



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1674

S.P. 641

In Senate, January 8, 2014

### **An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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.  
Cosponsored by Representative DILL of Old Town and  
Senators: BOYLE of Cumberland, JACKSON of Aroostook, VITELLI of Sagadahoc,  
Representatives: CRAY of Palmyra, GATTINE of Westbrook, McCABE of Skowhegan,  
ROCHELO of Biddeford, WILLETTE of Mapleton.

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,** the First Regular Session of the 126th Legislature enacted a law to restrict  
6 the use of pesticides in the cultivation of marijuana to those exempt from federal  
7 registration requirements and registered with the Department of Agriculture,  
8 Conservation and Forestry, Board of Pesticides Control; and

9           **Whereas,** the effect of this law has been to severely restrict the options available to  
10 persons cultivating marijuana for medical purposes; and

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

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

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

19           **Sec. 1. 22 MRSA §2423-A, sub-§2, ¶J,** as reallocated by RR 2013, c. 1, §39, is  
20 repealed and the following enacted in its place:

21           J. Use a pesticide in the cultivation of marijuana. The following pesticides are the  
22 only pesticides allowed for use in the cultivation of marijuana:

23           (1) A pesticide that is exempt from the federal registration requirements pursuant  
24 to 7 United States Code, Section 136w(b) and registered with the Department of  
25 Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to  
26 Title 7, section 607;

27           (2) Spinosad;

28           (3) Pyrethrins;

29           (4) Azadirachta indica;

30           (5) Potassium bicarbonate;

31           (6) Sodium bicarbonate;

32           (7) Diatomaceous earth;

33           (8) Soap;

34           (9) Dihydrogen dioxide;

35           (10) Sulfur;

- 1           (11) Bacillus thuringiensis;
- 2           (12) Bacillus subtilis;
- 3           (13) Streptomyces lydicus;
- 4           (14) Sesame oil; and
- 5           (15) Bacillus pumilus.

6           All pesticides must be used in a manner consistent with best management practices  
7           approved by the Commissioner of Agriculture, Conservation and Forestry. A  
8           registered primary caregiver may not in the cultivation of marijuana use a pesticide  
9           unless the registered primary caregiver or the registered primary caregiver's employee  
10           is certified in the application of the pesticide pursuant to section 1471-D and any  
11           employee who has direct contact with treated plants has completed safety training  
12           pursuant to 40 Code of Federal Regulations, Part 170.130. An employee of the  
13           registered primary caregiver who is not certified pursuant to section 1471-D and who  
14           is involved in the application of the pesticide or handling of the pesticide or  
15           equipment must first complete safety training pursuant to 40 Code of Federal  
16           Regulations, Part 170.230; and

17           **Sec. 2. 22 MRSA §2428, sub-§9, ¶G,** as enacted by PL 2013, c. 371, §4, is  
18           repealed and the following enacted in its place:

19           G. The following pesticides are the only pesticides allowed for use in the cultivation  
20           of marijuana by a registered dispensary:

- 21           (1) A pesticide that is exempt from the federal registration requirements pursuant  
22           to 7 United States Code, Section 136w(b) and registered with the Department of  
23           Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to  
24           Title 7, section 607;
- 25           (2) Spinosad;
- 26           (3) Pyrethrins;
- 27           (4) Azadirachta indica;
- 28           (5) Potassium bicarbonate;
- 29           (6) Sodium bicarbonate;
- 30           (7) Diatomaceous earth;
- 31           (8) Soap;
- 32           (9) Dihydrogen dioxide;
- 33           (10) Sulfur;
- 34           (11) Bacillus thuringiensis;
- 35           (12) Bacillus subtilis;
- 36           (13) Streptomyces lydicus;
- 37           (14) Sesame oil; and

