

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

Amend the bill by striking out all of section 2 (page 1, lines 9 to 13 in L.D.) and inserting the following:

‘**Sec. 2. 22 MRSA §2422, sub-§4-C** is enacted to read:

4-C. Medical provider. "Medical provider" means a physician or a certified nurse practitioner.’

Amend the bill by inserting after section 3 the following:

‘**Sec. 4. 22 MRSA §2422, sub-§14**, as amended by PL 2011, c. 407, Pt. B, §14, is further amended to read:

14. Prepared marijuana. "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption. "Prepared marijuana" does not include hashish as defined in Title 17-A, section 1101, subsection 5.’

Amend the bill by striking out all of section 7 (page 2, lines 4 to 21 in L.D.)

Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (5) in the last line (page 5, line 5 in L.D.) by striking out the following: "~~and~~" and inserting the following: 'and'

Amend the bill in section 13 in subsection 8 in paragraph G in subparagraph (6) in the last line (page 5, line 8 in L.D.) by striking out the following: "~~and~~" and inserting the following: 'and'

Amend the bill in section 13 in subsection 8 in paragraph G by striking out all of subparagraph (7) (page 5, lines 9 to 11 in L.D.)

Amend the bill in section 13 in subsection 8 by inserting at the end the following:

‘L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175.’

Amend the bill by striking out all of sections 15 to 17 (page 5, lines 36 to 40 and page 6, lines 1 to 7 in L.D.)

Amend the bill by striking out all of sections 19 and 20 (page 6, lines 13 to 38 and page 7, lines 1 to 10 in L.D.) and inserting the following:

‘**Sec. 19. 22 MRSA §2430-A**, as enacted by PL 2009, c. 631, §46 and affected by §51, is repealed and the following enacted in its place:

§ 2430-A. Compliance

The department may take action necessary to ensure compliance with this chapter, including, but not limited to, collecting, possessing, transporting and performing laboratory testing on soil and marijuana plant samples and samples of products containing marijuana from registered primary caregivers and registered dispensaries to determine compliance with this chapter and for evidence purposes. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding the provisions of Title 5, section 8073, rules adopted pursuant to this section may not be adopted on any basis or implemented before review and approval by the Legislature.

Sec. 20. Framework for processing, documenting and investigating complaints regarding the Maine Medical Use of Marijuana Act. The Department of Health and Human Services shall develop a framework for processing, documenting and investigating complaints concerning the implementation of the Maine Medical Use of Marijuana Act. The department shall review mechanisms for processing, documenting and investigating complaints and shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2014. The department shall include in its report whether enacting new laws or authorizing new rules, either routine technical or major substantive, is required to implement the recommendations of the department.’

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the committee. This amendment replaces the bill. It makes the following changes to the bill:

1. The amendment adds an amendment to the definition of “prepared marijuana” to include the by-products of leaves and flowers and a statement that prepared marijuana does not include hashish;
2. The amendment removes from the bill provisions that would have changed the commissioner with responsibility for best practices in pest management from the Commissioner of Agriculture, Conservation and Forestry to the Commissioner of Health and Human Services;
3. The amendment adds to the provisions on confidentiality in the medical use of marijuana program that the confidentiality provisions do not prevent the Department of Health and Human Services from complying with the Maine Revised Statutes, Title 36, section 175. The amendment strikes from the bill a provision that would have created an exception to confidentiality for release by the department to Maine Revenue Services for taxation compliance purposes;
4. The amendment removes from the bill provisions on complaint investigation, penalties, injunctive relief and attorney's fees and costs. The amendment retains provisions in the bill allowing the department to ensure compliance, including, but not limited to, laboratory testing on soil, marijuana plant samples and samples of products. The amendment directs the department to adopt major substantive rules and delays implementation of the rules until they have been reviewed and approved by the Legislature; and

5. The amendment directs the Department of Health and Human Services to develop a framework for processing, documenting and investigating complaints concerning the implementation of the Maine Medical Use of Marijuana Act. It directs the department to review mechanisms for processing, documenting and investigating complaints and to report its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2014. The amendment directs the department to include in its report whether enacting new laws or authorizing new rules, either routine technical or major substantive, is required to implement the recommendations of the department.