

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 578 - L.D. 1531

An Act To Maintain Access to Safe Medical Marijuana

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

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

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe medical marijuana for the thousands of Maine patients currently recommended this medicine; 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-A, sub-§2, ¶G, as amended by PL 2011, c. 407, Pt. B, §16, is further amended to read:

G. Prepare food as defined in section 2152, subsection 4 containing marijuana for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167; ~~and~~

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶H, as enacted by PL 2011, c. 407, Pt. B, §16, is amended to read:

H. For the purpose of disposing of excess prepared marijuana, transfer marijuana to a registered dispensary or another primary caregiver if nothing of value is received. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective; and

Sec. 3. 22 MRSA §2423-A, sub-§2, ¶I is enacted to read:

I. Use a pesticide in the cultivation of marijuana if the pesticide is exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b), is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana use a pesticide exempt from the federal registration requirements and that is registered with the Board of Pesticides Control unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any employee who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Part 170.130. An employee of the registered primary caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Part 170.230.

Sec. 4. 22 MRSA §2428, sub-§9, ¶G is enacted to read:

G. A registered dispensary may not use a pesticide on marijuana except a pesticide that is exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b), is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana use a pesticide exempt from federal registration requirements and registered with the Board of Pesticides Control unless at least one registered dispensary employee involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary employees who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Part 170.130. A registered dispensary employee who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Part 170.230.

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