

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1784

S.P. 622

In Senate, December 9, 2021

An Act To Ensure Legislative Review of Rules for Maine's Medical Use of Marijuana Act

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 7, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.

Cosponsored by Representative WILLIAMS of Bar Harbor and

Senators: HICKMAN of Kennebec, President JACKSON of Aroostook, Representatives:
DILLINGHAM of Oxford, PLUECKER of Warren, TALBOT ROSS of Portland.

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

3 **Whereas,** Public Law 2021, chapter 387 requires the Department of Administrative
4 and Financial Services' office of marijuana policy to adopt major substantive rules relating
5 to the Maine Medical Use of Marijuana Act; and

6 **Whereas,** any rules adopted by the department will have significant effects on Maine's
7 medical marijuana patients and thousands of registered medical marijuana caregivers and
8 associated businesses across the State; and

9 **Whereas,** this warrants meaningful legislative oversight and approval; and

10 **Whereas,** the department has authority to adopt rules prior to the expiration of the 90-
11 day period; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 22 MRSA §2422-A, sub-§2,** as amended by PL 2021, c. 387, §1, is further
18 amended to read:

19 **2. Rulemaking.** The department, after consultation with the Department of Health
20 and Human Services, may adopt rules as necessary to administer and enforce this chapter
21 or amend rules previously adopted pursuant to this chapter. Rules adopted pursuant to this
22 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A,
23 except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major
24 substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding Title
25 5, section 8072, subsection 11 or any other provision of law to the contrary, rules
26 provisionally adopted by the department in accordance with this subsection and submitted
27 for legislative review may not be finally adopted by the department unless legislation
28 authorizing final adoption of those rules is enacted into law. Before adopting rules pursuant
29 to this subsection, the department shall consult with caregivers, registered caregivers,
30 patients and medical providers with significant knowledge and experience certifying
31 patients under this chapter. The department shall develop a process to use when hiring
32 consultants to advise on rule changes related to this chapter and shall report any subsequent
33 changes to that process to the joint standing committee of the Legislature having
34 jurisdiction over medical use of marijuana matters.

35 **Sec. 2. 22 MRSA §2424, sub-§1-A,** as amended by PL 2021, c. 387, §6, is further
36 amended to read:

37 **1-A. Rulemaking.** The department may adopt rules to carry out the purposes of this
38 chapter in accordance with section 2422-A, subsection 2. Rules adopted pursuant to this
39 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A,
40 except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major
41 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
2 takes effect when approved.

3 **SUMMARY**

4 This bill requires that, notwithstanding the Maine Revised Statutes, Title 5, section
5 8072, subsection 11 or any other provision of law to the contrary, major substantive rules
6 that are provisionally adopted by the Department of Administrative and Financial Services,
7 office of marijuana policy relating to the Maine Medical Use of Marijuana Act and
8 submitted for legislative review may not be finally adopted by the department unless
9 legislation authorizing final adoption of those rules is enacted into law.