

22 §2383-B. AUTHORIZED POSSESSION BY INDIVIDUALS; EXEMPTIONS

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1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance. For purposes of this subsection, "when in use" includes reasonable repackaging for more convenient legitimate medical use.

[2005, c. 252, §2 (AMD) .]

2. Others lawfully in possession. Except as otherwise authorized or restricted, the following persons are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses:

A. Common carriers or warehouse operators while engaged in lawfully transporting or storing prescription drugs or hypodermic apparatuses or any of their employees acting within the scope of their employment; [1997, c. 340, §5 (AMD) .]

B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency; [1995, c. 499, §3 (AMD); 1995, c. 499, §5 (AFF) .]

C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties; [1995, c. 499, §3 (AMD); 1995, c. 499, §5 (AFF) .]

D. Law enforcement officers while acting within the scope of their employment and official duties; [1997, c. 340, §5 (AMD) .]

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs, controlled substances or hypodermic apparatuses while acting within the course of their professional practice; and [1997, c. 340, §5 (AMD) .]

F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under chapter 252-A while acting within the scope of their employment under such programs. [1997, c. 340, §5 (NEW) .]

[1997, c. 340, §5 (AMD) .]

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Controlled substances" has the same meaning as defined in 21 United States Code, Section 812 (1970) and 21 Code of Federal Regulations, Chapter II, Part 1308. [1995, c. 499, §3 (NEW); 1995, c. 499, §5 (AFF) .]

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title 18-A, section 5-801 by, or is the parent or legal guardian of, a person authorized to possess marijuana for medical use pursuant to subsection 5. [2001, c. 580, §1 (AMD).]

A-2. "Eligible patient" means a person authorized to possess marijuana for medical use pursuant to subsection 5. [1999, c. 1, §7 (NEW).]

B. "Law enforcement officer" has the same meaning as defined in Title 17-A, section 2, subsection 17. [1995, c. 499, §3 (NEW); 1995, c. 499, §5 (AFF).]

B-1. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48. [1999, c. 1, §8 (NEW).]

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702-A, subsection 30 and includes so-called legend drugs. [2007, c. 695, Pt. B, §4 (AMD).]

D. "Scheduled drug" has the same meaning as defined in Title 17-A, chapter 45. [1995, c. 499, §3 (NEW); 1995, c. 499, §5 (AFF).]

E. "Usable amount of marijuana for medical use" means 2 1/2 ounces or less of prepared marijuana, as defined in section 2422, subsection 14, and a total of 6 plants as defined by the department pursuant to section 2424, subsection 1. [2009, c. 631, §51 (AFF); 2009, c. 631, §6 (AMD).]

[2009, c. 631, §51 (AFF); 2009, c. 631, §6 (AMD) .]

4. Specially restricted drugs and substances.

[1995, c. 621, §3 (RP) .]

5. Medical use of marijuana; exemptions.

[2009, c. 1, §4 (RP) .]

6. Lawful possession of hypodermic apparatuses by livestock owners. A person who owns livestock is authorized to possess and have control of hypodermic apparatuses for the purpose of administering antibiotics, vitamins and vaccines to treat medical conditions or promote the health of that person's livestock. For the purposes of this subsection, "livestock" means cattle, equines, sheep, goats, swine, members of the genus Lama, poultry, rabbits and cervids as defined in Title 7, section 1333, subsection 1.

[2003, c. 386, §19 (AMD) .]

SECTION HISTORY

1989, c. 384, §8 (NEW). 1995, c. 499, §3 (AMD). 1995, c. 499, §5 (AFF). 1995, c. 621, §3 (AMD). 1997, c. 340, §5 (AMD). IB 1999, c. 1, §§7-10 (AMD). 1999, c. 127, §A35 (AMD). 2001, c. 308, §2 (AMD). 2001, c. 580, §§1-3 (AMD). 2005, c. 252, §2 (AMD). 2007, c. 695, Pt. B, §4 (AMD). IB 2009, c. 1, §4 (AMD). 2009, c. 631, §51 (AFF). 2009, c. 631, §6 (AMD).

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