

MAINE STATE LEGISLATURE

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Majority

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 728, L.D. 1059, Bill, "An Act Relating to Marijuana Testing Facilities"

Amend the bill by inserting after the enacting clause and before section 1 the following:

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

1. Cardholder. "Cardholder" means a registered patient, a registered primary caregiver or a principal officer, board member, agent or employee of a registered dispensary or marijuana testing facility who has been issued and possesses a valid registry identification card.'

Amend the bill in section 1 in subsection 5-C by striking out all of paragraphs A, B and C (page 1, lines 5 to 12 in L.D.) and inserting the following:

A. Is licensed, certified or otherwise approved by the department in accordance with rules adopted by the department under section 2423-A, subsection 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.'

Amend the bill by striking out all of section 9 and inserting the following:

'Sec. 9. 22 MRSA §2423-A, sub-§§10, 11 and 12 are enacted to read:

10. Marijuana testing facility. The following provisions apply to a marijuana testing facility.

A. A marijuana testing facility may receive and possess samples from qualifying patients, registered primary caregivers and dispensaries to provide testing of the samples for the cannabinoid profile and potency of the samples and for contaminants

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1 in the samples, including but not limited to mold, mildew, heavy metals, plant-growth
2 regulators and illegal pesticides.

3 B. An employee of a marijuana testing facility may have access to cultivation
4 facilities pursuant to subsection 3, paragraph A and section 2428, subsection 6,
5 paragraph I.

6 C. A marijuana testing facility shall:

7 (1) Properly dispose of medical marijuana residue in compliance with
8 department rules;

9 (2) House and store marijuana in the facility's possession or control during the
10 process of testing, transport or analysis in a manner to prevent diversion, theft or
11 loss;

12 (3) Label marijuana being transported to and from a marijuana testing facility
13 with the following statement: "For Testing Purposes Only";

14 (4) Maintain testing results as part of the facility's business books and records;
15 and

16 (5) Operate in accordance with security rules adopted by the department.

17 D. The department shall adopt routine technical rules as defined in Title 5, chapter
18 375, subchapter 2-A governing marijuana testing facilities, including, but not limited
19 to:

20 (1) The form and content of marijuana labeling;

21 (2) Standards for the testing of samples by marijuana testing facilities;

22 (3) Requirements relating to the size of samples and collection methods for
23 samples;

24 (4) Marijuana testing facility director qualification requirements;

25 (5) Required security for marijuana testing facilities; and

26 (6) Requirements for the licensing, certifying or other approval of marijuana
27 testing facilities.

28 **11. Immunity.** The immunity provisions in this subsection apply to a marijuana
29 testing facility's principal officers, board members, agents and employees. Any immunity
30 provision within this chapter in conflict with this subsection does not apply to marijuana
31 testing facilities.

32 A. A marijuana testing facility is not subject to prosecution, search, seizure or
33 penalty in any manner, including but not limited to a civil penalty or disciplinary
34 action by a business or an occupational or professional licensing board or entity, and
35 may not be denied any right or privilege solely for acting in accordance with this
36 section to assist qualifying patients with the medical use of marijuana in accordance
37 with this chapter.

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

12. Interest. A principal officer, board member, agent or employee of a registered dispensary or primary caregiver may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary or primary caregiver.'

Amend the bill by inserting after section 10 the following:

'Sec. 11. 22 MRSA §2425, sub-§1-A, as enacted by PL 2013, c. 394, §3, is amended to read:

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

Sec. 12. 22 MRSA §2425, sub-§4-A is enacted to read:

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

- A. The name of the cardholder;
- B. The date of issuance and expiration date; and
- C. A random identification number that is unique to the cardholder.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment amends the bill by amending the definition of "cardholder" in the Maine Medical Use of Marijuana Act to include a marijuana testing facility, eliminating the educational requirement for the director of a marijuana testing facility, adding requirements for housing, storing, transporting and labeling within marijuana testing facilities, creating an immunity provision for marijuana testing facilities and directing the Department of Health and Human Services to issue registry identification cards to certain individuals at marijuana testing facilities.

FISCAL NOTE REQUIRED

(See attached)



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LD 1059

LR 1110(02)

An Act Relating to Marijuana Testing Facilities

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

A. (H-345)

Fiscal Note

Current biennium cost increase - Other Special Revenue Funds
Current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

The Department of Health and Human Services (DHHS) will require additional positions for laboratory inspecting, licensing and certifying of marijuana testing facilities and funding for enhancements to the Automated Licensing Management System for a new license type. This will increase costs to the DHHS but sufficient information is not currently available to assess the actual impact. The DHHS does have the ability to impose licensing fees and the fiscal note assumes the fees generated will be sufficient to cover these new costs without additional appropriation from the General Fund.