

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 Increase Patient Safety in Maine's Medical Marijuana Program**

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

**Sec. 1. 22 MRSA §2423-A, sub-§2, ¶K,** as reallocated by RR 2013, c. 1, §40, is amended to read:

K. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary for reasonable compensation. The transfer of prepared marijuana by a primary caregiver to one or more dispensaries under this paragraph is limited to a registered primary caregiver. A registered primary caregiver may not transfer more than 25 pounds of excess prepared marijuana for reasonable compensation under this paragraph in a calendar year. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective.

**Sec. 2. 22 MRSA §2423-A, sub-§10** is enacted to read:

**10. Inspection.** A primary caregiver's cultivation facility is subject to reasonable inspection by the department. The department may enter the cultivation facility at any time, without notice, to carry out an inspection under this subsection.

**Sec. 3. 22 MRSA §2424, sub-§4** is enacted to read:

**4. Rules.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing the manner in which it considers applications for and renewals of the registry identification card for a primary caregiver, including rules governing:

- A. The form and content of an application or a renewal application;
- B. Minimum oversight requirements for a primary caregiver's cultivation facility;
- C. Minimum record-keeping requirements for a primary caregiver, including recording the disposal of marijuana that is not distributed by the primary caregiver to a qualifying patient who has designated the primary caregiver to cultivate for that patient;
- D. Minimum security requirements for a primary caregiver's cultivation facility; and
- E. Procedures for suspending or terminating the registry identification card of a primary caregiver who violates the provisions of this chapter or the rules adopted pursuant to this subsection.

**Sec. 4. 22 MRSA §2425, sub-§8, ¶L,** as corrected by RR 2013, c. 2, §33, is amended to read:

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36 and the license issuance and renewal provisions of Title 36, section 175.

**Sec. 5. 22 MRS §2430, sub-§3**, as enacted by PL 2009, c. 631, §45 and affected by §51, is amended to read:

**3. Uses of the fund.** The fund may be used for expenses of the department to administer this chapter, as allocated by the Legislature, including, but not limited to, enforcement primarily for public health and safety such as inspection of the cultivation facilities of primary caregivers and registered dispensaries, the examination and investigation of the inventory of excess marijuana and complaint investigation.

## SUMMARY

This bill amends the Maine Medical Use of Marijuana Act in the following ways:

1. It increases the amount of excess prepared marijuana a registered primary caregiver may transfer for reasonable compensation in a calendar year from 2 pounds to 5 pounds;
2. It specifies that, like registered dispensaries, a primary caregiver's cultivation facility is subject to reasonable inspection by the Department of Health and Human Services at any time, without prior notice;
3. It requires the Department of Health and Human Services to adopt routine technical rules governing the manner in which the department considers an application for and a renewal of a registry identification card for a primary caregiver;
4. It clarifies that the information provided by the Department of Health and Human Services to the Department of Administrative and Financial Services, Bureau of Revenue Services may be used by the bureau to determine whether an applicant for a license or renewal of a license as a registered dispensary has complied with the tax laws; and
5. It specifies that the Medical Use of Marijuana Fund may be used by the Department of Health and Human Services for enforcement purposes that are primarily for the protection of public health and safety and for investigations.