

## Summary of Maine Medical Marijuana Statute

Allows individuals with “debilitating medical conditions” diagnosed by a physician licensed in Maine and receiving from that physician written certification that in the physician’s opinion, the patient is likely to receive therapeutic benefit from the medical use of marijuana, to acquire, possess, cultivate, manufacture, use, deliver, transfer or transport marijuana and/or paraphernalia without fear of prosecution.

Not for profit dispensaries are also allowed to possess, cultivate, manufacture, deliver, transfer or transport, sell, supply or dispense marijuana and/or paraphernalia.

A qualifying patient must register and receive a state issued identification card. That patient is then qualified to possess not more than 2 ½ ounces of usable marijuana and, if they have not specified a primary care giver, may grow not more than 6 plants.

A primary caregiver, who other than a nonprofit dispensary, who has been issued and possesses a registry identification card is allowed to procure marijuana for a qualifying patient with whom he is connected through the registration process, may possess up to 2 ½ ounces of usable marijuana for each patient with whom he is connected. Each primary caregiver may assist no more than 5 patients.

A nonprofit dispensary is a registered entity that may acquire, possess, cultivate, manufacture, use, deliver, transfer or transport marijuana and/or paraphernalia without fear of prosecution. The dispensary is considered a primary caregiver. There is no limit to the number of patients for whom the dispensary may act as the primary caregiver.

These individuals may not be arrested nor may they be discriminated against by a landlord or school and cannot be denied custody or visitation of a minor.

### Rulemaking

Within 120 days of the effective date of this chapter, the Department shall adopt rules governing the manner in which additional medical conditions can be added, rules governing the application for and renewal of registry identification cards and the manner in which the department will consider applications for dispensaries. The Department must set fees for this program that will be sufficient to run the program.

### Registry identification cards

Patients must submit documentation and information described in the statute, must designate one or two primary caregivers and designate who will cultivate marijuana for them. The Department must approve or deny the application within 30 days and can deny the application only if it is incomplete or the department determines that the information has been falsified.

Primary caregiver registration can only be issued to one person per patient.

Registry identification cards must be issued within 5 days of approval.

There are provisions about what happens if a card is lost or there is a change in status of the cardholder.

#### Confidentiality provisions

Pretty much everything the department collects is confidential except that the department may notify law enforcement about falsified or fraudulent information submitted.

#### Nonprofit dispensaries

As the law is currently written, the Department is required to register and issue a registration certificate within 30 days **any person or entity** who submits a completed application in compliance with the provisions of the law. The number of plants that a dispensary is allowed to have will depend on the number of qualified patients who have designated that dispensary as their primary caregiver.

Dispensaries must be operated on a not-for-profit bases but currently there is no requirement that they be 501(c)(3) or even to be corporations under Maine law. They must be more than 500 feet from a school, have a board of directors, none of whom can have a felony conviction, have an appropriate level of security and all cultivation must take place in an enclosed, locked facility. Dispensaries cannot purchase marijuana. Political subdivisions can limit the number of dispensaries and can adopt appropriate zoning regulations.