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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 544, L.D. 764, Bill, “An Act To Prohibit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 22 MRSA §2423-E, sub-§10** is enacted to read:

**10. Receiving an anatomical gift.** A transplant evaluator may not determine a qualifying patient to be unsuitable to receive an anatomical gift solely because the qualifying patient uses medical marijuana. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of marijuana as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of marijuana to the use of forms of prepared marijuana that are not smoked or vaporized, including, but not limited to, edible marijuana and tinctures and salves of marijuana. A transplant evaluator may require medical marijuana used by a qualifying patient to be tested for fungal contamination by a marijuana testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.'

**SUMMARY**

This amendment is the majority report of the committee. It prohibits a transplant evaluator from determining a qualifying patient to be unsuitable to receive an anatomical gift because the qualifying patient uses medical marijuana. It directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient

**COMMITTEE AMENDMENT**

1 does not limit the type of medical marijuana used and may require the qualifying patient's  
2 medical marijuana to be tested for fungal contamination at a marijuana testing facility.