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## **An Act To Remove from the Maine Medical Use of Marijuana Act the Requirement That a Patient's Medical Condition Be Debilitating**

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

**Sec. 1. 22 MRSA §2422, sub-§2**, as amended by PL 2013, c. 361, §1, is repealed.

**Sec. 2. 22 MRSA §2422, sub-§5**, as amended by PL 2011, c. 407, Pt. B, §5, is further amended to read:

**5. Medical use.** "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's ~~debilitating~~ medical condition or symptoms associated with the patient's ~~debilitating~~ medical condition.

**Sec. 3. 22 MRSA §2422, sub-§9**, as amended by PL 2013, c. 516, §3, is further amended to read:

**9. Qualifying patient.** "Qualifying patient" or "patient" means a person who has been diagnosed by a medical provider as having a ~~debilitating~~ medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

**Sec. 4. 22 MRSA §2422, sub-§15**, as enacted by IB 2009, c. 1, §5, is amended to read:

**15. Visiting qualifying patient.** "Visiting qualifying patient" means a qualifying patient with a ~~debilitating~~ medical condition who is not a resident of this State or who has been a resident of this State less than 30 days.

**Sec. 5. 22 MRSA §2422, sub-§16**, as amended by PL 2013, c. 516, §5, is further amended to read:

**16. Written certification.** "Written certification" means a document on tamper-resistant paper signed by a medical provider, that expires within one year and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's ~~debilitating~~ medical condition or symptoms associated with the ~~debilitating~~ medical condition. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the qualifying patient's medical history.

**Sec. 6. 22 MRSA §2423-B, first ¶**, as amended by PL 2013, c. 516, §8, is further amended to read:

A medical provider may provide a written certification for the medical use of marijuana under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition.

**Sec. 7. 22 MRSA §2423-B, sub-§2**, as amended by PL 2013, c. 516, §8, is further amended to read:

**2. Minor qualifying patient.** Prior to providing written certification for the medical use of marijuana by a minor qualifying patient under this section, a medical provider, referred to in this subsection as "the treating medical provider," shall inform the minor qualifying patient and the parent or legal guardian of the patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana. Except with regard to a minor qualifying patient who is eligible for hospice care, prior to providing a written certification under this section, the treating medical provider shall consult with a qualified physician, referred to in this ~~paragraph~~ subsection as "the consulting physician," from a list of physicians who may be willing to act as consulting physicians maintained by the department that is compiled by the department after consultation with statewide associations representing licensed medical professionals. The consultation between the treating medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the treating medical provider and the parent or legal guardian of the minor qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition. If the department or the consulting physician does not respond to a request by the treating medical provider within 10 days of receipt of the request, the treating medical provider may provide written certification for treatment without consultation with a physician.

**Sec. 8. 22 MRSA §2423-E, sub-§8**, as enacted by PL 2011, c. 407, Pt. B, §20, is amended to read:

**8. Defense for possession of excess marijuana.** Except as provided in section 2426, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving marijuana possession and may present evidence in court that the patient's necessary medical use or cultivation circumstances warranted exceeding the amount of marijuana allowed under section 2423-A and was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of treating or alleviating the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

**Sec. 9. 22 MRSA §2424, sub-§2**, as repealed and replaced by PL 2011, c. 407, Pt. B, §21, is repealed.

**Sec. 10. 22 MRSA §2425, sub-§6, ¶A**, as amended by PL 2013, c. 394, §5, is further amended to read:

A. A registered qualifying patient shall notify the department within 10 days of any change in the registered qualifying patient's name, address, primary caregiver or preference regarding who may cultivate marijuana for the registered qualifying patient, if the registry identification card is no

longer accurate, if the change renders the registry identification card inaccurate or if the registered qualifying patient ceases to have ~~a debilitating~~the medical condition for which the registered qualifying patient obtained certification pursuant to section 2423-B.

**Sec. 11. 22 MRSA §2425, sub-§6, ¶B,** as amended by PL 2013, c. 516, §12, is further amended to read:

B. A registered qualifying patient who fails to notify the department as required under paragraph A commits a civil violation for which a fine of not more than \$150 may be adjudged. If the registered qualifying patient's certifying medical provider notifies the department in writing that the registered qualifying patient has ceased to suffer from ~~a debilitating~~the medical condition for which the registered qualifying patient obtained certification pursuant to section 2423-B, the registered qualifying patient's registry identification card becomes void upon notification by the department to the qualifying patient.

## SUMMARY

This bill removes from the Maine Medical Use of Marijuana Act any limitation on the type of medical conditions for which patients may be certified by their physicians to engage in the medical use of marijuana.