

HOUSE No. 2076

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Vega

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to allow reasonable qualifying patient access to caregiver cultivation.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------|--------------------|-------------------|
| <i>Aaron Vega</i> | <i>5th Hampden</i> | <i>1/15/2015</i> |
| <i>Jose F. Tosado</i> | <i>9th Hampden</i> | <i>10/24/2019</i> |

HOUSE No. 2076

By Mr. Vega of Holyoke, a petition (accompanied by bill, House, No. 2076) of Aaron Vega and Jose F. Tosado relative to access to cannabis medicine. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to allow reasonable qualifying patient access to caregiver cultivation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas the DPH's existing regulations have unduly limited qualifying patient
2 access to cannabis medicine cultivated by a personal caregiver, until a registered marijuana
3 dispensary opens within a reasonable distance of the qualifying patient, by preventing a caregiver
4 from cultivating for more than one qualifying patient, and preventing the cultivating caregiver
5 from being paid for his labor; and,

6 Whereas other New England medical marijuana states provide that caregivers
7 may continue to cultivate for more than one patient, even where licensed dispensaries also
8 provide medical marijuana, with no perceptible harm to the public's health or safety:

9 Wherefore, the following amendment to existing law shall serve the interests of
10 the voters who enacted the state's medical marijuana, the interests of qualifying patients in
11 obtaining better access to cannabis medicine until a registered marijuana dispensary opens within
12 a reasonable distance, and the public interest in health and safety.

13 The Statutes of 2012, chapter 369 is hereby amended, by inserting into sec. 4 of c. 369,
14 the following subsections (c) and (d):

15

16 (c) Notwithstanding any existing law or regulation to the contrary, which are hereby
17 repealed as contrary to law, a personal caregiver may be designated by his or her designating
18 qualifying patient to cultivate marijuana as otherwise limited by state law, regulation or
19 municipal ordinance, until a registered marijuana dispensary opens within a reasonable distance
20 of the qualifying patient. In providing cultivated medicine to a patient, the caregiver may charge
21 a reasonable fee for expenses and labor.

22

23 (d) Notwithstanding any existing law or regulation to the contrary, which are hereby
24 repealed as contrary to law, a personal caregiver may cultivate for up to nine qualifying patients,
25 cooperatively or in separate locations, provided the caregiver and all qualifying patients
26 designating the caregiver as the patient's cultivator also identify themselves a designating
27 patients and cultivating caregiver to the department of public health as required by section 9 of
28 this chapter, which information shall be kept confidential as required by section 15 of this
29 chapter. A caregiver cultivating for up to nine patients shall be entitled to the protection of the
30 immunity provisions of this section.

31

32 Emergency Preamble. Given the passage of more than two years since the effective date
33 of the Statutes of 2012, chapter 369, without the opening of a lawful medical marijuana

34 dispensary; and, the further delay expected before a lawful medical marijuana dispensary will
35 open within a reasonable distance of every qualifying patient: This law shall become effective
36 immediately upon its enactment.

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