

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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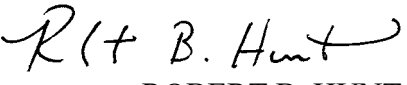
H.P. 1107

House of Representatives, April 17, 2025

### **An Act to Allow Participation in the Adult Use Cannabis Tracking System to Be Voluntary**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative BOYER of Poland.  
Cosponsored by Senator HICKMAN of Kennebec and  
Representatives: DANA of the Passamaquoddy Tribe, FAULKINGHAM of Winter Harbor,  
GUERRETTE of Caribou, MONTELL of Gardiner, PLUECKER of Warren, SUPICA of  
Bangor, Senators: GROHOSKI of Hancock, HARRINGTON of York.

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

2 **Sec. 1. 28-B MRSA §105**, as amended by PL 2023, c. 396, §§1 and 2 and c. 679,  
3 Pt. B, §§8 to 13, is further amended to read:

4 **§105. Tracking system; voluntary participation by licensees**

5 The office shall implement and administer a system, referred to in this section as "the  
6 tracking system," ~~for the tracking of~~ to be used by participating licensees to track cannabis  
7 plants, adult use cannabis and adult use cannabis products from immature cannabis plant  
8 to the point of retail sale, return, disposal or destruction. As used in this section,  
9 "participating licensee" means a licensee that voluntarily elects to use the tracking system  
10 implemented and administered by the office pursuant to this section. The tracking system  
11 must allow ~~for a participating licensee to track~~ cannabis plants at the stage of cultivation  
12 and upon transfer from the stage of cultivation to another licensee ~~to be tracked~~ by group.  
13 The office may implement a tracking system that allows a participating licensee to track  
14 adult use cannabis or adult use cannabis products ~~to be tracked~~ by group.

15 The office shall ensure that the system implemented and administered under this  
16 section, whether tracking individually or by group, maintains, for participating licensees, a  
17 detailed record at every stage from immature cannabis plant to the point of retail sale,  
18 return, disposal or destruction.

19 **1. Data submission requirements.** The tracking system must allow participating  
20 licensees to submit tracking data for adult use cannabis or adult use cannabis products to  
21 the office. The tracking system must permit participating licensees to submit all required  
22 tracking data through manual data entry or through the use of software that connects to the  
23 tracking system maintained by the office through an application program interface,  
24 including without limitation point-of-sale system software. Nothing in this subsection may  
25 be construed to permit the submission of required tracking data by a participating licensee  
26 using an application program interface that cannot transmit all required data to the tracking  
27 system required by the office.

28 **1-A. Group tracking.** ~~Cannabis~~ A participating licensee may track cannabis plants  
29 at the same stage of growth that are of the same varietal or cultivar of the plant genus  
30 Cannabis may be tracked by group if they the plants:

31 A. Are planted in the same specific area at the same time;

32 B. Are transplanted to the same specific area at the same time; or

33 C. Include cannabis plants that were planted in a specific area and cannabis plants that  
34 were transplanted to the same specific area.

35 For cannabis plants that are tracked as a group, a participating licensee shall designate the  
36 square footage of the specific area in which the plants are planted or transplanted. ~~Cannabis~~  
37 A participating licensee may not track cannabis plants may not be tracked as a group unless  
38 they the plants are intended for harvest as a group.

39 **1-B. Tagging.** A participating licensee shall affix a tag containing the identifying  
40 information required by the office under this chapter or rule adopted pursuant to this chapter  
41 to each group of cannabis plants tracked under this section. The office may not require  
42 cannabis plants that are being tracked as a group to be individually affixed with a tag during  
43 cultivation or transfer from a participating licensee to another licensee.

1           **1-C. Group transfers.** When a group of cannabis plants tracked under this section is  
2 transferred from a participating licensee to another licensee, the licensee transferring the  
3 group of cannabis plants must provide a manifest that lists every cannabis plant within the  
4 group and any other relevant information required by the office by rule.

5           **2. Rules; participating licensees.** The office shall adopt rules regarding the  
6 implementation and administration of the tracking system and tracking requirements for  
7 participating licensees. Rules adopted under this section must include, but are not limited  
8 to, the following:

9           A. Record-keeping requirements for the tracking of cannabis plants when tracked  
10 individually and when tracked by group; and

11           B. Record-keeping requirements necessary to ensure the office's ability to implement  
12 a recall for reasons related to health and safety when tracking cannabis plants  
13 individually or by group.

14           **3. Rules; nonparticipating licensees.** The office shall adopt rules regarding  
15 minimum inventory control system and other requirements that must be satisfied by a  
16 licensee that does not voluntarily elect to use the tracking system implemented and  
17 administered by the office pursuant to this section. The rules must require such licensees  
18 to submit to the office information regarding the inventory control system and other  
19 operating and record-keeping procedures sufficient to ensure the office's ability to  
20 implement a recall of the licensee's adult use cannabis or adult use cannabis products for  
21 reasons related to health and safety. Rules adopted by the office pursuant to this subsection  
22 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

23           **Sec. 2. 28-B MRSA §501, sub-§10**, as amended by PL 2023, c. 396, §5, is further  
24 amended to read:

25           **10. Tracking.** In accordance with the requirements of section 105, a cultivation  
26 facility licensee that has voluntarily elected to use the tracking system implemented by the  
27 office pursuant to section 105 shall track the adult use cannabis it cultivates from immature  
28 cannabis plant to the point at which the cannabis plant or the cannabis produced by the  
29 cannabis plant is delivered or transferred to a products manufacturing facility, a testing  
30 facility, a cannabis store or another cultivation facility or is disposed of or destroyed. If a  
31 cultivation facility licensee that has voluntarily elected to use the tracking system  
32 implemented by the office pursuant to section 105 receives a return of a cannabis plant,  
33 cannabis flower or cannabis trim from a products manufacturing facility, a cannabis store  
34 or another cultivation facility, ~~the cultivation facility licensee receiving the return~~ shall  
35 track the returned cannabis plant, cannabis flower or cannabis trim to the point at which  
36 the return is transferred to a products manufacturing facility, a testing facility, a cannabis  
37 store or a cultivation facility or is disposed of or destroyed.

38           **Sec. 3. 28-B MRSA §501, sub-§12**, as enacted by PL 2023, c. 679, Pt. B, §67, is  
39 amended by amending the first blocked paragraph to read:

40 ~~Any~~ A cultivation facility licensee or nursery cultivation facility licensee that has  
41 voluntarily elected to use the tracking system implemented by the office pursuant to section  
42 105 and that acquires seeds or seedlings acquired pursuant to this subsection must be  
43 ~~tracked pursuant to~~ shall track those seeds or seedlings in accordance with section 105.

1           **Sec. 4. 28-B MRSA §502, sub-§13**, as amended by PL 2023, c. 396, §7, is further  
2 amended to read:

3           **13. Tracking.** In accordance with the requirements of section 105, a products  
4 manufacturing facility licensee that has voluntarily elected to use the tracking system  
5 implemented by the office pursuant to section 105 shall track the adult use cannabis it uses  
6 in its manufacturing processes from the point the cannabis is delivered or transferred to the  
7 products manufacturing facility by a cultivation facility to the point the cannabis or  
8 cannabis concentrate or an adult use cannabis product produced using the cannabis or  
9 cannabis concentrate is delivered or transferred to another products manufacturing facility,  
10 a testing facility or a cannabis store or is disposed of or destroyed. If a products  
11 manufacturing facility licensee that has voluntarily elected to use the tracking system  
12 implemented by the office pursuant to section 105 receives a return of cannabis, cannabis  
13 concentrate or an adult use cannabis product from another products manufacturing facility  
14 or a cannabis store, the ~~products manufacturing facility~~ licensee shall track the cannabis,  
15 cannabis concentrate or adult use cannabis product until transferred, whether in its original  
16 form or as a cannabis product, to another products manufacturing facility or a cannabis  
17 store or disposed of or destroyed.

18           **Sec. 5. 28-B MRSA §502, sub-§14**, as enacted by PL 2023, c. 396, §8, is amended  
19 to read:

20           **14. Return of cannabis plant, flower or trim.** Notwithstanding any provision of law  
21 to the contrary, a products manufacturing facility licensee may return a cannabis plant,  
22 cannabis flower or cannabis trim to a cultivation facility from which the cannabis plant,  
23 cannabis flower or cannabis trim was received, ~~as long as the products manufacturing~~  
24 ~~facility licensee tracks the cannabis plant, cannabis flower or cannabis trim until transferred~~  
25 ~~to the cultivation facility and~~ as long as the cultivation facility accepts returns.

26           **Sec. 6. 28-B MRSA §503, sub-§9**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
27 amended by PL 2021, c. 669, §5, is further amended to read:

28           **9. Tracking.** In accordance with the requirements of section 105, a testing facility  
29 licensee that has voluntarily elected to use the tracking system implemented by the office  
30 pursuant to section 105 shall track all adult use cannabis and adult use cannabis products it  
31 receives from a licensee for testing purposes from the point at which the cannabis or  
32 cannabis products are delivered or transferred to the testing facility to the point at which  
33 the cannabis or cannabis products are disposed of or destroyed.

34           **Sec. 7. 28-B MRSA §503-A, sub-§6**, as enacted by PL 2019, c. 676, §13 and  
35 amended by PL 2021, c. 669, §5, is further amended to read:

36           **6. Tracking.** In accordance with the requirements of section 105, a sample collector  
37 that has voluntarily elected to use the tracking system implemented by the office pursuant  
38 to section 105 shall track all adult use cannabis and adult use cannabis products it collects  
39 from a licensee for testing purposes from the point at which the cannabis or cannabis  
40 products are collected from a licensee to the point at which the cannabis or cannabis  
41 products are delivered to a testing facility or the cannabis or cannabis products are disposed  
42 of or destroyed.

43           **Sec. 8. 28-B MRSA §504, sub-§8**, as amended by PL 2023, c. 396, §9, is further  
44 amended to read:

1       **8. Tracking.** In accordance with the requirements of section 105, a cannabis store  
2 licensee that has voluntarily elected to use the tracking system implemented by the office  
3 pursuant to section 105 shall track all adult use cannabis and adult use cannabis products  
4 from the point at which the cannabis or cannabis products are delivered or transferred to  
5 the cannabis store by a cultivation facility or a products manufacturing facility to the point  
6 at which the cannabis or cannabis products are sold to a consumer, are delivered or  
7 transferred to a testing facility, are returned to a cultivation facility or a products  
8 manufacturing facility from which the cannabis or cannabis products were received or are  
9 disposed of or destroyed.

10       **Sec. 9. 28-B MRSA §504, sub-§11**, as enacted by PL 2023, c. 396, §11, is amended  
11 to read:

12       **11. Return of adult use cannabis.** Notwithstanding any provision of law to the  
13 contrary, a cannabis store licensee may return a cannabis plant, cannabis flower and  
14 cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or  
15 cannabis trim was received, or return cannabis or cannabis products to the products  
16 manufacturing facility from which the cannabis or cannabis product was received, ~~as long~~  
17 ~~as the cannabis store licensee tracks the return as required in subsection 8 until transferred~~  
18 ~~to the cultivation facility or products manufacturing facility and~~ as long as the cultivation  
19 facility or products manufacturing facility accepts returns.

20       **Sec. 10. 28-B MRSA §605, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
21 amended by PL 2021, c. 669, §5, is further amended to read:

22       **3. Tracking maintained.** ~~Tracking~~ If the licensee has voluntarily elected to use the  
23 tracking system implemented by the office pursuant to section 105, tracking from immature  
24 cannabis plant to the point of retail sale has been maintained for the cannabis or cannabis  
25 product and transfers of the cannabis or cannabis product to another licensee or to a  
26 consumer can be easily identified; and

27       **Sec. 11. 28-B MRSA §802-A, sub-§2, ¶B**, as enacted by PL 2023, c. 679, Pt. B,  
28 §134, is amended by repealing subparagraph (11).

29       **Sec. 12. 28-B MRSA §802-A, sub-§2, ¶B**, as enacted by PL 2023, c. 679, Pt. B,  
30 §134, is amended by amending subparagraph (12) to read:

31               (12) Conduct that demonstrates a pattern of willful or reckless disregard for the  
32 ~~tracking system requirements~~, sales tax obligations, excise tax obligations,  
33 mandatory testing obligations or facility requirements;

34       **Sec. 13. 28-B MRSA §803-A, first ¶**, as amended by PL 2023, c. 679, Pt. B, §136,  
35 is further amended to read:

36       In accordance with the provisions of this section, the office may impose an  
37 administrative hold on a licensee's cannabis plants, cannabis or cannabis products if, as a  
38 result of an inspection or investigation of the licensee by the office or a criminal justice  
39 agency, the office determines there are reasonable grounds to believe the licensee or an  
40 agent or employee of the licensee has committed or is committing a violation of the  
41 provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions  
42 or provisions of the licensee's license regarding labeling and packaging, testing results,  
43 contamination of cannabis plants and cannabis or cannabis products or cannabis plants or  
44 cannabis products tracking that is not in compliance with the tracking system, if the licensee

1 has voluntarily elected to use the tracking system implemented by the office pursuant to  
2 section 105.

3 **Sec. 14. Office of Cannabis Policy; tracking system contract; transfer.**

4 Notwithstanding any provision of law to the contrary, the Department of Administrative  
5 and Financial Services, Office of Cannabis Policy may not renew, extend, negotiate or enter  
6 into any contract or other agreement with a 3rd-party entity for the administration of, or  
7 otherwise relating to, the tracking system for adult use cannabis and adult use cannabis  
8 products required pursuant to the Maine Revised Statutes, Title 28-B, section 105. The  
9 office shall, as expeditiously as possible, take all reasonable steps to cancel or terminate  
10 any such existing contracts or agreements with 3rd-party entities, subject to the terms,  
11 conditions and other limitations of those contracts or agreements. By June 30, 2026, the  
12 Department of Administrative and Financial Services shall transfer to the Department of  
13 Defense, Veterans and Emergency Management, Bureau of Veterans' Services, Maine  
14 Veterans' Homes Stabilization Fund, established in Title 37-B, section 613, all funds in its  
15 possession allocated or otherwise dedicated to the administration of, or otherwise relating  
16 to, the tracking system for adult use cannabis and adult use cannabis products required  
17 under Title 28-B, section 105.

18 **SUMMARY**

19 This bill amends the Cannabis Legalization Act to provide that a cannabis  
20 establishment licensee may voluntarily elect, but is not required, to use the tracking system  
21 for adult use cannabis and adult use cannabis products implemented and administered by  
22 the Department of Administrative and Financial Services, Office of Cannabis Policy. The  
23 office is directed to adopt major substantive rules regarding minimum inventory control  
24 system and other requirements that must be satisfied by a licensee that does not voluntarily  
25 elect to use that tracking system implemented and administered by the office.

26 The bill also prohibits the office from renewing, extending, negotiating or entering into  
27 any contract or other agreement with a 3rd-party entity for the administration of, or  
28 otherwise relating to, the tracking system for adult use cannabis and adult use cannabis  
29 products. The office is directed to, as expeditiously as possible, take all reasonable steps  
30 to cancel or terminate any such existing contracts or agreements with 3rd-party entities,  
31 subject to the terms, conditions and other limitations of those contracts or agreements. By  
32 June 30, 2026, the Department of Administrative and Financial Services is required to  
33 transfer to the Department of Defense, Veterans and Emergency Management, Bureau of  
34 Veterans' Services, Maine Veterans' Homes Stabilization Fund, established in the Maine  
35 Revised Statutes, Title 37-B, section 613, all funds in its possession allocated or otherwise  
36 dedicated to the administration of, or otherwise relating to, the tracking system for adult  
37 use cannabis and adult use cannabis products.