

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1717

S.P. 670

In Senate, April 17, 2025

An Act Regarding Background Checks for Medical Cannabis Providers

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HARRINGTON of York.

Cosponsored by Senator: HICKMAN of Kennebec, Representatives: BOYER of Poland,
FREDERICKS of Sanford.

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

2 **Sec. 1. 22 MRSA §2421-A, sub-§16, ¶B,** as enacted by PL 2023, c. 679, Pt. A,
3 §3, is amended to read:

4 B. ~~If required by the office pursuant to this chapter, the~~ The applicant has submitted
5 to a criminal history record check pursuant to section 2425-B;

6 **Sec. 2. 22 MRSA §2423-A, sub-§4,** as amended by PL 2019, c. 501, §12 and PL
7 2021, c. 669, §5, is further amended to read:

8 **4. Long-term care facility.** A qualifying patient may designate a long-term care
9 facility to assist with the qualifying patient's medical use of cannabis if that use is consistent
10 with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph (2).
11 If a long-term care facility is designated, the facility shall complete the registration process
12 with the department and obtain a registration certificate for the facility. For a long-term
13 care facility to be issued a registration certificate, staff persons of the facility who will be
14 assisting a qualifying patient with the patient's medical use of cannabis in accordance with
15 this chapter must be at least 21 years of age, must submit to a criminal history record check
16 pursuant to section 2425-B and may not have been convicted of a disqualifying drug
17 offense. The long-term care facility and the staff of the facility may not cultivate cannabis
18 plants for the patient.

19 **Sec. 3. 22 MRSA §2423-A, sub-§10, ¶A,** as repealed and replaced by PL 2019, c.
20 331, §13 and amended by PL 2021, c. 669, §5, is further amended to read:

21 A. A cannabis testing facility that meets the requirements of this subsection and any
22 rules adopted under paragraph D and submits to a criminal history record check
23 pursuant to section 2425-B may receive and possess samples from qualifying patients,
24 caregivers, dispensaries and manufacturing facilities to provide testing for the
25 cannabinoid profile and potency of the samples and for contaminants in the samples,
26 including but not limited to mold, mildew, heavy metals, plant regulators and illegal
27 pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning
28 as in Title 7, section 604, subsection 26.

29 **Sec. 4. 22 MRSA §2423-F, sub-§8, ¶B,** as repealed and replaced by PL 2019, c.
30 331, §17 and amended by PL 2021, c. 669, §5, is further amended by amending the first
31 blocked paragraph to read:

32 The department may not issue a registry identification card to an officer or director or
33 assistant of a registered manufacturing facility or person authorized to engage in
34 cannabis extraction using inherently hazardous substances who has been convicted of
35 a disqualifying drug offense. The department shall conduct a criminal history record
36 check pursuant to section 2425-B of each person, officer or director or assistant subject
37 to this subsection on an annual basis.

38 **Sec. 5. 22 MRSA §2425-A, sub-§3,** as amended by PL 2023, c. 679, Pt. A, §§10
39 and 11, is further amended by amending the first blocked paragraph to read:

40 The department shall conduct a criminal history record check pursuant to section 2425-B
41 for any applicant for a registry identification card, ~~except that an assistant is not required~~
42 ~~to submit to a criminal history record check.~~ The criminal history record check is valid for
43 2 years from the date it was conducted, regardless of the person's employment status.

1 Except as provided in subsection 3-A, the department may not issue a registry identification
2 card to an applicant who is not permitted under this chapter to have a disqualifying drug
3 offense.

4 **Sec. 6. 22 MRSA §2425-A, sub-§3-A**, as amended by PL 2021, c. 387, §8 and c.
5 669, §5, is further amended to read:

6 **3-A. Criminal history record check for caregivers administering medical**
7 **cannabis on school grounds.** The department shall request a criminal history record check
8 pursuant to section 2425-B for a caregiver designated under section 2423-A, subsection 1,
9 paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or
10 a person having legal custody of the qualifying patient. The department may not issue a
11 registry identification card to an applicant who is not permitted to have a disqualifying drug
12 offense or who would be denied an approval, credential, certification, authorization or
13 renewal under Title 20-A, section 6103 or 13011 based on that criminal history record
14 check.

15 ~~The criminal history record check requested under this subsection must include criminal~~
16 ~~history record information obtained from the Maine Criminal Justice Information System~~
17 ~~established in Title 16, section 631 and the Federal Bureau of Investigation. The following~~
18 ~~provisions apply.~~

19 ~~A. The criminal history record information obtained from the Maine Criminal Justice~~
20 ~~Information System must include a record of public criminal history record information~~
21 ~~as defined in Title 16, section 703, subsection 8.~~

22 ~~B. The criminal history record information obtained from the Federal Bureau of~~
23 ~~Investigation must include other state and national criminal history record information.~~

24 ~~C. A person subject to a criminal history record check under this section shall submit~~
25 ~~to having fingerprints taken. The State Police, upon payment of the fee, shall take or~~
26 ~~cause to be taken the person's fingerprints and shall forward the fingerprints to the State~~
27 ~~Bureau of Identification so that the bureau can conduct state and national criminal~~
28 ~~history record checks. Except for the portion of the payment, if any, that constitutes~~
29 ~~the processing fee charged by the Federal Bureau of Investigation, all money received~~
30 ~~by the State Police for purposes of this paragraph must be paid over to the Treasurer of~~
31 ~~State. The money must be applied to the expenses of administration incurred by the~~
32 ~~Department of Public Safety.~~

33 ~~D. The subject of a Federal Bureau of Investigation criminal history record check may~~
34 ~~obtain a copy of the criminal history record check by following the procedures outlined~~
35 ~~in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state~~
36 ~~criminal history record check may inspect and review the criminal history record~~
37 ~~information pursuant to Title 16, section 709.~~

38 ~~E. State and federal criminal history record information may be used by the department~~
39 ~~for the purpose of screening a person in accordance with this chapter.~~

40 ~~F. Information obtained pursuant to this subsection is confidential. The results of~~
41 ~~criminal history record checks received by the department are for official use only and~~
42 ~~may not be disseminated to any other person.~~

43 ~~G. If a person is no longer subject to this chapter that person may request in writing~~
44 ~~that the State Bureau of Identification remove the person's fingerprints from the~~

1 bureau's fingerprint file. In response to a written request, the bureau shall remove the
2 person's fingerprints from the fingerprint file and provide written confirmation of that
3 removal.

4 The department, with the Department of Public Safety, Bureau of State Police, State Bureau
5 of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to
6 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
7 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major
8 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

9 **Sec. 7. 22 MRSA §2425-A, sub-§6**, as enacted by PL 2017, c. 452, §12, is amended
10 to read:

11 **6. Application for registration certificate; qualifications.** The department shall
12 register and issue a registration certificate to an applicant who submits a complete
13 application that meets the requirements of this subsection. ~~An application must include, as~~
14 ~~applicable:~~

15 The department shall conduct a criminal history record check pursuant to section 2425-B
16 for each officer or director or assistant of the applicant for a registration certificate. The
17 department may not issue a registration certificate to an applicant if any officer or director
18 or assistant of the applicant has been convicted of a disqualifying drug offense.

19 An application must include, as applicable:

20 A. The annual fee required pursuant to subsection 10;

21 B. Evidence of the applicant's registration with the Secretary of State and evidence
22 that the applicant is in good standing with the Secretary of State; and

23 C. The name, address and date of birth of each officer or director of the applicant.

24 **Sec. 8. 22 MRSA §2425-A, sub-§10, ¶J**, as amended by PL 2023, c. 679, Pt. A,
25 §13, is repealed.

26 **Sec. 9. 22 MRSA §2425-B** is enacted to read:

27 **§2425-B. Criminal history record check**

28 The department shall request a criminal history record check for each applicant for an
29 initial registry identification card and registration certificate as required under this chapter
30 and for each registrant or registrant agent every 2 years thereafter, unless a different period
31 is specified in this chapter. If the applicant or registrant is a business entity, every officer
32 or director or assistant of the business entity is required to submit to a criminal history
33 record check in accordance with this section. If the applicant or registrant is a long-term
34 care facility under section 2423-A, subsection 4, any staff person of the facility who will
35 be assisting a qualifying patient with the patient's medical use of cannabis is required to
36 submit to a criminal history record check in accordance with this section. A criminal history
37 record check conducted pursuant to this section must include criminal history record
38 information obtained from the Maine Criminal Justice Information System established in
39 Title 16, section 631 and the Federal Bureau of Investigation.

40 **1. Record of public criminal history information required.** Criminal history record
41 information obtained from the Maine Criminal Justice Information System pursuant to this

1 section must include a record of public criminal history record information as defined in
2 Title 16, section 703, subsection 8.

3 **2. Other state and national criminal history record information required.**
4 Criminal history record information obtained from the Federal Bureau of Investigation
5 pursuant to this section must include other state and national criminal history record
6 information.

7 **3. Fingerprinting.** A person required to submit to a criminal history record check
8 under this section shall submit to having fingerprints taken. The State Police, upon
9 payment of the fee required under subsection 4, shall take or cause to be taken the person's
10 fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau
11 of State Police, State Bureau of Identification. The State Bureau of Identification shall
12 conduct the state and national criminal history record checks required under this chapter.
13 Except for the portion of a payment, if any, that constitutes the processing fee for a criminal
14 history record check charged by the Federal Bureau of Investigation, all money received
15 by the State Police under this section must be paid to the Treasurer of State, who shall apply
16 the money to the expenses incurred by the Department of Public Safety in the
17 administration of this section.

18 **4. Fees.** The fee for a criminal history record check under this chapter may not be less
19 than \$31 or more than \$60. The fee must be paid by the applicant, registrant or registrant
20 agent, except that if the applicant or registrant is a business entity, the fee must be paid by
21 the business entity for any officer or director or assistant required to submit to a criminal
22 history record check under this chapter.

23 **5. Availability of criminal history record information.** The subject of a Federal
24 Bureau of Investigation criminal history record check may obtain a copy of the criminal
25 history record check by following the procedures outlined in 28 Code of Federal
26 Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check
27 may inspect and review the criminal history record information pursuant to Title 16, section
28 709.

29 **6. Use of criminal history record information.** State and national criminal history
30 record information obtained by the department under this section may be used only for the
31 purpose of screening an applicant for a registry identification card or registration certificate
32 or a registrant or registrant agent under this chapter.

33 **7. Confidentiality.** All criminal history record information obtained by the
34 department pursuant to this section is confidential, is for the official use of the department
35 only and may not be disseminated outside of the department or disclosed to any other
36 person or entity except as provided in subsection 5.

37 **8. Rules.** The department, after consultation with the Department of Public Safety,
38 Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this
39 section. Rules adopted pursuant to this subsection are major substantive rules as defined in
40 Title 5, chapter 375, subchapter 2-A.

41 **Sec. 10. 25 MRSA §1542-A, sub-§1, ¶S,** as repealed and replaced by PL 2021, c.
42 293, Pt. A, §31, is amended to read:

43 S. Who is required to have a criminal history record check under Title 22, section
44 2425-A, subsection 3-A 2425-B.

Sec. 11. 25 MRSA §1542-A, sub-§3, ¶R, as enacted by PL 2019, c. 343, Pt. G, §9; c. 399, §6; c. 402, §6; and c. 416, §6, is amended to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section ~~2425-A, subsection 3-A~~ 2425-B.

SUMMARY

This bill requires anyone applying for or renewing a registry identification card or registration certificate under the Maine Medical Use of Cannabis Act to submit to a criminal history record check. If a person applying for or renewing a registry identification card or registration certificate is a business entity, every officer or director or assistant of the business entity is also required to submit to a criminal history record check.