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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1539, Bill, "An Act To Amend Maine's Medical Marijuana Law"

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

**'Sec. 1. 7 MRSA §2442, sub-§31-B,** as enacted by PL 2017, c. 309, §2, is amended to read:

**31-B. Registered caregiver.** "Registered caregiver" means a ~~primary~~ caregiver who is registered by the Department of Health and Human Services pursuant to Title 22, section 2425, ~~subsection 4~~ 2425-A.

**Sec. 2. 7 MRSA §2442, sub-§32,** as amended by PL 2017, c. 309, §3, is further amended to read:

**32. Registered dispensary.** "Registered dispensary" means a ~~nonprofit~~ dispensary that is registered by the Department of Health and Human Services pursuant to Title 22, section 2428, ~~subsection 2, paragraph A~~ 2425-A.

**Sec. 3. 7 MRSA §2454, sub-§1,** as enacted by IB 2015, c. 5, §1, is amended to read:

**1. Relation to the Maine Medical Use of Marijuana Act.** This chapter may not be construed to limit any privileges or rights of a qualifying patient, ~~primary~~ caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

**Sec. 4. 22 MRSA §2152, sub-§4-A,** as amended by PL 2011, c. 407, Pt. A, §2, is further amended to read:

**4-A. Food establishment.** "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. "Food establishment" includes a ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, and a registered dispensary, as defined in section 2422, subsection 6, that prepare food containing marijuana for medical use by a

**COMMITTEE AMENDMENT**

1 qualifying patient pursuant to chapter 558-C. The following establishments are not  
2 considered food establishments required to be licensed under section 2167:

3 A. Eating establishments, as defined in section 2491, subsection 7;

4 B. Fish and shellfish processing establishments inspected under Title 12, section  
5 6101, 6102 or 6856;

6 C. Storage facilities for native produce;

7 D. Establishments such as farm stands and farmers' markets primarily selling fresh  
8 produce not including dairy and meat products;

9 E. Establishments engaged in the washing, cleaning or sorting of whole produce,  
10 provided the produce remains in essentially the same condition as when harvested.  
11 The whole produce may be packaged for sale, provided that packaging is not by a  
12 vacuum packaging process or a modified atmosphere packaging process;

13 F. Establishments that are engaged in the drying of single herbs that are generally  
14 recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The  
15 single herbs may be packaged for sale, provided that packaging is not by a vacuum  
16 packaging process or a modified atmosphere packaging process; and

17 G. A ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, conducting an  
18 activity allowed in section 2423-A for a qualifying patient who is a member of the  
19 family, as defined in section 2422, subsection 5-A, or member of the household, as  
20 defined in section 2422, subsection 5-B, of the ~~primary~~ caregiver.

21 **Sec. 5. 22 MRSA §2158**, as amended by PL 2011, c. 407, Pt. A, §3 and c. 657, Pt.  
22 W, §6, is further amended to read:

23 **§2158. Addition of certain substances limited**

24 Any poisonous or deleterious substance added to any food, except where such  
25 substance is required in the production thereof or cannot be avoided by good  
26 manufacturing practice, must be deemed to be unsafe for purposes of the application of  
27 section 2156, subsection 1, paragraph B; but when such substance is so required or cannot  
28 be avoided, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules  
29 limiting the quantity therein or thereon to such extent as the commissioner finds  
30 necessary for the protection of public health, and any quantity exceeding the limits so  
31 fixed must be deemed to be unsafe for purposes of the application of section 2156,  
32 subsection 1, paragraph B. While such a rule is in effect limiting the quantity of any such  
33 substance in the case of any food, such food may not, by reason of bearing or containing  
34 any added amount of such substance, be considered to be adulterated within the meaning  
35 of section 2156, subsection 1, paragraph A. In determining the quantity of such added  
36 substance to be tolerated in or on different articles of food, the commissioner shall take  
37 into account the extent to which the use of such substance is required or cannot be  
38 avoided in the production of each such article and the other ways in which the consumer  
39 may be affected by the same or other poisonous or deleterious substances. Goods that are  
40 prepared by a ~~primary~~ caregiver under section 2152, subsection 4-A, paragraph G or in a  
41 food establishment that is a licensed facility under section 2167 and that contain

1 marijuana for medical use by a qualifying patient, pursuant to chapter 558-C, are not  
2 considered to be adulterated under this subchapter.

3 **Sec. 6. 22 MRSA §2422**, as amended by PL 2015, c. 475, §§1 to 5, is further  
4 amended to read:

5 **§2422. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Cardholder.** "Cardholder" means a ~~qualifying patient, a registered primary~~  
9 ~~caregiver, an employee of a registered primary caregiver or a principal officer, board~~  
10 ~~member or employee of a registered dispensary or a marijuana testing facility~~ person who  
11 has been issued and possesses a valid registry identification card.

12 **1-A. Collective.** "Collective" means an association, cooperative, affiliation or group  
13 of ~~primary~~ caregivers who physically assist each other in the act of cultivation, processing  
14 or distribution of marijuana for medical use for the benefit of the members of the  
15 collective.

16 **1-B. Certified nurse practitioner.** "Certified nurse practitioner" means a registered  
17 professional nurse licensed under Title 32, chapter 31 who has received postgraduate  
18 education designed to prepare the nurse for advanced practice registered nursing in a  
19 clinical specialty in nursing that has a defined scope of practice and who has been  
20 certified in the clinical specialty by a national certifying organization acceptable to the  
21 State Board of Nursing.

22 **1-C. Assistant.** "Assistant" means a person paid to perform a service for a caregiver,  
23 dispensary, manufacturing facility or marijuana testing facility in accordance with this  
24 chapter, whether as an employee or independent contractor.

25 **1-D. Child-resistant.** "Child-resistant" means, with respect to packaging or a  
26 container:

27 A. Specially designed or constructed to be significantly difficult for a typical child  
28 under 5 years of age to open and not to be significantly difficult for a typical adult to  
29 open and reseal; and

30 B. With respect to any product intended for more than a single use or that contains  
31 multiple servings, resealable.

32 **2. Debilitating medical condition.** "Debilitating medical condition" means:

33 ~~A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired~~  
34 ~~immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, agitation of~~  
35 ~~Alzheimer's disease, nail patella syndrome or the treatment of these conditions;~~

36 ~~B. A chronic or debilitating disease or medical condition or its treatment that~~  
37 ~~produces intractable pain, which is pain that has not responded to ordinary medical or~~  
38 ~~surgical measures for more than 6 months;~~

1           C. ~~A chronic or debilitating disease or medical condition or its treatment that~~  
2           ~~produces one or more of the following: cachexia or wasting syndrome; severe nausea;~~  
3           ~~or seizures, including but not limited to those characteristic of epilepsy;~~

4           D. ~~Any other medical condition or its treatment as provided for in section 2424,~~  
5           ~~subsection 2; or~~

6           E. ~~Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic~~  
7           ~~movement disorders and other diseases causing severe and persistent muscle spasms.~~

8           **3. Cultivation area.** ~~"Enclosed, locked facility Cultivation area" means a closet,~~  
9           ~~room, building, greenhouse or other enclosed~~ an indoor or outdoor area used for  
10           ~~cultivation in accordance with this chapter that is enclosed and equipped with locks or~~  
11           ~~other security devices that permit access only by the individual~~ a person ~~authorized to~~  
12           ~~cultivate the marijuana~~ have access to the area under this chapter.

13           ~~**3-A. Extended inventory supply interruption.** "Extended inventory supply~~  
14           ~~interruption" means any circumstance that:~~

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

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

21           **3-B. Edible marijuana product.** "Edible marijuana product" means a marijuana  
22           product intended to be consumed orally, including, but not limited to, any type of food,  
23           drink or pill containing harvested marijuana.

24           **3-C. Harvested marijuana.** "Harvested marijuana" means the plant material  
25           harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant  
26           that are not used for a qualifying patient's medical use. "Harvested marijuana" includes  
27           marijuana concentrate and marijuana products.

28           **4. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for  
29           a violation of a state or federal controlled substance law that is a crime punishable by  
30           imprisonment for one year or more. It does not include:

31           A. An offense for which the sentence, including any term of probation, incarceration  
32           or supervised release, was completed 10 or more years earlier; or

33           B. An offense that consisted of conduct that would have been permitted under this  
34           chapter.

35           ~~**4-A. Incidental amount of marijuana.** "Incidental amount of marijuana" means an~~  
36           ~~amount of nonflowering marijuana plants; marijuana seeds, stalks and roots; and~~  
37           ~~harvested, dried unprepared marijuana defined by rules adopted by the department.~~

38           **4-B. Mature marijuana plant.** "Mature marijuana plant" means a harvestable  
39           flowering female marijuana plant ~~that is flowering.~~

40           **4-C. Medical provider.** "Medical provider" means a physician ~~or~~ a certified nurse  
41           practitioner or a physician assistant.

1           **4-D. Immature marijuana plant.** "Immature marijuana plant" means a  
2 nonflowering marijuana plant that measures more than 24 inches from the base of the  
3 main plant stalk to the most distant point of the plant's leaf stems or branches.

4           **4-E. Inherently hazardous substance.** "Inherently hazardous substance" means a  
5 liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a  
6 flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane,  
7 propane and diethyl ether. "Inherently hazardous substance" does not include any form of  
8 alcohol or ethanol.

9           **4-F. Long-term care facility.** "Long-term care facility" means a hospice provider  
10 facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an  
11 assisted living facility licensed under chapter 1663 or 1664; or a facility or program  
12 licensed under chapter 1663 that provides care for a qualifying patient in accordance with  
13 section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

14           **4-G. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means  
15 the production, blending, infusing, compounding or other preparation of marijuana  
16 concentrate and marijuana products, including, but not limited to, marijuana extraction or  
17 preparation by means of chemical synthesis.

18           **4-H. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or  
19 tier 2 manufacturing facility or a person authorized to engage in marijuana extraction  
20 under section 2423-F.

21           **4-I. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
22 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
23 mixture or preparation from such resin, including, but not limited to, hashish.

24           **4-J. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
25 marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or  
26 other chemicals or chemical processes.

27           **4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus *Cannabis*,  
28 including, but not limited to, *Cannabis sativa*, *Cannabis indica* and *Cannabis ruderalis* or  
29 their hybrids and the seeds of those plants.

30           **4-L. Marijuana product.** "Marijuana product" means a product composed of  
31 harvested marijuana and other ingredients that is intended for medical use. "Marijuana  
32 product" includes, but is not limited to, an edible marijuana product, a marijuana  
33 ointment and a marijuana tincture. "Marijuana product" does not include marijuana  
34 concentrate.

35           **4-M. Nonflowering marijuana plant.** "Nonflowering marijuana plant" means a  
36 marijuana plant that is in a stage of growth in which the plant's pistils are not showing or  
37 the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the  
38 plant.

39           **5. Medical use.** "Medical use" means the acquisition, possession, cultivation,  
40 manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia  
41 relating to the administration of marijuana to treat or alleviate a qualifying patient's  
42 debilitating medical condition diagnosis or symptoms associated with the patient's

1 ~~debilitating medical condition~~ for which a medical provider has provided the qualifying  
2 patient a written certification under this chapter.

3 **5-A. Member of the family.** "Member of the family" means a person who is a  
4 resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle,  
5 niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member  
6 of the family" includes a person who is a resident of the State and who is living with a  
7 person as a spouse and a natural parent of a child of a person.

8 **5-B. Members of the same household.** "Members of the same household" means 2  
9 or more people who ~~share a~~ are residents of the State and who reside in a shared dwelling  
10 unit.

11 **5-C. Marijuana testing facility.** "Marijuana testing facility" means a public or  
12 private laboratory that:

13 A. ~~Is licensed, certified or otherwise approved by the department~~ authorized in  
14 accordance with rules adopted by the department under section 2423-A, subsection  
15 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile  
16 of samples; and

17 B. Is accredited pursuant to standard ISO/IEC 17025 of the International  
18 Organization for Standardization by a 3rd-party accrediting body or is certified,  
19 registered or accredited by an organization approved by the department.

20 **6. Registered dispensary.** "Registered dispensary" or "dispensary" means a ~~not-for-~~  
21 ~~profit~~ an entity registered under section ~~2428~~ 2425-A that acquires, possesses, cultivates,  
22 manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or  
23 related supplies and educational materials to qualifying patients and the ~~primary~~  
24 caregivers of those patients.

25 **6-B. Officer or director.** "Officer or director" means, when used with respect to  
26 any nonprofit, for-profit or other organization governed by this chapter, a director,  
27 manager, shareholder, board member, partner or other person holding a management  
28 position or ownership interest in the organization.

29 **7. Physician.** "Physician" means a person licensed as an osteopathic physician by  
30 the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed  
31 as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32,  
32 chapter 48 who is in good standing and who holds a valid federal Drug Enforcement  
33 Administration license to prescribe drugs.

34 **7-A. Physician assistant.** "Physician assistant" means a person licensed as a  
35 physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36  
36 or a person licensed as a physician assistant by the Board of Licensure in Medicine  
37 pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal  
38 Drug Enforcement Administration license to prescribe drugs.

39 **8-A. Caregiver.** "~~Primary caregiver~~ Caregiver" means a person or an ~~employee~~  
40 ~~assistant~~ of that person, ~~a hospice provider licensed under chapter 1681 or a nursing~~  
41 ~~facility licensed under chapter 405~~ that provides care for a qualifying patient in  
42 accordance with section 2423-A, subsection 2. ~~A person who is a primary caregiver must~~

1 be at least 21 years of age and may not have been convicted of a disqualifying drug  
2 offense.

3 **9. Qualifying patient.** "Qualifying patient" or "patient" means a person who has  
4 been diagnosed by a medical provider as having a debilitating medical condition ~~has been~~  
5 a resident of the State for at least 30 days and who possesses a valid written certification  
6 regarding medical use of marijuana in accordance with section 2423-B.

7 **9-A. Registration certificate.** "Registration certificate" means a document issued  
8 by the department that identifies an entity as an entity that has registered with the  
9 department in accordance with this chapter.

10 **9-B. Remuneration.** "Remuneration" means a donation or any other monetary  
11 payment received directly or indirectly by a person in exchange for goods or services as  
12 part of a transaction in which marijuana is transferred or furnished by that person to  
13 another person.

14 ~~**10. Registered nonprofit dispensary.** "Registered nonprofit dispensary" means a~~  
15 ~~nonprofit dispensary that is registered by the department pursuant to section 2428,~~  
16 ~~subsection 2, paragraph A.~~

17 **11. Registered caregiver.** "Registered primary caregiver" means a primary  
18 caregiver who is registered by the department pursuant to section 2425, ~~subsection 4~~  
19 2425-A.

20 **12. Registered patient.** "Registered patient" means a qualifying patient who is  
21 registered by the department pursuant to section 2425, ~~subsection 1~~ 2425-A.

22 **13. Registry identification card.** "Registry identification card" means a document  
23 issued by the department that identifies a person as a ~~registered primary caregiver, an~~  
24 ~~employee of a registered primary caregiver or a principal officer, board member or~~  
25 ~~employee of a dispensary or a marijuana testing facility~~ person who has registered with  
26 the department in accordance with this chapter.

27 **13-A. Tamper-resistant paper.** "Tamper-resistant paper" means paper that  
28 possesses an industry-recognized feature that prevents copying of the paper, erasure or  
29 modification of information on the paper and the use of counterfeit documentation.

30 **13-B. Resident of the State.** "Resident of the State" means a person who is  
31 domiciled in the State.

32 **13-C. Tamper-evident.** "Tamper-evident" means, with respect to a device or  
33 process, bearing a seal, a label or a marking that makes unauthorized access to or  
34 tampering with a package, product or container easily detectable.

35 ~~**14. Prepared marijuana.** "Prepared marijuana" means the dried leaves and flowers~~  
36 ~~and the by-products of the dried leaves and flowers of the marijuana plant that require no~~  
37 ~~further processing and any mixture or preparation of those dried leaves and flowers and~~  
38 ~~by-products, including but not limited to tinctures, ointments and other preparations, but~~  
39 ~~does not include the seeds, stalks, leaves that are disposed of and not dried for use and~~  
40 ~~roots of the plant and does not include the ingredients, other than marijuana, in tinctures,~~  
41 ~~ointments or other preparations that include marijuana as an ingredient or food or drink~~  
42 ~~prepared with marijuana as an ingredient for human consumption.~~

1           **14-A. Sample.** "Sample" means ~~any a marijuana plant or product containing~~  
2 ~~marijuana regulated under this chapter~~ harvested marijuana that is provided for testing or  
3 research purposes to a marijuana testing facility ~~by a qualifying patient, designated~~  
4 ~~primary caregiver or dispensary.~~

5           **14-B. Seedling.** "Seedling" means a nonflowering marijuana plant or rooted cutting  
6 that measures 24 inches or less from the base of the main plant stalk to the most distant  
7 point of the plant's leaf stems or branches.

8           **15. Visiting qualifying patient.** "Visiting qualifying patient" means a patient ~~with a~~  
9 ~~debilitating medical condition~~ who is authorized for the medical use of marijuana in this  
10 State in accordance with section 2423-D and who is not a resident of this the State or who  
11 has been a resident of this the State less than 30 days.

12           **16. Written certification.** "Written certification" means a document on tamper-  
13 resistant paper signed by a medical provider, ~~that expires within one year~~ is valid for the  
14 term provided by the qualifying patient's medical provider, except that the term of a  
15 written certification may not exceed one year, and that states that in the medical  
16 provider's professional opinion a patient is likely to receive therapeutic or palliative  
17 benefit from the medical use of marijuana to treat or alleviate the patient's ~~debilitating~~  
18 ~~medical condition~~ diagnosis or symptoms associated with the ~~debilitating~~ medical  
19 ~~condition~~ diagnosis. ~~A written certification may be made only in the course of a bona~~  
20 ~~fide medical provider-patient relationship after the medical provider has completed a full~~  
21 ~~assessment of the qualifying patient's medical history.~~

22           **Sec. 7. 22 MRSA §2423-A,** as amended by PL 2017, c. 271, §1, is further  
23 amended to read:

24           **§2423-A. Authorized conduct for the medical use of marijuana**

25           **1. Qualifying patient.** Except as provided in section 2426, a qualifying patient may:

26           A. Possess up to ~~2-1/2 ounces~~ 8 pounds of ~~prepared~~ harvested marijuana ~~and an~~  
27 ~~incidental amount of marijuana as provided in subsection 5;~~

28           B. Cultivate, or designate a ~~primary caregiver to~~ operating under subsection 3,  
29 paragraph C to cultivate under paragraph ~~F~~ F-1, subparagraph (1), up to a total of 6  
30 mature marijuana plants, 12 immature marijuana plants and unlimited seedlings for  
31 that qualifying patient. The total number of mature marijuana plants per qualifying  
32 patient, whether cultivated by the patient or by a ~~primary caregiver~~ operating under  
33 subsection 3, paragraph C, may not exceed 6. ~~In addition to the 6 mature marijuana~~  
34 ~~plants, the patient who is cultivating the patient's own marijuana may have harvested~~  
35 ~~marijuana in varying stages of processing in order to ensure the patient is able to~~  
36 ~~maintain supply and meet personal needs.~~ The total number of immature marijuana  
37 plants per qualifying patient, whether cultivated by the patient or by a caregiver  
38 operating under subsection 3, paragraph C, may not exceed 12. Two or more  
39 qualifying patients who are members of the same household and cultivating their own  
40 marijuana plants may share one ~~enclosed, locked~~ facility for cultivation area;

41           C. Possess marijuana paraphernalia;

1 D. Furnish or offer to furnish to another qualifying patient for that patient's medical  
2 use of marijuana up to 2 1/2 ounces of prepared harvested marijuana if ~~nothing of~~  
3 ~~value is offered or transferred in return~~ for no remuneration;

4 ~~E. Designate one person, hospice provider or nursing facility as a primary caregiver~~  
5 ~~to assist with the qualifying patient's medical use of marijuana in a standardized~~  
6 ~~written document, developed by the department, signed and dated by the qualifying~~  
7 ~~patient, including a one-year expiration and the signed acknowledgment of the~~  
8 ~~primary caregiver that the primary caregiver may be contacted to confirm the~~  
9 ~~designation of the primary caregiver. A 2nd person or hospice provider or nursing~~  
10 ~~facility may be designated as a 2nd primary caregiver if the patient is under 18 years~~  
11 ~~of age. The primary caregivers for a patient are determined solely by the patient's~~  
12 ~~preference except that a parent, guardian or person having legal custody shall serve as~~  
13 ~~a primary caregiver for a minor child;~~

14 ~~F. Designate one primary caregiver or a registered dispensary to cultivate marijuana~~  
15 ~~for the medical use of the patient, except that a hospice provider or a nursing facility~~  
16 ~~that is designated as a primary caregiver by a patient and the staff of the provider or~~  
17 ~~facility may not be designated to cultivate marijuana for the patient. The qualifying~~  
18 ~~patient must designate the primary caregiver or registered dispensary to cultivate for~~  
19 ~~the patient in a standardized written document, developed by the department, signed~~  
20 ~~and dated by the qualifying patient, which must include a one-year expiration, the~~  
21 ~~total number of mature plants the primary caregiver is designated to cultivate and the~~  
22 ~~signed acknowledgment of the primary caregiver that the primary caregiver may be~~  
23 ~~contacted to confirm the designation of the primary caregiver to cultivate for the~~  
24 ~~patient and the number of mature plants to be cultivated and being cultivated for the~~  
25 ~~patient or the signed acknowledgment of a person on behalf of the registered~~  
26 ~~dispensary that the registered dispensary may be contacted to confirm the designation~~  
27 ~~of the dispensary to cultivate for the patient and the number of mature plants to be~~  
28 ~~cultivated and being cultivated for the patient;~~

29 F-1. Obtain or receive harvested marijuana for the patient's medical use without  
30 designating a caregiver or a dispensary, except that a qualifying patient or the parent,  
31 legal guardian or person having legal custody of a qualifying patient who has not  
32 attained 18 years of age or who is enrolled in a preschool or primary or secondary  
33 school must designate, as applicable:

34 (1) A caregiver operating under subsection 3, paragraph C in order to have that  
35 caregiver cultivate marijuana plants for the patient;

36 (2) A long-term care facility in order to have that facility assist with the  
37 qualifying patient's medical use of harvested marijuana. A long-term care facility  
38 that is designated by a patient may not be designated to cultivate marijuana plants  
39 for the patient;

40 (3) A person in order to have that person obtain harvested marijuana on behalf of  
41 the qualifying patient or transport the harvested marijuana to the qualifying  
42 patient. The person must possess the person's government-issued photographic  
43 identification that contains the person's address, the qualifying patient's written

1                   certification and the qualifying patient's designation in order to engage in this  
2                   conduct; and

3                   (4) A caregiver in order to have that caregiver possess and administer harvested  
4                   marijuana for the patient's medical use pursuant to section 2426, subsection 1-A  
5                   if the patient is enrolled in a preschool or primary or secondary school.

6                   A designation pursuant to this paragraph must be in a standardized written document,  
7                   developed by the department, that is signed and dated by the qualifying patient or the  
8                   parent, legal guardian or person having legal custody of the qualifying patient and  
9                   expires on a date not to exceed the expiration date of the qualifying patient's written  
10                  certification. The document must include the signed acknowledgment of the person  
11                  or facility that the person or facility may be contacted to confirm the designation of  
12                  the person or facility to engage in the conduct authorized by the designation. The  
13                  document must also include, if applicable, the total number of mature marijuana  
14                  plants and immature marijuana plants the caregiver is cultivating for the patient;

15                  F-2. Choose a caregiver based solely on the patient's preference, except that a parent,  
16                  legal guardian or person having legal custody of a qualifying patient who has not  
17                  attained 18 years of age must serve as one caregiver for the patient;

18                  G. Be in the presence or vicinity of the medical use of marijuana and assist any  
19                  qualifying patient with using or administering marijuana;

20                  H. Accept ~~excess prepared~~ marijuana plants or harvested marijuana from a ~~primary~~  
21                  qualifying patient, caregiver in accordance with subsection 2, paragraph H or  
22                  registered dispensary if nothing of value no remuneration is provided to the primary  
23                  patient, caregiver or dispensary; and

24                  I. Provide samples to a marijuana testing facility for testing and research purposes;

25                  J. Manufacture marijuana products and marijuana concentrate for medical use,  
26                  except that a qualifying patient may not manufacture food, as defined in section 2152,  
27                  subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and  
28                  except that a qualifying patient may not produce marijuana concentrate using  
29                  inherently hazardous substances unless authorized pursuant to section 2423-F,  
30                  subsection 3;

31                  K. Provide harvested marijuana to a manufacturing facility and obtain marijuana  
32                  products and marijuana concentrate from the manufacturing facility that are produced  
33                  from the harvested marijuana the qualifying patient provided to the manufacturing  
34                  facility;

35                  L. Transport marijuana plants or harvested marijuana for a qualifying patient's  
36                  medical use of marijuana in accordance with this chapter; and

37                  M. Use harvested marijuana in any form, except as provided in subsection 4-A and  
38                  except that qualifying patients who have not attained 18 years of age may not engage  
39                  in smoking harvested marijuana. For the purposes of this paragraph, "smoking" has  
40                  the same meaning as in section 1541, subsection 6, except that "smoking" does not  
41                  include the use of a nebulizer.

1           **2. Caregiver.** Except as provided in section 2426, a ~~primary~~ caregiver, for the  
2 purpose of assisting a qualifying patient ~~who has designated the primary caregiver as~~  
3 ~~provided in subsection 1 with the patient's medical use of marijuana~~, may engage in the  
4 following authorized conduct if the caregiver is a resident of the State, is 21 years of age  
5 or older and has not been convicted of a disqualifying drug offense:

6           A. ~~Possess up to 2 1/2 ounces of prepared marijuana and an incidental amount of~~  
7 ~~marijuana as provided in subsection 5 for each qualifying patient who has designated~~  
8 ~~the person as a primary caregiver all harvested marijuana produced by the caregiver's~~  
9 ~~cultivation of marijuana plants under paragraph B;~~

10          A-1. Transfer up to 2 1/2 ounces of harvested marijuana to a qualifying patient in  
11 one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of  
12 harvested marijuana to a visiting qualifying patient during a 15-day period;

13          B. ~~Cultivate up to 6 30 mature marijuana plants for each qualifying patient who has~~  
14 ~~designated the primary caregiver to cultivate marijuana on the patient's behalf,~~  
15 ~~subject to the limitation in subsection 1, paragraph B on the total number of plants~~  
16 ~~authorized per qualifying patient. A primary caregiver may not cultivate marijuana~~  
17 ~~for a patient unless the patient has designated the primary caregiver for that purpose~~  
18 ~~and the patient has not designated a registered dispensary to cultivate marijuana for~~  
19 ~~the patient's medical use. In addition to the marijuana plants otherwise authorized~~  
20 ~~under this paragraph, a primary caregiver may have harvested marijuana plants in~~  
21 ~~varying stages of processing in order to ensure the primary caregiver is able to meet~~  
22 ~~the needs of the primary caregiver's qualifying patients, 60 immature marijuana~~  
23 ~~plants and unlimited seedlings;~~

24          C. ~~Assist a maximum of 5 patients who have designated the primary caregiver to~~  
25 ~~cultivate marijuana for their medical use;~~

26          C-1. Assist a qualifying patient with the patient's medical use of marijuana;

27          D. ~~Receive reasonable monetary compensation for costs associated with assisting a~~  
28 ~~qualifying patient who designated the primary caregiver;~~

29          E. ~~Receive reasonable monetary compensation for costs associated with cultivating~~  
30 ~~marijuana for a patient who designated the primary caregiver to cultivate plants or~~  
31 ~~assisting a qualifying patient with that patient's medical use of marijuana;~~

32          F. ~~Be in the presence or vicinity of the medical use of marijuana and assist any~~  
33 ~~patient with the medical use, administration or preparation of marijuana;~~

34          G. ~~Prepare food as defined in section 2152, subsection 4 containing marijuana,~~  
35 ~~including tinctures of marijuana, for medical use by a qualifying patient pursuant to~~  
36 ~~section 2152, subsection 4 A and section 2167 Manufacture marijuana products and~~  
37 ~~marijuana concentrate for medical use, except that a caregiver may not manufacture~~  
38 ~~food, as defined in section 2152, subsection 4, unless the caregiver is licensed~~  
39 ~~pursuant to section 2167 and except that a caregiver may not produce marijuana~~  
40 ~~concentrate using inherently hazardous substances unless authorized pursuant to~~  
41 ~~section 2423-F, subsection 3;~~

42          H. ~~For the purpose of disposing of excess prepared marijuana, transfer prepared~~  
43 ~~marijuana to a registered dispensary, a qualifying patient or another primary~~

1           ~~caregiver if nothing of value is provided to the primary caregiver. A primary~~  
2           ~~caregiver who transfers prepared marijuana pursuant to this paragraph does not by~~  
3           ~~virtue of only that transfer qualify as a member of a collective;~~

4           I. ~~Employ one person~~ Hire any number of assistants to assist in performing the duties  
5           of the ~~primary~~ caregiver;

6           J. Use a pesticide in the cultivation of marijuana plants if the pesticide is used  
7           consistent with federal labeling requirements, is registered with the Department of  
8           Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title  
9           7, section 607 and is used consistent with best management practices for pest  
10          management approved by the Commissioner of Agriculture, Conservation and  
11          Forestry. A registered ~~primary~~ caregiver may not in the cultivation of marijuana  
12          plants use a pesticide unless the registered ~~primary~~ caregiver or the registered  
13          ~~primary~~ caregiver's employee assistant is certified in the application of the pesticide  
14          pursuant to section 1471-D and any employee assistant who has direct contact with  
15          treated plants has completed safety training pursuant to 40 Code of Federal  
16          Regulations, Section 170.130. An employee assistant of the registered ~~primary~~  
17          caregiver 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, Section  
20          170.230;

21          K. ~~For the purpose of disposing of excess prepared~~ Transfer marijuana, transfer  
22          ~~prepared marijuana plants and harvested marijuana to a qualifying patient, another~~  
23          ~~caregiver or a registered dispensary for reasonable compensation. The transfer of~~  
24          ~~prepared marijuana by a primary caregiver to one or more dispensaries under this~~  
25          ~~paragraph is limited to a registered primary caregiver. A registered primary caregiver~~  
26          ~~may not transfer more than 2 pounds of excess prepared marijuana for reasonable~~  
27          ~~compensation under this paragraph in a calendar year. A primary caregiver who~~  
28          ~~transfers prepared marijuana pursuant to this paragraph does not by virtue of only that~~  
29          ~~transfer qualify as a member of a collective~~ no remuneration;

30          K-1. Transfer to and accept from another registered caregiver or a dispensary  
31          marijuana plants and harvested marijuana in a wholesale transaction in accordance  
32          with this paragraph. A registered caregiver may transfer in wholesale transactions for  
33          reasonable compensation or for no remuneration up to 30% of the mature marijuana  
34          plants grown by the caregiver over the course of a calendar year, including any  
35          marijuana products or marijuana concentrate manufactured from that 30% of the  
36          mature marijuana plants grown by the caregiver. A registered caregiver may transfer  
37          to or accept from other registered caregivers and dispensaries in wholesale  
38          transactions an unlimited amount of immature marijuana plants and seedlings. A  
39          registered caregiver that acquires mature marijuana plants, marijuana products or  
40          marijuana concentrate in a wholesale transaction under this paragraph may not resell  
41          the mature marijuana plants, marijuana products or marijuana concentrate except to a  
42          qualifying patient or to another registered caregiver or dispensary to assist a  
43          qualifying patient;

44          L. ~~If the primary caregiver is a registered primary caregiver, provide~~ Provide  
45          samples to a marijuana testing facility for testing and research purposes; ~~and~~

1 M. ~~If the primary caregiver is a registered primary caregiver, conduct~~ Conduct  
2 marijuana testing at the request of anyone authorized to possess marijuana under this  
3 chapter for research and development purposes only;

4 N. Provide harvested marijuana to a manufacturing facility and obtain marijuana  
5 products and marijuana concentrate from the manufacturing facility that are produced  
6 from the harvested marijuana the caregiver provided to the manufacturing facility;

7 O. Transport marijuana plants or harvested marijuana for authorized conduct in  
8 accordance with this chapter;

9 P. Operate a retail store to sell harvested marijuana to qualifying patients for the  
10 patients' medical use in accordance with this chapter; and

11 Q. Be organized as any type of legal business entity recognized under the laws of the  
12 State.

13 **3. Cultivation of marijuana.** The following provisions apply to the cultivation of  
14 marijuana plants by a qualifying patient under subsection 1 and a ~~primary~~ caregiver under  
15 subsection 2.

16 A. A patient who elects to cultivate marijuana plants must keep the plants in ~~an~~  
17 ~~enclosed, locked facility~~ a cultivation area unless the plants are being transported  
18 because the patient is moving or taking the plants to the patient's own property in  
19 order to cultivate them pursuant to subsection 1, paragraph L. Access to ~~the a~~  
20 ~~cultivation facility~~ area is limited to the patient, except that emergency services  
21 personnel, an ~~employee~~ assistant of a marijuana testing facility or a person who needs  
22 to gain access to ~~the a~~ cultivation facility area in order to perform repairs or  
23 maintenance or to do construction may access ~~the a~~ cultivation facility area to provide  
24 those professional services while under the direct supervision of the patient.

25 B. A ~~primary caregiver who has been designated by a patient to cultivate~~ cultivating  
26 marijuana plants for ~~the a~~ patient's medical use must keep all plants in ~~an enclosed,~~  
27 ~~locked facility~~ a cultivation area unless the plants are being transported because the  
28 ~~primary caregiver is moving or taking the plants to the primary caregiver's own~~  
29 ~~property in order to cultivate them pursuant to subsection 2, paragraph O.~~ The  
30 primary caregiver shall use a numerical identification system to enable the primary  
31 caregiver to identify marijuana plants cultivated for a patient. Access to ~~the a~~  
32 ~~cultivation facility~~ area is limited to the ~~primary~~ caregiver, except that an elected  
33 official invited by the ~~primary~~ caregiver for the purpose of providing education to the  
34 elected official on cultivation by the ~~primary~~ caregiver, emergency services  
35 personnel, an ~~employee~~ assistant of a ~~caregiver~~ or a marijuana testing facility or a  
36 person who needs to gain access to ~~the a~~ cultivation facility area in order to perform  
37 repairs or maintenance or to do construction may access ~~the a~~ cultivation facility area  
38 to provide those professional services while under the direct supervision of the  
39 ~~primary~~ caregiver.

40 B-1. Except as provided in paragraph C, a caregiver is required to register with the  
41 department.

1 C. ~~A primary caregiver designated to cultivate marijuana for a qualifying patient is~~  
2 ~~required to register with the department, except that the~~ The following primary  
3 ~~caregivers are not required to register with the department:~~

4 (1) ~~A primary caregiver designated to cultivate for a qualifying patient if that~~  
5 ~~qualifying patient is a member of the household of that primary caregiver;~~

6 (2) ~~Two primary caregivers who are qualifying patients, if those primary~~  
7 ~~caregivers are members of the same household and assist one another with~~  
8 ~~cultivation; and~~

9 (3) ~~A primary caregiver who cultivates for a qualifying patient if that qualifying~~  
10 ~~patient is a member of the family of that primary caregiver.~~

11 C-1. A caregiver operating under paragraph C may engage in the conduct authorized  
12 in subsection 2, except that a caregiver operating under paragraph C may not:

13 (1) Cultivate marijuana plants for more than 2 members of the family or members  
14 of the same household;

15 (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana  
16 plants for each qualifying patient who has designated the caregiver to cultivate  
17 marijuana plants on the patient's behalf;

18 (3) Possess more than 8 pounds of harvested marijuana;

19 (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2,  
20 paragraph K-1;

21 (5) Use a pesticide under subsection 2, paragraph J;

22 (6) Operate a retail store under subsection 2, paragraph P; or

23 (7) Organize as a business entity under subsection 2, paragraph Q.

24 D. ~~Two primary caregivers who are members of the same family or household may~~  
25 ~~share the same enclosed, locked facility cultivation area.~~

26 E. A person who is authorized to cultivate marijuana plants under subsection 1 or 2  
27 and who is ~~employed by an assistant of a primary caregiver pursuant to subsection 2,~~  
28 ~~paragraph I may not cultivate that person's own marijuana plants in the location used~~  
29 ~~for cultivation area by the primary caregiver who employs that person.~~

30 **4. Long-term care facility.** ~~A registered qualifying patient may name designate a~~  
31 ~~hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter~~  
32 ~~405 long-term care facility to serve as a registered primary caregiver assist with the~~  
33 ~~qualifying patient's medical use of marijuana if that use is consistent with the facility's~~  
34 ~~policy and is pursuant to subsection 1, paragraph F-1, subparagraph 2. If a hospice~~  
35 ~~provider or nursing long-term care facility is named as a primary caregiver designated,~~  
36 ~~the provider or facility shall complete the registration process with the department and~~  
37 ~~obtain a primary caregiver registration card and the staff of the provider or facility shall~~  
38 ~~obtain registry identification cards registration certificate for the facility. To For a long-~~  
39 ~~term care facility to be issued a registry identification card registration certificate, a staff~~

1 ~~person persons~~ of a hospice provider or nursing the facility that has been named as a  
2 primary caregiver who will be assisting a qualifying patient with the patient's medical use  
3 of marijuana in accordance with this chapter must be at least 21 years of age and may not  
4 have been convicted of a disqualifying drug offense. The hospice provider or nursing  
5 long-term care facility and the staff of the provider or facility may not cultivate marijuana  
6 plants for the patient.

7 **4-A. Use and storage in inpatient long-term care facility permitted.** A qualifying  
8 patient who is a resident of a hospice provider long-term care facility licensed under  
9 chapter 1681 or nursing facility licensed under chapter 405, while in the hospice provider  
10 facility or nursing facility, may use forms of prepared harvested marijuana that are not  
11 smoked, including, but not limited to, vaporized marijuana, edible marijuana and  
12 tinctures and salves of marijuana consistent with the facility's policy. A qualifying  
13 patient who uses a form of prepared harvested marijuana pursuant to this subsection may  
14 store the prepared harvested marijuana in the qualifying patient's room and is not required  
15 to obtain a registry identification card or to designate the hospice provider or nursing  
16 long-term care facility as a primary caregiver under subsection 4 subsection 1, paragraph  
17 F-1, subparagraph (2). A hospice provider or nursing long-term care facility is not  
18 required to be named as a primary caregiver designated by a qualifying patient who uses  
19 prepared harvested marijuana pursuant to this subsection. This subsection does not limit  
20 the ability of a hospice provider or nursing long-term care facility to prohibit or restrict  
21 the use or storage of prepared harvested marijuana by a qualifying patient.

22 **5. Incidental amount of marijuana.** For purposes of this section, any incidental  
23 amount of marijuana is lawful for a qualifying patient or a primary caregiver to possess  
24 and is not included in the amounts of prepared marijuana specified in this section.

25 **7. Excess marijuana; forfeiture.** A person who possesses marijuana seedlings,  
26 marijuana plants or prepared marijuana in excess of the limits provided in this section and  
27 rules adopted under this section must forfeit the excess amounts to a law enforcement  
28 officer. The law enforcement officer is authorized to remove all excess marijuana  
29 seedlings, marijuana plants and prepared marijuana in order to catalog the amount of  
30 excess marijuana. Possession of marijuana in excess of the limits provided in this section  
31 and rules adopted under this section is a violation as follows:

32 A. Possession of marijuana in an excess amount up to 2 1/2 ounces is a violation of  
33 section 2383; and

34 B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of  
35 Title 17-A, chapter 45.

36 **8. Repeat forfeiture.** If a cardholder has previously forfeited excess marijuana  
37 pursuant to subsection 7 and a subsequent forfeiture occurs, the department shall revoke  
38 the registry identification card of the cardholder and the entire amount of marijuana  
39 seedlings, marijuana plants and prepared marijuana must be forfeited to a law  
40 enforcement officer. The department shall adopt rules to implement this subsection.  
41 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
42 chapter 375, subchapter 2-A.

43 **9. Collectives prohibited.** Collectives are prohibited under this chapter. A person  
44 may not form or participate in a collective.

1           **10. Marijuana testing facility.** The following provisions apply to a marijuana  
2 testing facility.

3           A. A marijuana testing facility that meets the requirements of this subsection and any  
4 rules adopted under paragraph D may receive and possess samples from qualifying  
5 patients, ~~designated primary caregivers and~~ dispensaries and manufacturing facilities  
6 to provide testing for the cannabinoid profile and potency of the samples and for  
7 contaminants in the samples, including but not limited to mold, mildew, heavy  
8 metals, plant regulators and illegal pesticides. For the purposes of this paragraph,  
9 "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

10          B. An ~~employee~~ assistant of a marijuana testing facility may have access to  
11 cultivation facilities areas pursuant to subsection 3, paragraphs A and B and section  
12 2428, subsection 6, paragraph I.

13          C. A marijuana testing facility shall:

14           (1) ~~Properly dispose~~ Dispose of ~~marijuana residue in compliance with~~  
15 ~~department rules~~ samples in a manner that prevents diversion of samples to  
16 persons not authorized to possess the samples tested by the facility;

17           (2) House and store ~~marijuana~~ samples in the facility's possession or control  
18 during the process of testing, transport or analysis in a manner to prevent  
19 diversion, theft or loss;

20           (3) Label ~~marijuana~~ samples being transported to and from the facility with the  
21 following statement: "For Testing Purposes Only";

22           (4) Maintain testing results as part of the facility's business books and records;  
23 and

24           (5) Operate in accordance with any rules adopted by the department.

25          D. The department shall adopt routine technical rules as defined in Title 5, chapter  
26 375, subchapter 2-A governing marijuana testing facilities, including but not limited  
27 to:

28           (1) Marijuana testing facility officer or director qualification requirements;

29           (2) Required security for marijuana testing facilities; and

30           (3) Requirements for the licensing, certifying or other approval of marijuana  
31 testing facilities.

32          The failure of the department to adopt rules under this paragraph does not prevent a  
33 marijuana testing facility from engaging in activities in compliance with this chapter.

34          E. A marijuana testing facility shall obtain and must be able to produce, upon  
35 demand of the department or a municipal code enforcement officer, documentation of  
36 the facility's accreditation pursuant to standard ISO/IEC 17025 of the International  
37 Organization for Standardization by a 3rd-party accrediting body. The department  
38 may inspect a marijuana testing facility during regular business hours and hours of  
39 apparent activity for compliance with this chapter.

1           ~~**11. Immunity.** The immunity provisions in this subsection apply to a marijuana~~  
2 ~~testing facility's principal officers, board members, agents and employees. Any immunity~~  
3 ~~provision in this chapter in conflict with this subsection does not apply to a marijuana~~  
4 ~~testing facility.~~

5           ~~A. A marijuana testing facility is not subject to prosecution, search, seizure or~~  
6 ~~penalty in any manner, including but not limited to a civil penalty or disciplinary~~  
7 ~~action by a business or an occupational or professional licensing board or entity, and~~  
8 ~~may not be denied any right or privilege solely for acting in accordance with this~~  
9 ~~chapter.~~

10           ~~B. A principal officer, board member, agent or employee of a marijuana testing~~  
11 ~~facility is not subject to arrest, prosecution, search, seizure or penalty in any manner,~~  
12 ~~including but not limited to a civil penalty or disciplinary action by a business or an~~  
13 ~~occupational or professional licensing board or entity, and may not be denied any~~  
14 ~~right or privilege solely for working for or with a marijuana testing facility to test~~  
15 ~~marijuana provided by a qualifying patient, registered primary caregiver or~~  
16 ~~dispensary.~~

17           ~~**12. Interest.** A principal officer, board member or employee caregiver or an officer~~  
18 ~~or director of a registered dispensary or primary, registered caregiver or manufacturing~~  
19 ~~facility may not have a financial or other interest in a marijuana testing facility providing~~  
20 ~~services associated with product labeling for that dispensary or primary caregiver or~~  
21 ~~manufacturing facility.~~

22           ~~**13. Moratorium ordinance.** Notwithstanding any other provision of this chapter or~~  
23 ~~any other provision of law to the contrary, a municipality may adopt and enforce an~~  
24 ~~ordinance that establishes a moratorium on the location within 500 feet of the property~~  
25 ~~line of a preexisting public or private school of new facilities or expansion of existing~~  
26 ~~facilities where registered primary caregivers cultivate marijuana plants. This subsection~~  
27 ~~does not affect any permit that has been granted to a registered primary caregiver prior to~~  
28 ~~the effective date of this subsection.~~

29           ~~This subsection is repealed July 1, 2018. Any ordinances adopted pursuant to this~~  
30 ~~subsection are not authorized and are void after July 1, 2018.~~

31           ~~**Sec. 8. 22 MRSA §2423-B,** as amended by PL 2015, c. 475, §15, is further~~  
32 ~~amended to read:~~

33           ~~**§2423-B. Authorized conduct by a medical provider**~~

34           ~~A medical provider may provide a written certification in accordance with this~~  
35 ~~section for the medical use of marijuana under this chapter and, after having done so, may~~  
36 ~~otherwise state that in the medical provider's professional opinion a qualifying patient is~~  
37 ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~  
38 ~~treat or alleviate the patient's debilitating medical condition diagnosis.~~

39           ~~**1. Adult qualifying patient.** Prior to providing written certification for the medical~~  
40 ~~use of marijuana under this section, a medical provider shall inform an adult qualifying~~  
41 ~~patient or the patient's legal guardian or representative of the risks and benefits of the~~  
42 ~~medical use of marijuana and that the patient may benefit from the medical use of~~  
43 ~~marijuana.~~

1           **2. Minor qualifying patient.** ~~Prior to providing written certification for the medical~~  
2 ~~use of marijuana by a minor qualifying patient under this section, a medical provider,~~  
3 ~~referred to in this subsection as "the treating medical provider," shall inform the minor~~  
4 ~~qualifying patient and the parent or legal guardian of the patient of the risks and benefits~~  
5 ~~of the medical use of marijuana and that the patient may benefit from the medical use of~~  
6 ~~marijuana. Except with regard to a minor qualifying patient who is eligible for hospice~~  
7 ~~care, prior to providing a written certification under this section, the treating medical~~  
8 ~~provider shall consult with a qualified physician, referred to in this paragraph as "the~~  
9 ~~consulting physician," from a list of physicians who may be willing to act as consulting~~  
10 ~~physicians maintained by the department that is compiled by the department after~~  
11 ~~consultation with statewide associations representing licensed medical professionals. The~~  
12 ~~consultation between the treating medical provider and the consulting physician may~~  
13 ~~consist of examination of the patient or review of the patient's medical file. The~~  
14 ~~consulting physician shall provide an advisory opinion to the treating medical provider~~  
15 ~~and the parent or legal guardian of the minor qualifying patient concerning whether the~~  
16 ~~patient is likely to receive therapeutic or palliative benefit from the medical use of~~  
17 ~~marijuana to treat or alleviate the patient's debilitating medical condition. If the~~  
18 ~~department or the consulting physician does not respond to a request by the treating~~  
19 ~~medical provider within 10 days of receipt of the request, the treating medical provider~~  
20 ~~may provide written certification for treatment without consultation with a physician.~~

21           **2-A. Minor qualifying patient.** A medical provider who provides a written  
22 certification to a patient who has not attained 18 years of age:

23           A. Shall inform the qualifying patient and the parent, legal guardian or person having  
24 legal custody of the patient of the risks and benefits of the medical use of marijuana  
25 and that the patient may benefit from the medical use of marijuana;

26           B. May provide a written certification to a qualifying patient if the patient is eligible  
27 for hospice services and has a medical diagnosis that, in the medical provider's  
28 professional opinion, may be alleviated by the therapeutic or palliative medical use of  
29 marijuana;

30           C. May provide a written certification to a qualifying patient if the patient has a  
31 medical diagnosis of epilepsy, cancer, a developmental disability or an intellectual  
32 disability that, in the medical provider's professional opinion, may be alleviated by  
33 the therapeutic or palliative medical use of marijuana; and

34           D. If a patient does not satisfy the requirements of paragraphs B and C, may provide  
35 a written certification to a qualifying patient after consulting with a physician from a  
36 list of physicians who may be willing to consult with a medical provider maintained  
37 by the department that is compiled by the department after consultation with  
38 statewide associations representing licensed medical professionals. The consultation  
39 between the medical provider and the consulting physician may consist of  
40 examination of the patient or review of the patient's medical file. The consulting  
41 physician shall provide an advisory opinion to the medical provider and the parent,  
42 legal guardian or person having legal custody of the qualifying patient concerning  
43 whether the patient is likely to receive therapeutic or palliative benefit from the  
44 medical use of marijuana to treat or alleviate the patient's medical diagnosis. If the  
45 department or the consulting physician does not respond to a request by the medical

1           provider within 10 days of receipt of the request, the medical provider may provide a  
2           written certification without consultation with a physician.

3           The parent, legal guardian or person having legal custody of a qualifying patient who  
4           has not attained 18 years of age may submit a request to the department for  
5           reimbursement of the costs associated with obtaining a 2nd opinion required by this  
6           paragraph. Requests must be submitted on a form developed by the department. The  
7           department shall review the family's annual income and expenses in determining  
8           whether to reimburse the family from the Medical Use of Marijuana Fund under  
9           section 2430 for the cost of the required 2nd consultation.

10           The department shall adopt routine technical rules as defined in Title 5, chapter 375,  
11           subchapter 2-A to implement the reimbursement request under this paragraph.

12           **2-B. Adult and minor patients with substance use disorder.** Prior to providing  
13           written certification for the medical use of marijuana under this section for a medical  
14           diagnosis of substance use disorder that, in the medical provider's professional opinion,  
15           may be alleviated by the therapeutic or palliative medical use of marijuana, the medical  
16           provider shall develop a recovery plan with the patient. For purposes of this subsection,  
17           "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by  
18           Title 5, chapter 521.

19           **2-C. Bona fide provider-patient relationship.** A written certification may be made  
20           only in the course of a bona fide medical provider-patient relationship after the medical  
21           provider has completed a full assessment of the patient's medical history. If a patient has  
22           not provided a medical provider who is not the patient's primary care provider with the  
23           name and contact information of the patient's primary care provider, a medical provider  
24           shall conduct an in-person consultation with the patient prior to providing a written  
25           certification.

26           **3. Expiration.** A written certification form for the medical use of marijuana under  
27           this section ~~expires within one year after issuance~~ is valid for the term provided by the  
28           qualifying patient's medical provider.

29           **4. Form; content.** A written certification under this section must be in the form  
30           required by rule adopted by the department and may not require a qualifying patient's  
31           medical provider to state the patient's specific medical ~~condition~~ diagnosis.

32           **5. Possible sanctions.** Nothing in this chapter prevents a professional licensing  
33           board from sanctioning a medical provider for failing to properly evaluate or treat a  
34           patient's medical ~~condition~~ diagnosis or otherwise violating the applicable standard of  
35           care for evaluating or treating medical ~~conditions~~ diagnoses.

36           **6. Certification issued based on medical diagnosis.** A medical provider may not  
37           condition the issuance of a written certification for the medical use of marijuana on any  
38           requirements other than that the patient's debilitating medical condition diagnosis may be  
39           alleviated by the therapeutic or palliative medical use of marijuana. Nothing in this  
40           section may be construed to prevent a medical provider from exercising professional  
41           judgment in declining to issue a certification for the medical use of marijuana.

42           **7. Patient referral disclosure of interest.** Prior to providing a referral to a  
43           qualifying patient for goods and services associated with a certification for the medical

1 use of marijuana to an entity in which the medical provider has a direct or indirect  
2 financial interest, a medical provider shall provide written disclosure to the qualifying  
3 patient regarding any direct or indirect financial interest the medical provider has or may  
4 have in the resulting referral and shall maintain a copy of this disclosure in the qualifying  
5 patient's record.

6 **8. Continuing medical education.** A medical provider who has not previously  
7 provided a written certification to a qualifying patient for the medical use of marijuana  
8 shall, prior to providing a written certification to a qualifying patient, submit evidence,  
9 satisfactory to the department, of successful completion of a one-hour course of  
10 continuing medical education relating to medical marijuana within the preceding 24  
11 months.

12 **Sec. 9. 22 MRSA §2423-C**, as amended by PL 2011, c. 407, Pt. B, §18, is further  
13 amended to read:

14 **§2423-C. Authorized conduct**

15 A person may provide a qualifying patient or a ~~primary~~ caregiver with marijuana  
16 paraphernalia for purposes of the qualifying patient's medical use of marijuana in  
17 accordance with this chapter and be in the presence or vicinity of the medical use of  
18 marijuana as allowed under this chapter.

19 **Sec. 10. 22 MRSA §2423-D**, as amended by PL 2013, c. 516, §9, is further  
20 amended to read:

21 **§2423-D. Authorized conduct by a visiting qualifying patient**

22 A visiting qualifying patient ~~who is visiting the State~~ from another jurisdiction that  
23 authorizes the medical use of marijuana pursuant to a law recognized by the department  
24 who possesses a valid written certification as described in section 2423-B from the  
25 visiting qualifying patient's treating medical provider and a valid medical marijuana  
26 certification from that other jurisdiction and photographic identification or a driver's  
27 license from that jurisdiction may engage in conduct authorized for a qualifying patient  
28 under this chapter, except that a visiting qualifying patient may not:

29 **1. Cultivate.** Cultivate marijuana plants;

30 **2. Possess.** Possess more than 2 1/2 ounces of harvested marijuana in a 15-day  
31 period;

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

33 **4. Obtain.** Obtain harvested marijuana from a registered caregiver or dispensary  
34 unless the visiting qualifying patient has designated the registered caregiver or dispensary  
35 in order to have that caregiver or dispensary provide harvested marijuana to the visiting  
36 qualifying patient. A designation pursuant to this subsection must be in a standardized  
37 written document, developed by the department, and signed and dated by the visiting  
38 qualifying patient. The designation is valid for the term provided by the visiting  
39 qualifying patient's medical provider pursuant to section 2423-B. The document must  
40 include the signed acknowledgment of the registered caregiver or dispensary that the  
41 caregiver or dispensary may be contacted to confirm the designation of the caregiver or  
42 dispensary to provide harvested marijuana to the visiting qualifying patient.

1           **Sec. 11. 22 MRSA §2423-E**, as amended by PL 2017, c. 252, §1, is repealed.

2           **Sec. 12. 22 MRSA §2423-F** is enacted to read:

3           **§2423-F. Marijuana manufacturing facilities**

4           A person may not manufacture marijuana products or marijuana concentrate or  
5 engage in marijuana extraction except as provided in this chapter.

6           **1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered  
7 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in  
8 accordance with rules adopted pursuant to subsection 10 and may possess up to 40  
9 pounds of harvested marijuana.

10           **2. Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered  
11 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in  
12 accordance with rules adopted pursuant to subsection 10 and may possess up to 200  
13 pounds of harvested marijuana.

14           **3. Authorization for extraction using inherently hazardous substances.** This  
15 subsection governs the authority of a person to engage in marijuana extraction using  
16 inherently hazardous substances in accordance with subsection 5.

17           A. A qualifying patient, caregiver, registered dispensary or manufacturing facility  
18 may engage in marijuana extraction using inherently hazardous substances if the  
19 person can produce, upon demand of the department:

20                   (1) Certification from a professional engineer licensed in this State of the safety  
21 of the equipment used for marijuana extraction and the location of the equipment  
22 and the professional engineer's approval of the standard operating procedures for  
23 the marijuana extraction;

24                   (2) Documentation from a professional engineer licensed in this State or a state  
25 or local official authorized to certify compliance that the equipment used for  
26 marijuana extraction and the location of the equipment comply with state law and  
27 all applicable local and state building codes, electrical codes and fire codes,  
28 including the chapters of the most recent National Fire Protection Association  
29 Fire Code relating to marijuana extraction facilities;

30                   (3) Documentation from the manufacturer of the marijuana extraction system or  
31 a professional engineer licensed in this State showing that a professional grade,  
32 closed-loop extraction system that is capable of recovering the solvents used to  
33 produce marijuana concentrate is used by the person; and

34                   (4) Evidence that the person has provided notice to the department of the  
35 person's intent to engage in marijuana extraction using inherently hazardous  
36 substances and the location where the marijuana extraction will occur prior to  
37 engaging in marijuana extraction using inherently hazardous substances.

38           A person who intends to engage in marijuana extraction using inherently hazardous  
39 substances shall notify the department of that intention prior to engaging in marijuana  
40 extraction using inherently hazardous substances. The department may deny an  
41 application of a person authorized under this paragraph to register pursuant to rules

1 adopted under subsection 10 if the person did not notify the department in accordance  
2 with this paragraph.

3 B. A person who is not a qualifying patient, caregiver or dispensary and that meets  
4 the requirements of a person authorized under paragraph A, pays the fee required by  
5 section 2425-A, subsection 10 and meets the requirements of rules adopted under  
6 subsection 10 is authorized to engage in marijuana extraction using inherently  
7 hazardous substances and may possess up to 40 pounds of harvested marijuana in  
8 accordance with subsection 5.

9 **4. Authorized conduct; manufacturing facilities.** A registered manufacturing  
10 facility:

11 A. May manufacture marijuana products and marijuana concentrate for medical use  
12 using any method that does not involve an inherently hazardous substance, except  
13 that a registered manufacturing facility may manufacture marijuana concentrate using  
14 inherently hazardous substances if authorized under subsection 3;

15 B. May obtain harvested marijuana from a qualifying patient, a caregiver or a  
16 registered dispensary and may transfer marijuana products and marijuana concentrate  
17 to the person that provided the harvested marijuana used to manufacture the  
18 marijuana product or marijuana concentrate;

19 C. May transfer samples to a marijuana testing facility for testing;

20 D. May conduct testing of marijuana products or marijuana concentrate  
21 manufactured by the facility for research and development purposes;

22 E. May receive reasonable compensation for manufacturing marijuana products or  
23 marijuana concentrate;

24 F. Shall dispose of harvested marijuana used in the manufacturing process in a  
25 manner that prevents its diversion to persons not authorized to possess harvested  
26 marijuana possessed by the facility and in accordance with rules adopted by the  
27 department; and

28 G. May hire any number of assistants to assist in performing the duties of the  
29 manufacturing facility.

30 **5. Authorized conduct; extraction using inherently hazardous substances.** A  
31 person that is authorized to engage in marijuana extraction using inherently hazardous  
32 substances pursuant to subsection 3:

33 A. May engage in marijuana extraction to produce marijuana concentrate for medical  
34 use;

35 B. May obtain harvested marijuana from a qualifying patient, a caregiver or a  
36 dispensary and may transfer marijuana concentrate to the person that provided the  
37 harvested marijuana used to produce the marijuana concentrate;

38 C. May transfer samples to a marijuana testing facility for testing;

39 D. May conduct testing of marijuana concentrate produced by the person for  
40 research and development purposes;

1           E. May receive reasonable compensation for producing marijuana concentrate;

2           F. Shall dispose of harvested marijuana used in the extraction process in a manner  
3           that prevents its diversion to persons not authorized to possess harvested marijuana  
4           possessed by the person and in accordance with rules adopted by the department; and

5           G. May hire any number of assistants to assist in performing the activities authorized  
6           under this subsection, except that a qualifying patient authorized under subsection 3  
7           may not hire an assistant.

8           Notwithstanding the authorizations established in this subsection, a person that is  
9           authorized to engage in marijuana extraction using inherently hazardous substances  
10           pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

11           **6. Retail sale prohibited.** A registered manufacturing facility or a person authorized  
12           to engage in marijuana extraction using inherently hazardous substances under subsection  
13           3 may not engage in retail sales of marijuana products or marijuana concentrate unless the  
14           person is authorized to engage in retail sales under this chapter.

15           **7. Food establishment license required to manufacture food products.** A  
16           registered manufacturing facility or a person authorized to produce marijuana concentrate  
17           using inherently hazardous substances may not manufacture edible marijuana products or  
18           marijuana tinctures unless licensed pursuant to section 2167.

19           **8. Registration requirements.** This subsection governs registration requirements of  
20           a manufacturing facility or a person authorized to engage in marijuana extraction using  
21           inherently hazardous substances under subsection 3 and the officer or director or assistant  
22           of the facility or person.

23           A. In accordance with rules adopted under subsection 10, the department shall  
24           register and issue a registration certificate with a registry identification number to a  
25           manufacturing facility or a person authorized to engage in marijuana extraction  
26           within 30 days to the facility or person if the facility or person provides:

27                   (1) The annual fee required pursuant to section 2425-A, subsection 10;

28                   (2) The legal name of the facility or person and, if incorporated, evidence of  
29                   incorporation and evidence that the corporation is in good standing with the  
30                   Secretary of State;

31                   (3) The physical address of the facility or person or the physical address where  
32                   an applicant who is an individual will engage in the activities authorized under  
33                   this section. If the facility or person changes its physical location, or if a person  
34                   registered under this subsection changes the location at which the person engages  
35                   in activities authorized under this section, the facility or person shall notify the  
36                   department of the new location; and

37                   (4) The name, address and date of birth of each officer or director of the facility  
38                   or person.

39           B. In accordance with rules adopted under subsection 10, the department shall issue  
40           registry identification cards to the officer or director or assistant of a registered  
41           manufacturing facility or person authorized to engage in marijuana extraction using

1 inherently hazardous substances within 5 business days of approving an application  
2 or renewal under this subsection. A registry identification card is required to be  
3 issued to an officer or director or assistant of a registered manufacturing facility or  
4 person authorized to engage in marijuana extraction using inherently hazardous  
5 substances. A registry identification card expires one year after the date of issuance.  
6 A registry identification card issued under this paragraph must contain:

- 7 (1) The name of the cardholder;  
8 (2) The date of issuance and expiration date of the registry identification card;  
9 and  
10 (3) A random identification number that is unique to the cardholder.

11 The department may not issue a registry identification card to an officer or director or  
12 assistant of a registered manufacturing facility or person authorized to engage in  
13 marijuana extraction using inherently hazardous substances who has been convicted  
14 of a disqualifying drug offense. The department shall conduct a criminal history  
15 record check of each person, officer or director or assistant subject to this subsection  
16 on an annual basis.

17 If the department determines not to issue a registry identification card for a person,  
18 officer or director or assistant, the department shall notify the registered  
19 manufacturing facility or person authorized to engage in marijuana extraction using  
20 inherently hazardous substances in writing of the reason for denying the registry  
21 identification card.

22 **9. Packaging and labeling requirements.** A manufacturing facility shall package  
23 and label its marijuana products and marijuana concentrate prior to transfer from the  
24 manufacturing facility in a form intended for use or consumption by a qualifying patient  
25 in tamper-evident packaging and with a label that includes the following information:

- 26 A. The registry identification number of the manufacturing facility;  
27 B. Information that allows the provider of the marijuana to the manufacturing facility  
28 to confirm that the marijuana provided was used to manufacture the marijuana  
29 product or marijuana concentrate transferred back to that provider;  
30 C. Ingredients other than material derived from marijuana plants contained in the  
31 marijuana product or marijuana concentrate; and  
32 D. Any chemicals, solvents or other substances used to manufacture the marijuana  
33 product or marijuana concentrate.

34 **10. Rulemaking.** The department shall adopt routine technical rules as defined in  
35 Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not  
36 limited to:

- 37 A. Requirements for the registration of a manufacturing facility and an officer or  
38 director or assistant of a registered manufacturing facility;  
39 B. Requirements for engaging in marijuana extraction using inherently hazardous  
40 substances;

- 1           C. Manufacturing facility officer or director qualification requirements;
- 2           D. Required security for manufacturing facilities;
- 3           E. Requirements of a disposal plan for harvested marijuana used in the
- 4           manufacturing process; and
- 5           F. Minimum record-keeping requirements, including an annual audit requirement.

6           The failure of the department to adopt rules under this subsection does not prevent a  
7           person authorized pursuant to subsection 3, paragraph A from engaging in conduct  
8           authorized under this section.

9           **11. Multiple authorizations.** A facility or person registered pursuant to subsection  
10           8 may also be a qualifying patient, a caregiver or a registered dispensary. A facility or  
11           person authorized to possess marijuana under this chapter may possess the amount  
12           allowed for that facility or person in addition to the possession amount allowed under this  
13           section if the facility or person is registered pursuant to this section. The marijuana  
14           possessed must be distinguishable with respect to the purposes for which it is authorized  
15           to be possessed.

16           **12. Record keeping.** A registered manufacturing facility or person authorized to  
17           engage in marijuana extraction using inherently hazardous substances under subsection 3  
18           shall maintain records of all transactions in accordance with section 2430-G.

19           **13. Colocation of facilities.** A manufacturing facility that is also licensed as a retail  
20           marijuana products manufacturing facility under Title 7, chapter 417 may manufacture  
21           marijuana products and marijuana concentrate within the same facility in which the  
22           licensee also manufactures marijuana products or marijuana concentrate for medical use  
23           pursuant to this chapter. The following items or areas within the shared facility may be  
24           shared for both manufacturing pursuant to this chapter and pursuant to Title 7, chapter  
25           417:

26           A. Manufacturing-related and nonmanufacturing-related equipment, except that  
27           manufacturing-related equipment may not be simultaneously used for manufacturing  
28           pursuant to this chapter and pursuant to Title 7, chapter 417;

29           B. Manufacturing-related and nonmanufacturing-related supplies or products not  
30           containing harvested marijuana and the storage areas for those supplies or products;  
31           and

32           C. General office space, bathrooms, entryways and walkways.

33           **Sec. 13. 22 MRSA §2424**, as amended by PL 2013, c. 394, §1, is further amended  
34           to read:

35           **§2424. Rules**

36           **1. Rulemaking.** The department may adopt rules to carry out the purposes of this  
37           chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in  
38           Title 5, chapter 375, subchapter 2-A.

39           ~~**2. Adding debilitating medical conditions.** The department in accordance with~~  
40           ~~section 2422, subsection 2, paragraph D shall adopt rules regarding the consideration of~~

1 petitions from the public to add medical conditions or treatments to the list of debilitating  
2 medical conditions set forth in section 2422, subsection 2. In considering those petitions,  
3 the department shall provide an opportunity for public hearing of, and an opportunity to  
4 comment on those petitions. After the hearing, the commissioner shall approve or deny a  
5 petition within 180 days of its submission. The approval or denial of such a petition  
6 constitutes final agency action, subject to judicial review. Jurisdiction and venue for  
7 judicial review are vested in the Superior Court.

8 **3. Registration.** The department shall adopt rules governing the manner in which it  
9 considers applications for and renewals of registry identification cards or registration  
10 certificates for registered patients, registered primary caregivers, principal officers, board  
11 members and employees of dispensaries and staff of hospice providers and nursing  
12 facilities designated as primary caregivers a person required to obtain a registry  
13 identification card or registration certificate under this chapter. The department's rules  
14 must require the submission of an application, must require replacement of a registry  
15 identification card or registration certificate that has been lost, destroyed or stolen or that  
16 contains information that is no longer accurate and must establish application and renewal  
17 fees that generate revenues sufficient to offset all expenses of implementing and  
18 administering this chapter and that are consistent with the provisions of section 2425  
19 2425-A, subsection 12 10. The department may establish a sliding scale of application  
20 and renewal fees based upon a registered patient's family income and status as a veteran  
21 of the Armed Forces of the United States. The department may accept donations from  
22 private sources in order to reduce the application and renewal fees.

23 **4. Enforcement and compliance.** The department shall adopt routine technical  
24 rules as defined in Title 5, chapter 375, subchapter 2-A regarding enforcement and  
25 compliance of authorized conduct under this chapter, including rules governing:

26 A. Minimum oversight requirements for dispensaries and registered caregivers and  
27 the one permitted additional location at which a dispensary cultivates marijuana  
28 plants for medical use by qualifying patients; and

29 B. Minimum security requirements for registered caregivers operating retail stores  
30 pursuant to section 242-A, subsection 2, paragraph P and registered dispensaries and  
31 any additional location at which a dispensary cultivates marijuana plants for medical  
32 use by qualifying patients.

33 **Sec. 14. 22 MRSA §2425,** as corrected by RR 2017, c. 1, §13, is repealed.

34 **Sec. 15. 22 MRSA §2425-A** is enacted to read:

35 **§2425-A. Registry identification cards and registration certificates**

36 This section governs registry identification cards and registration certificates, except  
37 that registration of manufacturing facilities and persons authorized to engage in marijuana  
38 extraction is governed by section 2423-F and registration of marijuana testing facilities is  
39 governed by section 2423-A, subsection 10.

40 **1. Voluntary registration.** Registration under this section is voluntary for a  
41 qualifying patient, for a visiting qualifying patient and for a caregiver who is operating  
42 under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting  
43 qualifying patient or a caregiver who is operating under section 2423-A, subsection 3,

1 paragraph C does not register with the department, the patient's or caregiver's ability to  
2 engage in authorized conduct in accordance with this chapter is not affected.

3 **2. Required registration.** A caregiver, other than a caregiver operating under  
4 section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a  
5 dispensary or a caregiver, other than a caregiver operating under section 2423-A,  
6 subsection 3, paragraph C, shall obtain a registry identification card in accordance with  
7 subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient  
8 pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a  
9 dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

10 **3. Application for registry identification card; qualifications.** The department  
11 shall register and issue a registry identification card to an applicant who submits a  
12 complete application that meets the requirements of this subsection.

13 The department shall conduct a criminal history record check for any applicant for a  
14 registry identification card. The department may not issue a registry identification card to  
15 an applicant who is not permitted under this chapter to have a disqualifying drug offense.

16 An application must include, as applicable:

17 A. The annual fee required pursuant to subsection 10; and

18 B. A statement that the requirements of section 2423-B have been met if the  
19 qualifying patient applying for the registry identification card has not attained 18  
20 years of age and the qualifying patient's parent, guardian or person having legal  
21 custody of the patient consents in writing to:

22 (1) The qualifying patient's medical use of marijuana;

23 (2) Serving as one of the qualifying patient's caregivers; and

24 (3) Controlling the acquisition of the marijuana plants or harvested marijuana and  
25 the dosage and the frequency of the medical use of marijuana by the qualifying  
26 patient.

27 **4. Issuance or denial of registry identification cards.** The department shall verify  
28 the information contained in an application for a registry identification card or for  
29 renewal of a card submitted pursuant to subsection 3 and shall approve or deny an  
30 application for a card or for renewal of a card in accordance with this subsection within  
31 30 days of receiving it.

32 A. Within 5 business days of approving a completed application, the department  
33 shall issue a registry identification card to the applicant.

34 B. The department may deny an application for a card or for renewal of a card only  
35 if:

36 (1) The applicant did not provide the information required pursuant to subsection  
37 3;

38 (2) The department determines that the applicant does not qualify; or

39 (3) The department determines that the information provided by the applicant  
40 was falsified.

1           C. The department shall notify the applicant and, if the applicant is an officer or  
2           director or assistant of a registered dispensary, the registered dispensary, in writing of  
3           the reason for denying the registry identification card.

4           An applicant whose application is denied pursuant to this subsection may request an  
5           administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

6           If the department fails to issue or deny a valid registry identification card in response to a  
7           valid application for a card or for renewal of a card submitted pursuant to subsection 3  
8           within 45 days of its submission, the registry identification card is deemed granted and a  
9           copy of the application for a registry identification card or for renewal of the card is  
10           deemed a valid registry identification card.

11           **5. Requirements for issuance of registry identification cards.** The following  
12           provisions apply to the issuance of registry identification cards.

13           A. A registry identification card expires one year after the date of issuance. The card  
14           must contain:

15                   (1) The name of the cardholder;

16                   (2) The date of issuance and expiration date;

17                   (3) A random identification number that is unique to the cardholder; and

18                   (4) A clear designation showing whether the cardholder is allowed under this  
19                   chapter to cultivate marijuana plants.

20           B. If a caregiver is organized as a legal business entity pursuant to section 2423-A,  
21           subsection 2, paragraph Q, the caregiver may obtain a registry identification card in  
22           the name of the business entity if the caregiver submits evidence of the business  
23           entity's registration with the Secretary of State and evidence that the business entity is  
24           in good standing with the Secretary of State.

25           C. Registry identification cards issued to an officer or director or assistant of a  
26           registered dispensary must also contain:

27                   (1) The legal name of the registered dispensary with which the officer or director  
28                   or assistant is affiliated;

29                   (2) The address and date of birth of the officer or director or assistant; and

30                   (3) A photograph of the officer or director or assistant, if required by the  
31                   department.

32           D. The registry identification card of an officer or director or assistant of a registered  
33           dispensary expires 10 days after notification is given to the department by the  
34           registered dispensary that the person has ceased to work at the dispensary.

35           **6. Application for registration certificate; qualifications.** The department shall  
36           register and issue a registration certificate to an applicant who submits a complete  
37           application that meets the requirements of this subsection. An application must include,  
38           as applicable:

39                   A. The annual fee required pursuant to subsection 10;

1           B. Evidence of the applicant's registration with the Secretary of State and evidence  
2           that the applicant is in good standing with the Secretary of State; and

3           C. The name, address and date of birth of each officer or director of the applicant.

4           **7. Issuance or denial of registration certificate.** The department shall verify the  
5           information contained in an application for a registration certificate or for renewal of a  
6           certificate submitted pursuant to subsection 6 and shall approve or deny an application for  
7           a certificate or for renewal of a certificate in accordance with this subsection within 30  
8           days of receiving it.

9           A. Within 10 days of approving a completed application, the department shall issue a  
10          registration certificate to the applicant.

11          B. The department may deny an application for a certificate or for renewal of a  
12          certificate only if:

13                 (1) The applicant did not provide the information required pursuant to subsection  
14                 6;

15                 (2) The department determines that the applicant does not qualify; or

16                 (3) The department determines that the information provided by the applicant  
17                 was falsified.

18          C. The department shall notify the applicant in writing of the reason for denying the  
19          registration certificate.

20          An applicant whose application is denied pursuant to this subsection may request an  
21          administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

22          If the department fails to issue or deny a registration certificate in response to a valid  
23          application for a certificate or for renewal of a certificate submitted pursuant to  
24          subsection 6 within 45 days of its submission, the registration certificate is deemed  
25          granted and a copy of the application for a registration certificate or for renewal of the  
26          certificate is deemed a valid registration certificate.

27          **8. Requirements for issuance of registration certificates.** A registration certificate  
28          expires one year after the date of issuance. The certificate must contain:

29                 A. The name of the certificate holder;

30                 B. The date of issuance and expiration date of the registration certificate;

31                 C. A random identification number that is unique to the certificate holder;

32                 D. The physical address of the certificate holder and, if the certificate holder is a  
33                 dispensary, the physical address of one additional location, if any, where marijuana  
34                 will be cultivated; and

35                 E. A clear designation showing whether the certificate holder is allowed under this  
36                 chapter to cultivate marijuana plants.

37          **9. Drug testing.** The department may not require an assistant of a caregiver,  
38          dispensary, manufacturing facility or marijuana testing facility who is an applicant for a  
39          registry identification card to submit to a drug test as a condition of receiving a registry

1 identification card. This subsection does not prevent a caregiver, dispensary,  
2 manufacturing facility or marijuana testing facility from requiring drug testing of its  
3 assistants as a condition of employment.

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

8 A. There is no annual registration fee for a qualifying patient or visiting qualifying  
9 patient or a caregiver who is not required to register pursuant to section 2423-A,  
10 subsection 3, paragraph C. There is no annual registration fee for a caregiver who  
11 does not cultivate marijuana plants for a qualifying patient.

12 B. There is an annual registration fee for a caregiver who cultivates marijuana plants  
13 on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph  
14 B. The fee may not be less than \$50 or more than \$240 for each group of up to 6  
15 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the  
16 department of the number of marijuana plants the caregiver cultivates.

17 C. There is an annual registration fee for a dispensary, which may not be less than  
18 \$5,000 or more than \$12,000. There is a fee to change the location of a registered  
19 dispensary or the location at which a registered dispensary cultivates marijuana  
20 plants, which may not be less than \$3,000 or more than \$4,000.

21 D. There is an annual registration fee for a tier 1 manufacturing facility, which may  
22 not be less than \$50 or more than \$150.

23 E. There is an annual registration fee for a tier 2 manufacturing facility, which may  
24 not be less than \$150 or more than \$250.

25 F. There is an annual registration fee to engage in marijuana extraction under section  
26 2423-F, subsection 3, which may not be less than \$250 or more than \$350.

27 G. There is an annual registration fee for a marijuana testing facility, which may not  
28 be less than \$250 or more than \$1,000, except that there is no fee if the testing facility  
29 is licensed in accordance with Title 7, chapter 417.

30 H. There is an annual registration fee for an officer or director or assistant of a  
31 registered caregiver or registered dispensary, which may not be less than \$20 or more  
32 than \$50.

33 I. There is a fee to replace a registry identification card that has been lost, stolen or  
34 destroyed or a card that contains information that is no longer accurate, which may  
35 not be less than \$10 or more than \$20. Replacement of a registry identification card  
36 does not extend the expiration date.

37 J. There is an annual fee for a criminal history record check for a caregiver or an  
38 officer or director or assistant of a registered dispensary, marijuana testing facility or  
39 manufacturing facility, which may not be less than \$31 or more than \$60. The fee  
40 must be paid by the caregiver or by the registered dispensary, marijuana testing  
41 facility or manufacturing facility for an officer or director or assistant of the  
42 registered dispensary, marijuana testing facility or manufacturing facility.

1           **11. Notification of change in status or loss of registry identification card or**  
2 **registration certificate.** This subsection governs notification of a change in status or the  
3 loss of a registry identification card or registration certificate.

4           A. If a cardholder loses the cardholder's registry identification card, the cardholder  
5 shall notify the department within 10 days of losing the card and submit the fee  
6 required by subsection 10, paragraph I. Within 5 days after such notification, the  
7 department shall issue a replacement registry identification card.

8           B. If the information appearing on the cardholder's registry identification card is  
9 inaccurate or changes, the cardholder shall notify the department of the inaccuracy or  
10 change and submit the fee required by subsection 10, paragraph I. Within 5 days after  
11 such notification, the department shall issue a replacement registry identification  
12 card. A cardholder who fails to notify the department as required under this  
13 paragraph commits a civil violation for which a fine of not more than \$150 may be  
14 adjudged.

15           C. A registered dispensary shall notify the department in writing of the name,  
16 address and date of birth of an officer or director or assistant who ceases to work at  
17 the dispensary or marijuana testing facility and of any new officer or director or  
18 assistant before the officer or director or assistant begins working at the dispensary or  
19 marijuana testing facility.

20           D. A registered dispensary shall notify the department in writing if the dispensary  
21 changes the physical location of the dispensary or the location at which the  
22 dispensary cultivates marijuana plants.

23           **12. Confidentiality.** This subsection governs confidentiality.

24           A. Applications and supporting information submitted by qualifying patients and  
25 registered patients under this chapter, including information regarding their  
26 caregivers and medical providers, are confidential.

27           B. Applications and supporting information submitted by caregivers and medical  
28 providers operating in compliance with this chapter are confidential.

29           C. The department shall maintain a confidential list of the persons to whom the  
30 department has issued registry identification cards. Individual names and other  
31 identifying information on the list are confidential, exempt from the freedom of  
32 access laws, Title 1, chapter 13, and not subject to disclosure except as provided in  
33 this subsection and to authorized employees of the department as necessary to  
34 perform official duties of the department.

35           D. The department shall verify to law enforcement personnel whether a registry  
36 identification card is valid and whether the conduct is authorized without disclosing  
37 more information than is reasonably necessary to verify the authenticity of the  
38 registry identification card.

39           E. Upon request of a code enforcement officer or, if a municipality does not employ  
40 a code enforcement officer, another municipal officer, the department shall verify  
41 whether a registry identification card is valid and whether the conduct is authorized  
42 without disclosing more information than is reasonably necessary to verify the  
43 authenticity of the registry identification card. The department may disclose the

1 location at which the conduct is authorized if necessary to verify the registry  
2 identification card to the code enforcement officer or other municipal officer. The  
3 department shall provide this information within 2 business days of the request. The  
4 code enforcement officer or other municipal officer shall keep the information  
5 received under this paragraph confidential except as necessary to verify whether the  
6 registry identification card is valid and whether the conduct is authorized.

7 F. Applications, supporting information and other information regarding a registered  
8 dispensary are not confidential, except that information that is contained within  
9 dispensary information that identifies a qualifying patient, a registered patient, a  
10 registered patient's medical provider or a caregiver of a qualifying patient or  
11 registered patient is confidential.

12 G. Records maintained by the department pursuant to this chapter that identify  
13 applicants for a registry identification card, registered patients, registered caregivers  
14 and registered patients' medical providers are confidential and may not be disclosed,  
15 except as provided in this subsection and as follows:

16 (1) To department employees who are responsible for carrying out this chapter;

17 (2) Pursuant to court order or subpoena issued by a court;

18 (3) With written permission of the registered patient or the patient's guardian, if  
19 the patient is under guardianship, or a parent, if the patient has not attained 18  
20 years of age;

21 (4) As permitted or required for the disclosure of health care information  
22 pursuant to section 1711-C;

23 (5) To a law enforcement official for verification purposes. The records may not  
24 be disclosed further than necessary to achieve the limited goals of a specific  
25 investigation; and

26 (6) To a registered patient's treating medical provider and to a registered patient's  
27 registered caregiver for the purpose of carrying out this chapter.

28 H. This subsection does not prohibit a medical provider from notifying the  
29 department if the medical provider acquires information indicating that a registered  
30 patient or qualifying patient is no longer eligible to use marijuana for medical  
31 purposes or that a registered patient or qualifying patient falsified information that  
32 was the basis of the medical provider's certification of eligibility for use.

33 I. The department may disclose to an agency of State Government designated by the  
34 commissioner and employees of that agency any information necessary to produce  
35 registry identification cards or manage the identification card program and may  
36 disclose data for statistical or research purposes in such a manner that individuals  
37 cannot be identified.

38 J. A hearing concerning the suspension or revocation of a registry identification card  
39 under section 2430-E is confidential.

40 K. Except as otherwise provided in this subsection, a person who knowingly violates  
41 the confidentiality of information protected under this chapter commits a civil

1            violation for which a fine of up to \$1,000 may be imposed. This paragraph does not  
2            apply to a medical provider or staff of a long-term care facility or any other person  
3            directly associated with a medical provider or long-term care facility that provides  
4            services to a registered patient.

5            L. Notwithstanding any provision of this subsection to the contrary, the department  
6            shall comply with Title 36, section 175. Information provided by the department  
7            pursuant to this paragraph may be used by the Department of Administrative and  
8            Financial Services, Bureau of Revenue Services only for the administration and  
9            enforcement of taxes imposed under Title 36.

10           **13. Reporting requirements.** This subsection governs the reporting of patient  
11           access information by registered caregivers and dispensaries and the department's annual  
12           report to the Legislature.

13           A. A registered caregiver or a dispensary shall submit annually a report of the  
14           number of qualifying patients and visiting qualifying patients assisted by the  
15           caregiver or dispensary. A report may not directly or indirectly disclose patient  
16           identity. The department shall adopt rules to implement this paragraph. Rules  
17           adopted pursuant to this paragraph are routine technical rules as defined in Title 5,  
18           chapter 375, subchapter 2-A.

19           B. The department shall submit to the joint standing committee of the Legislature  
20           having jurisdiction over health and human services matters an annual report by April  
21           1st each year that does not disclose any identifying information about cardholders or  
22           medical providers, but that does contain, at a minimum:

23           (1) The number of applications and renewals filed for registry identification  
24           cards and registration certificates;

25           (2) The number of qualifying patients and registered caregivers approved in each  
26           county;

27           (3) The number of registry identification cards suspended or revoked;

28           (4) The number of medical providers providing written certifications for  
29           qualifying patients;

30           (5) The number of registered dispensaries, manufacturing facilities and  
31           marijuana testing facilities approved in each county;

32           (6) The number of officers or directors or assistants of registered caregivers,  
33           registered dispensaries, manufacturing facilities and marijuana testing facilities;  
34           and

35           (7) The revenue and expenses of the Medical Use of Marijuana Fund established  
36           in section 2430.

37           **Sec. 16. 22 MRS §2426, sub-§1, ¶E,** as amended by PL 2011, c. 407, Pt. B,  
38           §30, is further amended to read:

1 E. Use or possess marijuana if that person is not a qualifying patient, ~~primary~~  
2 caregiver, registered dispensary or other person authorized to use or possess  
3 marijuana under this chapter.

4 **Sec. 17. 22 MRSA §2426, sub-§1-A**, as enacted by PL 2015, c. 369, §3, is  
5 amended to read:

6 **1-A. School exceptions.** Notwithstanding subsection 1, paragraph B, a ~~primary~~  
7 caregiver designated pursuant to section 2423-A, subsection 1, paragraph ~~E~~ F-1,  
8 subparagraph (4) may, for the benefit of a qualifying patient, possess and administer  
9 harvested marijuana in a nonsmokeable form in a school bus and on the grounds of the  
10 preschool or primary or secondary school in which a ~~minor~~ qualifying patient is enrolled  
11 only if:

12 A. A medical provider has provided the ~~minor~~ qualifying patient with a current  
13 written certification for the medical use of marijuana under this chapter; ~~and~~

14 B. Possession of harvested marijuana ~~in a nonsmokeable form~~ is for the purpose of  
15 administering marijuana ~~in a nonsmokeable form~~ to the ~~minor~~ qualifying patient; and

16 C. The parent, legal guardian or person having legal custody of a qualifying patient  
17 enrolled in the preschool or primary or secondary school has notified the school that a  
18 caregiver has been designated on behalf of the qualifying patient to possess and  
19 administer harvested marijuana to the qualifying patient.

20 Harvested marijuana possessed or administered in accordance with this subsection may  
21 not be in a form that permits the qualifying patient to engage in smoking. For the  
22 purposes of this subsection, "smoking" has the same meaning as in section 1541,  
23 subsection 6, except that "smoking" does not include the use of a nebulizer.

24 **Sec. 18. 22 MRSA §2426, sub-§3-A**, as enacted by PL 2011, c. 407, Pt. B, §31,  
25 is repealed.

26 **Sec. 19. 22 MRSA §2428**, as amended by PL 2015, c. 475, §§22 to 24, is further  
27 amended to read:

28 **§2428. Registered dispensaries**

29 **1-A. Provisions pertaining to registered dispensary.** For the purpose of assisting a  
30 qualifying patient ~~who has designated a registered dispensary to cultivate marijuana for~~  
31 ~~the patient's medical use~~, a registered dispensary may in accordance with rules adopted by  
32 the department:

33 A. ~~Possess and dispense~~ Dispense up to 2 1/2 ounces of ~~prepared~~ harvested  
34 ~~marijuana and possess an incidental amount of marijuana for each~~ to the qualifying  
35 ~~patient who has designated the dispensary. For the purposes of this chapter, any~~  
36 ~~incidental amount of marijuana is lawful for a registered dispensary to possess and is~~  
37 ~~not included in the amounts of prepared marijuana specified in this paragraph~~ in one  
38 transaction, except that a dispensary may not dispense more than 2 1/2 ounces of  
39 harvested marijuana to a visiting qualifying patient during a 15-day period;

40 B. Cultivate up to 6 mature marijuana plants and possess all harvested marijuana  
41 from those marijuana plants for each patient who has designated the dispensary to

- 1 cultivate the plants on the patient's behalf subject to the limit of 6 mature plants total  
2 for a patient who also cultivates marijuana;
- 3 C. Receive reasonable monetary compensation for costs associated with assisting or  
4 for cultivating marijuana plants for a the qualifying patient who designated the  
5 dispensary;
- 6 D. Assist ~~any~~ the qualifying patient who designated the dispensary to cultivate  
7 marijuana with the medical use or administration of marijuana; ~~and~~
- 8 E. Obtain ~~prepared~~ harvested marijuana from a ~~primary~~ caregiver under section  
9 2423-A, subsection 2, paragraph H ~~or from another registered dispensary for the~~  
10 ~~purposes of addressing an extended inventory supply interruption under subsection 6;~~  
11 ~~paragraph G. K.~~
- 12 F. Except as provided in section 2426:
- 13 (1) Transfer marijuana plants and harvested marijuana to a qualifying patient and  
14 to a caregiver on behalf of a qualifying patient in a retail sale for reasonable  
15 compensation;
- 16 (2) Transfer marijuana plants and harvested marijuana to a qualifying patient,  
17 caregiver or dispensary for no remuneration;
- 18 (3) Acquire marijuana plants and harvested marijuana from another dispensary  
19 for no remuneration;
- 20 (4) Transfer to and accept from a registered caregiver or another dispensary  
21 marijuana plants and harvested marijuana in a wholesale transaction in  
22 accordance with this paragraph. A dispensary may transfer in wholesale  
23 transactions for reasonable compensation or for no remuneration up to 30% of the  
24 mature marijuana plants grown by the dispensary over the course of a calendar  
25 year, including any marijuana products or marijuana concentrate manufactured  
26 from that 30% of the mature marijuana plants grown by the dispensary. A  
27 dispensary may transfer to or accept from registered caregivers and dispensaries  
28 in wholesale transactions an unlimited amount of immature marijuana plants and  
29 seedlings. A dispensary that acquires mature marijuana plants, marijuana  
30 products or marijuana concentrate in a wholesale transaction under this  
31 subparagraph may not resell the mature marijuana plants, marijuana products or  
32 marijuana concentrate except to a qualifying patient or to a caregiver or  
33 dispensary to assist a qualifying patient;
- 34 (5) Transfer harvested marijuana to a manufacturing facility and accept  
35 marijuana products and marijuana concentrate from the manufacturing facility  
36 that are produced from the harvested marijuana the dispensary provided to the  
37 manufacturing facility; and
- 38 (6) Provide samples to a marijuana testing facility for testing and research  
39 purposes;
- 40 G. Conduct marijuana testing at the request of anyone authorized to possess  
41 marijuana under this chapter for research and development purposes only;

1           H. Manufacture marijuana products for medical use, except that a dispensary may  
2           not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to  
3           section 2167;

4           I. Manufacture marijuana concentrate for medical use, except that a dispensary may  
5           not produce marijuana concentrate using inherently hazardous substances unless  
6           authorized pursuant to section 2423-F, subsection 3;

7           J. Provide harvested marijuana to a manufacturing facility and obtain marijuana  
8           products and marijuana concentrate from the manufacturing facility that is produced  
9           from the harvested marijuana the registered dispensary provided to the manufacturing  
10          facility;

11          K. Hire any number of assistants to assist in performing the duties of the dispensary;  
12          and

13          L. Transport marijuana plants and harvested marijuana as necessary to carry out the  
14          activities authorized under this section.

15          ~~**2. Registration requirements.** Subject to limitations on the number and location of~~  
16          ~~dispensaries in subsection 11 and rules adopted pursuant to this section, this subsection~~  
17          ~~governs the registration of a dispensary.~~

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

20                 ~~(1) An annual fee paid to the department as set by rule pursuant to section 2425,~~  
21                 ~~subsection 12, paragraph C;~~

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

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

32                 ~~(4) The name, address and date of birth of each principal officer and board~~  
33                 ~~member of the dispensary; and~~

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

36          ~~B. The department shall track the number of registered patients who designate a~~  
37          ~~dispensary to cultivate marijuana for them and issue to each dispensary a written~~  
38          ~~statement of the number of patients who have designated the dispensary to cultivate~~  
39          ~~marijuana for them. This statement must be updated each time a new registered~~  
40          ~~patient designates the dispensary or ceases to designate the dispensary. The~~  
41          ~~statement may be transmitted electronically if the department's rules so provide. The~~

1 department may provide by rule that the updated written statements may not be  
2 issued more frequently than once each week.

3 C. The department shall issue each principal officer, board member and employee of  
4 a dispensary a registry identification card within 10 days of receipt of the person's  
5 name, address and date of birth under paragraph A and a fee in an amount established  
6 by the department. Each card must specify that the cardholder is a principal officer,  
7 board member or employee of a dispensary and must contain:

8 (1) The name, address and date of birth of the principal officer, board member or  
9 employee;

10 (2) The legal name of the dispensary with which the principal officer, board  
11 member or employee is affiliated;

12 (3) A random identification number that is unique to the cardholder;

13 (4) The date of issuance and expiration date of the registry identification card;  
14 and

15 (5) A photograph if required by the department.

16 D. The department may not issue a registry identification card to any principal  
17 officer, board member or employee of a dispensary who has been convicted of a  
18 disqualifying drug offense. The department shall conduct a criminal history record  
19 check of each principal officer, board member or employee on an annual basis in  
20 order to carry out this provision. If the department determines not to issue a registry  
21 identification card for a principal officer, board member or employee, the department  
22 shall notify the dispensary in writing of the reason for denying the registry  
23 identification card.

24 **3. Rules.** The department shall adopt routine technical rules as defined in Title 5,  
25 chapter 375, subchapter 2-A governing the manner in which it considers applications for  
26 and renewals of registration certificates for dispensaries, including rules governing:

27 A. The form and content of registration and renewal applications;

28 B. Minimum oversight requirements for dispensaries and the one permitted  
29 additional location at which the dispensary cultivates marijuana for medical use by  
30 qualifying patients who have designated the dispensary to cultivate for them;

31 C. Minimum record-keeping requirements for dispensaries, including recording the  
32 disposal of marijuana that is not distributed by the dispensary to qualifying patients  
33 who have designated the dispensary to cultivate for them;

34 D. Minimum security requirements for dispensaries and any additional location at  
35 which the dispensary cultivates marijuana for medical use by qualifying patients who  
36 have designated the dispensary to cultivate for them; and

37 E. Procedures for suspending or terminating the registration of dispensaries that  
38 violate the provisions of this section or the rules adopted pursuant to this subsection.

39 **4. Expiration.** A dispensary registration certificate and the registry identification  
40 card for each principal officer, board member or employee expire one year after the date

1 of issuance. ~~The department shall issue a renewal dispensary registration certificate and~~  
2 ~~renewal registry identification cards within 10 days to any person who complies with the~~  
3 ~~requirements contained in subsection 2. A registry identification card of a principal~~  
4 ~~officer, board member or employee expires 10 days after notification by a dispensary that~~  
5 ~~such person ceases to work at the dispensary.~~

6 ~~**5. Inspection.** A dispensary and any additional location at which the dispensary~~  
7 ~~cultivates marijuana for medical use by a qualifying patient who has designated the~~  
8 ~~dispensary to cultivate for the patient are subject to reasonable inspection by the~~  
9 ~~department. The department may enter the dispensary and the one permitted additional~~  
10 ~~location at which the dispensary cultivates marijuana at any time, without notice, to carry~~  
11 ~~out an inspection under this subsection.~~

12 ~~**6. Registered dispensary requirements.** This subsection governs the operations of~~  
13 ~~registered dispensaries.~~

14 ~~A. A dispensary must be operated on a not-for-profit basis for the mutual benefit of~~  
15 ~~qualifying patients who have designated the dispensary to cultivate marijuana. The~~  
16 ~~bylaws of a dispensary and its contracts with qualifying patients must contain such~~  
17 ~~provisions relative to the disposition of revenues and receipts as may be necessary~~  
18 ~~and appropriate to establish and maintain its not-for-profit status. A dispensary need~~  
19 ~~not be recognized as a tax-exempt organization under 26 United States Code, Section~~  
20 ~~501(c)(3) but is required to incorporate pursuant to Title 13-B and to maintain the~~  
21 ~~corporation in good standing with the Secretary of State.~~

22 ~~B. A dispensary may not be located within 500 feet of the property line of a~~  
23 ~~preexisting public or private school.~~

24 ~~C. A dispensary shall notify the department within 10 days of when a principal~~  
25 ~~officer, board member or employee ceases to work at the dispensary.~~

26 ~~D. A dispensary shall notify the department in writing of the name, address and date~~  
27 ~~of birth of any new principal officer, board member or employee and shall submit a~~  
28 ~~fee in an amount established by the department for a new registry identification card~~  
29 ~~before the new principal officer, board member or employee begins working at the~~  
30 ~~dispensary.~~

31 ~~E. A dispensary shall implement appropriate security measures to deter and prevent~~  
32 ~~unauthorized entrance into areas containing marijuana and the theft of marijuana at~~  
33 ~~the dispensary and the one permitted additional location at which the dispensary~~  
34 ~~cultivates marijuana plants for medical use by qualifying patients who have~~  
35 ~~designated the dispensary to cultivate for them.~~

36 ~~F. The operating documents of a dispensary must include procedures for the~~  
37 ~~oversight of the dispensary and procedures to ensure accurate record keeping in~~  
38 ~~accordance with section 2430-G.~~

39 ~~G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing,~~  
40 ~~delivering, transferring, transporting, supplying or dispensing marijuana for any~~  
41 ~~purpose except to assist qualifying patients who have designated the dispensary to~~  
42 ~~cultivate marijuana for them for the medical use of marijuana directly or through the~~  
43 ~~qualifying patients' primary caregivers, to obtain prepared marijuana as provided in~~

1            subsection ~~1-A, paragraph E~~ or to provide prepared marijuana as provided in  
2            paragraph ~~L~~ and subsection ~~9, paragraph B~~.

3            H. All ~~principal officers and board members~~ officers or directors of a dispensary  
4            must be residents of this State.

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

24           J. ~~A dispensary that is required to obtain a license for the preparation of food~~  
25           ~~pursuant to section 2167 shall obtain the license prior to preparing goods containing~~  
26           ~~marijuana, including tinctures of marijuana, for medical use by a qualifying patient.~~

27           K. A dispensary shall display the dispensary's registration certificate issued under  
28           subsection ~~2, paragraph A~~ section 2425-A in a publicly visible location in the  
29           dispensary.

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

32           M. ~~A dispensary may provide samples to a marijuana testing facility for testing and~~  
33           ~~research purposes.~~

34           N. ~~A dispensary may conduct marijuana testing at the request of anyone authorized~~  
35           ~~to possess marijuana under this chapter for research and development purposes only.~~

36           **7. Maximum amount of marijuana to be dispensed.** A dispensary or a ~~principal~~  
37           ~~officer, board member or employee~~ an officer or director or assistant of a dispensary may  
38           not dispense more than 2 1/2 ounces of prepared harvested marijuana in one transaction  
39           to a qualifying patient who has designated the dispensary or to a primary caregiver on  
40           behalf of a qualifying patient who has designated the dispensary, except that a dispensary  
41           or an officer or director or assistant of a dispensary may not dispense more than 2 1/2  
42           ounces of harvested marijuana to a visiting qualifying patient during a 15-day period.

1        ~~8-A. Immunity.~~ The immunity provisions in this subsection apply to a registered  
2        dispensary and officers, board members, agents and employees of the dispensary.

3            A. A registered dispensary is not subject to prosecution, search, seizure or penalty in  
4            any manner, including but not limited to a civil penalty or disciplinary action by a  
5            business or an occupational or professional licensing board or entity, and may not be  
6            denied any right or privilege solely for acting in accordance with this section to assist  
7            qualifying patients with the medical use of marijuana in accordance with this chapter.

8            B. A principal officer, board member, agent or employee of a registered dispensary  
9            is not subject to arrest, prosecution, search, seizure or penalty in any manner,  
10           including but not limited to a civil penalty or disciplinary action by a business or an  
11           occupational or professional licensing board or entity, and may not be denied any  
12           right or privilege solely for working for or with a registered dispensary to provide  
13           prepared marijuana to qualifying patients or to otherwise assist qualifying patients  
14           with the medical use of marijuana in accordance with this chapter.

15        **9. Prohibitions.** The prohibitions in this subsection apply to a registered dispensary.

16            A. A dispensary may not possess more than 6 mature marijuana plants for each  
17            qualifying patient who has designated the dispensary to cultivate marijuana for the  
18            qualifying patient's medical use subject to a limit of 6 mature plants total for a patient  
19            who also cultivates marijuana.

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

24            C. ~~The department shall immediately revoke the registry identification card of a~~  
25            ~~principal officer, board member or employee of a dispensary who is found to have~~  
26            ~~violated paragraph B, and such a person is disqualified from serving as a principal~~  
27            ~~officer, board member or employee of a dispensary.~~

28            D. A person who has been convicted of a disqualifying drug offense may not be a  
29            ~~principal officer, board member or employee~~ an officer or director or assistant of a  
30            dispensary.

31                    (1) A person who is ~~employed by or is a principal officer or board member~~ an  
32                    officer or director or assistant of a dispensary in violation of this paragraph  
33                    commits a civil violation for which a fine of not more than \$1,000 may be  
34                    adjudged.

35                    (2) A person who is ~~employed by or is a principal officer or board member~~ an  
36                    officer or director or assistant of a dispensary in violation of this paragraph and  
37                    who at the time of the violation has been previously found to have violated this  
38                    paragraph commits a Class D crime.

39            E. ~~A dispensary may acquire prepared marijuana only from a primary caregiver in~~  
40            ~~accordance with section 2423-A, subsection 2, paragraph H or K, through the~~  
41            ~~cultivation of marijuana by that dispensary either at the location of the dispensary or~~  
42            ~~at the one permitted additional location at which the dispensary cultivates marijuana~~

1 for medical use by qualifying patients who have designated the dispensary to  
2 cultivate for them or from a dispensary as provided in subsection 1-A, paragraph E.

3 F. A dispensary may not contract for the cultivation of seeds of a marijuana plant,  
4 seedlings or small plants or the cultivation, production or preparation of marijuana or  
5 food containing marijuana for medical use immature marijuana plants, except that a  
6 dispensary may engage in wholesale transactions in accordance with subsection 1-A,  
7 paragraph F, subparagraph (4).

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

22 ~~**10. Local regulation.** This chapter does not prohibit a political subdivision of this~~  
23 ~~State from limiting the number of dispensaries that may operate in the political~~  
24 ~~subdivision or from enacting reasonable regulations applicable to dispensaries. A local~~  
25 ~~government may not adopt an ordinance that is duplicative of or more restrictive than the~~  
26 ~~provisions of this Act. An ordinance that violates this subsection is void and of no effect.~~

27 ~~**11. Limitation on number of dispensaries.** The department shall adopt rules~~  
28 ~~limiting the number and location of registered dispensaries. During the first year of~~  
29 ~~operation of dispensaries the department may not issue more than one registration~~  
30 ~~certificate for a dispensary in each of the 8 public health districts of the department, as~~  
31 ~~defined in section 411. After review of the first full year of operation of dispensaries and~~  
32 ~~periodically thereafter, the department may amend the rules on the number and location~~  
33 ~~of dispensaries; however, the number of dispensaries may not be less than 8.~~

34 **11-A. Limitation on number of dispensaries registered.** This subsection governs  
35 the limits on the number of dispensary registration certificates that may be issued by the  
36 department.

37 A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018,  
38 the department shall issue 6 dispensary registration certificates to applicants that the  
39 department determines meet all criteria established in rule. Of the new registration  
40 certificates issued after April 1, 2018, the department may not issue more than one  
41 additional registration certificate to any dispensary operating in the State on April 1,  
42 2018 or to its successor in interest and the department may not issue more than one  
43 dispensary registration certificate to any person that did not hold a dispensary  
44 registration certificate as of April 1, 2018. After January 1, 2021, the department may

1 not limit the number of registration certificates it issues to a person to operate as a  
2 dispensary.

3 B. The department shall issue a registration certificate to a dispensary that operated  
4 as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the  
5 entity that is the successor in interest of that nonprofit entity were officers or directors  
6 of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit  
7 entity. The registration certificate of a dispensary operating as a nonprofit entity prior  
8 to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless  
9 an entity that is the successor in interest to that nonprofit entity and that meets the  
10 requirements of this paragraph is capable of operating under the registration  
11 certificate at substantially the same time the nonprofit entity ceases existence. The  
12 registration certificate issued to the entity that is the successor in interest to the  
13 nonprofit entity under this paragraph expires on the date the registration certificate  
14 issued to the nonprofit entity would have expired.

15 ~~12. Labels. If a dispensary affixes a label on the packaging of any marijuana or~~  
16 ~~product containing marijuana provided to a qualifying patient and that label includes~~  
17 ~~information about contaminants, the cannabinoid profile or potency of the marijuana or~~  
18 ~~product containing marijuana, the label must be verified by a marijuana testing facility~~  
19 ~~that is not owned by the dispensary if there is a marijuana testing facility licensed,~~  
20 ~~certified or approved in accordance with this chapter.~~

21 **Sec. 20. 22 MRSA §2429**, as amended by PL 2011, c. 407, Pt. B, §§33 and 34, is  
22 repealed.

23 **Sec. 21. 22 MRSA §§2429-A to 2429-D** are enacted to read:

24 **§2429-A. Packaging and labeling requirements**

25 **1. Packaging requirements.** As applicable based on the form of the item sold,  
26 harvested marijuana sold in a retail transaction under this chapter must be:

27 A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-  
28 resistant and tamper-evident packaging with a signifier that the package contains  
29 harvested marijuana at the final point of sale to a qualifying patient;

30 B. Prepackaged in opaque packaging or an opaque container or placed in opaque  
31 packaging or an opaque container with a signifier that the package contains harvested  
32 marijuana at the final point of sale to a qualifying patient;

33 C. Packaged in a container with an integral measurement component and child-  
34 resistant cap if the marijuana product is a multiserving liquid; and

35 D. In conformity with all other applicable requirements and restrictions imposed by  
36 rule by the department.

37 Any package required under this subsection that contains edible marijuana products must  
38 include a signifier that the package contains harvested marijuana.

39 **2. Packaging prohibitions.** Harvested marijuana sold in a retail transaction under  
40 this chapter may not be:

1           A. Labeled or packaged in violation of a federal trademark law or regulation or in a  
2           manner that would cause a reasonable consumer confusion as to whether the  
3           harvested marijuana was a trademarked product;

4           B. Labeled or packaged in a manner that is specifically designed to appeal  
5           particularly to a person under 21 years of age;

6           C. Labeled or packaged in a manner that obscures identifying information on the  
7           label or uses a false or deceptive label;

8           D. Sold or offered for sale using a label or packaging that depicts a human, animal or  
9           fruit; or

10          E. Labeled or packaged in violation of any other labeling or packaging requirement  
11          or restriction imposed by rule by the department.

12          **3. Labels.** If a registered caregiver, dispensary or manufacturing facility affixes a  
13          label on the packaging of any harvested marijuana provided to a qualifying patient and  
14          that label includes information about contaminants, the cannabinoid profile or potency of  
15          the harvested marijuana, the label must be verified by a marijuana testing facility. This  
16          subsection does not apply if there is no marijuana testing facility operating in accordance  
17          with section 2423-A, subsection 10.

18          **4. Educational materials.** A person that provides harvested marijuana to a  
19          qualifying patient must make educational materials about medical marijuana available to  
20          the qualifying patient at the time of the transaction. The department shall develop the  
21          minimum content of the educational materials provided under this subsection and make  
22          that content available publicly.

23          **§2429-B. Signs, advertising and marketing**

24          **1. Prohibitions.** Signs, advertising and marketing used by or on behalf of a  
25          registered caregiver or dispensary may not:

26                A. Be misleading, deceptive or false;

27                B. Involve mass-market advertising or marketing campaigns that have a high  
28                likelihood of reaching persons under 21 years of age or that are specifically designed  
29                to appeal particularly to persons under 21 years of age;

30                C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting  
31                public or private school, except that, if a municipality chooses to prohibit the  
32                placement or use of signs or advertising by or on behalf of a registered caregiver or  
33                dispensary at distances greater than or less than 1,000 feet but not less than 500 feet  
34                from the property line of a preexisting public or private school, that greater or lesser  
35                distance applies;

36                D. Violate any other requirement or restriction on signs, advertising and marketing  
37                imposed by the department by rule pursuant to subsection 2; or

38                E. Market to any person authorized to possess marijuana under this chapter and  
39                specifically to any adult use or recreational marijuana market within the same sign,  
40                advertisement or marketing material.

1           **2. Rules on signs, advertising and marketing.** The department shall adopt rules  
2 regarding the placement and use of signs, advertising and marketing by or on behalf of a  
3 registered caregiver or dispensary, which may include, but are not limited to:

4           A. A prohibition on health or physical benefit claims in advertising or marketing,  
5 including, but not limited to, health or physical benefit claims on the label or  
6 packaging of harvested marijuana;

7           B. A prohibition on unsolicited advertising or marketing on the Internet, including,  
8 but not limited to, banner advertisements on mass-market websites;

9           C. A prohibition on opt-in advertising or marketing that does not permit an easy and  
10 permanent opt-out feature; and

11           D. A prohibition on advertising or marketing directed toward location-based devices,  
12 including, but not limited to, cellular telephones, unless the marketing is a mobile  
13 device application installed on the device by the owner of the device who is 21 years  
14 of age or older and includes a permanent and easy opt-out feature.

15 **§2429-C. Edible marijuana products health and safety requirements and**  
16 **restrictions**

17           In addition to all other applicable provisions of this chapter, edible marijuana  
18 products to be sold or offered for sale in a retail transaction in accordance with this  
19 chapter:

20           **1. Cannabinoid content.** Must be manufactured in a manner that results in the  
21 cannabinoid content within the product being homogeneous throughout the product or  
22 throughout each element of the product that has a cannabinoid content;

23           **2. Marijuana content.** Must be manufactured in a manner that results in the amount  
24 of marijuana concentrate within the product being homogeneous throughout the product  
25 or throughout each element of the product that contains marijuana concentrate;

26           **3. Shape.** May not be manufactured in the distinct shape of a human, animal or  
27 fruit;

28           **4. Additives.** May not contain additives that are:

29           A. Toxic or harmful to human beings; or

30           B. Specifically designed to make the product appeal particularly to a person under 21  
31 years of age; and

32           **5. Addition to trademarked food or drink.** May not involve the addition of  
33 marijuana to a trademarked food or drink product, except when the trademarked product  
34 is used as a component of or ingredient in the edible marijuana product and the edible  
35 marijuana product is not advertised or described for sale as containing the trademarked  
36 product.

37 **§2429-D. Local regulation**

38           Pursuant to the home rule authority granted under the Constitution of Maine, Article  
39 VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered  
40 caregivers, registered caregiver retail stores operating pursuant to section 2423-A,

1 subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and  
2 manufacturing facilities, except that municipalities may not prohibit or limit the number  
3 of registered caregivers.

4 **Sec. 22. 22 MRSA §2430, sub-§2, ¶A**, as enacted by PL 2009, c. 631, §45 and  
5 affected by §51, is amended to read:

6 A. All money received as a result of applications and reapplications for registration  
7 as a qualifying patient, ~~primary caregiver and~~, dispensary, manufacturing facility and  
8 marijuana testing facility;

9 **Sec. 23. 22 MRSA §2430, sub-§2, ¶B**, as amended by PL 2015, c. 475, §25, is  
10 further amended to read:

11 B. All money received as a result of applications and reapplications for registry  
12 identification cards for registered patients, ~~primary caregivers and~~, dispensaries and  
13 board members, officers and employees officers or directors or assistants of  
14 registered caregivers, dispensaries or, manufacturing facilities and marijuana testing  
15 facilities;

16 **Sec. 24. 22 MRSA §2430, sub-§3**, as enacted by PL 2009, c. 631, §45 and  
17 affected by §51, is amended to read:

18 **3. Uses of the fund.** The fund may be used for expenses of the department to  
19 administer this chapter or for research in accordance with subsection 5, as allocated by  
20 the Legislature. To the extent that funds remain in the fund after the expenses of the  
21 department to administer this chapter and for research in accordance with subsection 5,  
22 any remaining funds must be used to fund:

23 A. The cost of the tax deductions provided pursuant to Title 36, section 5122,  
24 subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB.  
25 By June 1st annually, the State Tax Assessor shall determine the cost of those  
26 deductions during the prior calendar year and report that amount to the State  
27 Controller, who shall transfer that amount from the remaining funds in the fund to the  
28 General Fund; and

29 B. The cost of the position in the Department of Administrative and Financial  
30 Services, Bureau of Revenue Services to administer the tax deductions provided  
31 pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section  
32 5200-A, subsection 2, paragraph BB. By June 1st annually, the Commissioner of  
33 Administrative and Financial Services shall determine the cost of the position in the  
34 bureau to administer those deductions during the prior calendar year and report that  
35 amount to the State Controller, who shall transfer that amount from the remaining  
36 funds in the fund to the General Fund.

37 **Sec. 25. 22 MRSA §2430, sub-§§4 and 5** are enacted to read:

38 **4. Review of fund balance.** Beginning January 2018 and every 2 years thereafter,  
39 the department shall review the balance in the fund. If the balance in the fund exceeds  
40 \$400,000, the department shall reduce the fees established under section 2425-A,  
41 subsection 10 for a 2-year period beginning with the calendar year following the review.

1           **5. Medical marijuana research grant program established.** The medical  
2 marijuana research grant program, referred to in this subsection as "the program," is  
3 established within the department to provide grant money to support objective scientific  
4 research, including observational and clinical trials and existing research, on the efficacy  
5 of marijuana as part of medical treatment and the health effects of marijuana used as part  
6 of medical treatment. The program must be funded from the fund. The department shall  
7 adopt rules necessary to implement the program, including, but not limited to, required  
8 qualifications of persons conducting the research; determining the scientific merit and  
9 objectivity of a research proposal; criteria for determining the amount of program funds  
10 distributed; criteria for determining the duration of the research; procedures for soliciting  
11 research participants, including outreach to patients, and for obtaining the informed  
12 consent of participants; and reporting requirements for the results of the research and  
13 evaluation of the research results. Rules adopted pursuant to this subsection are routine  
14 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

15           **Sec. 26. 22 MRSA §2430-A**, as amended by PL 2015, c. 475, §26, is repealed.

16           **Sec. 27. 22 MRSA §§2430-C to 2430-G** are enacted to read:

17           **§2430-C. Protections for authorized activity**

18           **1. Rights of persons or entities acting pursuant to this chapter.** A person whose  
19 conduct is authorized under this chapter may not be denied any right or privilege or be  
20 subjected to arrest, prosecution, penalty or disciplinary action, including but not limited  
21 to a civil penalty or disciplinary action by a business or occupational or professional  
22 licensing board or bureau, for lawfully engaging in conduct involving the medical use of  
23 marijuana authorized under this chapter.

24           **2. Legal protection for hospitals and long-term care facilities.** The immunity  
25 provisions in this subsection apply to a hospital licensed under chapter 405 and an officer  
26 or director, employee or agent of the hospital and a long-term care facility and an officer  
27 or director, employee or agent of the long-term care facility. Any immunity provision in  
28 this chapter in conflict with this subsection does not apply to a hospital or long-term care  
29 facility. The legal protection for hospitals and long-term care facilities applies in  
30 accordance with the following.

31           A. If the use of a form of harvested marijuana that is not smoked, including but not  
32 limited to edible marijuana products and tinctures and salves of marijuana, by an  
33 admitted patient who has been certified under section 2423-B occurs in a hospital,  
34 that hospital is not subject to prosecution, search, seizure or penalty in any manner,  
35 including but not limited to a civil penalty or disciplinary action by an occupational  
36 or professional licensing board or entity, and may not be denied any license,  
37 registration, right or privilege solely because the admitted patient lawfully engages in  
38 conduct involving the medical use of marijuana authorized under this chapter.

39           B. If the use of a form of harvested marijuana consistent with a long-term facility's  
40 policy by an admitted patient who has been certified under section 2423-B occurs in  
41 the long-term care facility, that long-term care facility is not subject to prosecution,  
42 search, seizure or penalty in any manner, including but not limited to a civil penalty  
43 or disciplinary action by an occupational or professional licensing board or entity,  
44 and may not be denied any license, registration, right or privilege solely because the

1 admitted patient lawfully engages in conduct involving the medical use of marijuana  
2 authorized under this chapter.

3 C. An officer or director, employee or agent of a hospital or long-term care facility  
4 where the use of a form of harvested marijuana that is not smoked or vaporized,  
5 including but not limited to edible marijuana products and tinctures and salves of  
6 marijuana, by an admitted patient who has been certified under section 2423-B occurs  
7 is not subject to arrest, prosecution, search, seizure or penalty in any manner,  
8 including but not limited to a civil penalty or disciplinary action by an occupational  
9 or professional licensing board or entity, and may not be denied any license,  
10 registration, right or privilege solely because the admitted patient lawfully engages in  
11 conduct involving the medical use of marijuana authorized under this chapter.

12 **3. School, employer or landlord may not discriminate.** A school, employer or  
13 landlord may not refuse to enroll or employ or lease to or otherwise penalize a person  
14 solely for that person's status as a qualifying patient or a caregiver unless failing to do so  
15 would put the school, employer or landlord in violation of federal law or cause it to lose a  
16 federal contract or funding. This subsection does not prohibit a restriction on the  
17 administration or cultivation of marijuana on premises when that administration or  
18 cultivation would be inconsistent with the general use of the premises. A landlord or  
19 business owner may prohibit the smoking of marijuana for medical purposes on the  
20 premises of the landlord or business if the landlord or business owner prohibits all  
21 smoking on the premises and posts notice to that effect on the premises.

22 **4. Person may not be denied parental rights and responsibilities or contact with**  
23 **a minor child.** A person may not be denied parental rights and responsibilities with  
24 respect to or contact with a minor child as a result of acting in accordance with this  
25 chapter, unless the person's conduct is contrary to the best interests of the minor child as  
26 set out in Title 19-A, section 1653, subsection 3.

27 **5. Receiving an anatomical gift.** In reviewing a qualifying patient's suitability for  
28 receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's  
29 medical use of marijuana as the equivalent of the authorized use of any other medications  
30 used at the direction of a medical provider. A transplant evaluator may determine a  
31 qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient  
32 does not limit the qualifying patient's medical use of marijuana to the use of forms of  
33 harvested marijuana that are not smoked or vaporized, including but not limited to edible  
34 marijuana and tinctures and salves of marijuana. A transplant evaluator may require  
35 medical marijuana used by a qualifying patient to be tested for fungal contamination by a  
36 marijuana testing facility. For purposes of this subsection, "transplant evaluator" means a  
37 person responsible for determining another person's suitability for receiving an  
38 anatomical gift. For the purposes of this subsection, "anatomical gift" has the same  
39 meaning as in section 2942, subsection 2.

40 **6. Prohibition on seizure and retention.** Except when necessary for an ongoing  
41 criminal or civil investigation, a law enforcement officer may not seize marijuana that is  
42 in the possession of a qualifying patient, caregiver, marijuana testing facility,  
43 manufacturing facility or registered dispensary as authorized by this chapter. A law  
44 enforcement officer in possession of marijuana in violation of this subsection shall return  
45 the marijuana within 7 days after receiving a written request for return by the owner of

1 the marijuana. Notwithstanding the provisions of Title 14, chapter 741, if the law  
2 enforcement officer fails to return marijuana possessed in violation of this subsection  
3 within 7 days of receiving a written request for return of the marijuana under this  
4 subsection, the owner of the marijuana may file a claim in the District Court in the district  
5 where the owner lives or where the law enforcement officer is employed.

6 **7. Requirements for protection.** To receive protection under this section for  
7 conduct authorized under this chapter, a person must:

8 A. If the person is a qualifying patient or visiting qualifying patient, present upon  
9 request of a law enforcement officer the original written certification for the patient  
10 and the patient's government-issued identification that includes a photo and proof of  
11 address; or

12 B. If the person is a caregiver, present upon request of a law enforcement officer the  
13 original written document designating the person as a caregiver by the qualifying  
14 patient under section 2423-A, subsection 1, paragraph F-1 and the caregiver's  
15 government-issued identification that includes a photo and proof of address.

16 **8. Evidence of lawful conduct.** A person who has been issued a registry  
17 identification card pursuant to section 2425-A must also possess a valid government-  
18 issued identification that includes a photo and proof of address in order to establish proof  
19 of authorized participation in the medical use of marijuana under this chapter. Possession  
20 of a registry identification card by a cardholder, the act of applying for such a registry  
21 identification card, possession of a written certification issued under section 2423-B or  
22 possession of a designation document executed under section 2423-A, subsection 1,  
23 paragraph F-1 is not evidence of unlawful conduct and may not be used to support the  
24 search of that person or that person's property. The possession of or application for a  
25 registry identification card or possession of a written certification does not prevent the  
26 issuance of a warrant if probable cause exists on other grounds.

27 **9. Immunity.** The immunity provisions in this subsection apply to caregivers,  
28 marijuana testing facilities, manufacturing facilities and dispensaries and the officers or  
29 directors or assistants of caregivers, marijuana testing facilities, manufacturing facilities  
30 and dispensaries.

31 A. A caregiver, marijuana testing facility, manufacturing facility or dispensary is not  
32 subject to prosecution, search, seizure or penalty in any manner, including but not  
33 limited to a civil penalty or disciplinary action by a business or an occupational or  
34 professional licensing board or entity, and may not be denied any right or privilege  
35 solely for acting in accordance with this section to assist with the medical use of  
36 marijuana in accordance with this chapter.

37 B. An officer or director or assistant of a caregiver, marijuana testing facility,  
38 manufacturing facility or dispensary is not subject to arrest, prosecution, search,  
39 seizure or penalty in any manner, including but not limited to a civil penalty or  
40 disciplinary action by a business or an occupational or professional licensing board or  
41 entity, and may not be denied any right or privilege solely for working for or with a  
42 caregiver, marijuana testing facility, manufacturing facility or dispensary to provide  
43 marijuana plants and marijuana products to qualifying patients, caregivers,

1 dispensaries, manufacturing facilities or marijuana testing facilities or to otherwise  
2 assist with the medical use of marijuana in accordance with this chapter.

3 **§2430-D. Collectives prohibited**

4 Collectives are prohibited under this chapter. A person may not form or participate in  
5 a collective. The following relationships are not collectives and are not prohibited:

6 **1. Caregivers assisting for the benefit of a mutual qualifying patient.** Two  
7 caregivers to the extent the relationship is to:

8 A. Consult with each other to assist the same qualifying patient;

9 B. Refer a qualifying patient to a caregiver to obtain specialized marijuana plants or  
10 harvested marijuana;

11 C. Obtain specialized marijuana plants or harvested marijuana from another  
12 caregiver to assist the same qualifying patient; or

13 D. Transfer harvested marijuana pursuant to section 2423-A, subsection 2, paragraph  
14 K;

15 **2. Employer and assistant relationship.** Two caregivers to the extent the  
16 relationship is as employer and assistant; or

17 **3. Caregivers sharing common areas.** Any number of caregivers who are operating  
18 separately and occupying separate spaces within a common facility to engage in activities  
19 authorized under section 2423-A, subsection 2, even if they also share utilities or  
20 common areas, including but not limited to storage areas and building facilities, and who  
21 do not share marijuana plants or harvested marijuana resulting from the cultivation of  
22 those plants.

23 **§2430-E. Possession penalties; fraud penalty**

24 **1. Excess marijuana; forfeiture.** A person who possesses marijuana plants or  
25 harvested marijuana in excess of the limits provided in this section shall forfeit the excess  
26 amounts to a law enforcement officer. The law enforcement officer is authorized to  
27 remove all excess marijuana plants or harvested marijuana possessed by that person in  
28 order to catalog the amount of excess marijuana. Possession of marijuana in excess of the  
29 limits provided in this section is a violation as follows:

30 A. Possession of harvested marijuana by a qualifying patient or a caregiver operating  
31 under section 2423-A, subsection 3, paragraph C in an excess amount up to 1 1/4  
32 ounces commits a civil violation for which a fine of not less than \$350 and not more  
33 than \$600 must be adjudged, none of which may be suspended;

34 B. Possession of harvested marijuana by a qualifying patient or a caregiver operating  
35 under section 2423-A, subsection 3, paragraph C in an excess amount over 1 1/4  
36 ounces and up to 2 1/2 ounces commits a civil violation for which a fine of not less  
37 than \$700 and not more than \$1,000 must be adjudged, none of which may be  
38 suspended; and

1           C. Possession of harvested marijuana by a qualifying patient or a caregiver operating  
2           under section 2423-A, subsection 3, paragraph C in an excess amount over 2 1/2  
3           ounces is a violation of Title 17-A, chapter 45.

4           **2. Repeat forfeiture.** If a cardholder has previously forfeited excess marijuana  
5           pursuant to subsection 1 and a subsequent forfeiture occurs, the department shall revoke  
6           the registry identification card of the cardholder and the entire amount of marijuana  
7           plants or harvested marijuana possessed by that cardholder must be forfeited to a law  
8           enforcement officer. The department shall adopt rules to implement this subsection.  
9           Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
10           chapter 375, subchapter 2-A.

11           **3. Defense for possession of excess marijuana.** Except as provided in section  
12           2426, a qualifying patient may assert the medical purpose for using marijuana as a  
13           defense to any prosecution involving marijuana possession and may present evidence in  
14           court that the patient's necessary medical use or cultivation circumstances warranted  
15           exceeding the amount of marijuana allowed under section 2423-A and was reasonably  
16           necessary to ensure the uninterrupted availability of marijuana for the purpose of treating  
17           or alleviating the patient's medical diagnosis or symptoms associated with the patient's  
18           medical diagnosis that, in a medical provider's professional opinion, may be alleviated by  
19           the therapeutic or palliative medical use of marijuana.

20           **4. Calculation of marijuana weight.** The amount of marijuana possessed under this  
21           chapter must be calculated by the weight of dried harvested marijuana. A calculation of  
22           the weight of marijuana that is not dried must reduce the weight by at least 75% to  
23           account for moisture content. A calculation of the weight of marijuana in a marijuana  
24           product may not include ingredients in the product other than marijuana, except that the  
25           weight of marijuana concentrate must be included whether the marijuana concentrate is  
26           possessed by itself or within a marijuana product.

27           **5. Penalty for fraud.** Fraudulent misrepresentation regarding lawful possession or  
28           medical use of marijuana and fraudulent procurement under this chapter are governed by  
29           this subsection. A person who misrepresents to a law enforcement official any fact or  
30           circumstance relating to the possession or medical use of marijuana under this chapter to  
31           avoid arrest or prosecution commits a civil violation for which a fine of \$200 must be  
32           adjudged.

33           **§2430-F. Registration suspension or revocation**

34           **1. Department suspension or revocation.** The department may suspend or revoke  
35           a registry identification card for violation of this chapter and the rules adopted under this  
36           chapter. Revocation in accordance with section 2430-E, subsection 2 is considered a final  
37           agency action, subject to judicial review under Title 5, chapter 375, subchapter 7. Unless  
38           otherwise specified as final agency action, a person who has had authorization for  
39           conduct under this chapter revoked due to failure to comply with this chapter and rules  
40           adopted by the department may request an informal hearing. The department shall adopt  
41           rules to specify the period of time, which may not exceed one year, that the person whose  
42           registry identification card was revoked is ineligible for reauthorization under this  
43           chapter. Rules adopted pursuant to this subsection are routine technical rules as defined  
44           in Title 5, chapter 375, subchapter 2-A.

1     The department shall immediately revoke the registry identification card of an officer or  
2     director or assistant of a dispensary who is found to have violated section 2428,  
3     subsection 9, paragraph B, and that person is disqualified from serving as an officer or  
4     director or assistant of a dispensary.

5     **2. Suspension or revocation of registry identification card.** The department shall  
6     revoke the registry identification card of a cardholder who sells, furnishes or gives  
7     marijuana to a person who is not authorized to possess marijuana for medical purposes  
8     under this chapter. A cardholder who sells, furnishes or gives marijuana to a person who  
9     is not authorized to possess marijuana for medical purposes under this chapter is liable for  
10    any other penalties for selling, furnishing or giving marijuana to a person. The  
11    department may suspend or revoke the registry identification card of any cardholder who  
12    violates this chapter, and the cardholder is liable for any other penalties for the violation.

13    **§2430-G. Record keeping; inspections; reporting requirements**

14    **1. Tracking; record keeping.** This subsection governs the tracking, record-keeping  
15    and disclosure requirements of registered caregivers, registered dispensaries, marijuana  
16    testing facilities and manufacturing facilities.

17    A. A registered caregiver, a registered dispensary, a marijuana testing facility and a  
18    manufacturing facility shall:

19        (1) Keep a record of all transfers of marijuana plants and harvested marijuana;

20        (2) Keep the books and records maintained by the registered caregiver,  
21        registered dispensary, marijuana testing facility or manufacturing facility for a  
22        period of 7 years;

23        (3) Complete an annual audit of business transactions of the registered caregiver,  
24        registered dispensary, marijuana testing facility or manufacturing facility by an  
25        independent 3rd party; and

26        (4) Make the books and records maintained under this subsection available to  
27        inspection by the department upon the department's demand.

28    Records kept under this paragraph must avoid identifying qualifying patients.

29    B. The department shall develop and implement a statewide electronic portal through  
30    which registered caregivers, registered dispensaries, marijuana testing facilities and  
31    manufacturing facilities may submit to the department the records required under  
32    paragraph A and in accordance with rules adopted by the department. The department  
33    shall adopt rules regarding the process and content of records to be submitted, the  
34    frequency with which the records must be submitted and any other requirements  
35    necessary to implement this paragraph.

36    C. A registered caregiver, registered dispensary, marijuana testing facility and  
37    manufacturing facility shall accompany all marijuana plants and harvested marijuana  
38    being transported pursuant to this chapter with a label that identifies:

39        (1) The person transferring the marijuana plants or harvested marijuana,  
40        including the person's registry identification number;

- 1           (2) The person receiving the marijuana plants or harvested marijuana, including  
2           the person's registry identification number or, if the person is not required to  
3           register under this chapter, a unique identifier assigned to the person;
- 4           (3) A description of the marijuana plants or harvested marijuana being  
5           transferred, including the amount and form;
- 6           (4) The time and date of the transfer; and
- 7           (5) The destination of the marijuana plants or harvested marijuana.

8           The department may adopt rules to implement this subsection.

9           **2. Inspections.** This subsection governs inspections of registered caregivers,  
10          registered dispensaries, including the additional location where cultivation of marijuana  
11          plants may occur, marijuana testing facilities and manufacturing facilities.

12          A. Notwithstanding section 2423-A, subsection 3, paragraph B and section 2428,  
13          subsection 6, paragraph I, to ensure compliance with this chapter or in response to a  
14          complaint, the department may inspect the premises where a registered caregiver  
15          conducts activity authorized under this chapter, a registered dispensary including the  
16          additional location where cultivation may occur, a marijuana testing facility and a  
17          manufacturing facility without notice during regular business hours or during hours  
18          of apparent activity, except that the department:

19               (1) May not enter the dwelling unit of a registered caregiver if the registered  
20               caregiver is not present; and

21               (2) May inspect only the area of a dwelling unit where activity authorized under  
22               this chapter occurs.

23          The department shall specify in writing to the registered caregiver or an officer or  
24          director or assistant of a registered caregiver, registered dispensary, marijuana testing  
25          facility or manufacturing facility the grounds contained in the complaint when  
26          conducting an inspection in response to a complaint.

27          B. The department shall adopt rules:

28               (1) Establishing standards for compliance with this chapter that are available  
29               publicly;

30               (2) Establishing inspection procedures that prevent contamination of any  
31               operations undertaken by the registered caregiver, registered dispensary,  
32               marijuana testing facility or manufacturing facility in compliance with this  
33               chapter; and

34               (3) Requiring a registered caregiver to report on the location within the  
35               registered caregiver's home where activity authorized under this chapter is  
36               occurring.

37          Rules adopted by the department pursuant to this paragraph may require that an  
38          annual compliance inspection is a condition of eligibility for renewal of a registration  
39          under this chapter.

1            C. The department may suspend, revoke or refuse to renew the registration  
2            identification card or registration certificate of a registered caregiver, a registered  
3            dispensary, a marijuana testing facility or a manufacturing facility that refuses or  
4            willfully avoids 2 or more inspections under this subsection. A person whose registry  
5            identification card or registration certificate has been suspended, revoked or not  
6            renewed under this subsection may request a hearing in accordance with Title 5,  
7            chapter 375, subchapter 4.

8            D. The department may not conduct inspections of a qualifying patient or caregiver  
9            operating under section 2423-A, subsection 2, paragraph C.

10           **3. Incident and illegal activity reporting.** A registered caregiver, registered  
11           dispensary, marijuana testing facility and manufacturing facility shall report:

12           A. Any violation of this chapter or rule adopted under this chapter governing the  
13           operations of the registered caregiver, registered dispensary, marijuana testing facility  
14           or manufacturing facility to the department within one business day of discovering  
15           the violation; and

16           B. Any suspected illegal activity involving the operations of the registered caregiver,  
17           registered dispensary, marijuana testing facility or manufacturing facility to the  
18           department and law enforcement within 24 hours of discovering the suspected illegal  
19           activity.

20           **4. Procedures for suspending or terminating registration.** The department shall  
21           adopt rules establishing procedures for suspending or terminating the registration of a  
22           registered dispensary or a registered caregiver that violates the provisions of this section  
23           or the rules adopted pursuant to this subsection.

24           Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
25           chapter 375, subchapter 2-A.

26           **§2430-H. Fines collected**

27           Fines collected pursuant to this chapter and rules adopted by the department must be  
28           credited to the Medical Use of Marijuana Fund pursuant to section 2430.

29           **Sec. 28. 36 MRSA §191, sub-§3-B,** as enacted by PL 2013, c. 595, Pt. J, §2 and  
30           affected by §4, is amended to read:

31           **3-B. Additional restrictions for certain information provided by the Department**  
32           **of Health and Human Services.** Information provided to the assessor by the  
33           Department of Health and Human Services pursuant to section 175 and Title 22, section  
34           2425, ~~subsection 8~~ 2425-A, subsection 12, paragraph L may be used by the bureau only  
35           for the administration and enforcement of taxes imposed under this Title. These  
36           restrictions are in addition to those imposed by subsection 1.

37           **Sec. 29. 36 MRSA §1817, sub-§5,** as enacted by IB 2015, c. 5, §3, is amended to  
38           read:

39           **5. Exemption.** The tax on marijuana imposed pursuant to this section may not be  
40           levied on marijuana sold by a registered ~~nonprofit~~ dispensary or registered caregiver to a  
41           qualifying patient or ~~primary~~ caregiver pursuant to Title 22, chapter 558-C.

1           **Sec. 30. 36 MRSA §5122, sub-§2, ¶PP** is enacted to read:

2           PP. For taxable years beginning on or after January 1, 2018, for business expenses  
3           related to carrying on a trade or business as a registered caregiver or a registered  
4           dispensary, as defined in Title 22, section 2422, an amount equal to the deduction that  
5           would otherwise be allowable under this Part to the extent that the deduction is  
6           disallowed under the Code, Section 280E.

7           **Sec. 31. 36 MRSA §5200-A, sub-§2, ¶BB** is enacted to read:

8           BB. For taxable years beginning on or after January 1, 2018, for business expenses  
9           related to carrying on a trade or business as a registered caregiver or a registered  
10           dispensary, as defined in Title 22, section 2422, an amount equal to the deduction that  
11           would otherwise be allowable under this chapter to the extent that the deduction is  
12           disallowed under the Code, Section 280E.

13           **Sec. 32. Tax forms.** The Department of Administrative and Financial Affairs,  
14 Bureau of Revenue Services shall amend as necessary any form on which retail sales of  
15 medical marijuana under the Maine Revised Statutes, Title 22, chapter 558-C may be  
16 reported to the department to clearly indicate that those sales are subject to the sales tax  
17 imposed under Title 36, section 1811.

18           **Sec. 33. Rulemaking; medical marijuana research grant program.** No  
19 later than March 1, 2019, the Department of Health and Human Services shall adopt rules  
20 to implement the medical marijuana research grant program established in the Maine  
21 Revised Statutes, Title 22, section 2430, subsection 5.

22           **Sec. 34. Report on statewide electronic tracking portal.** The Department of  
23 Health and Human Services shall report in writing to the joint standing committee of the  
24 Legislature having jurisdiction over health and human services matters by January 1,  
25 2019 on the progress of the department in adopting rules and otherwise implementing the  
26 statewide electronic tracking portal established in the Maine Revised Statutes, Title 22,  
27 section 2430-G, subsection 1, paragraph B.

28           **Sec. 35. Outreach to medical providers.** The Department of Health and  
29 Human Services shall consult with statewide associations representing licensed medical  
30 professionals to develop and provide educational materials related to medical marijuana  
31 to medical providers, as defined in the Maine Revised Statutes, Title 22, section 2422,  
32 who provide written certifications for the medical use of marijuana in accordance with  
33 Title 22, section 2423-B.

34           **Sec. 36. Appropriations and allocations.** The following appropriations and  
35 allocations are made.

36           **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

37           **Revenue Services, Bureau of 0002**

38           Initiative: Provides funding for one Tax Examiner position and related costs to review  
39           and process income tax returns.

1	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$61,865
4	All Other	\$0	\$49,429
5			
6	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$111,294</b>

7	<b>ADMINISTRATIVE AND FINANCIAL</b>		
8	<b>SERVICES, DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
10			
11	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$111,294</b>
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$111,294</b>

14 **ATTORNEY GENERAL, DEPARTMENT OF THE**

15 **Human Services Division 0696**

16 Initiative: Allocates funds for the costs of one full-time Assistant Attorney General  
 17 position to advise the Department of Health and Human Services on the interpretation of  
 18 new medical marijuana program provisions and to assist with enforcement thereof and  
 19 provides funding for related All Other costs.

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
21	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
22	Personal Services	\$0	\$99,306
23	All Other	\$0	\$11,670
24			
25	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$110,976</b>

26 **ATTORNEY GENERAL, DEPARTMENT OF**  
 27 **THE**

28	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
29			
30	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$110,976</b>
31			
32	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$110,976</b>

33 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

34 **Medical Use of Marijuana Fund Z118**

35 Initiative: Provides funding for increased legal services.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
2	All Other	\$0	\$110,976
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$110,976</u>
5	<b>Medical Use of Marijuana Fund Z118</b>		
6	Initiative: Provides allocation to establish 2 Field Investigator positions and one Office		
7	Specialist I position for an increased number of investigations.		
8	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
9	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
10	Personal Services	\$0	\$216,969
11	All Other	\$0	\$18,858
12			
13	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$235,827</u>
14	<b>HEALTH AND HUMAN SERVICES,</b>		
15	<b>DEPARTMENT OF</b>		
16	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
17			
18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$346,803</b>
19			
20	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$346,803</b></u>
21	<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
22			
23	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$111,294</b>
24	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$457,779</b>
25			
26	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$569,073</b></u>
27			

**SUMMARY**

This amendment, which is the majority report of the committee, replaces the bill and makes the following changes to the Maine Medical Use of Marijuana Act. The amendment:

1. Eliminates the list of debilitating medical conditions for which a medical provider may provide a written certification and instead allows a medical provider to certify use to patients who have a medical diagnosis that may be alleviated by the therapeutic or palliative use of marijuana;
2. Eliminates the requirement that qualifying patients designate a primary caregiver or dispensary as the sole provider of cultivation services or medical marijuana;

- 1           3. Increases the possession limit in law for qualifying patients and unregistered  
2 caregivers from 2.5 ounces to 8 pounds, which was the amount previously authorized in  
3 rules adopted by the Department of Health and Human Services;
- 4           4. Increases the possession limit for registered caregivers and dispensaries from an  
5 amount based on the number of patients who have designated the registered caregiver or  
6 dispensary to the amount that the registered caregiver or dispensary cultivated or  
7 otherwise lawfully acquired;
- 8           5. Allows registered caregivers and dispensaries to sell up to 30% of the marijuana  
9 the registered caregiver or dispensary cultivated to another registered caregiver or  
10 dispensary in wholesale transactions;
- 11          6. Authorizes qualifying patients, caregivers and dispensaries to manufacture  
12 marijuana products as long as certain substances that are considered hazardous are not  
13 used;
- 14          7. Authorizes qualifying patients, caregivers and dispensaries to produce marijuana  
15 concentrate using substances that are considered hazardous if certain safety and  
16 inspection requirements are met;
- 17          8. Establishes a registration process for persons and entities that are not qualifying  
18 patients, caregivers or dispensaries to manufacture marijuana products and to engage in  
19 marijuana extraction using substances that are considered hazardous if certain safety and  
20 inspection requirements are met;
- 21          9. Expands the authorization of a qualifying patient to use medical marijuana in  
22 certain assisted living and residential care facilities, in addition to hospice and nursing  
23 facilities, as long as that use is consistent with the facility's policy;
- 24          10. Allows medical marijuana testing facilities to operate in the absence of rules  
25 adopted by the Department of Health and Human Services if the facilities meet certain  
26 standards;
- 27          11. Establishes packaging, labeling and marketing requirements for the sale of  
28 medical marijuana;
- 29          12. Requires registered caregivers, dispensaries, marijuana testing facilities and  
30 manufacturing facilities to track marijuana within the medical marijuana program from  
31 seeds to final user;
- 32          13. Requires registered caregivers, dispensaries, marijuana testing facilities and  
33 manufacturing facilities to maintain books and records and allows the Department of  
34 Health and Human Services to inspect those books and records;
- 35          14. Establishes additional authority for the Department of Health and Human  
36 Services to oversee medical marijuana-related activities, including the authority to inspect  
37 registered caregiver operations, dispensaries, marijuana testing facilities and  
38 manufacturing facilities during regular business hours or hours of apparent activity  
39 without notice, except that the department may not enter the dwelling unit of a registered  
40 caregiver to undertake an inspection if the caregiver is not present;
- 41          15. Requires that records containing patient information be kept in a manner that does  
42 not allow identification of the patient or be kept confidential;

