

MAINE STATE LEGISLATURE

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JMC
ROFS

L.D. 630

Date: 3/11/19

(Filing No. H- 10)

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3 **AGRICULTURE, CONSERVATION AND FORESTRY**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **129TH LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 459, L.D. 630, Bill, "An Act To
10 Clarify That Food and Food Products Containing Hemp-derived Cannabidiol Produced
11 and Sold within the State Are Not Adulterated and To Match the State's Definition of
12 "Hemp" to the Definition in Federal Law"

13 Amend the bill by striking out the title and substituting the following:

14 '**An Act To Clarify That Food, Food Additives and Food Products Containing**
15 **Hemp-derived Cannabidiol Produced and Sold within the State Are Not**
16 **Adulterated and To Match the State's Definition of "Hemp" to the Definition in**
17 **Federal Law'**

18 Amend the bill in Part A by striking out all of section 1 and inserting the following:

19 '**Sec. A-1. 22 MRSA §2158-A is enacted to read:**

20 **§2158-A. Food, food additives and food products containing hemp not adulterated**

21 Notwithstanding any other provision of law to the contrary, food, food additives or
22 food products that contain hemp, including cannabidiol derived from hemp, are not
23 considered to be adulterated or misbranded under this subchapter based solely on the
24 inclusion of hemp or cannabidiol derived from hemp. The nonpharmaceutical or
25 nonmedical production, marketing, sale or distribution of food, food additives or food
26 products within the State that contain hemp may not be restricted or prohibited within the
27 State based solely on the inclusion of hemp. A food establishment or eating
28 establishment, as defined in section 2491, subsection 7, may not make a claim that food,
29 food additives or food products that contain hemp can diagnose, treat, cure or prevent any
30 disease, condition or injury without approval pursuant to federal law. For the purposes of
31 this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1.'

32 Amend the bill in Part B in section 1 in §2231 in subsection 1 in the 6th line (page 2,
33 line 13 in L.D.) by inserting after the following: "chapter." the following: "Hemp"
34 includes agricultural commodities and products derived from hemp and topical or
35 ingestible consumer products, including food, food additives and food products derived

COMMITTEE AMENDMENT

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1 from hemp. "Hemp" does not include marijuana for medical use pursuant to Title 22,
2 chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1.'

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

5 **SUMMARY**

6 This amendment strikes and replaces Part A of the bill and provides that food, food
7 additives and food products that contain hemp and hemp products, including hemp-
8 derived cannabidiol, are not considered to be "adulterated" under state law and that the
9 nonpharmaceutical or nonmedical production, marketing, sale or distribution within the
10 State of food, food additives or food products that contain hemp-derived cannabidiol may
11 not be prohibited. The amendment also clarifies that eating establishments, in addition to
12 food establishments, may not make any therapeutic claims about food products that
13 contain hemp-derived cannabidiol without federal approval.

14 The amendment clarifies that the definition of "hemp" includes commodities and
15 products derived from hemp, including food, food additives and food products, and that it
16 does not include medical marijuana as governed by the Maine Medical Use of Marijuana
17 Act or adult use marijuana as governed by the Marijuana Legalization Act.

18 **FISCAL NOTE REQUIRED**

19 (See attached)



129th MAINE LEGISLATURE

LD 630

LR 2386(02)

An Act To Clarify That Food and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-10)

Committee: Agriculture Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Contingent future biennium cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services and the Department of Agriculture, Conservation and Forestry as a result of clarifications to the rules regarding food and food products containing hemp-derived cannabidiol (CBD) and changes to the definition of "industrial hemp" to "hemp" are anticipated to be minor and can be absorbed within existing budgeted resources.

Although the United States Food and Drug Administration (USFDA) has indicated that it plans to review its regulatory authority regarding hemp-derived products at a later date, it has not given any indication of a timeline or guidance on possible revisions. Any rules regarding CBD that conflict with the USFDA's current guidance could result in potential future costs if subject to federal enforcement actions.