

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

Amend the amendment in section 15 in §2425-A in subsection 3 in the first blocked paragraph in the 2nd line (page 27, line 14 in amendment) by striking out the following: "The" and inserting the following: 'Except as provided in subsection 3-A, the'

Amend the amendment in section 15 in §2425-A by inserting after subsection 3 the following:

3-A. Criminal history record check for caregivers administering medical marijuana on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter.

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the amendment in section 17 in subsection 1-A in the 3rd line (page 34, line 8 in amendment) by striking out the following: "(4) may, for the benefit of a qualifying patient," and inserting the following: '(4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient.'

Amend the amendment in section 17 in subsection 1-A in the 5th line (page 34, line 10 in amendment) by striking out the following: "which a ~~minor~~" and inserting the following: 'which a ~~minor~~ the'

Amend the amendment by inserting after section 27 the following:

‘Sec. 28. 25 MRSA §1542-A, sub-§1, ¶P is enacted to read:

P. Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A.

Sec. 29. 25 MRSA §1542-A, sub-§3, ¶O is enacted to read:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

Sec. 30. 25 MRSA §1542-A, sub-§4, as repealed and replaced by PL 2017, c. 409, Pt. B, §13, is amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately

to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K ~~or~~ L or P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, ~~Bureau of Revenue Services~~. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204.’

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

SUMMARY

This amendment requires a caregiver, except for a caregiver who is a parent, guardian or person having legal custody of the qualifying patient, designated to possess medical marijuana for use by a qualifying patient and administer medical marijuana to a qualifying patient who is enrolled in primary or secondary school to submit to the same background check applicable to education personnel. The background check required includes fingerprinting.

This amendment also clarifies that a parent, guardian or person having legal custody of a qualifying patient who is enrolled in school may possess medical marijuana for use by that qualifying patient and administer medical marijuana to that qualifying patient.

FISCAL NOTE REQUIRED **(See attached)**