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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 395, L.D. 538, Bill, “An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients”

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the requirement in current law that visiting qualifying patients must obtain a written certification from their own medical providers that meets the qualifications of Maine law is complicated and onerous; and

Whereas, the summer tourism season, during which visiting qualifying patients will need access to marijuana for medical use in this State, is quickly approaching; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 22 MRSA §2423-D, as amended by PL 2017, c. 452, §7, is further amended to read:

§2423-D. Authorized conduct by a visiting qualifying patient

A visiting qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a ~~valid written certification as described in section 2423-B from the visiting qualifying patient's medical provider and~~ a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in

1 conduct authorized for a qualifying patient under this chapter, except that a visiting
2 qualifying patient may not:

3 **1. Cultivate.** Cultivate marijuana plants;

4 **2. Possess.** Possess more than 2 1/2 ounces of harvested marijuana in a 15-day
5 period; or

6 **3. Transfer or furnish.** Transfer or furnish harvested marijuana to another person; or

7 ~~**4. Obtain.** Obtain harvested marijuana from a registered caregiver or dispensary
8 unless the visiting qualifying patient has designated the registered caregiver or dispensary
9 in order to have that caregiver or dispensary provide harvested marijuana to the visiting
10 qualifying patient. A designation pursuant to this subsection must be in a standardized
11 written document, developed by the department, and signed and dated by the visiting
12 qualifying patient. The designation is valid for the term provided by the visiting
13 qualifying patient's medical provider pursuant to section 2423-B. The document must
14 include the signed acknowledgment of the registered caregiver or dispensary that the
15 caregiver or dispensary may be contacted to confirm the designation of the caregiver or
16 dispensary to provide harvested marijuana to the visiting qualifying patient.~~

17 The department shall maintain a list of other jurisdictions that authorize the medical
18 use of marijuana and the images of the valid medical marijuana certifications from those
19 jurisdictions and make that information available to registered caregivers and registered
20 dispensaries.'

21 Amend the bill by adding before the summary the following:

22 **'Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.'

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

26 SUMMARY

27 This amendment, which is the unanimous report of the committee, adds an
28 emergency preamble and emergency clause to the bill. It removes the requirement that a
29 visiting qualifying patient obtain valid written certification pursuant to Maine law from
30 the visiting patient's medical provider. It also directs the Department of Administrative
31 and Financial Services to maintain a list of other jurisdictions that authorize the medical
32 use of marijuana and the images of the valid medical marijuana certifications from those
33 jurisdictions and make that information available to registered caregivers and registered
34 dispensaries.