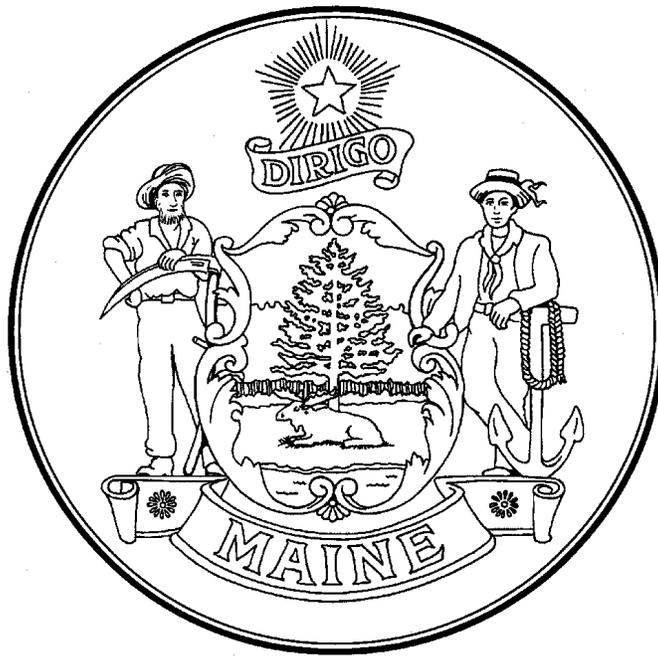


MAINE STATE LEGISLATURE

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One Hundred and Twenty-Seventh Legislature

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beginning at Page 1

testing facilities which will enable dispensaries and caregivers to have their medicine tested so it can be properly labeled and give patients access to important safety information, including dosage and verification that the medicine is free of harmful pesticides and safe from microbiological contamination. I know that some of my colleagues support the Maine Medical Marijuana Program and some do not. I respect that. I appreciate that. Regardless of that, the program is here. This is the law of the state and it is my hope that, regardless of any individual's views on the program itself, everyone can support increasing patient safety within the program. I hope that my colleagues will join me in supporting the Ought to Pass motion on this bill so that within this program, that is already the law of the state, we can make sure patients are getting the important safety information they need to make proper decisions. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Woodsome.

Senator **WOODSOME:** Thank you, Mr. President. I rise seeking knowledge. Where are the testing facilities coming from? Who's going to fund them? Who's going to use them? Who's going to pay for the testing? I don't understand, from the bill here, where the testing facilities are and who's going to be running them and I need that information.

THE PRESIDENT PRO TEMPORE: The Senator from York, Senator Woodsome poses multiple questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, we did have several different laboratories services who are currently existing, private businesses, organizations who do other types of laboratory testing, who came to speak during the hearing who are interested in knowing what the standards would be, whether they would have the appropriate personnel and ability, and wanted to weigh in on what kinds of standards should be put in place. These would be private businesses. This is nothing that the state pays for. The language of the Committee Amendment goes on to talk about, and there are a couple of pages here, exactly what the testing facilities would do. They need to be licensed by the department under this subsection. They have to be ISO/IEC 17025 certified. That's a standard for testing laboratories that requires a whole variety of pieces of information to be available. They require qualified technicians, adequate facilities, third-party inspections, appropriate blanks, spikes, duplicates, third-party proficiency standards, calibrates, comprehensive documentation of daily use of standard operating procedures, safety instrument and equipment repair. If you've ever done any kind of ISO certification, you'll recognize those as being the standards that are used in certification for these laboratories. It goes on to talk about the fact that they are not to be used to test one's own. In other words, if you are a caregiver grower you can't have a testing facility and say, "Hey, I've got this stuff of my own." Unlike many products that are sold, you can say, "My soap is the best. It's the soapiest and we tested it so we know." This is to be independent study and there are quite a few standards here for the testing of those and I think that the importance of this bill is exactly what the good Senator from Androscoggin was saying, the concern about making sure that if we are going to do testing

and labeling that it be done appropriately, legally, and under the right kinds of constraints. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Colleagues of the Senate, I rise with concerns in regards to the pending motion. I certainly respect that there was diligence done at the committee in seeking this out. Again, we're dealing with a topic that still has a long way to go and I think that for Maine to launch off from this course, particularly in light of some of the other actions that we are considering today, that it would be imprudent to pass the current legislation until we have some recognized standards that are not just Maine standards but comply with some of the other national efforts that may be in place. I respectfully ask that you follow my light in opposing the current motion. Thank you, Mr. President.

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, THIBODEAU, WHITTEMORE

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/12/15) matter:

An Act To Provide Legal Protection to Hospitals where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana
S.P. 17 L.D. 35
(C "A" S-220)

Tabled - June 12, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-220).**)

(In House, June 11, 2015, **PASSED TO BE ENACTED.**)

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion for L.D. 35, An Act to Provide Legal Protection to Hospitals Where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana. The title itself is pretty self-explanatory. This bill would provide legal protection from state law to hospitals and officers, board members, agents, and employees of hospitals when the use of smokeless forms of medical marijuana occurs in the hospital by admitted patients who are certified to do so under the Maine Medical Use of Marijuana Act. This bill imposes no mandate. It does not require hospitals to adopt any policy. Furthermore, it requires that the only forms of medical cannabis that are protected under this policy must be smokeless forms and also vaporless forms, so as not to disturb others. That includes a variety of forms, including tinctures, oils, edibles, salves, forms where there's going to be nothing going in the air that's going to disturb anyone else. Currently, when it comes to medical cannabis used by patients with serious debilitating conditions, many hospitals are forced to operate under a "don't ask, don't tell" policy. The curtain has to be pulled back on cancer patients and young people with epilepsy as they take their medicine. I do need to say, as you can imagine, I have had many floor speeches to prepare today, so I'm at the point where I need to go a little off the cuff. If I ramble I hope you will forgive me.

This is actually, of the bills we've heard today in and around this topic, the first and the only bill we're hearing where I'm actually the sponsor of this bill. I sponsored this legislation because of that constituent I mentioned earlier in one of my previous speeches on one of the previous bills, Cyndimae Meehan who has Dravet Syndrome. Hundreds of seizures a day. Nothing, and I repeat, nothing, all the pharmaceuticals they tried did not work for her. The only thing they found that worked for her in terms of reducing the number of seizures she had a day, and the severity of those seizures, was medical cannabis, particularly strains high in CDD, which is a non-psychoactive component, and low in THC. THC is what we often think of when we think of, that's the psychoactive component that we think of when people are using it for other purposes. We're talking about strains where getting high is not the goal, as some may have suggested is the goal when people are using this medicine. For Cyndimae Meehan, whenever she gets sick and her mother has to check her into a hospital, whether her illness is related to her Dravet Syndrome or not, it is a life-threatening decision to check her into a hospital because under current law they are in violation of the law for her to have access to her medicine at a hospital. A hospital is a place where you're supposed to go to get better, but she is legally prohibited from having access to her medicine. When they have to make that decision of whether or not to check her into a hospital, whether it be for a cold or the flu or something

related to her condition, her Mom has to make a very difficult choice. Often that has meant having to hide the fact in the hospital that she was giving her daughter the medicine that she needs to survive. Some doctors have been great about it when implementing this "don't ask, don't tell" policy, having it go on behind the curtain, and saying "Hey, if we don't see it, go ahead and do it." Unfortunately, we really like our medical professionals, as they are treating patients, to have the option to know what the substances are that are in this person's body that they are treating as they make these medical decisions. They can weigh those decisions.

This is a bill that has been amended very much since the initial bill. The Maine Hospital Association had some trepidation about the initial bill, as it was drafted. We have amended it and stripped out any mandates that were initially a part of it. All we're doing is allowing them the freedom, the hospitals, if they choose to make allowance for this. Again, there's no mandate, no legislative prescription, just giving hospitals the protection to make that choice. I would very strongly encourage the Body to support patients like young Cyndimae Meehan, who struggles with severe epilepsy, and support this motion. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I understand there's going to be a few cases that are very serious and that it may or may not work, but I'm concerned, when going into a hospital, that they have given medication that is not proven, not studied, and is highly abused. A medicine that is subjected to being abused. We've had a doctor in this area that started out with 35 patients using marijuana and when it got legalized it went up to 2,000 and 3,000 patients. I can't imagine that they are all serious situations. From what I hear, many of them complain, "Oh, I've got a sore thumb," or "I've got a headache," and these sorts of things. This is supposed to be the elixir that is taking care of every little ailment that they have. This is not the Old West and wielding it around and then allowing it to go in the hospital and use drugs such as marijuana and saying it's okay. I'll be darned if I take my kid to a hospital that's going to allow, to start, abusing marijuana in a facility. I want some proof that this is going to be working. I tip my hat off to Dr. Gratwick for mentioning how this is nonsense, using drugs that are not proven. I hope that you don't push that button and say it's okay to put in a hospital. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I always like to point this out and I must be going senile in my young age because I did not point it out when I stood up for the first time, but I just did want to point out that this was unanimously recommended by the Health and Human Services Committee. We worked this bill at least three or four times. Spent a lot of time on this bill. We got to a place where every single member of the committee, Republicans and Democrats, including Dr. Hymanson, a neurologist and a member of our committee, was comfortable with this policy after the in-depth work and study we did into this. We're putting no mandate down, just creating the space for

hospitals to be able to develop a policy if they so choose. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, the choice of what healthcare system to use is up to the patient, but when they go into hospitals they lose some of that choice. This is a great way to be able to continue to use things that have proven to be effective. This is non-psychoactive medicine that the Senator is talking about. This is just something that stops seizures. There are other uses for marijuana and there are other uses for naturopathic and homeopathic medicines that people are choosing to use and it's better when the doctors have all the information. That's all this bill is about. It's happening now and I would request that you support this bill. Thank you.

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#264)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, GRATWICK, HAMPER, LANGLEY, THIBODEAU, WHITTEMORE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase Government Efficiency"

S.P. 446 L.D. 1241

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-276).**

Signed:

Senators:

BURNS of Washington
VOLK of Cumberland
JOHNSON of Lincoln

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
SHERMAN of Hodgdon
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representatives:

GUERIN of Glenburn
MOONEN of Portland

Reports **READ.**

On motion by Senator **BURNS** of Washington, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-276) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report