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No. 1462

H.P. 1047

House of Representatives, April 25, 2013

An Act To Clarify and Correct Provisions of the Maine Medical Use of Marijuana Act

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DION of Portland.
Cosponsored by Senator HASKELL of Cumberland and
Representatives: FARNSWORTH of Portland, GILBERT of Jay, HARVELL of Farmington,
HAYES of Buckfield, MOONEN of Portland, SANDERSON of Chelsea, Senators:
LANGLEY of Hancock, VALENTINO of York.

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

2 **Sec. 1. 22 MRSA §2421**, as amended by PL 2009, c. 631, §7 and affected by §51,
3 is further amended to read:

4 **§2421. Short title**

5 This chapter may be known and cited as "the Maine Medical Use of ~~Marijuana~~
6 Cannabis Act."

7 **Sec. 2. 22 MRSA §2423-A, sub-§3, ¶¶A and B**, as enacted by PL 2009, c. 631,
8 §21 and affected by §51, are further amended to read:

9 A. A patient who elects to cultivate marijuana plants must keep the plants in an
10 enclosed, locked facility unless the plants are being transported because the patient is
11 moving or taking the plants to the patient's own property in order to cultivate them.
12 Access to the enclosed, locked facility must be limited to the patient, except that a
13 licensed health care professional, vendor or consultant or a person who needs to gain
14 access to the facility in order to perform repairs or maintenance may access the
15 enclosed, locked facility to provide professional services but must be under the direct
16 supervision of the patient.

17 B. A primary caregiver who has been designated by a patient to cultivate marijuana
18 for the patient's medical use must keep all plants in an enclosed, locked facility unless
19 the plants are being transported because the primary caregiver is moving or taking the
20 plants to the primary caregiver's own property in order to cultivate them. Access to
21 the enclosed, locked facility must be limited to the primary caregiver, except that a
22 licensed health care professional, vendor or consultant or a person who needs to gain
23 access to the facility in order to perform repairs or maintenance may access the
24 enclosed, locked facility to provide professional services but must be under the direct
25 supervision of the primary caregiver.

26 **Sec. 3. 22 MRSA §2428, sub-§6, ¶I**, as amended by PL 2011, c. 407, Pt. B, §32,
27 is further amended to read:

28 I. All cultivation of marijuana must take place in an enclosed, locked facility unless
29 the marijuana plants are being transported between the dispensary and a location at
30 which the dispensary cultivates the marijuana plants, as disclosed to the department
31 in subsection 2, paragraph A, subparagraph (3). Access to the enclosed, locked
32 facility must be limited to a registered cardholder who is a principal officer, board
33 member or employee of the registered dispensary when acting in that registered
34 cardholder's official capacity, except that a licensed health care professional, vendor
35 or consultant or a person who needs to gain access to the facility in order to perform
36 repairs or maintenance may access the enclosed, locked facility to provide
37 professional services but must be under the direct supervision of a registered
38 cardholder who is a principal officer, board member or employee of the registered
39 dispensary.

1 5. It requires a correction to a reference to caregivers in the rules of the department;
2 the reference should be to registered dispensaries.