

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Ensure the Integrity of Maine's Medical Marijuana Program**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** under the Maine Medical Use of Marijuana Act, the restrictions on primary caregivers result in shorter supply, raising the price for patients with debilitating medical conditions; and

**Whereas,** allowing primary caregivers to employ staff will benefit the economy; and

**Whereas,** these measures need to be enacted as soon as possible to bring relief to the patients and to stimulate the economy; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2422, sub-§8-A,** as enacted by PL 2011, c. 407, Pt. B, §9, is amended to read:

**8-A. Primary caregiver.** "Primary caregiver" means a person or an employee of that person, a hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 that provides care for a qualifying patient in accordance with section 2423-A, subsection 2. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

**Sec. 2. 22 MRSA §2423-A, sub-§2, ¶C,** as enacted by PL 2009, c. 631, §21 and affected by §51, is repealed.

**Sec. 3. 22 MRSA §2425, sub-§1, ¶F,** as amended by PL 2009, c. 631, §28 and affected by §51, is further amended to read:

F. If the qualifying patient names one or 2 primary caregivers, an indication of which person, if any, is designated to cultivate marijuana for the qualifying patient's medical use. Only one person may be primary caregiver, which includes an employee of that caregiver, is allowed to cultivate marijuana for a registered patient; and

**Sec. 4. 22 MRSA §2425, sub-§4,** as amended by PL 2009, c. 631, §31 and affected by §51, is further amended to read:

**4. Primary caregiver registry identification card.** The department shall issue a registry identification card to each registered primary caregiver, if any, and an employee of that registered primary caregiver, who is named in a registered patient's approved application pursuant to subsection 1, paragraph E.

**Sec. 5. 22 MRSA §2425, sub-§5**, as repealed and replaced by PL 2011, c. 691, Pt. A, §21, is amended to read:

**5. Registry identification card issuance.** The department shall issue registry identification cards to registered patients, to registered primary caregivers and their staff and to staff of hospice providers and nursing facilities designated by registered patients as primary caregivers within 5 days of approving an application or renewal under this section. Registry identification cards expire one year after the date of issuance except that the date of issuance and expiration date of a registered primary caregiver's registry identification card must be the same as the issuance and expiration dates on the patient's registry identification card. Registry identification cards must contain:

- A. The name of the cardholder;
- C. The date of issuance and expiration date of the registry identification card;
- D. A random identification number that is unique to the cardholder; and
- F. A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This bill amends the Maine Medical Use of Marijuana Act to:

1. Allow primary caregivers to have an unlimited number of registered patients, removing the current restriction of 5 patients; and
2. Allow primary caregivers to have employees. The employees must meet the same age and criminal record requirements as primary caregivers.