

# LD 611: An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998

**Sponsored by:** Sen. Rand

**Summary:** Makes minor changes to Maine's medical marijuana law, increasing the amount of marijuana that may be possessed, clarifying protections for caregivers, and providing an affirmative defense for medical marijuana.

## **Text of Bill:**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 22 MRSA 2383-B, sub-3, A-1,**as enacted by IB 1999, c. 1, 7, is amended to read:

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for ~~a person's~~the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title 18-A, section 5-801 by, or is the parent or legal guardian of, a person authorized to possess marijuana for medical use pursuant to subsection 5.

**Sec. 2. 22 MRSA 2383-B, sub-3, E,**as enacted by IB 1999, c. 1, 9, is amended to read:

E. "Usable amount of marijuana for medical use" means ~~1 1/4~~2 1/2 ounces or less of harvested marijuana and a total of 6 plants, of which no more than 3 may be mature, flowering plants.

**Sec. 3. 22 MRSA 2383-B, sub-5, G and H**are enacted to read:

G. It is an affirmative defense to prosecution for possession, use or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was an eligible patient under this subsection.

H. It is an affirmative defense to prosecution for possession, possession with the intent to furnish, furnishing or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was a designated care giver under this subsection if the person to whom the marijuana was to be furnished or for whom it was cultivated was an eligible patient.'

## **SUMMARY**

This amendment is the report of the majority of the members of

2 committees, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

This amendment replaces the bill and changes the title. It clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, it increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and it adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999. It removes from the bill the provisions that would have established a nonprofit distribution center governed by a community board and a mandatory registration system.

Source: PorCon.org <http://medicalmarijuana.procon.org/view.background-resource.php?resourceID=876>