

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 752

H.P. 505

House of Representatives, March 5, 2015

**An Act To Permit Medical Marijuana Cultivation by Incapacitated
Adults**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Embden.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: HARLOW of Portland, MALABY of Hancock, O'CONNOR of Berwick,
RUSSELL of Portland, RYKERSON of Kittery, SANDERSON of Chelsea.

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

2 **Sec. 1. 22 MRSA §2423-A, sub-§1**, as amended by PL 2013, c. 396, §§2 to 4, is
3 further amended to read:

4 **1. Qualifying patient.** Except as provided in section 2426, a qualifying patient,
5 including an incapacitated adult, may:

6 A. Possess up to 2 1/2 ounces of prepared marijuana and an incidental amount of
7 marijuana as provided in subsection 5;

8 B. Cultivate, or designate a primary caregiver to cultivate under paragraph F, up to a
9 total of 6 mature marijuana plants for that qualifying patient. The total number of
10 mature marijuana plants per qualifying patient, whether cultivated by the patient or
11 by a primary caregiver, may not exceed 6. In addition to the 6 mature marijuana
12 plants, the patient who is cultivating the patient's own marijuana may have harvested
13 marijuana in varying stages of processing in order to ensure the patient is able to
14 maintain supply and meet personal needs. Two or more qualifying patients who are
15 members of the same household and cultivating their own marijuana may share one
16 enclosed, locked facility for cultivation;

17 C. Possess marijuana paraphernalia;

18 D. Furnish or offer to furnish to another qualifying patient for that patient's medical
19 use of marijuana up to 2 1/2 ounces of prepared marijuana if nothing of value is
20 offered or transferred in return;

21 E. Designate one person, hospice provider or nursing facility as a primary caregiver
22 to assist with the qualifying patient's medical use of marijuana in a standardized
23 written document, developed by the department, signed and dated by the qualifying
24 patient, including a one-year expiration and the signed acknowledgment of the
25 primary caregiver that the primary caregiver may be contacted to confirm the
26 designation of the primary caregiver. A 2nd person or hospice provider or nursing
27 facility may be designated as a 2nd primary caregiver if the patient is under 18 years
28 of age. The primary caregivers for a patient are determined solely by the patient's
29 preference except that a parent, guardian or person having legal custody shall serve as
30 a primary caregiver for a minor child;

31 F. Designate one primary caregiver or a registered dispensary to cultivate marijuana
32 for the medical use of the patient, except that a hospice provider or a nursing facility
33 that is designated as a primary caregiver by a patient and the staff of the provider or
34 facility may not be designated to cultivate marijuana for the patient. The qualifying
35 patient must designate the primary caregiver or registered dispensary to cultivate for
36 the patient in a standardized written document, developed by the department, signed
37 and dated by the qualifying patient, which must include a one-year expiration, the
38 total number of mature plants the primary caregiver is designated to cultivate and the
39 signed acknowledgment of the primary caregiver that the primary caregiver may be
40 contacted to confirm the designation of the primary caregiver to cultivate for the
41 patient and the number of mature plants to be cultivated and being cultivated for the
42 patient or the signed acknowledgment of a person on behalf of the registered
43 dispensary that the registered dispensary may be contacted to confirm the designation

1 of the dispensary to cultivate for the patient and the number of mature plants to be
2 cultivated and being cultivated for the patient;

3 G. Be in the presence or vicinity of the medical use of marijuana and assist any
4 qualifying patient with using or administering marijuana; and

5 H. Accept excess prepared marijuana from a primary caregiver in accordance with
6 subsection 2, paragraph H if nothing of value is provided to the primary caregiver.

7 As used in this subsection, "incapacitated adult" has the same meaning as in section 3472,
8 subsection 10.

9 **SUMMARY**

10 This bill allows a qualifying patient under the Maine Medical Use of Marijuana Act
11 who is an incapacitated adult to possess marijuana and cultivate marijuana for that
12 incapacitated adult's own use.