

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 395 - L.D. 538

**An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients**

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

**Whereas**, the requirement in current law that visiting qualifying patients must obtain a written certification from their own medical providers that meets the qualifications of Maine law is complicated and onerous; and

**Whereas**, the summer tourism season, during which visiting qualifying patients will need access to marijuana for medical use in this State, is quickly approaching; and

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

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

**Sec. 1. 22 MRSA §2423-D**, as amended by PL 2017, c. 452, §7, is further amended to read:

**§2423-D. Authorized conduct by a visiting qualifying patient**

A visiting qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses ~~a valid written certification as described in section 2423-B from the visiting qualifying patient's medical provider and~~ a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not:

- 1. Cultivate.** Cultivate marijuana plants;

**2. Possess.** Possess more than 2 1/2 ounces of harvested marijuana in a 15-day period; or

**3. Transfer or furnish.** Transfer or furnish harvested marijuana to another person;.

~~**4. Obtain.** Obtain harvested marijuana from a registered caregiver or dispensary unless the visiting qualifying patient has designated the registered caregiver or dispensary in order to have that caregiver or dispensary provide harvested marijuana to the visiting qualifying patient. A designation pursuant to this subsection must be in a standardized written document, developed by the department, and signed and dated by the visiting qualifying patient. The designation is valid for the term provided by the visiting qualifying patient's medical provider pursuant to section 2423-B. The document must include the signed acknowledgment of the registered caregiver or dispensary that the caregiver or dispensary may be contacted to confirm the designation of the caregiver or dispensary to provide harvested marijuana to the visiting qualifying patient.~~

The department shall maintain a list of other jurisdictions that authorize the medical use of marijuana and the images of the valid medical marijuana certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.

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