

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 857 - L.D. 1159

An Act To Amend the Identification Requirements under the Maine Medical
Use of Marijuana Act

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

Sec. 1. 22 MRSA §2423-A, sub-§§7 and 8 are enacted to read:

7. Excess marijuana; forfeiture. A person who possesses marijuana seedlings, marijuana plants or prepared marijuana in excess of the limits provided in this section and rules adopted under this section must forfeit the excess amounts to a law enforcement officer. The law enforcement officer is authorized to remove all excess marijuana seedlings, marijuana plants and prepared marijuana in order to catalog the amount of excess marijuana. Possession of marijuana in excess of the limits provided in this section and rules adopted under this section is a violation as follows:

A. Possession of marijuana in an excess amount up to 2 1/2 ounces is a violation of section 2383; and

B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of Title 17-A, chapter 45.

8. Repeat forfeiture. If a cardholder has previously forfeited excess marijuana pursuant to subsection 7 and a subsequent forfeiture occurs, the department shall revoke the registry identification card of the cardholder and the entire amount of marijuana seedlings, marijuana plants and prepared marijuana must be forfeited to a law enforcement officer. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §2425, sub-§5, as amended by PL 2009, c. 631, §32 and affected by §51, is further amended to read:

5. Registry identification card issuance. The department shall issue registry identification cards to registered patients, to registered primary caregivers and to staff of hospice providers and nursing facilities named as primary caregivers within 5 days of approving an application or renewal under this section. Registry identification cards expire one year after the date of issuance except that the date of issuance and expiration

date of a registered primary caregiver's registry identification card must be the same as the issuance and expiration dates on the patient's registry identification card. Registry identification cards must contain:

- A. The name, address and date of birth of the patient cardholder;
- ~~B. The name, address and date of birth of each registered primary caregiver, if any, of the patient;~~
- C. The date of issuance and expiration date of the registry identification card;
- D. A random identification number that is unique to the cardholder; and
- ~~E. A photograph, if required by the department; and~~
- F. ~~For a registered primary caregiver, a~~ A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana plants ~~for the patient's medical use.~~

Sec. 3. 22 MRSA §2425, sub-§8, ¶G, as enacted by PL 2009, c. 631, §34 and affected by §51, is amended to read:

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered primary caregivers and registered patients' physicians are confidential and may not be disclosed except as provided in this subsection and as follows:

- (1) To department employees who are responsible for carrying out this chapter;
- (2) Pursuant to court order or subpoena issued by a court;
- (3) With written permission of the patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;
- (4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;
- (5) To a law enforcement official for law enforcement purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and
- (6) To a patient's treating physician and to a patient's primary caregiver for the purpose of carrying out this chapter.

Sec. 4. 22 MRSA §2425, sub-§11 is enacted to read:

11. Valid identification. A registered patient, registered primary caregiver or a principal officer, board member or employee of a registered dispensary who has been issued a valid registry identification card pursuant to this section must also possess a valid Maine-issued driver's license with a photo or other Maine-issued photo identification in order to establish proof of authorized participation in the medical use of marijuana under this chapter.

Sec. 5. 22 MRSA §2430-B is enacted to read:

§2430-B. Admissibility of records

A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records.

Sec. 6. Rules. The Department of Health and Human Services shall adopt rules allowing primary caregivers who register under the Maine Revised Statutes, Title 22, section 2425, subsection 5 to substitute a new qualifying patient who designates the primary caregiver for a former qualifying patient who has rescinded designation of the same primary caregiver. The rules must require that application for the new patient be filed within 10 days of rescission by the former patient and must:

- A. Allow the substitution of a new patient in place of a former patient;
- B. Specify that registration of the primary caregiver continues in full effect without interruption;
- C. Prorate the fees paid by the primary caregiver; and
- D. Authorize a reasonable fee for issuance of a new registry identification card to the primary caregiver.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor