



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1597

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H.P. 1168

House of Representatives, December 30, 2013

### **An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GATTINE of Westbrook.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: CASAVANT of Biddeford, FARNSWORTH of Portland, HICKMAN of  
Winthrop, McCABE of Skowhegan, SANDERSON of Chelsea.

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

3           **Whereas,** changes made during the First Regular Session of the 126th Legislature to  
4 the laws regarding access to facilities where medical marijuana is cultivated need to be  
5 clarified; and

6           **Whereas,** it is important to provide this clarification as soon as possible in order to  
7 ensure the proper administration of the Maine Medical Use of Marijuana Act; and

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

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

13           **Sec. 1. 22 MRSA §2423-A, sub-§3, ¶A,** as amended by PL 2013, c. 374, §1, is  
14 further amended to read:

15           A. A patient who elects to cultivate marijuana plants must keep the plants in an  
16 enclosed, locked facility unless the plants are being transported because the patient is  
17 moving or taking the plants to the patient's own property in order to cultivate them.  
18 Access to the cultivation facility is limited to the patient, except that government  
19 officials acting within the scope of their employment, emergency services personnel  
20 or a person who needs to gain access to the cultivation facility in order to perform  
21 repairs or maintenance or to do construction may access the cultivation facility to  
22 perform those duties or provide those professional services while under the direct  
23 supervision of the patient.

24           **Sec. 2. 22 MRSA §2423-A, sub-§3, ¶B,** as amended by PL 2013, c. 424, Pt. G,  
25 §1 and affected by §2, is further amended to read:

26           B. A primary caregiver who has been designated by a patient to cultivate marijuana  
27 for the patient's medical use must keep all plants in an enclosed, locked facility unless  
28 the plants are being transported because the primary caregiver is moving or taking the  
29 plants to the primary caregiver's own property in order to cultivate them. 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  
32 cultivation facility is limited to the primary caregiver, except that government  
33 officials acting within the scope of their employment, emergency services personnel  
34 or a person who needs to gain access to the cultivation facility in order to perform  
35 repairs or maintenance or to do construction may access the cultivation facility to  
36 perform those duties or provide those professional services while under the direct  
37 supervision of the primary caregiver.

38           **Sec. 3. 22 MRSA §2428, sub-§6, ¶I,** as amended by PL 2013, c. 374, §2, is  
39 further amended to read:

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

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

18 **SUMMARY**

19 This bill amends the Maine Medical Use of Marijuana Act to specify that access to a  
20 marijuana cultivation facility operated by a patient, a primary caregiver or a dispensary is  
21 open to government officials acting within the scope of their employment, under the  
22 direct supervision of the patient, the primary caregiver or a principal officer, board  
23 member or employee of the dispensary. Currently, a dispensary and any additional  
24 location at which the dispensary cultivates marijuana for medical use by a patient are  
25 subject to reasonable inspection by the Department of Health and Human Services.