

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1819

S.P. 734

In Senate, April 27, 2023

**An Act to Create the Maine Medical Cannabis Advisory
Commission and the Medical Cannabis Alternative Health Board**

Reference to the Committee on Veterans and Legal Affairs 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 HICKMAN of Kennebec.
Cosponsored by Representative COLLINGS of Portland and
Senators: BRAKEY of Androscoggin, BRENNER of Cumberland, President JACKSON of
Aroostook, Representatives: BOYER of Poland, DANA of the Passamaquoddy Tribe, RIELLY
of Westbrook, SUPICA of Bangor.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§52-C**, as enacted by PL 2017, c. 409, Pt. A, §1
3 and amended by PL 2021, c. 669, §5, is repealed.

4 **Sec. 2. 5 MRSA §12004-I, sub-§52-D** is enacted to read:

5 **52-D.**

6 Judiciary: Maine Medical Cannabis Advisory Expenses Only 22 MRSA
7 Cannabis Commission §2430-I

8 **Sec. 3. 5 MRSA §12004-I, sub-§52-E** is enacted to read:

9 **52-E.**

10 Judiciary: Medical Cannabis Alternative Health Reimbursement 22 MRSA
11 Cannabis Board under 22 MRSA §2430-J
12 §2430-J, sub-§10

13 **Sec. 4. 22 MRSA §2430, sub-§5**, as amended by PL 2021, c. 387, §11 and c. 669,
14 §5, is further amended to read:

15 **5. Medical cannabis research grant program established.** The medical cannabis
16 research grant program, referred to in this subsection as "the program," is established within
17 the department to provide grant money to support objective scientific research, including
18 observational and clinical trials and existing research, on the efficacy of harvested cannabis
19 as part of medical treatment and the health effects of harvested cannabis used as part of
20 medical treatment. The program must be funded from the fund. ~~The department~~ Medical
21 Cannabis Alternative Health Board under section 2430-J shall adopt rules necessary to
22 implement the program, including, but not limited to, required qualifications of persons
23 conducting the research; determining the scientific merit and objectivity of a research
24 proposal; criteria for determining the amount of program funds distributed; criteria for
25 determining the duration of the research; procedures for soliciting research participants,
26 including outreach to patients, and for obtaining the informed consent of participants; and
27 reporting requirements for the results of the research and evaluation of the research results.
28 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
29 chapter 375, subchapter 2-A, ~~except that, beginning July 1, 2021, rules adopted pursuant~~
30 ~~to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter~~
31 ~~2-A.~~ The fund funds the staffing and activities of the Medical Cannabis Alternative Health
32 Board under section 2430-J.

33 **Sec. 5. 22 MRSA §2430-I** is enacted to read:

34 **§2430-I. Maine Medical Cannabis Advisory Commission**

35 **1. Commission established.** The Maine Medical Cannabis Advisory Commission,
36 established in Title 5, section 12004-I, subsection 52-D and referred to in this section as
37 "the commission," is created for the purposes of studying, analyzing and reporting findings
38 about the administration of and medical use of cannabis under this chapter and making
39 recommendations for improvement.

40 **2. Membership.** The commission consists of 9 voting members and 2 ex officio
41 members. The ex officio members are the Senate chair and House of Representatives chair

1 of the joint standing committee of the Legislature having jurisdiction over cannabis matters.
2 The voting membership of the commission includes:

3 A. Five members who are industry stakeholders, appointed by the President of the
4 Senate; and

5 B. Four members who are industry stakeholders, appointed by the Speaker of the House
6 of Representatives.

7 For purposes of this section, "industry stakeholder" means a cardholder,
8 caregiver, qualifying patient, manufacturer or medical provider who has prescribed medical
9 cannabis in the State with at least 5 years' experience in medical cannabis under this
10 chapter.

11 **3. Terms; vacancy.** Members of the commission serve for a term of 2 years and may
12 serve 2 consecutive terms. A member who has served 2 consecutive terms is eligible for
13 reappointment after not serving for at least one term. A vacancy on the commission must
14 be filled in the same manner as the original appointment was made under subsection 2. The
15 commission shall organize and elect a chair, vice-chair and secretary-treasurer and adopt
16 rules as to the administration of the commission and the commission's affairs. The
17 commission shall maintain financial records as may be required by the State Auditor.

18 **4. Duties.** The duties of the commission include:

19 A. Conducting research and collecting and analyzing data about the use, safety,
20 efficacy and best practices in medical cannabis manufacturing, dispensation and use in
21 the State;

22 B. Meeting at least one time per calendar quarter with industry stakeholders in an open
23 and public forum with digital access and physical access to discuss the operation and
24 function of the cannabis industry, statutes and rules under this chapter;

25 C. Providing monthly reports to the joint standing committee of the Legislature having
26 jurisdiction over cannabis matters and recommending legislation to amend or improve
27 provisions in this chapter based upon research, analysis and information obtained
28 through meetings under paragraph B; and

29 D. Soliciting, evaluating and nominating members to the Medical Cannabis Alternative
30 Health Board under section 2430-J.

31 **5. Reimbursement.** Members are compensated as provided in Title 5, chapter 379.

32 **6. Staff support.** Within the limits of its budget, the commission may contract and
33 employ staff members to assist in administrative support and other duties as required to
34 carry out the duties of the commission.

35 **Sec. 6. 22 MRSA §2430-J** is enacted to read:

36 **§2430-J. Medical Cannabis Alternative Health Board**

37 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
38 following terms have the following meanings.

39 A. "Complementary health plant-based medicines and practices" means a range of
40 medical therapies using plant-based medicines that are beyond the scope of
41 conventional medicine but may be used alongside traditional medicine and practices in
42 the treatment or prevention of disease or ill health.

1 B. "Ingestion modality" means the manner in which cannabis has been ingested or
2 introduced into a person's body, including inhaling combusted cannabis, inhaling
3 vaporized cannabis, through intranasal spray, buccal administration and administration
4 by topical or rectal methods.

5 C. "Institutional review board" means a federally funded committee that is responsible
6 for overseeing research involving human participants and ensuring that human research
7 participants are not mistreated and that their rights are protected.

8 **2. Board established.** The Medical Cannabis Alternative Health Board, established in
9 Title 5, section 12004-I, subsection 52-E and referred to in this section as "the board," is
10 created for the purpose of collecting and providing information and administering grants
11 to promote research, conduct studies, perform analysis and evaluate medical cannabis
12 administration, use and practices to carry out the purposes of the Medical Use of Cannabis
13 Fund in section 2430.

14 **3. Membership.** The board consists of 9 members nominated by the Maine Medical
15 Cannabis Advisory Commission and confirmed by the joint standing committee of the
16 Legislature having jurisdiction over cannabis matters as follows:

17 A. One research professional employed by the University of Maine System, another
18 postsecondary institution in the State or an institutional review board;

19 B. Four medical providers who for at least the past 2 years have provided written
20 certifications to qualifying patients;

21 C. Two registered caregivers who have been registered for at least 2 consecutive years
22 and have treated patients with at least 2 different ingestion modalities; and

23 D. Two qualifying patients who have been qualifying patients for at least 3 years and
24 have used cannabis through the means of at least 2 different ingestion modalities.

25 The director of the board serves as an ex officio member of the board. Initial appointments
26 must be made within 3 months of the effective date of this section.

27 **4. Terms; vacancy.** Members of the board serve for a term of 2 years and may serve
28 2 consecutive terms. A member who has served 2 consecutive terms is eligible for
29 reappointment after not serving for at least one term. A vacancy on the board must be filled
30 in the same manner as the original appointment was made under subsection 3. The board
31 shall organize and elect a chair, vice-chair and secretary-treasurer and adopt rules as to the
32 administration of the board and the board's affairs. The board shall maintain financial
33 records as may be required by the State Auditor.

34 **5. Meetings; quorum; voting.** The board must meet for at least 2 hours per month.
35 Meetings may be held in person or remotely through video, audio, telephonic, online or
36 other electronic means. A quorum consists of 7 members. The board acts by majority vote.

37 **6. Duties.** The duties of the board are to carry out the purposes of the medical cannabis
38 research grant program under section 2430, subsection 5, including:

39 A. Administering the medical cannabis research grant program by soliciting,
40 reviewing, evaluating, approving and awarding grants governed by subsection 7 to
41 promote research, conduct studies, perform analysis and evaluate complementary
42 health plant-based medicines and practices, including the safety, effectiveness, proper
43 use and best practices in manufacturing, administering and using the medicines; and

1 B. Sharing research, information and guidance on complementary health plant-based
2 medicines and practices and updates, results and findings of any grant projects under
3 section 2430, subsection 5, including posting to a page on the department's publicly
4 accessible website regarding medical research, and conducting quarterly informational
5 seminars both in-person or via electronic means with qualifying patients, caregivers,
6 medical providers, manufacturers, owners and operators of dispensaries and the public.

7 **7. Grants.** Grants awarded by the board are governed by this subsection.

8 A. A grant may be awarded for objective scientific research, including observational
9 and clinical trials and existing research, on the efficacy of harvested cannabis as part
10 of medical treatment and the health effects of harvested cannabis used as part of
11 medical treatment, including:

12 (1) The manufacture, processing, safety, effectiveness, administration or use of
13 complementary health plant-based medicines and practices;

14 (2) The health, cultivation, soil, presence or absorption of metals, components such
15 as flower, root and stalk, beneficial effects on other plants or animals and other
16 relevant characteristics or components of plants used for complementary health
17 plant-based medicines and practices; or

18 (3) Any other topic, study or issue determined by the board to further the purposes
19 of the board.

20 B. The board shall favorably consider grant applications that:

21 (1) Encompass peer review components;

22 (2) Detail proposed data collection and analysis;

23 (3) Protect patient or participant privacy or provide waivers to publish personal
24 information; and

25 (4) Collaborate with researchers, institutions and governments in other
26 jurisdictions and internationally.

27 C. The board shall devise a score sheet to evaluate grant applications, including the
28 qualifications and experience of applicants; review sample applications and grant
29 proposals, particularly sample grants in the medical field; read, analyze and discuss
30 each grant application received using the score sheet; provide a written response for
31 each application; and in good faith vote as a board on each grant application.

32 D. A grant recipient must detail a fund disbursement schedule and milestones, interim
33 goals and expected outcomes of the research, study or other activity of the grant and
34 twice per year update and report to the board progress or success at meeting the fund
35 disbursement schedule and detailed milestones and other results or measurables
36 achieved by the grant project.

37 E. The board shall publish on the department's publicly accessible website under
38 subsection 6, paragraph B a report for each grant awarded and any progress made or
39 results achieved:

40 (1) Upon award of the grant;

41 (2) Six months after the award of the grant project or halfway through the grant
42 project, whichever comes first;

1 (3) Twelve months after the award of the grant project or at the end of the grant
2 project, whichever comes first; and

3 (4) Every 6 months thereafter or at the end of the grant project, whichever comes
4 first.

5 **8. Staff.** The board is staffed by the following positions and any other staff the board
6 determines necessary to carry out its purposes:

7 A. A director who has a doctorate-level education with a background in research and
8 data analysis or postsecondary-level education with significant experience in using
9 cannabis as part of medical treatment. Extensive and diverse experience with a master's
10 degree or equivalent may substitute for doctorate-level education. The director answers
11 to the board, administers and is responsible for the operation of the board's activity,
12 oversees the administrative and research assistant under paragraph B and performs any
13 other duty as directed by the board; and

14 B. An administrative and research assistant with strong communications skills and
15 demonstrated experience facilitating digital and in-person meetings and a proven
16 record of data entry, analysis and reporting. The duties of the administrative and
17 research assistant include:

18 (1) Serving as administrative staff for board meetings, including by:

19 (a) Facilitating regular meetings of the board;

20 (b) Attending all meetings of the board;

21 (c) Tracking attendance and participation of board members; and

22 (d) Keeping records of the meetings and sharing minutes with the department
23 and the joint standing committee of the Legislature having jurisdiction over
24 cannabis matters;

25 (2) Providing updates on grants under subsection 7, paragraph E and information
26 on the board's purpose and activities on a frequently asked questions page or other
27 informational items for medical providers, cultivators, manufacturers, qualifying
28 patients, caregivers and interested members of the public on the department's
29 publicly accessible website under subsection 6, paragraph B;

30 (3) Facilitating quarterly informational seminars under subsection 6, paragraph B;
31 and

32 (4) Any other duty as directed by the director or the board.

33 The Department of Administrative and Financial Services, Bureau of Human Resources
34 shall administer the hiring of staff under this subsection and background checks under
35 subsection 9.

36 **9. Background checks; fingerprinting; convictions for certain offenses.** Members
37 of the board, the director, the administrative and research assistant and any other employee
38 or staff of the board must undergo a criminal history record check and fingerprinting as
39 required of caregivers administering medical cannabis on school grounds under section
40 2425-A, subsection 3-A. A person who has a conviction of murder or a Class A, B or C
41 crime, a comparable offense in another jurisdiction or an offense involving dishonesty,
42 deception, misappropriation or fraud may not serve on or be employed by the board.

