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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 425, L.D. 1319, “An Act Regarding Registered Dispensaries and Rules under the Maine Medical Use of Marijuana Act and the Definition of "Resident" in the Marijuana Legalization Act”

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Rules under the Maine Medical Use of Marijuana Act'**

Amend the bill by striking out all of the emergency preamble.

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

**Sec. 1. 22 MRSA §2422, sub-§3-D** is enacted to read:

**3-D. Home-based caregiver.** "Home-based caregiver" means a registered caregiver who engages in all authorized cultivation and manufacturing activities at the registered caregiver's primary residence and who does not operate a caregiver retail store.

**Sec. 2. 22 MRSA §2423-A, sub-§2, ¶J-1** is enacted to read:

**J-1.** Transfer marijuana plants to a qualifying patient for reasonable monetary compensation;

**Sec. 3. 22 MRSA §2424, sub-§4,** as amended by PL 2019, c. 217, §4, is further amended by adding at the end a new blocked paragraph to read:

**The department may not adopt rules requiring video surveillance or security systems for home-based caregivers or within the dwelling unit of a home-based caregiver.**

**Sec. 4. 22 MRSA §2425-A, sub-§5, ¶C,** as enacted by PL 2017, c. 452, §12, is amended to read:

**C.** Registry identification cards issued to an ~~officer or director~~ or assistant of a registered caregiver, dispensary or manufacturing facility or to an officer or director of a registered dispensary or manufacturing facility must also contain:

**COMMITTEE AMENDMENT**

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

3           (1-A) The name of the cardholder;

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

5           (2-A) The date of issuance and the date of expiration;

6           (3) ~~A photograph of the officer or director or assistant~~ cardholder, if required by  
7           the department; ~~and~~

8           (4) A random identification number that is unique to the cardholder.

9           **Sec. 5. 22 MRSA §2425-A, sub-§5, ¶D**, as enacted by PL 2017, c. 452, §12, is  
10          repealed.

11          **Sec. 6. 22 MRSA §2430-G, sub-§1, ¶A**, as enacted by PL 2017, c. 452, §24, is  
12          amended by amending subparagraph (2) to read:

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

16          **Sec. 7. 22 MRSA §2430-G, sub-§1, ¶A**, as enacted by PL 2017, c. 452, §24, is  
17          amended by repealing subparagraph (3).

18          **Sec. 8. 22 MRSA §2430-G, sub-§1, ¶B**, as amended by PL 2019, c. 331, §32, is  
19          further amended to read:

20           B. The department shall develop and implement a statewide electronic portal through  
21           which registered caregivers, registered dispensaries, marijuana testing facilities and  
22           manufacturing facilities may submit to the department the records required under  
23           paragraph A and in accordance with rules adopted by the department. ~~The electronic~~  
24           portal may not contain, and a registered caregiver, registered dispensary, marijuana  
25           testing facility or manufacturing facility may not submit to the electronic portal, the  
26           names or dates of birth of qualifying patients. A registered caregiver, registered  
27           dispensary, marijuana testing facility and manufacturing facility shall pay all costs and  
28           fees associated with the use of this electronic portal and all other fees associated with  
29           the keeping of records required in this section in accordance with rules adopted by the  
30           department. The department shall adopt rules regarding the process and content of  
31           records to be submitted, including but not limited to an alternative reporting plan to be  
32           used in the event the electronic portal ceases to function or a registered caregiver,  
33           registered dispensary, marijuana testing facility or manufacturing facility loses internet  
34           access to the electronic portal, the frequency with which the records must be submitted,  
35           the costs and fees associated with using the electronic portal and any other requirements  
36           necessary to implement this paragraph.

37          **Sec. 9. 22 MRSA §2430-G, sub-§1, ¶D** is enacted to read:

38          D. The department may not enforce the requirements of this subsection:

39           (1) For registered caregivers operating caregiver retail stores, until January 1,  
40           2022;

41           (2) For home-based caregivers, until June 1, 2022; and

1                   (3) For small-scale caregivers, as defined by the department by rule.

2                   **Sec. 10. Department of Administrative and Financial Services' office of**  
3 **marijuana policy; medical use of marijuana program rulemaking.** Prior to the  
4 adoption of the Department of Administrative and Financial Services' office of marijuana  
5 policy's proposed Maine Medical Use of Marijuana Program Rule, 18-691 C.M.R., Chapter  
6 2, referred to in the section as "the proposed rule," which received a public hearing on  
7 March 22, 2021, the department shall make the following changes to the proposed rule:

8                   1. Amend the proposed rule to clarify that any video surveillance and security system  
9 requirements do not apply to home-based caregivers, including, but not limited to, the  
10 requirements specified in section 11.3.3(C) in accordance with the Maine Revised Statutes,  
11 Title 22, section 2424, subsection 4;

12                   2. Amend the proposed rule to remove any video surveillance and security system  
13 requirements within the dwelling unit of a caregiver, including, but not limited to, the  
14 requirements specified in section 6.1.3 in accordance with Title 22, section 2424,  
15 subsection 4;

16                   3. Amend the proposed rule to remove any requirements regarding outdoor lighting at  
17 a registered caregiver's primary residence or dwelling unit, including, but not limited to,  
18 the requirements specified in sections 6.1.3 and 11.3.3;

19                   4. Amend the proposed rule to remove any requirements regarding car alarms or motor  
20 vehicle security systems, including, but not limited to, the requirements specified in section  
21 7.2.5(A)(1)(b);

22                   5. Amend the proposed rule to define and create an exemption for "small-scale  
23 caregivers" from the track and trace requirements, including, but not limited to, the  
24 requirements contained within sections 5.3.2, 5.6.1, 5.6.4, 5.7.1, 6.2.6, 6.2.8, 6.7.5, 7.1,  
25 7.1.1, 7.1.2, 7.1.3, 7.2.2, 7.2.3, 7.2.4, 8.1.1, 11.3.4, 12.1.2, 12.1.3 and 12.1.5 in accordance  
26 with Title 22, section 2430-G, subsection 1;

27                   6. Amend the proposed rule to create an alternative reporting plan to be used in the  
28 event the electronic portal ceases to function or a registered caregiver, registered  
29 dispensary, marijuana testing facility or manufacturing facility loses Internet access to the  
30 electronic portal in accordance with Title 22, section 2430-G, subsection 1, paragraph B;

31                   7. Amend the proposed rule to remove any requirements that regulate the formation or  
32 organization of a caregiver as a business entity, including, but not limited to, the  
33 requirements contained within section 6.2.2 in accordance with Title 22, section 2423-A,  
34 subsection 2, paragraph Q;

35                   8. Amend the proposed rule to remove any references to law enforcement officers or  
36 law enforcement agencies, including, but not limited to, the references contained within  
37 sections 1.2, 6.1.1, 6.1.2, 6.1.3, 6.2.4, 6.2.5, 6.5.3, 6.6.3, 6.7.3, 6.7.4, 7.2.2, 7.2.3, 7.2.4,  
38 7.2.5, 11.3.2, 11.3.3, 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.2.2, 12.3, 12.4 and 12.4.1;

39                   9. Amend the proposed rule, after consultation with relevant industry stakeholders, to  
40 define and provide for the separate regulation of "marijuana tincture" and "marijuana  
41 drink"; and

42                   10. Amend the proposed rule as necessary to conform with any other changes that have  
43 been made to the department's rule-making authority under the Maine Medical Use of

1 Marijuana Act from the date of the initial draft of the proposed rule to the effective date of  
2 this Act.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

### 5 SUMMARY

6 This amendment strikes and replaces the bill, makes changes to the Maine Medical Use  
7 of Marijuana Act and directs the Department of Administrative and Financial Services to  
8 make certain changes to rules being considered for adoption under the Act.

9 1. It changes the Maine Medical Use of Marijuana Act to:

10 A. Define "home-based caregiver" and preclude the department's office of marijuana  
11 policy from requiring video surveillance or security systems for home-based caregivers  
12 or inside the dwelling unit of a home-based caregiver;

13 B. Remove the requirement to complete an annual audit of business transactions of a  
14 registered caregiver, registered dispensary, marijuana testing facility or manufacturing  
15 facility by an independent 3rd party;

16 C. Create a single registry identification card for an assistant of a registered caregiver,  
17 dispensary or manufacturing facility or to an officer or director of a registered  
18 dispensary or manufacturing facility;

19 D. Allow caregivers to sell marijuana plants to qualifying patients;

20 E. Require that a statewide electronic portal implemented for record keeping may not  
21 contain, and a person may not submit to the electronic portal, the names or dates of  
22 birth of qualifying patients;

23 F. Require the department to define and create an exemption for "small-scale  
24 caregivers" from record-keeping requirements;

25 G. Require the department to create an alternative reporting plan to be used in the  
26 event the electronic portal ceases to function or a registrant loses Internet access to the  
27 electronic portal; and

28 H. Require that the department may not enforce the record-keeping requirements for  
29 caregiver retail stores until January 1, 2022, and may not enforce the record-keeping  
30 requirements for home-based caregivers until June 1, 2022.

31 2. The following changes must be made before the department may adopt the proposed  
32 rule under the Maine Medical Use of Marijuana Act:

33 A. Amend the proposed rule to conform with any changes to its statutory authority in  
34 the amendment;

35 B. Amend the proposed rule to remove any requirements regarding outdoor lighting;

36 C. Amend the proposed rule to remove any requirements regarding car alarms or motor  
37 vehicle security systems;

38 D. Amend the proposed rule to remove any references to law enforcement officers or  
39 law enforcement agencies; and

1 E. Amend the proposed rule, after consultation with relevant industry stakeholders, to  
2 define and provide for the separate regulation of "marijuana tincture" and "marijuana  
3 drink."

4 The amendment also removes the emergency preamble and emergency clause.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**