



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 726

---

S.P. 256

In Senate, March 5, 2015

### **An Act To Increase Patient Safety in Maine's Medical Marijuana Program**

---

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senators: BRAKEY of Androscoggin, HASKELL of Cumberland.

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

2 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶K**, as reallocated by RR 2013, c. 1, §40, is  
3 amended to read:

4 K. For the purpose of disposing of excess prepared marijuana, transfer prepared  
5 marijuana to a registered dispensary for reasonable compensation. The transfer of  
6 prepared marijuana by a primary caregiver to one or more dispensaries under this  
7 paragraph is limited to a registered primary caregiver. A registered primary caregiver  
8 may not transfer more than 2 ½ pounds of excess prepared marijuana for reasonable  
9 compensation under this paragraph in a calendar year. A primary caregiver who  
10 transfers prepared marijuana pursuant to this paragraph does not by virtue of only that  
11 transfer qualify as a member of a collective.

12 **Sec. 2. 22 MRSA §2423-A, sub-§10** is enacted to read:

13 **10. Inspection.** A primary caregiver's cultivation facility is subject to reasonable  
14 inspection by the department. The department may enter the cultivation facility at any  
15 time, without notice, to carry out an inspection under this subsection.

16 **Sec. 3. 22 MRSA §2424, sub-§4** is enacted to read:

17 **4. Rules.** The department shall adopt routine technical rules as defined in Title 5,  
18 chapter 375, subchapter 2-A governing the manner in which it considers applications for  
19 and renewals of the registry identification card for a primary caregiver, including rules  
20 governing:

21 A. The form and content of an application or a renewal application;

22 B. Minimum oversight requirements for a primary caregiver's cultivation facility;

23 C. Minimum record-keeping requirements for a primary caregiver, including  
24 recording the disposal of marijuana that is not distributed by the primary caregiver to  
25 a qualifying patient who has designated the primary caregiver to cultivate for that  
26 patient;

27 D. Minimum security requirements for a primary caregiver's cultivation facility; and

28 E. Procedures for suspending or terminating the registry identification card of a  
29 primary caregiver who violates the provisions of this chapter or the rules adopted  
30 pursuant to this subsection.

31 **Sec. 4. 22 MRSA §2425, sub-§8, ¶L**, as corrected by RR 2013, c. 2, §33, is  
32 amended to read:

33 L. Notwithstanding any provision of this subsection to the contrary, the department  
34 shall comply with Title 36, section 175. Information provided by the department  
35 pursuant to this paragraph may be used by the Department of Administrative and  
36 Financial Services, Bureau of Revenue Services only for the administration and  
37 enforcement of taxes imposed under Title 36 and the license issuance and renewal  
38 provisions of Title 36, section 175.

