsection 2, paragraph H from acquisition to sale. Access to the cultivation
8 facility is limited to a cardholder who is a principal officer, board member or
9 employee of the dispensary when acting in that cardholder's official capacity, except
10 that government officials acting within the scope of their employment, emergency
11 services personnel or a person who needs to gain access to the cultivation facility in
12 order to perform repairs or maintenance or to do construction may access the
13 cultivation facility to perform those duties or provide those professional services
14 while under the direct supervision of a cardholder who is a principal officer, board
15 member or employee of the dispensary.

16 **Emergency clause.** In view of the emergency cited in the preamble, this
17 legislation takes effect when approved.

18 **SUMMARY**

19 This bill amends the Maine Medical Use of Marijuana Act to specify that access to a
20 marijuana cultivation facility operated by a patient, a primary caregiver or a dispensary is
21 open to government officials acting within the scope of their employment, under the
22 direct supervision of the patient, the primary caregiver or a principal officer, board
23 member or employee of the dispensary. Currently, a dispensary and any additional
24 location at which the dispensary cultivates marijuana for medical use by a patient are
25 subject to reasonable inspection by the Department of Health and Human Services.