

## **Maine Law regarding Medical Use of Marijuana**

### **What does this new law allow?**

In summary, one may use marijuana for medical purposes only if that person has been diagnosed by a physician as having a debilitating medical condition and possesses a valid written certification.

In Maine “medical use” of marijuana is permitted by a “qualifying patient”.

"Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition."

"Debilitating medical condition" means:

- A. 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, nail-patella syndrome or the treatment of these conditions;
- B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months;
- C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; or
- D. Any other medical condition or its treatment approved by the commissioner.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana.

"Written certification means a document on tamper-resistant paper signed by a physician and stating that, that expires in one year and that states that in the physician's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification may be made only in the course of a bona fide physician-patient relationship after the physician has completed a full assessment of the qualifying patient's medical history."

A qualifying patient may possess no more than to 2 1/2 ounces of prepared marijuana.

### **How does this potentially affect my camp?**

An employer may not refuse to employ or otherwise penalize a person solely for that person's status as a qualifying patient unless employing a person who is a qualifying patient would put the employer in violation of federal law or cause it to lose a federal contract or funding.

However, a business owner may prohibit the smoking of marijuana for medical purposes on the premises of the business if the business owner prohibits all smoking on the premises and posts notice to that effect on the premises. In addition, the law may not be construed to require an employer to accommodate the ingestion of marijuana in any workplace or any employee working while under the influence of marijuana.

Not discussed in the law is the situation where the employee lives at the place of employment such as in a camp. However, it is hard to imagine an employee that has a debilitating medical condition as described above and living at camp.

Also the law does not permit any person to:

- A. Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard or
- B. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of marijuana.

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