

# MAINE STATE LEGISLATURE

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Date: 4/6/2018

(Filing No. S- 443)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 84, L.D. 238, Bill, "An Act To Amend the Maine Medical Use of Marijuana Act"

Amend the bill by striking out everything after the title and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the medical marijuana industry has developed a variety of products containing marijuana to serve the needs of qualifying patients; and

Whereas, the process of manufacturing those products may involve substances that are hazardous to use or that are hazardous to health; and

Whereas, increased oversight over the manufacturing and testing of medical marijuana products is needed to ensure safety during the process of manufacturing and the safety of medical marijuana products intended for human consumption; and

Whereas, in the judgment of the Legislature, these facts create an emergency within 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, therefore,

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

Sec. 1. 22 MRSA §2422, sub-§4-D to 4-I are enacted to read:

4-D. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

4-E. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana

COMMITTEE AMENDMENT

1 concentrate and marijuana products, including, but not limited to, marijuana extraction or  
2 preparation by means of chemical synthesis.

3 **4-F. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or  
4 tier 2 manufacturing facility or a person or entity authorized to engage in marijuana  
5 extraction under section 2423-F.

6 **4-G. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
7 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
8 mixture or preparation from such resin, including, but not limited to, hashish.

9 **4-H. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
10 marijuana concentrate from marijuana using water, lipids, gases, solvents or other  
11 chemicals or chemical processes.

12 **4-I. Marijuana product.** "Marijuana product" means a product composed of  
13 marijuana or marijuana concentrate and other ingredients that is intended for medical use.  
14 "Marijuana product" includes, but is not limited to, an edible marijuana product, a  
15 marijuana ointment and a marijuana tincture. "Marijuana product" does not include  
16 marijuana concentrate.

17 **Sec. 2. 22 MRSA §2422, sub-§5-C, ¶A,** as enacted by PL 2015, c. 475, §3, is  
18 amended to read:

19 A. ~~Is licensed, certified or otherwise approved by the department~~ authorized in  
20 accordance with rules adopted by the department under section 2423-A, subsection  
21 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile  
22 of samples; and

23 **Sec. 3. 22 MRSA §2422, sub-§14-A,** as enacted by PL 2015, c. 475, §5, is  
24 amended to read:

25 **14-A. Sample.** "Sample" means any marijuana or product containing marijuana  
26 regulated under this chapter that is provided for testing or research purposes to a  
27 marijuana testing facility by a qualifying patient, designated primary caregiver or,  
28 dispensary or manufacturing facility.

29 **Sec. 4. 22 MRSA §2423-A, sub-§1, ¶H,** as amended by PL 2015, c. 475, §7, is  
30 further amended to read:

31 H. Accept excess prepared marijuana from a primary caregiver in accordance with  
32 subsection 2, paragraph H if nothing of value is provided to the primary caregiver;  
33 and

34 **Sec. 5. 22 MRSA §2423-A, sub-§1, ¶I,** as enacted by PL 2015, c. 475, §8, is  
35 amended to read:

36 I. Provide samples to a marijuana testing facility for testing and research purposes;

37 **Sec. 6. 22 MRSA §2423-A, sub-§1, ¶¶J and K** are enacted to read:

38 J. Manufacture marijuana products and marijuana concentrate for medical use,  
39 except that a qualifying patient may not produce marijuana concentrate using

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inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and

K. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility.

**Sec. 7. 22 MRSA §2423-A, sub-§2, ¶G,** as amended by PL 2013, c. 516, §7, is repealed and the following enacted in its place:

G. Manufacture marijuana products and marijuana concentrate for medical use, except that a primary caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

**Sec. 8. 22 MRSA §2423-A, sub-§2, ¶¶L and M,** as enacted by PL 2015, c. 475, §11, are amended to read:

L. If the primary caregiver is a registered primary caregiver, provide samples to a marijuana testing facility for testing and research purposes; ~~and~~

M. If the primary caregiver is a registered primary caregiver, conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only; ~~and~~

**Sec. 9. 22 MRSA §2423-A, sub-§2, ¶N** is enacted to read:

N. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the primary caregiver provided to the manufacturing facility.

**Sec. 10. 22 MRSA §2423-A, sub-§10,** as enacted by PL 2015, c. 475, §14, is amended to read:

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

A. A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, designated primary caregivers ~~and~~, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

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

C. A marijuana testing facility shall:

# COMMITTEE AMENDMENT

- 1 (1) ~~Properly dispose~~ Dispose of marijuana residue ~~in compliance with~~  
2 ~~department rules in a manner that prevents diversion of marijuana to persons not~~  
3 ~~authorized to possess marijuana tested by the facility;~~
- 4 (2) House and store marijuana in the facility's possession or control during the  
5 process of testing, transport or analysis in a manner to prevent diversion, theft or  
6 loss;
- 7 (3) Label marijuana being transported to and from the facility with the following  
8 statement: "For Testing Purposes Only";
- 9 (4) Maintain testing results as part of the facility's business books and records;  
10 and
- 11 (5) Operate in accordance with any rules adopted by the department.

12 D. The department shall adopt routine technical rules as defined in Title 5, chapter  
13 375, subchapter 2-A governing marijuana testing facilities, including but not limited  
14 to:

- 15 (1) Marijuana testing facility director qualification requirements;
- 16 (2) Required security for marijuana testing facilities; and
- 17 (3) Requirements for the licensing, certifying or other approval of marijuana  
18 testing facilities.

19 The failure of the department to adopt rules under this paragraph does not prevent a  
20 marijuana testing facility from engaging in activities in compliance with this  
21 subsection.

22 E. A marijuana testing facility shall obtain and must be able to produce, upon  
23 demand of the department or a municipal code enforcement officer, documentation of  
24 the facility's accreditation pursuant to standard ISO/IEC 17025 of the International  
25 Organization for Standardization by a 3rd-party accrediting body. The department  
26 may inspect a marijuana testing facility during regular business hours and hours of  
27 apparent activity for compliance with this Act.

28 **Sec. 11. 22 MRSA §2423-A, sub-§11, ¶B,** as enacted by PL 2015, c. 475, §14,  
29 is amended to read:

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

37 **Sec. 12. 22 MRSA §2423-A, sub-§12,** as enacted by PL 2015, c. 475, §14, is  
38 amended to read:

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

5           **Sec. 13. 22 MRSA §2423-A, sub-§13,** as enacted by PL 2017, c. 271, §1, is  
6 repealed.

7           **Sec. 14. 22 MRSA §2423-A, sub-§14** is enacted to read:

8           **14. Municipal regulation.** Pursuant to the home rule authority granted under the  
9 Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a  
10 municipality may regulate registered primary caregivers, registered dispensaries,  
11 marijuana testing facilities and manufacturing facilities, except that municipalities may  
12 not prohibit or limit the number of registered primary caregivers.

13           **Sec. 15. 22 MRSA §2423-F** is enacted to read:

14           **§2423-F. Marijuana manufacturing facilities**

15           A person may not manufacture marijuana products or marijuana concentrate or  
16 engage in marijuana extraction except as provided in this chapter.

17           **1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered  
18 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in  
19 accordance with rules adopted pursuant to subsection 10 and may possess up to 40  
20 pounds of harvested marijuana and marijuana in various stages of processing at any one  
21 time.

22           **2. Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered  
23 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in  
24 accordance with rules adopted pursuant to subsection 10 and may possess up to 200  
25 pounds of harvested marijuana and marijuana in various stages of processing at any one  
26 time.

27           **3. Authorization for extraction using inherently hazardous substances.** This  
28 subsection governs the authority of a person or entity to engage in marijuana extraction  
29 using inherently hazardous substances in accordance with subsection 5.

30           **A.** A qualifying patient, primary caregiver, registered dispensary or manufacturing  
31 facility may engage in marijuana extraction using inherently hazardous substances if  
32 the person or entity can produce, upon demand of the department:

33           (1) Certification from a professional engineer licensed in this State of the safety  
34 of the equipment used for marijuana extraction and the location of the equipment  
35 and the professional engineer's approval of the standard operating procedures for  
36 the marijuana extraction;

37           (2) Documentation from a professional engineer licensed in this State or a state  
38 or local official authorized to certify compliance that the equipment used for  
39 marijuana extraction and the location of the equipment comply with state law and  
40 all applicable local and state building codes, electrical codes and fire codes,

- 1           including the chapters of the most recent National Fire Protection Association  
2           Fire Code relating to marijuana extraction facilities;
- 3           (3) Documentation from the manufacturer of the marijuana extraction system or  
4           a professional engineer licensed in this State showing that a professional grade,  
5           closed-loop extraction system that is capable of recovering the solvents used to  
6           produce marijuana concentrate is used by the person or entity; and
- 7           (4) Evidence that the person or entity has provided notice to the department of  
8           the person's or entity's intent to engage in marijuana extraction using inherently  
9           hazardous substances and the location where the marijuana extraction will occur  
10           prior to engaging in marijuana extraction using inherently hazardous substances.
- 11           A person or entity that intends to engage in marijuana extraction using inherently  
12           hazardous substances shall notify the department of that intention prior to engaging in  
13           marijuana extraction using inherently hazardous substances. The department may  
14           deny an application of a person or entity authorized under this subsection to register  
15           pursuant to rules adopted under subsection 10 if the person or entity did not notify the  
16           department in accordance with this subsection.
- 17           B. A person or entity that is not a qualifying patient, primary caregiver or registered  
18           dispensary and that meets the requirements of a person or entity authorized under  
19           paragraph A, pays the fee required by section 2425, subsection 12 and meets the  
20           requirements of rules adopted under subsection 10 is authorized to engage in  
21           marijuana extraction using inherently hazardous substances and may possess up to 40  
22           pounds of harvested marijuana and marijuana in various stages of processing at any  
23           one time.
- 24           **4. Authorized conduct; manufacturing facilities.** A registered manufacturing  
25           facility:
- 26           A. May manufacture marijuana products and marijuana concentrate for medical use  
27           using any method that does not involve an inherently hazardous substance, except  
28           that a registered manufacturing facility may manufacture marijuana concentrate using  
29           inherently hazardous substances if authorized under subsection 3;
- 30           B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or  
31           a registered dispensary and may transfer marijuana products and marijuana  
32           concentrate to the person or entity that provided the harvested marijuana used to  
33           manufacture the marijuana product or marijuana concentrate;
- 34           C. May transfer marijuana products or marijuana concentrate to a marijuana testing  
35           facility for testing;
- 36           D. May conduct testing of marijuana products or marijuana concentrate  
37           manufactured by the facility for research and development purposes;
- 38           E. May receive reasonable compensation for manufacturing marijuana products or  
39           marijuana concentrate;
- 40           F. Shall dispose of marijuana used in the manufacturing process in a manner that  
41           prevents diversion of marijuana to persons not authorized to possess marijuana or

1 marijuana products possessed by the facility and in accordance with rules adopted by  
2 the department; and

3 G. May employ staff.

4 **5. Authorized conduct; extraction using inherently hazardous substances.** A  
5 person or entity that is authorized to engage in marijuana extraction using inherently  
6 hazardous substances pursuant to subsection 3;

7 A. May engage in marijuana extraction to produce marijuana concentrate for medical  
8 use;

9 B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or  
10 a registered dispensary and may transfer marijuana concentrate to the person or entity  
11 that provided the harvested marijuana used to produce the marijuana concentrate;

12 C. May transfer marijuana concentrate to a marijuana testing facility for testing;

13 D. May conduct testing of marijuana concentrate produced by the person or entity  
14 for research and development purposes;

15 E. May receive reasonable compensation for producing marijuana concentrate;

16 F. Shall dispose of marijuana used in the extraction process in a manner that prevents  
17 diversion of marijuana to persons not authorized to possess marijuana or marijuana  
18 products possessed by the person or entity and in accordance with rules adopted by  
19 the department; and

20 G. May employ staff, except that a qualifying patient authorized under subsection 3  
21 may not employ staff and a primary caregiver shall comply with the employment  
22 limit established in section 2423-A, subsection 2, paragraph I.

23 Notwithstanding the authorizations established in this subsection, a person, entity or  
24 facility that is authorized to engage in marijuana extraction using inherently hazardous  
25 substances pursuant to subsection 3 shall comply with any rules adopted pursuant to  
26 subsection 10.

27 **6. Retail sale prohibited.** A registered manufacturing facility or a person or entity  
28 authorized to engage in marijuana extraction under subsection 3 may not engage in retail  
29 sales of marijuana products or marijuana concentrate unless the person or entity is  
30 authorized to engage in retail sales under this chapter.

31 **7. Food establishment license required to manufacture food products.** A  
32 registered manufacturing facility or a person or entity authorized to manufacture  
33 marijuana concentrate using inherently hazardous substances may not manufacture edible  
34 marijuana products or marijuana tinctures unless licensed pursuant to section 2167.

35 **8. Registration requirements.** This section governs registration requirements of a  
36 manufacturing facility or a person or entity authorized to engage in marijuana extraction  
37 under subsection 3 using inherently hazardous substances and the principal officers,  
38 board members and employees of the facility, person or entity.

39 A. In accordance with rules adopted under subsection 10, the department shall  
40 register and issue a registration certificate with a registry identification number to a  
41 manufacturing facility or a person or entity authorized to engage in marijuana



1 extraction within 30 days to the facility, person or entity if the facility, person or  
2 entity provides:

3 (1) The annual fee required pursuant to section 2425, subsection 12;

4 (2) The legal name of the facility, person or entity and, if incorporated, evidence  
5 of incorporation and evidence that the corporation is in good standing with the  
6 Secretary of State;

7 (3) The physical address of the facility or entity, or the physical address where  
8 an applicant who is an individual will engage in the activities authorized under  
9 this section. If the facility or entity changes its physical location, or if a person  
10 registered under this subsection changes the location at which the person engages  
11 in activities authorized under this section, the facility, entity or person shall notify  
12 the department of the new location; and

13 (4) The name, address and date of birth of each principal officer, board member  
14 and employee of the facility or entity.

15 B. In accordance with rules adopted under subsection 10, the department shall issue  
16 registry identification cards to the principal officers, board members and employees  
17 of a registered manufacturing facility or entity authorized to engage in marijuana  
18 extraction using inherently hazardous substances within 5 business days of approving  
19 an application or renewal under this section. A registry identification card is required  
20 to be issued to a principal officer, board member or employee of a registered  
21 manufacturing facility or entity authorized to engage in marijuana extraction using  
22 inherently hazardous substances. Registry identification cards expire one year after  
23 the date of issuance. A registry identification card issued under this paragraph must  
24 contain:

25 (1) The name of the cardholder;

26 (2) The date of issuance and expiration date of the registry identification card;  
27 and

28 (3) A random identification number that is unique to the cardholder.

29 The department may not issue a registry identification card to any principal officer,  
30 board member or employee of a registered manufacturing facility or person or entity  
31 authorized to engage in marijuana extraction using inherently hazardous substances  
32 who has been convicted of a disqualifying drug offense. The department shall  
33 conduct a criminal history record check of each person, principal officer, board  
34 member or employee subject to this subsection on an annual basis in order to ensure  
35 that each person, principal officer, board member or employee has not been convicted  
36 of a disqualifying drug offense. If the department determines not to issue a registry  
37 identification card for a person, principal officer, board member or employee, the  
38 department shall notify the registered manufacturing facility or person or entity  
39 authorized to engage in marijuana extraction using inherently hazardous substances  
40 in writing of the reason for denying the registry identification card.

41 **9. Packaging and labeling requirements.** A manufacturing facility shall package  
42 and label its marijuana products and marijuana concentrate prior to transfer from the

1 manufacturing facility in a form intended for use or consumption by a qualifying patient  
2 in tamper-evident packaging and with a label that includes the following information:

3 A. The registry identification number of the manufacturing facility;

4 B. Information that allows the provider of the marijuana to the manufacturing facility  
5 to confirm that the marijuana provided was used to manufacture the marijuana  
6 product or marijuana concentrate transferred back to that provider;

7 C. Ingredients other than marijuana contained in the marijuana product or marijuana  
8 concentrate; and

9 D. Any chemicals, solvents or other substances used to manufacture the marijuana  
10 product or marijuana concentrate.

11 10. Rulemaking. The department shall adopt routine technical rules as defined in  
12 Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not  
13 limited to:

14 A. Requirements for the registration of a manufacturing facility and the principal  
15 officers, board members and employees of a registered manufacturing facility;

16 B. Requirements for engaging in marijuana extraction using inherently hazardous  
17 substances;

18 C. Manufacturing facility director or principal officer qualification requirements;

19 D. Required security for manufacturing facilities;

20 E. Requirements of a disposal plan for marijuana used in the manufacturing process;

21 F. Minimum record-keeping requirements, including an annual audit requirement;  
22 and

23 G. Minimum content of educational materials provided to the recipient of the  
24 marijuana products or marijuana concentrate.

25 The failure of the department to adopt rules under this subsection does not prevent a  
26 person or entity authorized pursuant to subsection 3, paragraph A from engaging in  
27 conduct authorized under this section.

28 11. Multiple authorizations. A person or entity registered pursuant to subsection 8  
29 may also be a qualifying patient or a primary caregiver, and an entity registered pursuant  
30 to subsection 8 may also be a registered dispensary. A person or entity authorized to  
31 possess marijuana under this Act may possess the amount allowed for that person or  
32 entity in addition to the possession amount allowed under this section if registered  
33 pursuant to this section. The marijuana possessed must be distinguishable with respect to  
34 the purposes for which it is authorized to be possessed.

35 12. Record keeping. A registered manufacturing facility or person or entity  
36 authorized to engage in marijuana extraction using inherently hazardous substances under  
37 subsection 3 shall maintain records of all transactions for a minimum of one year after the  
38 date of the transaction.

39 13. Compliance. The department may inspect a manufacturing facility during  
40 regular business hours and hours of apparent activity for compliance with this chapter.

1        **14. Immunity.** The immunity provisions in this subsection apply to manufacturing  
2 facilities and the officers, board members, agents and employees of manufacturing  
3 facilities.

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

9            B. A principal officer, board member, agent or employee of a manufacturing facility  
10 is not subject to arrest, prosecution, search, seizure or penalty in any manner,  
11 including but not limited to a civil penalty or disciplinary action by a business or an  
12 occupational or professional licensing board or entity, and may not be denied any  
13 right or privilege solely for working for or with a manufacturing facility to provide  
14 prepared marijuana to qualifying patients, primary caregivers, registered dispensaries  
15 or marijuana testing facilities or to otherwise assist with the medical use of marijuana  
16 in accordance with this chapter.

17        **Sec. 16. 22 MRSA §2425, sub-§1-A,** as amended by PL 2015, c. 475, §19, is  
18 further amended to read:

19            **1-A. Criminal history record check.** An applicant for a registry identification card  
20 who is a primary caregiver ~~or~~, an employee of a primary caregiver or a person authorized  
21 to engage in marijuana extraction under section 2423-F, subsection 3 or who is a  
22 principal officer, board member or employee of a registered dispensary ~~or a~~, marijuana  
23 testing facility or manufacturing facility must undergo a criminal history record check  
24 annually.

25        **Sec. 17. 22 MRSA §2425, sub-§4-A,** as enacted by PL 2015, c. 475, §20, is  
26 amended to read:

27            **4-A. Marijuana testing facility identification card.** The department shall issue  
28 registry identification cards to principal officers, board members and employees of a  
29 marijuana testing facility within 5 business days of approving an application or renewal  
30 under this section ~~in accordance with department rules.~~ The department may not issue a  
31 registry identification card to a principal officer, board member or employee of a  
32 marijuana testing facility who has been convicted of a disqualifying drug offense.  
33 Registry identification cards expire one year after the date of issuance. Registry  
34 identification cards must contain:

- 35            A. The name of the cardholder;
- 36            B. The date of issuance and expiration date of the registry identification card; and
- 37            C. A random identification number that is unique to the cardholder.

38        The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
39 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
40 2-A.

41        **Sec. 18. 22 MRSA §2425, sub-§12, ¶¶H to J** are enacted to read:

1 H. There is an annual fee to register a tier 1 manufacturing facility of not less than  
2 \$50 and not more than \$150.

3 I. There is an annual fee to register a tier 2 manufacturing facility of not less than  
4 \$150 and not more than \$250.

5 J. There is an annual fee to register to engage in marijuana extraction under section  
6 2423-F, subsection 3 of not less than \$250 and not more than \$350.

7 **Sec. 19. 22 MRSA §2428, sub-§1-A, ¶D**, as amended by PL 2011, c. 407, Pt. B,  
8 §32, is further amended to read:

9 D. Assist any patient who designated the dispensary to cultivate marijuana with the  
10 medical use or administration of marijuana; ~~and~~

11 **Sec. 20. 22 MRSA §2428, sub-§1-A, ¶E**, as amended by PL 2013, c. 503, §2, is  
12 further amended to read:

13 E. Obtain prepared marijuana from a primary caregiver under section 2423-A,  
14 subsection 2, paragraph H or from another registered dispensary for the purposes of  
15 addressing an extended inventory supply interruption under subsection 6, paragraph  
16 G;

17 **Sec. 21. 22 MRSA §2428, sub-§1-A, ¶¶F and G** are enacted to read:

18 F. Manufacture marijuana products and marijuana concentrate for medical use,  
19 except that a registered dispensary may not produce marijuana concentrate using  
20 inherently hazardous substances unless authorized pursuant to section 2423-F,  
21 subsection 3; and

22 G. Provide harvested marijuana to a manufacturing facility and obtain marijuana  
23 products and marijuana concentrate from the manufacturing facility that is produced  
24 from the harvested marijuana the registered dispensary provided to the manufacturing  
25 facility.

26 **Sec. 22. 22 MRSA §2428, sub-§10**, as amended by PL 2011, c. 407, Pt. B, §32,  
27 is repealed.

28 **Emergency clause.** In view of the emergency cited in the preamble, this  
29 legislation takes effect when approved.'

### 30 SUMMARY

31 This amendment replaces the bill, which is a concept draft. It is the unanimous report  
32 of the committee. The amendment:

33 1. Allows a facility that tests medical marijuana samples for the cannabinoid profile,  
34 potency and contaminants to operate in the absence of rules adopted by the Department of  
35 Health and Human Services if the facility has obtained documentation of the facility's  
36 accreditation pursuant to standard ISO/IEC 17025 of the International Organization for  
37 Standardization by a 3rd-party accrediting body;

38 2. Clarifies that qualifying patients, primary caregivers and registered dispensaries  
39 may manufacture marijuana products from harvested marijuana, including production of

COMMITTEE AMENDMENT "A" to S.P. 84, L.D. 238

1 marijuana concentrate by processes of marijuana extraction that do not involve certain  
2 inherently hazardous substances;

3 3. Establishes a process for persons or entities that are not qualifying patients,  
4 primary caregivers or registered dispensaries to manufacture marijuana products from  
5 harvested marijuana, including marijuana concentrate by processes of marijuana  
6 extraction that do not involve certain inherently hazardous substances, to become  
7 registered to manufacture marijuana products;

8 4. Establishes a method for qualifying patients, primary caregivers and registered  
9 dispensaries to become authorized by law to produce marijuana concentrate by processes  
10 involving inherently hazardous substances if certain safety and compliance standards are  
11 met;

12 5. Establishes a process for persons or entities that are not qualifying patients,  
13 registered caregivers or registered dispensaries to become authorized to produce  
14 marijuana concentrate by processes involving inherently hazardous substances; and

15 6. Repeals specific provisions of law regarding municipal authority to establish a  
16 moratorium on registered primary caregivers near schools and municipal authority to  
17 regulate dispensaries. The amendment instead enacts a new provision of law that allows  
18 municipalities to regulate registered primary caregivers, registered dispensaries,  
19 marijuana testing facilities and marijuana manufacturing facilities, except that  
20 municipalities are not allowed to prohibit or limit the number of registered primary  
21 caregivers.

22 **FISCAL NOTE REQUIRED**

23 (See attached)



# 128th MAINE LEGISLATURE

LD 238

LR 186(02)

## An Act To Amend the Maine Medical Use of Marijuana Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-443)

Committee: Health and Human Services

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium revenue increase - General Fund  
Potential current biennium cost increase - Other Special Revenue Funds  
Potential current biennium revenue increase - Other Special Revenue Funds  
Minor cost increase - General Fund

#### Correctional and Judicial Impact Statements

Increases the number of civil suits.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees may increase General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

Allowing facilities that test medical marijuana samples to operate in the absence of rules, clarifying that qualified and non qualified persons may manufacture marijuana concentrate by a process of extraction not involving inherently hazardous substances and establishing a process for persons to become authorized to produce marijuana concentrate by a process involving inherently hazardous substances may increase marijuana products sales. No estimate of the potential increase in General Fund and Local Government Fund revenues as a result of increased sales tax collections is made at this time.

Additionally, there is a potential increase in registration fees to the Department of Health and Human Services (DHHS) for facilities that register to produce marijuana concentrate by a process involving inherently hazardous substances. Currently manufacturing facilities are not required to register or notify the DHHS of their operations, so no estimates of the increase in registration fees or the increased costs to the DHHS for registration and auditing program compliance are made at this time.

The bill also creates new registration tiers for manufacturing facilities, which could also increase the overall registration fees to DHHS. As the decision to change the tier of registration lies with each provider, no estimate of the increase in registration fees are made at this time.