

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 726

S.P. 256

In Senate, March 5, 2015

An Act To Increase Patient Safety in Maine's Medical Marijuana Program

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senators: BRAKEY of Androscoggin, HASKELL of Cumberland.

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

2 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶K**, as reallocated by RR 2013, c. 1, §40, is
3 amended to read:

4 K. For the purpose of disposing of excess prepared marijuana, transfer prepared
5 marijuana to a registered dispensary for reasonable compensation. The transfer of
6 prepared marijuana by a primary caregiver to one or more dispensaries under this
7 paragraph is limited to a registered primary caregiver. A registered primary caregiver
8 may not transfer more than 2 ½ pounds of excess prepared marijuana for reasonable
9 compensation under this paragraph in a calendar year. A primary caregiver who
10 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that
11 transfer qualify as a member of a collective.

12 **Sec. 2. 22 MRSA §2423-A, sub-§10** is enacted to read:

13 **10. Inspection.** A primary caregiver's cultivation facility is subject to reasonable
14 inspection by the department. The department may enter the cultivation facility at any
15 time, without notice, to carry out an inspection under this subsection.

16 **Sec. 3. 22 MRSA §2424, sub-§4** is enacted to read:

17 **4. Rules.** The department shall adopt routine technical rules as defined in Title 5,
18 chapter 375, subchapter 2-A governing the manner in which it considers applications for
19 and renewals of the registry identification card for a primary caregiver, including rules
20 governing:

21 A. The form and content of an application or a renewal application;

22 B. Minimum oversight requirements for a primary caregiver's cultivation facility;

23 C. Minimum record-keeping requirements for a primary caregiver, including
24 recording the disposal of marijuana that is not distributed by the primary caregiver to
25 a qualifying patient who has designated the primary caregiver to cultivate for that
26 patient;

27 D. Minimum security requirements for a primary caregiver's cultivation facility; and

28 E. Procedures for suspending or terminating the registry identification card of a
29 primary caregiver who violates the provisions of this chapter or the rules adopted
30 pursuant to this subsection.

31 **Sec. 4. 22 MRSA §2425, sub-§8, ¶L**, as corrected by RR 2013, c. 2, §33, is
32 amended to read:

33 L. Notwithstanding any provision of this subsection to the contrary, the department
34 shall comply with Title 36, section 175. Information provided by the department
35 pursuant to this paragraph may be used by the Department of Administrative and
36 Financial Services, Bureau of Revenue Services only for the administration and
37 enforcement of taxes imposed under Title 36 and the license issuance and renewal
38 provisions of Title 36, section 175.

