

MAINE STATE LEGISLATURE

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SMC
ROFS

Majority

L.D. 1674

Date: 3/6/14

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3 AGRICULTURE, CONSERVATION AND FORESTRY

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5 STATE OF MAINE

6 SENATE

7 126TH LEGISLATURE

8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to S.P. 641, L.D. 1674, Bill, "An Act To
10 Further Ensure the Provision of Safe Medical Marijuana to Maine Patients"

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

13 'Sec. 1. 22 MRSA §2423-A, sub-§2, ¶J, as reallocated by RR 2013, c. 1, §39, is
14 amended to read:

15 J. Use a pesticide in the cultivation of marijuana if the pesticide is ~~exempt from the~~
16 ~~federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~
17 used consistent with federal labeling requirements, is registered with the Department
18 of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to
19 Title 7, section 607 and is used consistent with best management practices for pest
20 management approved by the Commissioner of Agriculture, Conservation and
21 Forestry. A registered primary caregiver may not in the cultivation of marijuana use a
22 pesticide ~~exempt from the federal registration requirements and that is registered with~~
23 ~~the Board of Pesticides Control~~ unless the registered primary caregiver or the
24 registered primary caregiver's employee is certified in the application of the pesticide
25 pursuant to section 1471-D and any employee who has direct contact with treated
26 plants has completed safety training pursuant to 40 Code of Federal Regulations, ~~Part~~
27 Section 170.130. An employee of the registered primary caregiver who is not
28 certified pursuant to section 1471-D and who is involved in the application of the
29 pesticide or handling of the pesticide or equipment must first complete safety training
30 described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.

31 'Sec. 2. 22 MRSA §2428, sub-§9, ¶G, as enacted by PL 2013, c. 371, §4, is
32 amended to read:

33 G. A registered dispensary may not use a pesticide on marijuana except a pesticide
34 that is ~~exempt from the federal registration requirements pursuant to 7 United States~~
35 ~~Code, Section 136w(b)~~ used consistent with federal labeling requirements, is
36 registered with the Department of Agriculture, Conservation and Forestry, Board of
37 Pesticides Control pursuant to Title 7, section 607 and is used consistent with best

COMMITTEE AMENDMENT

1 management practices for pest management approved by the Commissioner of
2 Agriculture, Conservation and Forestry. A registered dispensary may not in the
3 cultivation of marijuana use a pesticide ~~exempt from federal registration requirements~~
4 ~~and registered with the Board of Pesticides Control~~ unless at least one registered
5 dispensary employee involved in the application of the pesticide is certified pursuant
6 to section 1471-D and all other registered dispensary employees who have direct
7 contact with treated plants have completed safety training pursuant to 40 Code of
8 Federal Regulations, ~~Part~~ Section 170.130. A registered dispensary employee who is
9 not certified pursuant to section 1471-D and who is involved in the application of the
10 pesticide or handling of the pesticide or equipment must first complete safety training
11 described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.'

12 **SUMMARY**

13 This amendment, which is the majority report of the committee, removes from the
14 bill the list of specific pesticides that may be used by a primary caregiver or registered
15 dispensary under the medical marijuana laws and instead provides that primary caregivers
16 and registered dispensaries may use pesticides whose product labels allow for such use.
17 Like the bill, the amendment retains the provisions of current law that require the
18 pesticides to be registered with the Department of Agriculture, Conservation and
19 Forestry, Board of Pesticides Control and to be used in accordance with best management
20 practices approved by the Commissioner of Agriculture, Conservation and Forestry, but
21 the amendment clarifies that the approved best management practices relate to pest
22 management.