

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1058

H.P. 727

House of Representatives, March 24, 2015

### **An Act Regarding Medical Marijuana Registered Testing Laboratories**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Senator HAMPER of Oxford and  
Representatives: BUCKLAND of Farmington, FARNSWORTH of Portland, PARRY of  
Arundel, STANLEY of Medway.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2422, sub-§1**, as amended by PL 2009, c. 631, §8 and  
3 affected by §51, is further amended to read:

4 **1. Cardholder.** "Cardholder" means a registered patient, a registered primary  
5 caregiver or a principal officer, board member, agent or employee of a registered  
6 dispensary or registered testing laboratory who has been issued and possesses a valid  
7 registry identification card.

8 **Sec. 2. 22 MRSA §2422, sub-§12-A** is enacted to read:

9 **12-A. Registered testing laboratory.** "Registered testing laboratory" means a  
10 testing laboratory that is registered with the department pursuant to section 2425,  
11 subsection 4-A and meets the following requirements:

12 A. The testing laboratory is accredited to standard ISO/IEC 17025 of the  
13 International Organization for Standardization by a nationally known 3rd-party  
14 accrediting body;

15 B. The testing laboratory adheres to federally recognized public standards for  
16 pathology testing for nonsterile supplements published in a pharmacopeia by a  
17 national nonprofit organization approved by the department, when applicable; and

18 C. The testing laboratory is located in the State and all tests are processed and  
19 completed in the State.

20 **Sec. 3. 22 MRSA §2423-F** is enacted to read:

21 **§2423-F. Authorized conduct by a registered testing laboratory**

22 A registered testing laboratory may possess marijuana for the purposes of testing for  
23 the cannabinoid profile and for contaminants, including, but not limited to, mold, mildew,  
24 heavy metals, toxins, plant growth regulators and nonorganic pesticides.

25 **1. Allowable amounts.** A registered testing laboratory may possess up to 8 pounds  
26 of prepared marijuana and unlimited amounts of testing samples.

27 **2. Storage.** Marijuana in the possession of a registered testing laboratory or in the  
28 process of testing, transport or analysis must be housed and stored in a manner to prevent  
29 diversion, theft and loss.

30 **3. Excess marijuana.** All excess marijuana possessed by a registered testing  
31 laboratory must be returned to the source or destroyed. The registered testing laboratory  
32 shall create and maintain records of the disposal of marijuana and of any hazardous  
33 chemicals used by the registered testing laboratory. Other registered testing laboratory  
34 materials must be disposed of in accordance with hazardous waste management rules  
35 pursuant to Title 38, chapter 13, subchapter 5.

36 **4. Labeling.** Marijuana being transported to and from a registered testing laboratory  
37 must be labeled "For Testing Purposes Only."

1           **5. Immunity.** The immunity provisions in this subsection apply to a registered  
2 testing laboratory's principal officers, board members, agents and employees.

3           A. A registered testing laboratory is not subject to prosecution, search, seizure or  
4 penalty in any manner, including but not limited to a civil penalty or disciplinary  
5 action by a business or an occupational or professional licensing board or entity, and  
6 may not be denied any right or privilege solely for acting in accordance with this  
7 section to assist qualifying patients with the medical use of marijuana in accordance  
8 with this chapter.

9           B. A principal officer, board member, agent or employee of a registered testing  
10 laboratory is not subject to arrest, prosecution, search, seizure or penalty in any  
11 manner, including but not limited to a civil penalty or disciplinary action by a  
12 business or an occupational or professional licensing board or entity, and may not be  
13 denied any right or privilege solely for working for or with a registered testing  
14 laboratory to test prepared marijuana provided by a qualifying patient, primary  
15 caregiver, registered primary caregiver or registered dispensary.

16           **6. Interest.** A principal officer, board member, agent or employee of a registered  
17 dispensary may not have a financial or other interest in a registered testing laboratory  
18 providing services for that dispensary.

19           **Sec. 4. 22 MRSA §2425, sub-§1-A,** as enacted by PL 2013, c. 394, §3, is  
20 amended to read:

21           **1-A. Criminal history record check.** An applicant for a registry identification card  
22 who is a primary caregiver or who is a principal officer, board member, agent or  
23 employee of a registered dispensary or registered testing laboratory must undergo a  
24 criminal history record check annually.

25           **Sec. 5. 22 MRSA §2425, sub-§4-A** is enacted to read:

26           **4-A. Registered testing laboratory identification card.** The department shall issue  
27 registry identification cards to principal officers, board members, agents and employees  
28 of a registered testing laboratory within 5 days of approving an application or renewal  
29 under this section in accordance with department rules. Registry identification cards  
30 expire one year after the date of issuance. Registry identification cards must contain:

31           A. The name of the cardholder;

32           B. The date of issuance and expiration date; and

33           C. A random identification number that is unique to the cardholder.

34           **Sec. 6. 22 MRSA §2425, sub-§12, ¶¶H and I** are enacted to read:

35           H. There is an annual fee to register a testing laboratory of not less than \$100 and not  
36 more than \$500.

37           I. There is an annual fee to register a principal officer, board member, agent or  
38 employee of a registered testing laboratory of not less than \$25 and not more than  
39 \$50. The fee must be paid by the registered testing laboratory.

