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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 578, L.D. 1531, Bill, “An Act To Maintain Access to Safe Medical Marijuana”

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

Sec. 1. 22 MRSA §2423-A, sub-§2, ¶G, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

G. Prepare food as defined in section 2152, subsection 4 containing marijuana for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167; ~~and~~

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶H, as enacted by PL 2011, c. 407, Pt. B, §16, is amended to read:

H. For the purpose of disposing of excess prepared marijuana, transfer marijuana to a registered dispensary or another primary caregiver if nothing of value is received. 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; and

Sec. 3. 22 MRSA §2423-A, sub-§2, ¶I is enacted to read:

I. Use a pesticide in the cultivation of marijuana if the pesticide is exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b), is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana use a pesticide exempt from the federal registration requirements and that is registered with the Board of Pesticides Control unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any employee who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Part 170.130. An employee of the registered primary caregiver who is

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1 not certified pursuant to section 1471-D and who is involved in the application of the
2 pesticide or handling of the pesticide or equipment must first complete safety training
3 described in 40 Code of Federal Regulations, Part 170.230.

4 **Sec. 4. 22 MRSA §2428, sub-§9, ¶G** is enacted to read:

5 G. A registered dispensary may not use a pesticide on marijuana except a pesticide
6 that is exempt from the federal registration requirements pursuant to 7 United States
7 Code, Section 136w(b), is registered with the Department of Agriculture,
8 Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section
9 607 and is used consistent with best management practices approved by the
10 Commissioner of Agriculture, Conservation and Forestry. A registered dispensary
11 may not in the cultivation of marijuana use a pesticide exempt from federal
12 registration requirements and registered with the Board of Pesticides Control unless
13 at least one registered dispensary employee involved in the application of the
14 pesticide is certified pursuant to section 1471-D and all other registered dispensary
15 employees who have direct contact with treated plants have completed safety training
16 pursuant to 40 Code of Federal Regulations, Part 170.130. A registered dispensary
17 employee who is not certified pursuant to section 1471-D and who is involved in the
18 application of the pesticide or handling of the pesticide or equipment must first
19 complete safety training described in 40 Code of Federal Regulations, Part 170.230.'

20 **SUMMARY**

21 This amendment, which is the majority report, strikes and replaces the bill but retains
22 the emergency provisions. It prohibits the use of a pesticide in the cultivation of medical
23 marijuana unless the pesticide is exempt from federal registration requirements and is
24 registered with the Department of Agriculture, Conservation and Forestry, Board of
25 Pesticides Control. The amendment requires that at least one applicator of an authorized
26 pesticide must be certified by the board and all other employees of a registered dispensary
27 or a registered primary caregiver who have direct contact with treated plants or who are
28 involved in the handling of the pesticide must first complete the federal training
29 requirements for agricultural workers or pesticide handlers.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**