

# MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "H" to S.P. 585, L.D. 1749, Bill, "An Act To Amend the State's Hemp Laws"

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

'Sec. 1. 7 MRSA §2231, as amended by PL 2019, c. 115, §1, is further amended to read:

§2231. Hemp

~~1. Definition. As used in this chapter, unless the context otherwise indicates, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta 9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1. As used in this chapter, unless the context otherwise indicates, "certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta 9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.~~

1-A. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

B. "Clone" means a hemp plant produced using any part of another hemp plant other than the seeds of that hemp plant.

COMMITTEE AMENDMENT

1 C. "Grower licensee" means a person licensed pursuant to subsection 4.

2 D. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including  
3 the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of  
4 isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration  
5 of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law.  
6 "Hemp" includes agricultural commodities and products derived from hemp and  
7 topical or ingestible consumer products, including food, food additives and food  
8 products derived from hemp with a delta-9-tetrahydrocannabinol concentration of not  
9 more than 0.3% on a dry weight basis or as otherwise defined in federal law. "Hemp"  
10 does not include marijuana for medical use pursuant to Title 22, chapter 558-C or  
11 adult use marijuana pursuant to Title 28-B, chapter 1.

12 E. "Indoor facility" means a building, greenhouse, cold frame, hoop house, high  
13 tunnel, floating row cover or other agricultural or horticultural method of extending  
14 the growing season by enclosing the growing area.

15 **2. Growing permitted.** Notwithstanding any other provision of law, a person may  
16 plant, grow, harvest, possess, process, sell and buy hemp if that person holds a license  
17 issued pursuant to subsection 4, except that a person may plant and grow up to 3 hemp  
18 plants on no more than one acre of land area or within an indoor facility and harvest,  
19 possess and process that hemp for personal use without a license. A ~~person licensed~~  
20 ~~pursuant to subsection 4~~ grower licensee may plant, grow and harvest only hemp that is  
21 grown from seeds saved by the grower licensee as provided in paragraph A, acquired  
22 from a certified seed source, grown from a clone that is produced from seeds acquired  
23 from a certified seed source or propagated from tissue cultures that are removed from live  
24 plants grown from seeds acquired from a certified seed source. A ~~person licensed~~  
25 ~~pursuant to subsection 4~~ grower licensee may acquire hemp seeds directly from a  
26 certified seed source or from a hemp seed distributor licensed in this State distributing  
27 hemp seeds pursuant to subsection 2-A.

28 A. A grower licensee may save seeds from hemp plants that the person has grown  
29 and harvested and, after having ensured through testing by an independent 3rd-party  
30 tester that the plants that will grow from the seeds will meet the definition of hemp,  
31 may use those seeds for breeding and planting hemp.

32 B. A grower licensee, within 14 days after planting hemp seeds or clones, shall  
33 provide to the commissioner a listing of the varieties of seeds or clones planted and a  
34 statement that the seeds or clones meet the definition of hemp. This paragraph may  
35 not be interpreted to require providing the information required by this paragraph to  
36 the commissioner in advance of an application to grow hemp.

37 **2-A. Seed distribution.** The commissioner may issue a license for a hemp seed  
38 distributor if the hemp seeds distributed by the hemp seed distributor are from a certified  
39 seed source. The commissioner may issue a license under this subsection to a holder of a  
40 seed labeling license pursuant to section 1044-A.

41 **3. Application.** A person desiring to grow hemp for commercial purposes shall  
42 apply to the commissioner for a license on a form prescribed by the commissioner. The  
43 application must include the name and address of the applicant, the legal description of  
44 the land area or indoor facility to be used for the production of hemp and a map, an aerial

1 photograph or global positioning coordinates sufficient for locating the production fields  
2 or the floor plan of any indoor facility. ~~For purposes of this subsection, "indoor facility"~~  
3 ~~includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover~~  
4 ~~or other agricultural or horticultural method of extending the growing season by~~  
5 ~~enclosing the growing area.~~

6 **4. License issued.** Upon review and approval of an application, the commissioner  
7 shall notify the applicant for a license to grow hemp under subsection 3 of the approval  
8 and request that the application fee determined under subsection 7 be submitted. Upon  
9 receipt of the appropriate fee, the commissioner shall issue a license, which is valid for a  
10 period of one year and only for the site or sites specified in the license.

11 A person who manufactures, sells, offers for sale or serves ingestible consumer products  
12 containing hemp or cannabidiol derived from hemp must be licensed pursuant to section  
13 2901-C; Title 22, chapters 551, 562 or 562-A; or Title 28-A.

14 **5-A. Final location for growing hemp.** A grower licensee shall, within 14 days of  
15 planting hemp, provide the commissioner with a final legal description of the land area or  
16 indoor facility to be used for the production of hemp and a map, an aerial photograph or  
17 global positioning coordinates sufficient for locating each field, site or indoor facility  
18 where hemp is growing.

19 **6. Rules.** The commissioner shall adopt rules to establish an application fee, a  
20 license fee, per acre or per square foot fees for monitoring, sampling and testing and  
21 guidelines for monitoring the growth and harvest of hemp. ~~Rules adopted pursuant to this~~  
22 ~~subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

23 The rules must establish methods for verifying that plant materials used in breeding,  
24 tissue culture and cloning are hemp and not marijuana.

25 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
26 chapter 375, subchapter 2-A.

27 **6-A. Preliminary program; indoor cultivation.** The commissioner shall establish  
28 a preliminary program to allow the growing of hemp inside buildings and greenhouses.  
29 The number of grower licensees selected for the program under this subsection may be  
30 limited by available resources as determined by the department. Notwithstanding  
31 subsection 7, the rules may specify additional fees based on square footage and the  
32 number of buildings or greenhouses approved under the program. A grower licensee who  
33 uses a hoop house, high tunnel, row cover or other season extender over crops approved  
34 for outdoor cultivation may not be required to be part of the program and may not be  
35 assessed additional fees.

36 **7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an  
37 application fee, a license fee and per acre or per square foot fees for monitoring, sampling  
38 and testing that are reasonable and necessary to cover the costs of the department. The  
39 application fee must be no less than \$50 and no more than \$100, the license fee must be  
40 no less than \$100 and no more than \$500, and the fees for monitoring, sampling and  
41 testing must be no less than \$1 per acre and no more than \$100 per acre and no more than  
42 25¢ per square foot.

1 All fees received pursuant to this subsection must be paid to the Treasurer of State and  
2 credited to a separate, nonlapsing account in the department. Money received pursuant to  
3 this subsection must be used for the expenses of administering this chapter.

4 **9. Confidentiality.** Notwithstanding Title 1, section 402, the legal description of the  
5 land area or indoor facility to be used for the production of hemp provided under  
6 subsections 3 and 5-A, including a map, an aerial photograph or global positioning  
7 coordinates sufficient for locating each field, site or indoor facility where hemp will be  
8 grown, handled or stored, is confidential and may be shared with state, county and local  
9 government agencies only for purposes of administration and enforcement of this section.

10 Summary reports of information designated as confidential may be released to the public  
11 using aggregate data that does not reveal the location of a field, site or indoor facility  
12 where hemp is grown, handled or stored.

13 **10. Hemp not tracked as marijuana.** Notwithstanding any provision of Title 22,  
14 chapter 558-C or Title 28-B, chapter 1 to the contrary, hemp and products derived from  
15 hemp may not be tracked as part of the medical use of marijuana program under Title 22,  
16 chapter 558-C or the regulation of adult use marijuana under Title 28-B, chapter 1.

17 **11. Annual report.** No later than April 1st, the commissioner shall submit to the  
18 joint standing committee of the Legislature having jurisdiction over agricultural matters  
19 an annual report that contains at a minimum:

20 A. The number of licenses issued under subsection 4;

21 B. The number of acres all land areas licensed for the cultivation of hemp and the  
22 square footage of indoor facilities licensed for the cultivation of hemp;

23 C. Total amount of harvested hemp, in pounds;

24 D. The types of commodities or products derived from hemp manufactured or sold  
25 within the State; and

26 E. The types of commodities or products derived from hemp exported outside the  
27 State.

28 **Sec. 2. 17-A MRSA §1101, sub-§1,** as amended by PL 1975, c. 740, §96, is  
29 further amended to read:

30 1. "Marijuana" includes the leaves, stems, flowers and seeds of all species of the  
31 plant genus cannabis, whether growing or not; but ~~shall~~ does not include the resin  
32 extracted from any part of such plant and every compound, manufacture, salt, derivative,  
33 mixture or preparation from such resin including hashish and ~~further, shall~~ does not  
34 include the mature stalks of such plant, fiber produced from such stalks, oil or cake made  
35 from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture  
36 or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant  
37 ~~which~~ that is incapable of germination. "Marijuana" does not include hemp as defined in  
38 Title 7, section 2231, subsection 1-A, paragraph D.

39 **Sec. 3. 17-A MRSA §1101, sub-§5,** as enacted by PL 1975, c. 499, §1, is  
40 amended to read:

1 5. "Hashish" includes the resin extracted from any part of the cannabis plant and  
2 every compound, manufacture, salt, derivative, mixture or preparation from such resin.  
3 "Hashish" does not include the resin extracted from hemp as defined in Title 7, section  
4 2231, subsection 1-A, paragraph D.

5 Sec. 4. 17-A MRSA §1101, sub-§22, as amended by PL 2019, c. 12, Pt. B, §2, is  
6 repealed.

7 Sec. 5. 17-A MRSA §1101, sub-§22-A is enacted to read:

8 22-A. "Hemp" has the same meaning as in Title 7, section 2231, subsection 1-A,  
9 paragraph D.

10 Sec. 6. 17-A MRSA §1102, sub-§4, ¶G, as enacted by PL 2013, c. 341, §6, is  
11 amended to read:

12 G. Synthetic cannabinoids, including:

13 (1) Tetrahydrocannabinols that are naturally contained in a plant of the genus  
14 cannabis or a cannabis plant, excluding tetrahydrocannabinols contained in hemp  
15 as defined in Title 7, section 2231, subsection 1-A, paragraph D, as well as  
16 synthetic equivalents of the substances contained in the cannabis plant or in the  
17 resinous extractives extracts of cannabis or synthetic substances, derivatives and  
18 their isomers with similar chemical structure and pharmacological activity,  
19 including the following:

- 20 (a) Delta-1 cis or trans tetrahydrocannabinol and their optical isomers;
- 21 (b) Delta-6 cis or trans tetrahydrocannabinol and their optical isomers; or
- 22 (c) Delta-3,4 cis or trans tetrahydrocannabinol and their optical isomers;

23 (2) Naphthoylindoles, including any compound containing a 3-(1-  
24 naphthoyl)indole structure with substitution at the nitrogen atom of the indole  
25 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
26 methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not  
27 further substituted in the indole ring to any extent and whether or not substituted  
28 in the naphthyl ring to any extent, including the following:

- 29 (a) 1-Pentyl-3-(1-naphthoyl)indole or JWH-018 or AM-678;
- 30 (b) 1-Butyl-3-(1-naphthoyl)indole or JWH-073;
- 31 (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole or JWH-081;
- 32 (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole or JWH-200;
- 33 (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole or JWH-015;
- 34 (f) 1-Hexyl-3-(1-naphthoyl)indole or JWH-019;
- 35 (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole or JWH-122;
- 36 (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole or JWH-210;

- 1 (i) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole or JWH-398; or
- 2 (j) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole or AM-2201;
- 3 (3) Naphthylmethylindoles, including any compound containing a H-indol-3-yl-  
4 (1-naphthyl)methane structure with substitution at the nitrogen atom of the indole  
5 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
6 methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not  
7 further substituted in the indole ring to any extent and whether or not substituted  
8 in the naphthyl ring to any extent, including the following:
- 9 (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane or JWH-175; or
- 10 (b) 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane or JWH-184;
- 11 (4) Naphthoylpyrroles, including any compound containing a 3-(1-  
12 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole  
13 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-  
14 morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to  
15 any extent and whether or not substituted in the naphthyl ring to any extent,  
16 including (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone or  
17 JWH-307;
- 18 (5) Naphthylideneindenes or naphthylmethylindenes, including any compound  
19 containing a naphthylideneindene structure with substitution at the 3-position of  
20 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
21 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or  
22 not further substituted in the indene ring to any extent and whether or not  
23 substituted in the naphthyl ring to any extent, including E-1-[1-(1-  
24 Naphthalenylmethylene)-1H-inden-3-yl]pentane or JWH-176;
- 25 (6) Phenylacetylindoles, including any compound containing a 3-  
26 phenylacetylindole structure with substitution at the nitrogen atom of the indole  
27 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
28 methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not  
29 further substituted in the indole ring to any extent and whether or not substituted  
30 in the phenyl ring to any extent, including the following:
- 31 (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole or RCS-8;
- 32 (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole or JWH-250;
- 33 (c) 1-Pentyl-3-(2-methylphenylacetyl)indole or JWH-251; or
- 34 (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole, or JWH-203;
- 35 (7) Cyclohexylphenols, including any compound containing a 2-(3-  
36 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the  
37 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
38 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or  
39 not substituted in the cyclohexyl ring to any extent, and their isomers with similar  
40 chemical structure and pharmacological activity, including the following:

- 1 (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or CP  
2 47,497;
- 3 (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or  
4 Cannabicyclohexanol or CP 47,497-C8 homologue; or
- 5 (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-  
6 hydroxypropyl)cyclohexyl]-phenol or CP 55,490;
- 7 (8) Benzoylindoles, including any compound containing a 3-(benzoyl)indole  
8 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
10 piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
11 substituted in the indole ring to any extent and whether or not substituted in the  
12 phenyl ring to any extent, including the following:
- 13 (a) 1-Pentyl-3-(4-methoxybenzoyl)indole or RCS-4;
- 14 (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole or AM-694; or
- 15 (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-  
16 y]methanone or WIN-48,098 or Pravadoline; and
- 17 (9) The following other unclassified synthetic cannabinoids:
- 18 (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
19 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or HU-210;
- 20 (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
21 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or Dexanabinol or HU-211;
- 22 (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-  
23 benzoxazin-6-yl-1-naphthalenylmethanone or WIN 55,212-2; or
- 24 (d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-  
25 tetramethylcyclopropyl)methanone or XLR-11.

26 **Sec. 7. 22 MRSA §2157, sub-§11**, as corrected by RR 2011, c. 2, §26, is  
27 amended to read:

28 **11. Artificial flavoring and coloring.** If it bears or contains any artificial flavoring,  
29 artificial coloring or chemical preservative, unless it bears labeling stating the fact. If the  
30 artificial flavoring and artificial coloring declaration does not refer to the entire contents  
31 of the package, the words "artificial flavoring" and "artificial coloring" must follow  
32 immediately each of the ingredients of the package containing one or more of these  
33 substances. The common or usual name of any chemical preservative must be  
34 immediately followed by the words "chemical preservation." To the extent that  
35 compliance with the requirements of this subsection is impracticable, exemptions must be  
36 established by rules adopted by the Commissioner of Agriculture, Conservation and  
37 Forestry. This subsection, and subsections 7 and 9, with respect to artificial coloring, do  
38 not apply in the case of butter, cheese or ice cream; or



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**Sec. 8. 22 MRSA §2157, sub-§13, ¶C**, as enacted by PL 1989, c. 115, is further amended to read:

C. There is a conspicuously displayed directory to which customers can refer for information on the contents of unpackaged products offered for sale;

**Sec. 9. 22 MRSA §2157, sub-§14, ¶C**, as amended by PL 1991, c. 506, §5, is further amended to read:

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, is identified by a sign contiguous to the specific produce; or

**Sec. 10. 22 MRSA §2157, sub-§15** is enacted to read:

**15. Hemp or cannabidiol derived from hemp.** If it contains hemp or cannabidiol derived from hemp unless:

A. The package in which the food, food additive or food product is offered for sale conspicuously bears a label or stamp that:

- (1) Indicates that the food, food additive or food product contains hemp or cannabidiol derived from hemp;
- (2) Describes the cannabidiol content by weight or volume;
- (3) Includes the source of the hemp from which the cannabidiol was derived;
- (4) In the case of extracts or tinctures, indicates the batch number; and
- (5) Includes a disclosure statement that the food, food additive or food product has not been tested or evaluated for safety; or

B. In the case of food, food additives or food products sold, offered for sale or served for consumption unpackaged:

- (1) A conspicuous label or sign indicating that the food, food additive or food product contains cannabidiol is placed on or immediately next to the food, food additive or food product or immediately next to the food's listing on the menu or in an open manner where the food order or food product is served; and
- (2) The retail store, hotel, restaurant or other public eating place conspicuously displays a directory for use by customers that contains information on the contents of all unpackaged products sold, offered for sale or served that contain cannabidiol derived from hemp.

For the purposes of this subsection, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 11. 22 MRSA §2158-A**, as enacted by PL 2019, c. 12, Pt. A, §1, is amended to read:

1 **§2158-A. Food, food additives and food products containing hemp not adulterated**

2 Notwithstanding any other provision of law to the contrary, food, food additives or  
3 food products that contain hemp, including cannabidiol derived from hemp, are not  
4 considered to be adulterated or misbranded under this subchapter based solely on the  
5 inclusion of hemp or cannabidiol derived from hemp. The nonpharmaceutical or  
6 nonmedical production, manufacturing, marketing, sale or distribution of food, food  
7 additives or food products within the State that contain hemp may not be restricted or  
8 prohibited within the State based solely on the inclusion of hemp. A food establishment  
9 or eating establishment, as defined in section 2491, subsection 7, may not make a claim  
10 that food, food additives or food products that contain hemp can diagnose, treat, cure or  
11 prevent any disease, condition or injury without approval pursuant to federal law. For the  
12 purposes of this section, "hemp" has the same meaning as in Title 7, section 2231,  
13 subsection 4 1-A, paragraph D and "manufacturing" means producing, preparing,  
14 processing, propagating, blending, infusing, compounding, concentrating or converting  
15 hemp or food, food additives or food products containing hemp either directly or  
16 indirectly by extraction from substances of natural origin or independently by means of  
17 chemical synthesis.

18 **Sec. 12. 22 MRSA §2422, sub-§§3-B and 3-C**, as enacted by PL 2017, c. 452,  
19 §3, are amended to read:

20 **3-B. Edible marijuana product.** "Edible marijuana product" means a marijuana  
21 product intended to be consumed orally, including, but not limited to, any type of food,  
22 drink or pill containing harvested marijuana. "Edible marijuana product" does not  
23 include an edible product containing hemp as defined in Title 7, section 2231, subsection  
24 1-A, paragraph D.

25 **3-C. Harvested marijuana.** "Harvested marijuana" means the plant material  
26 harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant  
27 that are not used for a qualifying patient's medical use. "Harvested marijuana" includes  
28 marijuana concentrate and marijuana products. "Harvested marijuana" does not include  
29 plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A,  
30 paragraph D.

31 **Sec. 13. 22 MRSA §2422, sub-§4-B**, as amended by PL 2017, c. 452, §3, is  
32 further amended to read:

33 **4-B. Mature marijuana plant.** "Mature marijuana plant" means a flowering female  
34 marijuana plant. "Mature marijuana plant" does not include hemp as defined in Title 7,  
35 section 2231, subsection 1-A, paragraph D.

36 **Sec. 14. 22 MRSA §2422, sub-§§4-D to 4-I**, as enacted by PL 2017, c. 447, §1  
37 and c. 452, §3, are repealed.

38 **Sec. 15. 22 MRSA §2422, sub-§§4-J to 4-M**, as enacted by PL 2017, c. 452, §3,  
39 are amended to read:

40 **4-J. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
41 marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or  
42 other chemicals or chemical processes. "Marijuana extraction" does not include the

1 process of extracting concentrate from hemp as defined in Title 7, section 2231,  
2 subsection 1-A, paragraph D.

3 **4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus Cannabis,  
4 including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or  
5 their hybrids and the seeds of those plants. "Marijuana plant" does not include hemp as  
6 defined in Title 7, section 2231, subsection 1-A, paragraph D.

7 **4-L. Marijuana product.** "Marijuana product" means a product composed of  
8 harvested marijuana and other ingredients that is intended for medical use. "Marijuana  
9 product" includes, but is not limited to, an edible marijuana product, a marijuana  
10 ointment and a marijuana tincture. "Marijuana product" does not include marijuana  
11 concentrate or a product containing hemp as defined in Title 7, section 2231, subsection  
12 1-A, paragraph D.

13 **4-M. Nonflowering marijuana plant.** "Nonflowering marijuana plant" means a  
14 marijuana plant that is in a stage of growth in which the plant's pistils are not showing or  
15 the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the  
16 plant. "Nonflowering marijuana plant" does not include hemp as defined in Title 7,  
17 section 2231, subsection 1-A, paragraph D.

18 **Sec. 16. 22 MRSA §2422, sub-§§4-N to 4-S** are enacted to read:

19 **4-N. Immature marijuana plant.** "Immature marijuana plant" means a  
20 nonflowering marijuana plant that measures more than 24 inches from the base of the  
21 main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature  
22 marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection  
23 1-A, paragraph D.

24 **4-O. Inherently hazardous substance.** "Inherently hazardous substance" means a  
25 liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a  
26 flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane,  
27 propane and diethyl ether. "Inherently hazardous substance" does not include any form of  
28 alcohol or ethanol.

29 **4-P. Long-term care facility.** "Long-term care facility" means a hospice provider  
30 facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an  
31 assisted living facility licensed under chapter 1663 or 1664; or a facility or program  
32 licensed under chapter 1663 that provides care for a qualifying patient in accordance with  
33 section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

34 **4-Q. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means  
35 the production, blending, infusing, compounding or other preparation of marijuana  
36 concentrate and marijuana products, including, but not limited to, marijuana extraction or  
37 preparation by means of chemical synthesis.

38 **4-R. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or  
39 tier 2 manufacturing facility or a person authorized to engage in marijuana extraction  
40 under section 2423-F.

41 **4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
42 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
43 mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana

1 concentrate" does not include resin extracted from hemp as defined in Title 7, section  
2 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative,  
3 mixture or preparation therefrom.

4 **Sec. 17. 28-B MRSA §102, sub-§§16 and 19**, as enacted by PL 2017, c. 409, Pt.  
5 A, §6, are amended to read:

6 **16. Edible marijuana product.** "Edible marijuana product" means a marijuana  
7 product intended to be consumed orally, including, but not limited to, any type of food,  
8 drink or pill containing marijuana or marijuana concentrate. "Edible marijuana product"  
9 does not include an edible product containing "hemp" as defined in Title 7, section 2231,  
10 subsection 1-A, paragraph D.

11 **19. Immature marijuana plant.** "Immature marijuana plant" means a marijuana  
12 plant that is not a mature marijuana plant or a seedling. "Immature marijuana plant" does  
13 not include hemp as defined in Title 7, section 2231, section 1-A, paragraph D.

14 **Sec. 18. 28-B MRSA §102, sub-§27**, as amended by PL 2019, c. 12, Pt. B, §12,  
15 is further amended to read:

16 **27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a  
17 marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but  
18 does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D  
19 or a marijuana product.

20 **Sec. 19. 28-B MRSA §102, sub-§§28, 30 to 33 and 35 to 37**, as enacted by PL  
21 2017, c. 409, Pt. A, §6, are amended to read:

22 **28. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted  
23 from any part of a marijuana plant and every compound, manufacture, salt, derivative,  
24 mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana  
25 concentrate" does not include resin extracted from hemp as defined in Title 7, section  
26 2231, subsection 1-A, paragraph D. In determining the weight of marijuana concentrate  
27 in a marijuana product, the weight of any other ingredient combined with marijuana or  
28 marijuana concentrate to prepare the marijuana product may not be included.

29 **30. Marijuana extraction.** "Marijuana extraction" means the process of extracting  
30 marijuana concentrate from marijuana using water, lipids, gases, solvents or other  
31 chemicals or chemical processes. "Marijuana extraction" does not include the process of  
32 extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A,  
33 paragraph D.

34 **31. Marijuana flower.** "Marijuana flower" means the pistillate reproductive organs  
35 of a mature marijuana plant, whether processed or unprocessed, including the flowers and  
36 buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature  
37 marijuana plants or the flower of hemp as defined in Title 7, section 2231, subsection  
38 1-A, paragraph D.

39 **32. Marijuana plant.** "Marijuana plant" means all species of the plant genus  
40 cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an  
41 immature marijuana plant or a seedling. "Marijuana plant" does not include hemp as  
42 defined in Title 7, section 2231, subsection 1-A, paragraph D.

1           **33. Marijuana product.** "Marijuana product" means a product composed of  
2 marijuana or marijuana concentrate and other ingredients that is intended for use or  
3 consumption. "Marijuana product" includes, but is not limited to, an edible marijuana  
4 product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not  
5 include marijuana concentrate or a product containing hemp as defined in Title 7, section  
6 2231, subsection 1-A, paragraph D.

7           **35. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether  
8 processed or unprocessed, that is not marijuana flower or a marijuana seed. "Marijuana  
9 trim" does not include any part of a hemp plant as defined in Title 7, section 2231,  
10 subsection 1-A, paragraph D.

11           **36. Mature marijuana plant.** "Mature marijuana plant" means a marijuana plant  
12 that is flowering. "Mature marijuana plant" does not include hemp as defined in Title 7,  
13 section 2231, subsection 1-A, paragraph D.

14           **37. Mother plant.** "Mother plant" means a mature marijuana plant that is used  
15 solely for the taking of seedling cuttings. "Mother plant" does not include hemp as  
16 defined in Title 7, section 2231, subsection 1-A, paragraph D.

17           **Sec. 20. Review of laws and rules regarding hemp; report.** All state  
18 agencies shall review the laws and rules applicable to their areas of jurisdiction that  
19 pertain to hemp seeds and crops, agricultural commodities and products derived from  
20 hemp, and topical or ingestible consumer products, including food, food additives and  
21 food products derived from hemp. The reviews must identify laws and rules that require  
22 amendment to bring them into agreement with the Maine Revised Statutes, Title 7,  
23 chapter 406-A and Title 22, chapter 551. By January 1, 2020, all state agencies that have  
24 in their areas of jurisdiction laws or rules pertaining to hemp shall submit to the Joint  
25 Standing Committee on Agriculture, Conservation and Forestry reports regarding the  
26 reviews undertaken under this section, including proposals for legislation to bring laws  
27 and rules into agreement with Title 7, chapter 406-A and Title 22, chapter 551. After  
28 reviewing any report submitted pursuant to this section, the committee may report out  
29 legislation related to the subject matter of that report. As used in this section, "hemp" has  
30 the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

31           **Sec. 21. Appropriations and allocations.** The following appropriations and  
32 allocations are made.

33           **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**  
34           **Bureau of Agriculture 0393**

35           Initiative: Provides allocation for one Professional Licensing Supervisor position and  
36 associated All Other costs.

37	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
38	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
39	Personal Services	\$59,980	\$83,673
40	All Other	\$12,500	\$12,500
41		_____	_____

1 OTHER SPECIAL REVENUE FUNDS TOTAL \$72,480 \$96,173

2 **Bureau of Agriculture 0393**

3 Initiative: Provides allocation for contracted lab services.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
5	All Other	\$7,000	\$7,000
6			
7	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$7,000</u>	<u>\$7,000</u>

8 **Bureau of Agriculture 0393**

9 Initiative: Provides allocation to change one half-time Certified Seed Specialist position  
10 to a seasonal position.

11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
12	POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
13	POSITIONS - FTE COUNT	0.577	0.577
14	Personal Services	\$4,816	\$5,060
15			
16	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$4,816</u>	<u>\$5,060</u>

17	<b>AGRICULTURE, CONSERVATION AND</b>		
18	<b>FORESTRY, DEPARTMENT OF</b>		
19	<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
20			
21	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$84,296</b>	<b>\$108,233</b>
22			
23	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$84,296</b></u>	<u><b>\$108,233</b></u>
24			

25 **SUMMARY**

26 This amendment amends the bill as follows.

27 1. It removes from the bill provisions relating to the indoor growing of hemp,  
28 including instead and incorporating those provisions of existing law regarding the indoor  
29 growing of hemp as enacted through Public Law 2019, chapter 115, section 1.

30 2. It requires a person who manufactures, sells, offers for sale or serves ingestible  
31 consumer products containing hemp or cannabidiol derived hemp to be licensed under  
32 other applicable laws, such as licenses for eating establishments or liquor licenses.

1           3. It excludes hemp from the application of the Maine Medical Use of Marijuana Act  
2 and the Marijuana Legalization Act and clarifies the scope of the definitions of "hashish"  
3 and "hemp" within the Maine Criminal Code.

4           4. It amends the Maine Food Law to provide that the sale, offering for sale or serving  
5 of a food, food additive or food product containing cannabidiol derived from hemp by a  
6 retail store, hotel, restaurant or other public eating place is not considered misbranded  
7 food if certain information regarding the product is provided on the packaging or to  
8 consumers.

9           5. It provides that the nonpharmaceutical or nonmedical manufacturing of food, food  
10 additives or food products within the State that contain hemp may not be prohibited  
11 within the State based solely on the inclusion of hemp.

12           6. It authorizes the Joint Standing Committee on Agriculture, Conservation and  
13 Forestry to report out legislation upon the receipt of any report regarding hemp as  
14 provided for in the bill.

15           7. It directs the Department of Agriculture, Conservation and Forestry to establish a  
16 preliminary program for the indoor cultivation of hemp.

17           8. It removes from the bill the requirement that the Commissioner of Agriculture,  
18 Conservation and Forestry establish a certified hemp seed program.

19           9. It adds an appropriations and allocations section.

20                                      **FISCAL NOTE REQUIRED**

21                                      **(See attached)**



# 129th MAINE LEGISLATURE

LD 1749

LR 380(02)

## An Act To Amend the State's Hemp Laws

Fiscal Note for Bill as Amended by Committee Amendment *H(5-299)*  
 Committee: Agriculture, Conservation and Forestry  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$84,296	\$108,233	\$112,670	\$117,328
<b>Revenue</b>				
Other Special Revenue Funds	\$93,750	\$125,000	\$125,000	\$125,000

#### Fiscal Detail and Notes

This bill directs the Department of Agriculture, Conservation and Forestry to establish a pilot program for the indoor cultivation of hemp. The ACF estimates that establishing an indoor cultivation program would require additional staff and resources. This bill includes allocations of \$84,296 in fiscal year 2019-20 and \$108,233 in fiscal year 2020-21 for one Professional Licensing Supervisor position, for changing one half-time Certified Seed Specialist position to a seasonal position, for associated position costs and for contracted services for laboratory testing of product samples. Indoor growing will increase the number of licenses and the square footage subject to monitoring, sampling and testing fees, resulting in a revenue increase of \$93,750 in fiscal year 2019-20 and \$125,000 in fiscal year 2020-21. This estimate assumes that 100 growers would pay a \$500 license fee and that each licensee would have an average of 3,000 square feet subject to a 25¢ per square foot monitoring, sampling and testing fee.