



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1404

H.P. 1000

House of Representatives, April 12, 2013

### **An Act To Ensure the Integrity of Maine's Medical Marijuana Program**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GILBERT of Jay.  
Cosponsored by Senator LACHOWICZ of Kennebec and  
Representatives: BLACK of Wilton, CASSIDY of Lubec, CHIPMAN of Portland, DION of  
Portland, HARVELL of Farmington, KRUGER of Thomaston, SANDERSON of Chelsea,  
Senator: WHITTEMORE of Somerset.

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

3           **Whereas,** under the Maine Medical Use of Marijuana Act, the restrictions on  
4 primary caregivers result in shorter supply, raising the price for patients with debilitating  
5 medical conditions; and

6           **Whereas,** allowing primary caregivers to employ staff will benefit the economy;  
7 and

8           **Whereas,** these measures need to be enacted as soon as possible to bring relief to  
9 the patients and to stimulate the economy; and

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

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

15           **Sec. 1. 22 MRSA §2422, sub-§8-A,** as enacted by PL 2011, c. 407, Pt. B, §9, is  
16 amended to read:

17           **8-A. Primary caregiver.** "Primary caregiver" means a person or an employee of  
18 that person, a hospice provider licensed under chapter 1681 or a nursing facility licensed  
19 under chapter 405 that provides care for a qualifying patient in accordance with section  
20 2423-A, subsection 2. A person who is a primary caregiver must be at least 21 years of  
21 age and may not have been convicted of a disqualifying drug offense.

22           **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶C,** as enacted by PL 2009, c. 631, §21 and  
23 affected by §51, is repealed.

24           **Sec. 3. 22 MRSA §2425, sub-§1, ¶F,** as amended by PL 2009, c. 631, §28 and  
25 affected by §51, is further amended to read:

26           F. If the qualifying patient names one or 2 primary caregivers, an indication of which  
27 person, if any, is designated to cultivate marijuana for the qualifying patient's medical  
28 use. Only one ~~person may be~~ primary caregiver, which includes an employee of that  
29 caregiver, is allowed to cultivate marijuana for a registered patient; and

30           **Sec. 4. 22 MRSA §2425, sub-§4,** as amended by PL 2009, c. 631, §31 and  
31 affected by §51, is further amended to read:

32           **4. Primary caregiver registry identification card.** The department shall issue a  
33 registry identification card to each registered primary caregiver, if any, and an employee  
34 of that registered primary caregiver, who is named in a registered patient's approved  
35 application pursuant to subsection 1, paragraph E.

