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No. 1531

S.P. 578

In Senate, May 14, 2013

An Act To Maintain Access to Safe Medical Marijuana

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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,** the people of Maine voted in support of access for patients to legal and
4 safe medical marijuana in both 1999 and 2009; and

5 **Whereas,** thousands of Maine residents suffer from one of the debilitating medical
6 conditions for which medical marijuana is currently allowed for treatment, including
7 cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune
8 deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation
9 of Alzheimer's disease and nail-patella syndrome, among others; and

10 **Whereas,** immediate enactment of this Act is necessary to ensure continued access
11 to safe medical marijuana for the thousands of Maine patients currently recommended
12 this medicine; and

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

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

18 **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶B,** as amended by PL 2011, c. 407, Pt. B,
19 §16, is further amended to read:

20 B. Cultivate up to 6 mature marijuana plants for each qualifying patient who has
21 designated the primary caregiver to cultivate marijuana on the patient's behalf,
22 subject to the limitation in subsection 1, paragraph B on the total number of plants
23 authorized per qualifying patient. A primary caregiver may not use a pesticide on
24 marijuana being cultivated for a patient unless the pesticide has been approved for
25 such use by the Department of Agriculture, Conservation and Forestry, Board of
26 Pesticides Control. A primary caregiver may not cultivate marijuana for a patient
27 unless the patient has designated the primary caregiver for that purpose and the
28 patient has not designated a registered dispensary to cultivate marijuana for the
29 patient's medical use. In addition to the marijuana plants otherwise authorized under
30 this paragraph, a primary caregiver may have harvested marijuana plants in varying
31 stages of processing in order to ensure the primary caregiver is able to meet the needs
32 of the primary caregiver's qualifying patients;

33 **Sec. 2. 22 MRSA §2428, sub-§9, ¶G** is enacted to read:

34 G. A dispensary may not use a pesticide on marijuana being cultivated for a patient
35 unless the pesticide has been approved for such use by the Department of
36 Agriculture, Conservation and Forestry, Board of Pesticides Control.

37 **Sec. 3. Authorized pesticides for use in medical marijuana cultivation.**
38 The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control
39 shall establish and make publicly available a list of minimum risk pesticides authorized

1 for use in the cultivation of medical marijuana. The authorized pesticides must be
2 exempt from federal regulation under the Federal Insecticide, Fungicide and Rodenticide
3 Act, Section 25(b). The board shall publish the list no later than 30 days following the
4 effective date of this section. Action taken by the board pursuant to this section is not
5 rulemaking for purposes of the Maine Revised Statutes, Title 5, chapter 375.

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

8 **SUMMARY**

9 This bill prohibits the use of pesticides in the cultivation of medical marijuana unless
10 the pesticide is authorized by the Department of Agriculture, Conservation and Forestry,
11 Board of Pesticides Control. The bill directs the board to establish, for authorized use in
12 the cultivation of medical marijuana, a list of minimum risk pesticides that are exempt
13 from federal regulation under the Federal Insecticide, Fungicide and Rodenticide Act,
14 Section 25(b).