

128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1811

H.P. 1256

House of Representatives, January 30, 2018

An Act Regarding Rules Governing the Medical Use of Marijuana Program

Reported by Representative HYMANSON of York for the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2017, H.P. 1241.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, the Legislature is considering numerous proposals that could result in 4 significant changes to the State's medical marijuana laws; and 5 Whereas, the Department of Health and Human Services has adopted rules governing the Maine medical use of marijuana program that will take effect prior to the 6 7 effective date of nonemergency legislation enacted during the Second Regular Session of 8 the 128th Legislature; and 9 Whereas, in the judgment of the Legislature, these facts create an emergency within 10 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, 11 12 therefore, 13 Be it enacted by the People of the State of Maine as follows: 14 **Sec. 1. 22 MRSA §2424, sub-§1-A** is enacted to read: 15 1-A. Rules prohibited. Notwithstanding subsection 1, the department may not adopt or enforce rules that are not identical in substance to the rules in effect on January 16 17 31, 2018 governing the medical use of marijuana. 18 This subsection is repealed 90 days after adjournment of the Second Regular Session of 19 the 128th Legislature. 20 Sec. 2. Rules in effect as of January 31, 2018. Notwithstanding the Maine 21 Revised Statutes, Title 5, sections 8052 and 8053; section 8056, subsection 1, paragraphs A and B; and sections 8057, 8057-A, 8062, 8063, 8063-A, 8063-B, 8064 and 8071, 22 within one business day of the effective date of this Act the Department of Health and 23 24 Human Services shall adopt rules that are identical to the rules in effect on January 31, 25 2018 in the department's rule Chapter 122: Rules Governing the Maine Medical Use of 26 Marijuana Program. The department shall file the adopted rules with the Secretary of 27 State within 2 business days of the effective date of this Act. The rules are effective upon 28 filing with the Secretary of State. 29 Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. 30 31 **SUMMARY** 32 This bill prohibits the Department of Health and Human Services from adopting or 33 enforcing rules that are not identical in substance to the rules in effect on January 31, 34 2018 governing the medical use of marijuana. The prohibition is repealed 90 days after 35 the adjournment of the Second Regular Session of the 128th Legislature. The bill further directs the department to adopt rules governing the medical use of marijuana program 36

- that are identical in substance to the rules in effect on January 31, 2018 within 2 business days of the effective date of the enactment of this legislation. 1
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