

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1674

S.P. 641

In Senate, January 8, 2014

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

(EMERGENCY)

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

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative DILL of Old Town and
Senators: BOYLE of Cumberland, JACKSON of Aroostook, VITELLI of Sagadahoc,
Representatives: CRAY of Palmyra, GATTINE of Westbrook, McCABE of Skowhegan,
ROCHELO of Biddeford, WILLETTE of Mapleton.

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,** the people of Maine voted in support of access for patients to legal and
4 safe medical marijuana in both 1999 and 2009; and

5 **Whereas,** the First Regular Session of the 126th Legislature enacted a law to restrict
6 the use of pesticides in the cultivation of marijuana to those exempt from federal
7 registration requirements and registered with the Department of Agriculture,
8 Conservation and Forestry, Board of Pesticides Control; and

9 **Whereas,** the effect of this law has been to severely restrict the options available to
10 persons cultivating marijuana for medical purposes; and

11 **Whereas,** immediate enactment of this Act is necessary to ensure continued access
12 to safe medical marijuana for the thousands of Maine patients currently recommended
13 this medicine; and

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

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

19 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶J,** as reallocated by RR 2013, c. 1, §39, is
20 repealed and the following enacted in its place:

21 J. Use a pesticide in the cultivation of marijuana. The following pesticides are the
22 only pesticides allowed for use in the cultivation of marijuana.

23 (1) A pesticide that is exempt from the federal registration requirements pursuant
24 to 7 United States Code, Section 136w(b) and registered with the Department of
25 Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to
26 Title 7, section 607;

27 (2) Spinosad;

28 (3) Pyrethrins;

29 (4) Azadirachta indica;

30 (5) Potassium bicarbonate;

31 (6) Sodium bicarbonate;

32 (7) Diatomaceous earth;

33 (8) Soap;

34 (9) Dihydrogen dioxide;

35 (10) Sulfur;

- 1 (11) Bacillus thuringiensis;
- 2 (12) Bacillus subtilis;
- 3 (13) Streptomyces lydicus;
- 4 (14) Sesame oil; and
- 5 (15) Bacillus pumilus.

6 All pesticides must be used in a manner consistent with best management practices
7 approved by the Commissioner of Agriculture, Conservation and Forestry. A
8 registered primary caregiver may not in the cultivation of marijuana use a pesticide
9 unless the registered primary caregiver or the registered primary caregiver's employee
10 is certified in the application of the pesticide pursuant to section 1471-D and any
11 employee who has direct contact with treated plants has completed safety training
12 pursuant to 40 Code of Federal Regulations, Part 170.130. An employee of the
13 registered primary caregiver who is not certified pursuant to section 1471-D and who
14 is involved in the application of the pesticide or handling of the pesticide or
15 equipment must first complete safety training pursuant to 40 Code of Federal
16 Regulations, Part 170.230; and

17 **Sec. 2. 22 MRSA §2428, sub-§9, ¶G,** as enacted by PL 2013, c. 371, §4, is
18 repealed and the following enacted in its place:

19 G. The following pesticides are the only pesticides allowed for use in the cultivation
20 of marijuana by a registered dispensary:

- 21 (1) A pesticide that is exempt from the federal registration requirements pursuant
22 to 7 United States Code, Section 136w(b) and registered with the Department of
23 Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to
24 Title 7, section 607;
- 25 (2) Spinosad;
- 26 (3) Pyrethrins;
- 27 (4) Azadirachta indica;
- 28 (5) Potassium bicarbonate;
- 29 (6) Sodium bicarbonate;
- 30 (7) Diatomaceous earth;
- 31 (8) Soap;
- 32 (9) Dihydrogen dioxide;
- 33 (10) Sulfur;
- 34 (11) Bacillus thuringiensis;
- 35 (12) Bacillus subtilis;
- 36 (13) Streptomyces lydicus;
- 37 (14) Sesame oil; and

