

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

—
H.P. 1195 - L.D. 1623

**An Act To Further Protect Patient Access to Safe Medical Marijuana by
Allowing Dispensaries To Purchase Excess Marijuana from Other
Dispensaries**

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 First Regular Session of the 126th Legislature enacted a law to permit a registered primary caregiver to sell up to a total of 2 pounds of excess prepared marijuana annually to registered dispensaries; and

Whereas, the purchase by a dispensary of up to 2 pounds of excess prepared marijuana per primary caregiver could not realistically meet the demands of patients at a dispensary if that dispensary suffered a crop failure or other unforeseen disaster; and

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe marijuana for medical use for the thousands of Maine patients who currently hold written certificates from their physicians and who purchase their prepared marijuana from dispensaries; 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,

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

Sec. 1. 22 MRSA §2422, sub-§3-A is enacted to read:

3-A. Extended inventory supply interruption. "Extended inventory supply interruption" means any circumstance that:

A. Requires a registered dispensary to limit for more than a 2-week period the amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period;
or

B. Prevents a registered dispensary from consistently offering for a 2-week period or longer a full range of strains of marijuana, including but not limited to strains rich in cannabidiol, to a patient.

Sec. 2. 22 MRSA §2428, sub-§1-A, ¶E, as enacted by PL 2011, c. 407, Pt. B, §32, is amended to read:

E. Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G.

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

G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist qualifying patients who have designated the dispensary to cultivate marijuana for them for the medical use of marijuana directly or through the qualifying patients' primary caregivers, to obtain prepared marijuana as provided in subsection 1-A, paragraph E or to provide prepared marijuana as provided in paragraph L and subsection 9, paragraph B.

Sec. 4. 22 MRSA §2428, sub-§6, ¶L is enacted to read:

L. A dispensary may provide excess prepared marijuana to another dispensary that is experiencing an extended inventory supply interruption.

Sec. 5. 22 MRSA §2428, sub-§9, ¶B, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a person other than a qualifying patient who has designated the dispensary to cultivate marijuana for the patient or, to the patient's primary caregiver or to a dispensary as provided in subsection 6, paragraphs G and L.

Sec. 6. 22 MRSA §2428, sub-§9, ¶E, as corrected by RR 2013, c. 1, §41, is amended to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or K ~~or~~ through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them or from a dispensary as provided in subsection 1-A, paragraph E.

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