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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. 1047, L.D. 1462, Bill, “An Act To Clarify and Correct Provisions of 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 §2423-A, sub-§3, ¶¶A and B, as enacted by PL 2009, c. 631, §21 and affected by §51, are amended to read:

A. A patient who elects to cultivate marijuana plants must keep the plants in an enclosed, locked facility unless the plants are being transported because the patient is moving or taking the plants to the patient's own property in order to cultivate them. Access to the cultivation facility is limited to the patient, except that emergency services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide those professional services while under the direct supervision of the patient.

B. A primary caregiver who has been designated by a patient to cultivate marijuana for the patient's medical use must keep all plants in an enclosed, locked facility unless the plants are being transported because the primary caregiver is moving or taking the plants to the primary caregiver's own property in order to cultivate them. The primary caregiver shall use a numerical identification system to enable the primary caregiver to identify marijuana plants cultivated for a patient. Access to the cultivation facility is limited to the primary caregiver, except that emergency medical services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide those professional services while under the direct supervision of the primary caregiver.

Sec. 2. 22 MRSA §2428, sub-§6, ¶I, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

COMMITTEE AMENDMENT

1 I. All cultivation of marijuana must take place in an enclosed, locked facility unless
2 the marijuana plants are being transported between the dispensary and a location at
3 which the dispensary cultivates the marijuana plants, as disclosed to the department
4 in subsection 2, paragraph A, subparagraph (3). The dispensary shall use a numerical
5 identification system to enable the dispensary to track marijuana plants from
6 cultivation to sale and to track prepared marijuana obtained pursuant to section
7 2423-A, subsection 2, paragraph H from acquisition to sale. Access to the cultivation
8 facility is limited to a cardholder who is a principal officer, board member or
9 employee of the dispensary when acting in that cardholder's official capacity, except
10 that emergency services personnel or a person who needs to gain access to the
11 cultivation facility in order to perform repairs or maintenance or to do construction
12 may access the cultivation facility to provide professional services while under the
13 direct supervision of a cardholder who is a principal officer, board member or
14 employee of the dispensary.

15 **Sec. 3. Department of Health and Human Services to amend rules**
16 **regarding primary caregivers and registered dispensaries.** The Department of
17 Health and Human Services shall amend its rules governing the medical use of marijuana
18 in Rule Chapter 122 to remove the requirement that a primary caregiver or registered
19 dispensary have a tag on each marijuana plant and to adopt a rule requiring the use of a
20 numerical identification system that satisfies the requirements of the Maine Revised
21 Statutes, Title 22, section 2423-A, subsection 3, paragraph B for primary caregivers and
22 the requirements of Title 22, section 2428, subsection 6, paragraph I for registered
23 dispensaries.'

24 **SUMMARY**

25 This amendment replaces the bill. The amendment allows access to a cultivation
26 facility by emergency services personnel and by a person who needs to gain access in
27 order to perform repairs or maintenance or to do construction, but only under the direct
28 supervision of a cardholder who is allowed access to the cultivation facility. The
29 amendment requires a primary caregiver or dispensary that cultivates marijuana to use a
30 numerical identification system and requires the Department of Health and Human
31 Services to amend the rules on primary caregivers and dispensaries to implement the
32 numerical identification system requirement.