

§2425-A. Registry identification cards and registration certificates

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in marijuana extraction is governed by section 2423-F and registration of marijuana testing facilities is governed by section 2423-A, subsection 10. [PL 2017, c. 452, §12 (NEW).]

1. Voluntary registration. Registration under this section is voluntary for a qualifying patient, for a visiting qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected. [PL 2017, c. 452, §12 (NEW).]

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8. [PL 2017, c. 452, §12 (NEW).]

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

The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

A. The annual fee required pursuant to subsection 10; and [PL 2017, c. 452, §12 (NEW).]

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

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

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

(3) Controlling the acquisition of the marijuana plants or harvested marijuana and the dosage and the frequency of the medical use of marijuana by the qualifying patient. [PL 2017, c. 452, §12 (NEW).]

[PL 2021, c. 367, §11 (AMD).]

3-A. Criminal history record check for caregivers administering medical marijuana on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2017, c. 452, §12 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2017, c. 452, §12 (NEW).]

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 452, §12 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2017, c. 452, §12 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter. [PL 2019, c. 331, §19 (AMD).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person. [PL 2019, c. 331, §19 (AMD).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2017, c. 452, §12 (NEW).]

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 387, §8 (AMD).]

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

A. Within 5 business days of approving a completed application, the department shall issue a registry identification card to the applicant. [PL 2017, c. 452, §12 (NEW).]

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

- (1) The applicant did not provide the information required pursuant to subsection 3;
- (2) The department determines that the applicant does not qualify; or

(3) The department determines that the information provided by the applicant was falsified. [PL 2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card. [PL 2017, c. 452, §12 (NEW).]

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

If the department fails to issue or deny a valid registry identification card in response to a valid application for a card or for renewal of a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card or for renewal of the card is deemed a valid registry identification card. [PL 2017, c. 452, §12 (NEW).]

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

A. A registry identification card expires one year after the date of issuance, regardless of the person's employment status. The card must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date;
- (3) A random identification number that is unique to the cardholder; and
- (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana plants. [PL 2021, c. 367, §12 (AMD).]

B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [PL 2017, c. 452, §12 (NEW).]

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

- (1) The legal name of the registered dispensary with which the officer or director or assistant is affiliated;
- (2) The address and date of birth of the officer or director or assistant; and
- (3) A photograph of the officer or director or assistant, if required by the department. [PL 2017, c. 452, §12 (NEW).]

D. The registry identification card of an officer or director or assistant of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary. [PL 2017, c. 452, §12 (NEW).]
[PL 2021, c. 367, §12 (AMD).]

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

- A. The annual fee required pursuant to subsection 10; [PL 2017, c. 452, §12 (NEW).]
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and [PL 2017, c. 452, §12 (NEW).]

C. The name, address and date of birth of each officer or director of the applicant. [PL 2017, c. 452, §12 (NEW).]
[PL 2017, c. 452, §12 (NEW).]

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

A. Within 10 days of approving a completed application, the department shall issue a registration certificate to the applicant. [PL 2017, c. 452, §12 (NEW).]

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

- (1) The applicant did not provide the information required pursuant to subsection 6;
- (2) The department determines that the applicant does not qualify; or
- (3) The department determines that the information provided by the applicant was falsified.
[PL 2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant in writing of the reason for denying the registration certificate. [PL 2017, c. 452, §12 (NEW).]

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

If the department fails to issue or deny a registration certificate in response to a valid application for a certificate or for renewal of a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate or for renewal of the certificate is deemed a valid registration certificate.
[PL 2017, c. 452, §12 (NEW).]

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

A. The name of the certificate holder; [PL 2017, c. 452, §12 (NEW).]

B. The date of issuance and expiration date of the registration certificate; [PL 2017, c. 452, §12 (NEW).]

C. A random identification number that is unique to the certificate holder; [PL 2017, c. 452, §12 (NEW).]

D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana plants will be cultivated; and [PL 2019, c. 331, §20 (AMD).]

E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants. [PL 2017, c. 452, §12 (NEW).]

[PL 2019, c. 331, §20 (AMD).]

9. Drug testing. The department may not require an assistant of a caregiver, dispensary, manufacturing facility or marijuana testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identification card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or marijuana testing facility from requiring drug testing of its assistants as a condition of employment.
[PL 2017, c. 452, §12 (NEW).]

10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The fees must be credited to the Medical Use of Marijuana Fund pursuant to section 2430. Rules

adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. There is no annual registration fee for a caregiver who does not cultivate marijuana plants for a qualifying patient. [PL 2017, c. 452, §12 (NEW).]

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less. [PL 2021, c. 251, §4 (RPR).]

C. There is an annual registration fee for a dispensary, which may not be less than \$5,000 or more than \$12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates marijuana plants, which may not be less than \$3,000 or more than \$4,000. [PL 2017, c. 452, §12 (NEW).]

D. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than \$50 or more than \$150. [PL 2017, c. 452, §12 (NEW).]

E. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than \$150 or more than \$250. [PL 2017, c. 452, §12 (NEW).]

F. There is an annual registration fee to engage in marijuana extraction under section 2423-F, subsection 3, which may not be less than \$250 or more than \$350. [PL 2017, c. 452, §12 (NEW).]

G. There is an annual registration fee for a marijuana testing facility, which may not be less than \$250 or more than \$1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1. [PL 2017, c. 452, §12 (NEW).]

H. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than \$20 or more than \$50. [PL 2017, c. 452, §12 (NEW).]

I. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a card that contains information that is no longer accurate, which may not be less than \$10 or more than \$20. Replacement of a registry identification card does not extend the expiration date. [PL 2017, c. 452, §12 (NEW).]

J. There is an annual fee for a criminal history record check for a caregiver or an officer or director or assistant of a registered dispensary, marijuana testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the registered dispensary, marijuana testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, marijuana testing facility or manufacturing facility. [PL 2017, c. 452, §12 (NEW).]

[PL 2021, c. 251, §4 (AMD); PL 2021, c. 387, §9 (AMD).]

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

A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. [PL 2017, c. 452, §12 (NEW).]

B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than \$150 may be adjudged. [PL 2017, c. 452, §12 (NEW).]

C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or marijuana testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or marijuana testing facility. [PL 2017, c. 452, §12 (NEW).]

D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates marijuana plants. [PL 2017, c. 452, §12 (NEW).]

[PL 2017, c. 452, §12 (NEW).]

12. Confidentiality. This subsection governs confidentiality.

A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information regarding their caregivers and medical providers, are confidential. [PL 2017, c. 452, §12 (NEW).]

B. Applications and supporting information submitted by caregivers and medical providers operating in compliance with this chapter are confidential. [PL 2017, c. 452, §12 (NEW).]

C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department. [PL 2017, c. 452, §12 (NEW).]

D. The department shall verify to law enforcement personnel whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. [PL 2017, c. 452, §12 (NEW).]

E. Upon request of a code enforcement officer or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized. [PL 2017, c. 452, §12 (NEW).]

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

caregiver of a qualifying patient or registered patient is confidential. [PL 2017, c. 452, §12 (NEW).]

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

- (1) To department employees who are responsible for carrying out this chapter;
- (2) Pursuant to court order or subpoena issued by a court;
- (3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;
- (4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;
- (5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and
- (6) To a registered patient's treating medical provider and to a registered patient's registered caregiver for the purpose of carrying out this chapter. [PL 2017, c. 452, §12 (NEW).]

H. This subsection does not prohibit a medical provider from notifying the department if the medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use marijuana for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the medical provider's certification of eligibility for use. [PL 2017, c. 452, §12 (NEW).]

I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified. [PL 2017, c. 452, §12 (NEW).]

J. A hearing concerning the suspension or revocation of a registry identification card under section 2430-E is confidential. [PL 2017, c. 452, §12 (NEW).]

K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to \$1,000 may be imposed. This paragraph does not apply to a medical provider or staff of a long-term care facility or any other person directly associated with a medical provider or long-term care facility that provides services to a registered patient. [PL 2017, c. 452, §12 (NEW).]

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36. [PL 2017, c. 452, §12 (NEW).]

[PL 2017, c. 452, §12 (NEW).]

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

A. A registered caregiver or a dispensary shall submit annually a report of the number of qualifying patients and visiting qualifying patients assisted by the caregiver or dispensary. A report may not directly or indirectly disclose patient identity. The department shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this

paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 387, §10 (AMD).]

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

- (1) The number of applications and renewals filed for registry identification cards and registration certificates;
- (2) The number of qualifying patients and registered caregivers approved in each county;
- (3) The number of registry identification cards suspended or revoked;
- (4) The number of medical providers providing written certifications for qualifying patients;
- (5) The number of registered dispensaries, manufacturing facilities and marijuana testing facilities approved in each county;
- (6) The number of officers or directors or assistants of registered caregivers, registered dispensaries, manufacturing facilities and marijuana testing facilities; and
- (7) The revenue and expenses of the Medical Use of Marijuana Fund established in section 2430. [PL 2017, c. 452, §12 (NEW).]

[PL 2021, c. 387, §10 (AMD).]

SECTION HISTORY

PL 2017, c. 452, §12 (NEW). PL 2019, c. 331, §§19, 20 (AMD). PL 2021, c. 251, §4 (AMD). PL 2021, c. 367, §§11, 12 (AMD). PL 2021, c. 387, §§8-10 (AMD).

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