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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 330, L.D. 480, Bill, “An Act To Establish Fees under the Maine Medical Use of Marijuana Act”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §2424, sub-§3, as amended by PL 2011, c. 407, Pt. B, §22, is further amended to read:

3. Registry identification cards. The department shall adopt rules governing the manner in which it considers applications for and renewals of registry identification cards for registered patients, registered primary caregivers, principal officers, board members and employees of dispensaries and staff of hospice providers and nursing facilities designated as primary caregivers. The department's rules must require the submission of an application, must require replacement of a registry identification card that has been lost, destroyed or stolen or that contains information that is no longer accurate and must establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter and that are consistent with the provisions of section 2425, subsection 12. The department may establish a sliding scale of application and renewal fees based upon a registered patient's family income and status as a veteran of the Armed Forces of the United States. The department may accept donations from private sources in order to reduce the application and renewal fees.

Sec. 2. 22 MRSA §2425, sub-§1, ¶B, as enacted by IB 2009, c. 1, §5, is repealed.

Sec. 3. 22 MRSA §2425, sub-§1-A is enacted to read:

1-A. Criminal history record check. An applicant for a registry identification card who is a primary caregiver or who is a principal officer, board member or employee of a registered dispensary must undergo a criminal history record check annually.

Sec. 4. 22 MRSA §2425, sub-§3, as enacted by IB 2009, c. 1, §5, is amended to read:

COMMITTEE AMENDMENT

1 **3. Department approval or denial.** The department shall verify the information
2 contained in an application or renewal submitted pursuant to this section and shall
3 approve or deny an application or renewal within 30 days of receiving it. The department
4 may deny an application or renewal only if the applicant did not provide the information
5 required pursuant to this section or the department determines that the applicant does not
6 qualify for a registry identification card or that the information provided was falsified.
7 Rejection of an application or renewal is considered a final agency action, subject to
8 judicial review. Jurisdiction and venue for judicial review are vested in the Superior
9 Court.

10 **Sec. 5. 22 MRSA §2425, sub-§6,** as enacted by IB 2009, c. 1, §5, is amended to
11 read:

12 **6. Notification of changes in status or loss of card.** This subsection governs
13 notification of changes in status or the loss of a registry identification card.

14 A. A registered qualifying patient shall notify the department within 10 days of any
15 change in the registered qualifying patient's name, address, primary caregiver or
16 preference regarding who may cultivate marijuana for the registered qualifying
17 patient, if the registry identification card is no longer accurate, if the change renders
18 the registry identification card inaccurate or if the registered qualifying patient ceases
19 to have a debilitating medical condition.

20 B. A registered qualifying patient who fails to notify the department as required
21 under paragraph A commits a civil violation for which a fine of not more than \$150
22 may be adjudged. If the registered qualifying patient's certifying physician notifies
23 the department in writing that the registered qualifying patient has ceased to suffer
24 from a debilitating medical condition, the registered qualifying patient's registry
25 identification card becomes void upon notification by the department to the
26 qualifying patient.

27 C. A registered primary caregiver shall notify the department if the card of the
28 registered primary caregiver is no longer accurate within 10 days of the event that
29 caused the inaccuracy and of any change in the caregiver's name or address within 10
30 days of such change. A registered primary caregiver who fails to notify the
31 department of any of these changes commits a civil violation for which a fine of not
32 more than \$150 may be adjudged.

33 D. When a registered qualifying patient or registered primary caregiver notifies the
34 department of any changes listed in this subsection, the department shall issue the
35 registered qualifying patient and each registered primary caregiver a new registry
36 identification card within 10 days of receiving the updated information and ~~a \$10~~ the
37 fee required by subsection 12, paragraph E.

38 E. When a registered qualifying patient changes the patient's registered primary
39 caregiver, the department shall notify the old primary caregiver within 10 days. The
40 old primary caregiver's protections as provided in this chapter expire 10 days after
41 notification by the department.

42 F. If a cardholder loses the cardholder's registry identification card, the cardholder
43 shall notify the department and submit ~~a \$10~~ the fee required by subsection 12,
44 paragraph E within 10 days of losing the card. Within 5 days after such notification,

1 the department shall issue a new registry identification card with a new random
2 identification number.

3 **Sec. 6. 22 MRSA §2425, sub-§12** is enacted to read:

4 **12. Registration and related fees.** The department by rule shall establish fees in
5 accordance with this subsection. The fees must be credited to the Medical Use of
6 Marijuana Fund pursuant to section 2430. Rules adopted pursuant to this subsection are
7 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

8 A. There is no annual fee to register a qualifying patient.

9 B. Primary caregiver fees are as follows.

10 (1) There is no annual fee to register a primary caregiver who does not cultivate
11 marijuana for a qualifying patient.

12 (2) There is an annual fee to register a primary caregiver who has been
13 designated to cultivate marijuana under subsection 2423-A, subsection 1,
14 paragraph F. The fee must be not less than \$50 and not more than \$300 for each
15 qualifying patient who has designated the primary caregiver.

16 (3) There is no fee for a registered primary caregiver to register for the
17 remainder of the registration period a new qualifying patient in place of a former
18 qualifying patient who has revoked the designation of the primary caregiver.

19 C. There is an annual fee to register a dispensary of not less than \$5,000 and not
20 more than \$15,000. There is a fee to change the location of a registered dispensary or
21 the location at which a registered dispensary cultivates marijuana of not less than
22 \$3,000 and not more than \$5,000.

23 D. There is an annual fee to register a principal officer, board member or employee
24 of a registered dispensary of not less than \$25 and not more than \$50. The fee must
25 be paid by the registered dispensary.

26 E. There is a fee to replace a registry card that has been lost, stolen or destroyed or a
27 card that contains information that is no longer accurate of not less than \$10 and not
28 more than \$20.

29 F. There is an annual fee for a criminal history record check for a primary caregiver
30 or a principal officer, board member or employee of a registered dispensary of not
31 less than \$31 and not more than \$60. The fee must be paid by the primary caregiver
32 or by the registered dispensary for a principal officer, board member or employee of
33 the registered dispensary.

34 G. There is a fee for laboratory testing of marijuana that is cultivated, harvested,
35 processed, prepared or provided by a registered primary caregiver or registered
36 dispensary of not less than \$50 and not more than \$300 per test sample.

37 Beginning January 2014 and every 2 years thereafter, the department shall review the
38 balance in the Medical Use of Marijuana Fund established under section 2430. If the
39 balance in the Medical Use of Marijuana Fund exceeds \$400,000, the department shall
40 reduce the fees established under paragraphs B and C for a 2-year period beginning with
41 the calendar year following the review.

1 **Sec. 7. 22 MRSA §2428, sub-§2, ¶A**, as amended by PL 2009, c. 631, §42 and
2 affected by §51, is further amended to read:

3 A. The department shall register a dispensary and issue a registration certificate or
4 renew a registration certificate within 30 days to any person or entity that provides:

5 (1) An annual fee paid to the department as set by rule, ~~in an amount not less~~
6 ~~than \$5,000 and not more than \$15,000~~ pursuant to section 2425, subsection 12,
7 paragraph C;

8 (2) The legal name of the dispensary, evidence of incorporation under Title 13-B
9 and evidence that the corporation is in good standing with the Secretary of State;

10 (3) The physical address of the dispensary and the physical address of a
11 maximum of one additional location, if any, where marijuana will be cultivated
12 for patients who have designated the dispensary to cultivate for them. If a
13 registered dispensary changes the physical location of the dispensary or the
14 location at which it cultivates marijuana, the dispensary shall notify the
15 department on a location change form provided by the department, pay a change
16 fee as established in section 2425, subsection 12, paragraph C and obtain a new
17 registration certificate from the department;

18 (4) The name, address and date of birth of each principal officer and board
19 member of the dispensary; and

20 (5) The name, address and date of birth of any person who is employed by the
21 dispensary.

22 **Sec. 8. 22 MRSA §2428, sub-§2, ¶D**, as amended by PL 2009, c. 631, §42 and
23 affected by §51, is further amended to read:

24 D. The department may not issue a registry identification card to any principal
25 officer, board member or employee of a dispensary who has been convicted of a
26 disqualifying drug offense. The department ~~may~~ shall conduct a ~~background~~
27 criminal history record check of each principal officer, board member or employee on
28 an annual basis in order to carry out this provision. ~~The~~ If the department determines
29 not to issue a registry identification card for a principal officer, board member or
30 employee, the department shall notify the dispensary in writing of the reason for
31 denying the registry identification card.'

32 SUMMARY

33 This amendment replaces the bill. The amendment strikes the application and
34 renewal fees for a medical use of marijuana registry identification card for a qualifying
35 patient. It requires that a registered dispensary file notice and pay a fee when it changes
36 the location of the dispensary or the location at which it cultivates marijuana. The
37 amendment organizes the fees payable to the medical use of marijuana program into one
38 subsection of law, establishes a fee for out-of-date cards and a laboratory testing fee and
39 establishes the range within which the Department of Health and Human Services must
40 establish fees by adopting routine technical rules. The amendment clarifies that
41 registered primary caregivers and the principal officers, board members and employees of

1 registered dispensaries must undergo annual criminal history record checks. The
2 amendment provides for review of the balance in the Medical Use of Marijuana Fund and
3 provides for adjustment of the annual fees charged to registered caregivers and registered
4 dispensaries.