

MAINE STATE LEGISLATURE

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Date: 3/20/14

L.D. 1739

(Filing No. H-714)

Minority

HEALTH AND HUMAN SERVICES

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1245, L.D. 1739, Bill, "An Act To Amend the Maine Medical Use of Marijuana Act"

Amend the bill by striking out all of section 2 (page 1, lines 9 to 13 in L.D.) and inserting the following:

'Sec. 2. 22 MRSA §2422, sub-§4-C is enacted to read:

4-C. Medical provider. "Medical provider" means a physician or a certified nurse practitioner.'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 22 MRSA §2422, sub-§14, as amended by PL 2011, c. 407, Pt. B, §14, is further amended to read:

14. Prepared marijuana. "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption. "Prepared marijuana" does not include hashish as defined in Title 17-A, section 1101, subsection 5.'

Amend the bill by striking out all of section 7 (page 2, lines 4 to 21 in L.D.)

Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (5) in the last line (page 5, line 5 in L.D.) by striking out the following: "and" and inserting the following: 'and'

Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (6) in the last line (page 5, line 8 in L.D.) by striking out the following: "and" and inserting the following: 'and'

COMMITTEE AMENDMENT

1 Amend the bill in section 13 in subsection 8 in paragraph G by striking out all of
2 subparagraph (7) (page 5, lines 9 to 11 in L.D.)

3 Amend the bill in section 13 in subsection 8 by inserting at the end the following:

4 'L. Notwithstanding any provision of this subsection to the contrary, the department
5 shall comply with Title 36, section 175.'

6 Amend the bill by striking out all of sections 15 to 17 (page 5, lines 36 to 40 and page
7 6, lines 1 to 7 in L.D.)

8 Amend the bill by striking out all of sections 19 and 20 (page 6, lines 13 to 38 and
9 page 7, lines 1 to 10 in L.D.) and inserting the following:

10 **'Sec. 19. 22 MRSA §2430-A**, as enacted by PL 2009, c. 631, §46 and affected by
11 §51, is repealed and the following enacted in its place:

12 **§2430-A. Compliance**

13 The department may take action necessary to ensure compliance with this chapter,
14 including, but not limited to, collecting, possessing, transporting and performing
15 laboratory testing on soil and marijuana plant samples and samples of products containing
16 marijuana from registered primary caregivers and registered dispensaries to determine
17 compliance with this chapter and for evidence purposes. The department shall adopt
18 rules to implement this section. Rules adopted pursuant to this section are major
19 substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding the
20 provisions of Title 5, section 8073, rules adopted pursuant to this section may not be
21 adopted on any basis or implemented before review and approval by the Legislature.

22 **Sec. 20. Framework for processing, documenting and investigating**
23 **complaints regarding the Maine Medical Use of Marijuana Act.** The
24 Department of Health and Human Services shall develop a framework for processing,
25 documenting and investigating complaints concerning the implementation of the Maine
26 Medical Use of Marijuana Act. The department shall review mechanisms for processing,
27 documenting and investigating complaints and shall report its recommendations to the
28 joint standing committee of the Legislature having jurisdiction over health and human
29 services matters by December 1, 2014. The department shall include in its report whether
30 enacting new laws or authorizing new rules, either routine technical or major substantive,
31 is required to implement the recommendations of the department.'

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
33 section number to read consecutively.

34 **SUMMARY**

35 This amendment is the minority report of the committee. This amendment replaces
36 the bill. It makes the following changes to the bill:

37 1. The amendment adds an amendment to the definition of "prepared marijuana" to
38 include the by-products of leaves and flowers and a statement that prepared marijuana
39 does not include hashish;

1 2. The amendment removes from the bill provisions that would have changed the
2 commissioner with responsibility for best practices in pest management from the
3 Commissioner of Agriculture, Conservation and Forestry to the Commissioner of Health
4 and Human Services;

5 3. The amendment adds to the provisions on confidentiality in the medical use of
6 marijuana program that the confidentiality provisions do not prevent the Department of
7 Health and Human Services from complying with the Maine Revised Statutes, Title 36,
8 section 175. The amendment strikes from the bill a provision that would have created an
9 exception to confidentiality for release by the department to Maine Revenue Services for
10 taxation compliance purposes;

11 4. The amendment removes from the bill provisions on complaint investigation,
12 penalties, injunctive relief and attorney's fees and costs. The amendment retains
13 provisions in the bill allowing the department to ensure compliance, including, but not
14 limited to, laboratory testing on soil, marijuana plant samples and samples of products.
15 The amendment directs the department to adopt major substantive rules and delays
16 implementation of the rules until they have been reviewed and approved by the
17 Legislature; and

18 5. The amendment directs the Department of Health and Human Services to develop
19 a framework for processing, documenting and investigating complaints concerning the
20 implementation of the Maine Medical Use of Marijuana Act. It directs the department to
21 review mechanisms for processing, documenting and investigating complaints and to
22 report its recommendations to the joint standing committee of the Legislature having
23 jurisdiction over health and human services matters by December 1, 2014. The
24 amendment directs the department to include in its report whether enacting new laws or
25 authorizing new rules, either routine technical or major substantive, is required to
26 implement the recommendations of the department.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/17/14 *MDC*

126th MAINE LEGISLATURE

LD 1739

LR 2535(03)

An Act To Amend the Maine Medical Use of Marijuana Act

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

B(H-714)

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.