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Legislative Document

No. 939

H.P. 695

House of Representatives, March 8, 2021

An Act To Support Maine's Medical Marijuana Program and Ensure Patient Access

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: TALBOT ROSS of Portland, WILLIAMS of Bar Harbor, Senators:
CLAXTON of Androscoggin, FARRIN of Somerset, President JACKSON of Aroostook,
MAXMIN of Lincoln.

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

2 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶I**, as amended by PL 2017, c. 452, §4, is
3 further amended to read:

4 I. Hire any number of assistants who are 21 years of age or older to assist in performing
5 the duties of the caregiver;

6 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶I-1** is enacted to read:

7 I-1. Hire any number of assistants who are 18 years of age or older and under 21 years
8 of age if they are also a member of the family of the caregiver to assist in performing
9 the duties of the caregiver;

10 **Sec. 3. 22 MRSA §2423-A, sub-§2, ¶K-1**, as amended by PL 2019, c. 354, §2, is
11 further amended to read:

12 K-1. Transfer to and accept from another registered caregiver or a dispensary
13 marijuana plants and harvested marijuana in a wholesale transaction in accordance with
14 this paragraph. A registered caregiver may transfer in wholesale transactions for
15 reasonable compensation or for no remuneration ~~up to 75%~~ an unlimited amount of the
16 mature marijuana plants grown by the caregiver over the course of a calendar year,
17 including any marijuana products or marijuana concentrate manufactured from ~~that~~
18 75% an unlimited amount of the mature marijuana plants grown by the caregiver. A
19 registered caregiver may transfer to or accept from other registered caregivers and
20 dispensaries in wholesale transactions an unlimited amount of immature marijuana
21 plants and seedlings. A registered caregiver that acquires mature marijuana plants,
22 marijuana products or marijuana concentrate in a wholesale transaction under this
23 paragraph may not resell the mature marijuana plants, marijuana products or marijuana
24 concentrate except to a qualifying patient or to another registered caregiver or
25 dispensary to assist a qualifying patient;

26 **Sec. 4. 22 MRSA §2423-A, sub-§2, ¶P**, as amended by PL 2019, c. 217, §2, is
27 further amended to read:

28 P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients
29 for the patients' medical use in accordance with this chapter; ~~and~~

30 **Sec. 5. 22 MRSA §2423-A, sub-§2, ¶Q**, as enacted by PL 2017, c. 452, §4, is
31 amended to read:

32 Q. Be organized as any type of legal business entity recognized under the laws of the
33 State; ~~and~~

34 **Sec. 6. 22 MRSA §2423-A, sub-§2, ¶R** is enacted to read:

35 R. Accept a digital image of a written certification for the purposes of initiating a
36 transaction for harvested marijuana. The caregiver must verify the written certification
37 in person before transferring any harvested marijuana to the qualifying patient.

38 **Sec. 7. 22 MRSA §2423-A, sub-§10, ¶B**, as repealed and replaced by PL 2019, c.
39 331, §13, is amended to read:

1 B. An assistant of a marijuana testing facility may have access to cultivation areas
2 pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph
3 I. An assistant of a marijuana testing facility must be 21 years of age or older.

4 **Sec. 8. 22 MRSA §2423-F, sub-§4, ¶G**, as repealed and replaced by PL 2019, c.
5 331, §17, is amended to read:

6 G. May hire any number of assistants who are 21 years of age or older to assist in
7 performing the duties of the manufacturing facility.

8 **Sec. 9. 22 MRSA §2423-F, sub-§5, ¶G**, as repealed and replaced by PL 2019, c.
9 331, §17, is amended to read:

10 G. May hire any number of assistants who are 21 years of age or older to assist in
11 performing the activities authorized under this subsection, except that a qualifying
12 patient authorized under subsection 3 may not hire an assistant.

13 **Sec. 10. 22 MRSA §2423-F, sub-§10, ¶F**, as repealed and replaced by PL 2019,
14 c. 331, §17, is amended to read:

15 F. Minimum record-keeping requirements, ~~including an annual audit requirement.~~

16 **Sec. 11. 22 MRSA §2425-A, sub-§3**, as enacted by PL 2017, c. 452, §12, is
17 amended to read:

18 **3. Application for registry identification card; qualifications.** The department shall
19 register and issue a registry identification card to an applicant who submits a complete
20 application that meets the requirements of this subsection.

21 The department shall conduct a criminal history record check for any applicant for a
22 registry identification card. The criminal history record check is valid for one year from
23 the date it was conducted, regardless of the person's employment status. Except as provided
24 in subsection 3-A, the department may not issue a registry identification card to an
25 applicant who is not permitted under this chapter to have a disqualifying drug offense.

26 An application must include, as applicable:

27 A. The annual fee required pursuant to subsection 10; and

28 B. A statement that the requirements of section 2423-B have been met if the qualifying
29 patient applying for the registry identification card has not attained 18 years of age and
30 the qualifying patient's parent, guardian or person having legal custody of the patient
31 consents in writing to:

32 (1) The qualifying patient's medical use of marijuana;

33 (2) Serving as one of the qualifying patient's caregivers; and

34 (3) Controlling the acquisition of the marijuana plants or harvested marijuana and
35 the dosage and the frequency of the medical use of marijuana by the qualifying
36 patient.

37 **Sec. 12. 22 MRSA §2425-A, sub-§5, ¶A**, as enacted by PL 2017, c. 452, §12, is
38 amended to read:

39 A. A registry identification card expires one year after the date of issuance, regardless
40 of the person's employment status. The card must contain:

- 1 (1) The name of the cardholder;
2 (2) The date of issuance and expiration date;
3 (3) A random identification number that is unique to the cardholder; and
4 (4) A clear designation showing whether the cardholder is allowed under this
5 chapter to cultivate marijuana plants.

6 **Sec. 13. 22 MRSA §2425-A, sub-§10, ¶B**, as enacted by PL 2017, c. 452, §12, is
7 repealed and the following enacted in its place:

8 B. There is an annual registration fee for a caregiver who cultivates marijuana plants
9 on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph
10 B.

11 (1) For a caregiver cultivating based upon plant count, the fee may not be less than
12 \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated
13 by the caregiver. The caregiver shall notify the department of the number of
14 marijuana plants the caregiver cultivates.

15 (2) For a caregiver cultivating based upon plant canopy, the fee may not be less
16 than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.

17 **Sec. 14. 22 MRSA §2428, sub-§1-A, ¶K**, as enacted by PL 2017, c. 452, §16, is
18 amended to read:

19 K. Hire any number of assistants who are 21 years of age or older to assist in
20 performing the duties of the dispensary; and

21 **Sec. 15. 22 MRSA §2429-B, sub-§1, ¶C**, as enacted by PL 2017, c. 452, §18, is
22 amended to read:

23 C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting
24 public or private school, except that, if a municipality chooses to prohibit the placement
25 or use of signs or advertising by or on behalf of a registered caregiver or dispensary at
26 distances greater than or less than 1,000 feet but not less than 500 feet from the property
27 line of a preexisting public or private school, that greater or lesser distance applies; or

28 **Sec. 16. 22 MRSA §2429-B, sub-§1, ¶D**, as enacted by PL 2017, c. 452, §18, is
29 amended to read:

30 D. Violate any other requirement or restriction on signs, advertising and marketing
31 imposed by the department by rule pursuant to subsection 2; ~~or~~.

32 **Sec. 17. 22 MRSA §2429-B, sub-§1, ¶E**, as amended by PL 2019, c. 331, §29, is
33 repealed.

34 **Sec. 18. 22 MRSA §2429-B, sub-§2, ¶D**, as enacted by PL 2017, c. 452, §18, is
35 amended to read:

36 D. A prohibition on advertising or marketing directed toward location-based devices;
37 ~~including, but not limited to, cellular telephones, unless the marketing is a mobile~~
38 ~~device application installed on the device by the owner of the device who is 21 years~~
39 ~~of age or older and unless such marketing includes a permanent and easy opt-out~~
40 ~~feature and the owner of the device is 21 years of age or older.~~

