

MAINE STATE LEGISLATURE

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L.D. 1847

Date: 4/10/26 REPORT 'B'

(Filing No. H-1044)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1231, L.D. 1847, "An Act to Institute Testing and Tracking of Medical Use Cannabis and Cannabis Products Similar to Adult Use Cannabis and Cannabis Products, Dedicate a Portion of the Adult Use Cannabis Sales and Excise Tax to Medical Use Cannabis Programs and Create a Study Group"

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

'An Act to Establish Testing and Tracking of Medical Use Cannabis, to Institute an Audit Testing Program in the Maine Medical Use of Cannabis Act, to Amend the Excise Tax Provisions for Adult Use Cannabis for Cannabis Pre-rolls and to Make Other Changes to the Medical Use and Adult Use Cannabis Programs'

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

PART A

Sec. A-1. 22 MRSA §2421-A, sub-§1-A is enacted to read:

1-A. Batch. "Batch" means a specific quantity of cannabis flower, cannabis trim, cannabis concentrate or cannabis products harvested or manufactured at the same time under the same conditions using the same process or procedure.

Sec. A-2. 22 MRSA §2421-A, sub-§3-A is enacted to read:

3-A. Cannabis flower. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. A-3. 22 MRSA §2421-A, sub-§6-A is enacted to read:

6-A. Cannabis pre-roll. "Cannabis pre-roll" means cannabis flower, cannabis trim or a combination of cannabis flower and cannabis trim that is rolled in rolling papers.

COMMITTEE AMENDMENT

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1 cigarette papers or wraps, with or without a cardboard filter, and intended for smoking. A
2 cannabis pre-roll may be infused with cannabis concentrate.

3 **Sec. A-4. 22 MRSA §2421-A, sub-§8**, as enacted by PL 2023, c. 679, Pt. A, §3, is
4 repealed and the following enacted in its place:

5 **8. Cannabis testing facility.** "Cannabis testing facility" means a facility registered in
6 accordance with section 2425-A or a facility licensed under Title 28-B, chapter 1 to operate
7 a testing facility.

8 **Sec. A-5. 22 MRSA §2421-A, sub-§9-A** is enacted to read:

9 **9-A. Cannabis trim.** "Cannabis trim" means any part of a cannabis plant, whether
10 processed or unprocessed, that is not cannabis flower or a cannabis seed, except that
11 "cannabis trim" does not include the stalks or roots of the cannabis plant. "Cannabis trim"
12 does not include any part of a hemp plant as defined in Title 7, section 2231, subsection
13 1-A, paragraph D.

14 **Sec. A-6. 22 MRSA §2421-A, sub-§16-A** is enacted to read:

15 **16-A. Contaminant.** "Contaminant" means any unwanted or undesirable element
16 present in harvested cannabis at levels that result in impurity of the harvested cannabis.
17 "Contaminant" includes, but is not limited to, pesticides, heavy metals and residual
18 chemical solvents.

19 **Sec. A-7. 22 MRSA §2421-A, sub-§20-A** is enacted to read:

20 **20-A. Fresh frozen cannabis.** "Fresh frozen cannabis" means cannabis flower and
21 cannabis trim, whether processed or unprocessed, that is frozen after harvest for the purpose
22 of extraction. "Fresh frozen cannabis" does not include any part of a hemp plant as defined
23 in Title 7, section 2231, subsection 1-A, paragraph D.

24 **Sec. A-8. 22 MRSA §2421-A, sub-§27-A** is enacted to read:

25 **27-A. Matrix.** "Matrix" means, as applicable to the testing of harvested cannabis, the
26 form in which harvested cannabis exists at the time it is subject to mandatory testing in
27 accordance with this chapter. "Matrix" includes the following categories of harvested
28 cannabis:

29 A. Cannabis flower, cannabis trim, fresh frozen cannabis and cannabis pre-rolls;

30 B. Cannabis concentrate, including concentrates extracted using solvents, as well as
31 solventless extraction methods; and

32 C. Cannabis product.

33 **Sec. A-9. 22 MRSA §2421-A, sub-§45-A** is enacted to read:

34 **45-A. Remediation.** "Remediation" means the process by which a registrant mitigates
35 or otherwise removes a contaminant from a batch. "Remediation" includes without
36 limitation the application of heat, radiation or ozone; solvent extraction; or further drying
37 and curing. "Remediation" does not include the dilution of contaminants through the
38 addition of uncontaminated material to batches that are contaminated.

39 **Sec. A-10. 22 MRSA §2421-A, sub-§51-A** is enacted to read:

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1 51-A. Testing or test. "Testing" or "test" means the analysis of harvested cannabis or
2 other substances for contaminants, safety or potency. "Testing" or "test" includes the
3 collection of samples of harvested cannabis for testing purposes but does not include
4 cultivation or manufacturing.

5 **Sec. A-11. 22 MRSA §2421-A, sub-§51-B** is enacted to read:

6 51-B. THC. "THC" means tetrahydrocannabinol.

7 **Sec. A-12. 22 MRSA §2423-A, sub-§10**, as amended by PL 2025, c. 390, Pt. A,
8 §38 and c. 611, §3, is repealed.

9 **Sec. A-13. 22 MRSA §2423-A, sub-§12**, as repealed and replaced by PL 2019, c.
10 331, §15 and amended by PL 2021, c. 669, §5, is repealed.

11 **Sec. A-14. 22 MRSA §2423-F, sub-§12**, as amended by PL 2023, c. 679, Pt. A,
12 §8, is further amended to read:

13 **12. Record keeping.** A registered manufacturing facility or person authorized to
14 engage in cannabis extraction using inherently hazardous substances under subsection 3
15 shall maintain records of all transactions in accordance with section ~~2430-J~~ 2430-O.

16 **Sec. A-15. 22 MRSA §2423-G** is enacted to read:

17 §2423-G. Testing program established

18 The office shall establish a testing program for harvested cannabis.

19 1. Testing required. Except as otherwise provided in this chapter, the testing program
20 must require a dispensary, a caregiver or an assistant of a caregiver, prior to selling,
21 distributing or transferring harvested cannabis to a qualifying patient or to an individual on
22 behalf of a qualifying patient, to submit the harvested cannabis to a cannabis testing facility
23 for testing to ensure that the harvested cannabis does not exceed the maximum level of
24 allowable contamination for any contaminant that is injurious to health and for which
25 testing is required and to ensure accurate labeling.

26 2. Rules. The office shall adopt rules establishing a testing program pursuant to this
27 section, including, but not limited to:

28 A. A preliminary testing limit for total yeast and mold contamination of 100,000
29 colony-forming units per gram and a provision that harvested cannabis that tests above
30 the preliminary testing limit for total yeast and mold contamination does not fail but
31 must undergo additional testing for the mycotoxin produced by penicillin and for
32 Aspergillus spp.;

33 B. A requirement that if harvested cannabis tests positive for the mycotoxin produced
34 by penicillin, it must be labeled with the following message: "This product may
35 contain the mycotoxin produced by penicillin and may, therefore, be harmful to people
36 who are allergic to or have sensitivities to the mycotoxin produced by penicillin."; and

37 C. A requirement that if harvested cannabis tests positive for Aspergillus spp., it must
38 be labeled with the following message: "This product may contain Aspergillus spp.
39 and may be harmful to immunocompromised people."

40 Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5,
41 chapter 375, subchapter 2-A.

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Sec. A-16. 22 MRSA §2423-H is enacted to read:

§2423-H. Cannabis testing facilities; requirements

1. Facility requirements. The following requirements are applicable to the operation of a cannabis testing facility registered in accordance with this chapter regarding mandatory testing and other testing of harvested cannabis.

A. A testing facility that is licensed pursuant to Title 28-B, chapter 1 to test cannabis and cannabis products for harmful contaminants and cannabinoid profiles may be issued a registration certificate to operate a cannabis testing facility under this chapter, as long as the licensed testing facility is in good standing with the office and the request for a registration certificate is submitted on forms provided by the office. There is no fee for a registration certificate issued to a testing facility licensed under Title 28-B, chapter 1. All employees of the cannabis testing facility that conduct mandatory and other testing on harvested cannabis shall obtain from the office a registry identification card in accordance with section 2425-A.

B. A person that is not licensed under Title 28-B, chapter 1 to operate a testing facility may apply for a registration certificate to operate a cannabis testing facility under this chapter in accordance with the requirements of section 2425-A. The office may not issue a registration certificate to a person pursuant to this paragraph and section 2425-A unless the applicant also demonstrates that:

(1) The applicant has obtained accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body for all fields of mandatory testing, in all matrices, required under this chapter;

(2) The applicant has obtained certification by the Maine Center for Disease Control and Prevention in accordance with section 569 for all fields of mandatory testing, in all matrices, required under this chapter;

(3) The applicant and, if the applicant is a business entity, anyone with a financial or other interest in the applicant is not a caregiver, a registered caregiver or an officer or director of a registered dispensary or manufacturing facility; and

(4) The applicant has obtained local authorization in accordance with section 2429-D from the municipality where the cannabis testing facility will be located.

C. For the purposes of administering tests pursuant to this chapter, a registered cannabis testing facility is authorized to:

(1) Accept and possess samples of harvested cannabis for mandatory testing from registrants;

(2) Accept and possess samples of harvested cannabis for other testing from registrants, qualifying patients and members of the public;

(3) Test samples of harvested cannabis for mandatory and other testing and report the results of such testing to the registrant, qualifying patient or member of the public that submitted the samples for testing;

(4) Report the results of any mandatory and other testing conducted pursuant to this chapter to the office;

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1 (5) Test samples of harvested cannabis that are submitted for retesting after a failed
2 mandatory test and report the results of retesting to the registrant, qualifying patient
3 or member of the public that submitted the samples for retesting and to the office;
4 and

5 (6) Hire any number of cardholders necessary to conduct analyses in accordance
6 with this chapter.

7 2. Rules. The office may adopt rules regarding the registration, certification,
8 accreditation and operation of cannabis testing facilities authorized under this chapter,
9 including, but not limited to, rules establishing acceptable testing practices for cannabis
10 testing facilities, including, but not limited to, provisions relating to testing practices,
11 methods and standards; remediation and retesting procedures; quality control analysis;
12 equipment certification and calibration; chemical identification; cannabis testing facility
13 record-keeping, documentation and business practices; disposal of used, unused and waste
14 harvested cannabis; and reporting of test results. Rules adopted pursuant to this subsection
15 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

16 **Sec. A-17. 22 MRSA §2425-A, first ¶**, as enacted by PL 2017, c. 452, §12 and
17 amended by PL 2021, c. 669, §5, is further amended to read:

18 This section governs registry identification cards and registration certificates, except
19 that registration of manufacturing facilities and persons authorized to engage in cannabis
20 extraction is governed by section 2423-F and registration of cannabis testing facilities is
21 governed by section ~~2423-A, subsection 10~~ 2423-H.

22 **Sec. A-18. 22 MRSA §2425-A, sub-§2**, as enacted by PL 2017, c. 452, §12, is
23 amended to read:

24 **2. Required registration.** A caregiver, other than a caregiver operating under section
25 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a ~~dispensary~~
26 ~~or a caregiver registrant~~, other than a caregiver operating under section 2423-A, subsection
27 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3,
28 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section
29 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary ~~or a cannabis~~
30 testing facility shall obtain a registration certificate in accordance with subsections 6, 7 and
31 8.

32 **Sec. A-19. 22 MRSA §2425-A, sub-§6**, as amended by PL 2025, c. 611, §7, is
33 further amended to read:

34 **6. Application for registration certificate; qualifications.** The ~~department~~ office
35 shall register and issue a registration certificate to an applicant who submits a complete
36 application that meets the requirements of this subsection.

37 The ~~department~~ office shall conduct a criminal history record check pursuant to section
38 2425-B for each officer or director of the applicant for a registration certificate. The
39 ~~department~~ office may not issue a registration certificate to an applicant if any officer or
40 director of the applicant has been convicted of a disqualifying drug offense.

41 An application must include, as applicable:

- 42 A. The annual fee required pursuant to subsection 10;

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- 1 B. Evidence of the applicant's registration with the Secretary of State and evidence
- 2 that the applicant is in good standing with the Secretary of State; ~~and~~
- 3 C. The name, address and date of birth of each officer or director of the applicant;
- 4 D. For applicants for a dispensary registration certificate, plans for compliance with
- 5 the requirements of section 2428; and
- 6 E. For applicants for a cannabis testing facility registration certificate, demonstration
- 7 that the applicant is in compliance with the requirements of section 2423-H.

8 **Sec. A-20. 22 MRSA §2428, sub-§6, ¶F**, as amended by PL 2023, c. 365, §10, is
9 further amended to read:

- 10 F. The operating documents of a dispensary must include procedures for the oversight
- 11 of the dispensary and procedures to ensure accurate record keeping in accordance with
- 12 section ~~2430-J~~ 2430-O.

13 **Sec. A-21. 22 MRSA §2429-A, sub-§3**, as enacted by PL 2017, c. 452, §18 and
14 amended by PL 2021, c. 669, §5, is further amended to read:

- 15 **3. Labels.** If a registered caregiver, dispensary or manufacturing facility affixes a
- 16 label on the packaging of any harvested cannabis provided to a qualifying patient and that
- 17 label includes information about contaminants, the cannabinoid profile or potency of the
- 18 harvested cannabis, the label must be verified by a cannabis testing facility. This subsection
- 19 does not apply if there is no cannabis testing facility operating in accordance with section
- 20 ~~2423-A, subsection 10~~ 2423-H.

21 **Sec. A-22. 22 MRSA §2429-C, sub-§1-A** is enacted to read:

- 22 **1-A. Cannabinoid potency.** May have the amount or potency of cannabinoids
- 23 calculated using an allowable variance rate of 10%, except that the allowable variance may
- 24 not be less than 0.6 milligrams. In the calculation of the amount or potency of cannabinoids
- 25 allowed under this subsection, the allowable variance rate may be in addition to the
- 26 allowable variance rate applicable to a cannabis testing facility pursuant to section 2430-P,
- 27 subsection 6;

28 **Sec. A-23. 22 MRSA §2430-I, sub-§1-A, ¶A**, as enacted by PL 2023, c. 679, Pt.
29 A, §26, is amended by enacting a new subparagraph (4-A) to read:

- 30 (4-A) Intentionally or knowingly failing to conduct a recall of harvested cannabis
- 31 or cannabis products when required to do so by the office;

32 **Sec. A-24. 22 MRSA §2430-I, sub-§1-A, ¶A**, as enacted by PL 2023, c. 679, Pt.
33 A, §26, is amended by amending subparagraph (6) to read:

- 34 (6) Other intentional or knowing egregious conduct that imminently threatens
- 35 public health and safety or conduct that shows a willful or reckless disregard for
- 36 public health and safety that poses an imminent risk to public health and safety,
- 37 including failing audit testing under section 2430-S, subsection 6, paragraph C.

38 **Sec. A-25. 22 MRSA §2430-I, sub-§1-A, ¶B**, as enacted by PL 2023, c. 679, Pt.
39 A, §26, is amended by enacting a new subparagraph (9-A) to read:

- 40 (9-A) Failing an audit test under section 2430-S, subsection 6, paragraph B;

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1 **Sec. A-26. 22 MRSA §2430-I, sub-§1-A, ¶C**, as enacted by PL 2023, c. 679, Pt.
2 A, §26, is amended by enacting a new subparagraph (3-A) to read:

3 (3-A) Failing an audit test under section 2430-S, subsection 6, paragraph A:

4 **Sec. A-27. 22 MRSA §2430-J**, as enacted by PL 2023, c. 365, §21, is repealed.

5 **Sec. A-28. 22 MRSA §2430-O** is enacted to read:

6 **§2430-O. Records; inventory tracking; labels**

7 A registrant shall submit to the office, through an electronic inventory tracking system
8 administered by the office, the records required pursuant to this chapter. The office may
9 not require records submitted through the electronic inventory tracking system to contain
10 information identifying qualifying patients or their medical providers.

11 **1. Required records; general.** A registrant shall:

12 A. Keep a record of all transfers of cannabis plants and harvested cannabis;

13 B. Keep a record of each unique batch number assigned to each batch of harvested
14 cannabis, including batches of harvested cannabis made through the combination of
15 multiple batches of harvested cannabis;

16 C. Keep records for a period of 2 years;

17 D. Make the records kept under this section available for inspection by the office upon
18 the office's request; and

19 E. Keep a record of recalled batches of harvested cannabis that were recalled due to
20 contamination. The registrant shall include in the registrant's records a standard
21 operating procedure for conducting a recall of batches of harvested cannabis
22 determined to be contaminated.

23 **2. Required inventory tracking information; registrants who cultivate.** A
24 registrant who cultivates cannabis plants shall, within 14 days of plant material from a
25 mature cannabis plant being processed into cannabis flower, cannabis trim or fresh frozen
26 cannabis, submit through the electronic inventory tracking system the following
27 information:

28 A. The registrant's registry identification number;

29 B. The harvest date for that batch of plant material;

30 C. The weights and batch numbers associated with cannabis flower from that batch of
31 plant material;

32 D. The weights and batch numbers associated with cannabis trim from that batch of
33 plant material;

34 E. The weights and batch numbers associated with fresh frozen cannabis from that
35 batch of plant material;

36 F. The weights and batch numbers associated with any destroyed harvested cannabis;

37 G. The weights and batch numbers associated with any quarantined harvested
38 cannabis; and

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- 1 H. An affirmation of whether the registrant conducts sales directly to qualifying
2 patients.
- 3 **3. Required inventory tracking information; registrants engaged in cannabis**
4 **extraction. A manufacturing facility engaged in cannabis extraction shall, within 14 days**
5 **of extracting cannabis concentrate from harvested cannabis, submit through the electronic**
6 **inventory tracking system the following information:**
- 7 A. The registrant's registry identification number;
- 8 B. The registry identification number of the registrant from whom the harvested
9 cannabis originated;
- 10 C. The date of cannabis extraction;
- 11 D. The weights and batch numbers of the harvested cannabis being extracted prior to
12 cannabis extraction;
- 13 E. The weights and batch numbers associated with any destroyed harvested cannabis;
14 and
- 15 F. The weights and batch numbers associated with any quarantined harvested cannabis.
- 16 **4. Required inventory tracking information; registrants manufacturing edible**
17 **cannabis products. A manufacturing facility manufacturing edible cannabis products**
18 **shall, within 14 days of manufacturing a batch of edible cannabis products, submit through**
19 **the electronic inventory tracking system the following information:**
- 20 A. The registrant's registry identification number;
- 21 B. The registry identification number of the registrant or registrants from whom the
22 harvested cannabis used in the manufacture of the batch of edible cannabis products
23 originated;
- 24 C. The date of manufacture;
- 25 D. The weights and batch numbers of any harvested cannabis used in the manufacture
26 of the batch of edible cannabis products;
- 27 E. The weights and batch numbers of any destroyed harvested cannabis; and
- 28 F. The weights and batch numbers of any quarantined harvested cannabis.
- 29 **5. Required inventory tracking information; wholesale transfers. Registrants who**
30 **receive wholesale transfers of cannabis plants or harvested cannabis shall, within 14 days**
31 **of the wholesale transfer, submit through the electronic inventory tracking system the**
32 **following information:**
- 33 A. The registry identification numbers for both the registrant transferring the cannabis
34 plants or harvested cannabis and the registrant receiving the cannabis plants or
35 harvested cannabis;
- 36 B. The date of transfer;
- 37 C. The weights and batch numbers associated with cannabis flower received;
- 38 D. The weights and batch numbers associated with cannabis trim received;
- 39 E. The weights and batch numbers associated with fresh frozen cannabis received;

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- 1 F. The weights and batch numbers associated with cannabis concentrate received;
- 2 G. The weights and batch numbers of any destroyed cannabis plants or harvested
- 3 cannabis; and
- 4 H. The weights and batch numbers of any quarantined cannabis plants or harvested
- 5 cannabis.
- 6 6. Required label. A registrant shall accompany all cannabis plants or harvested
- 7 cannabis being transported pursuant to this chapter with a label that includes:
- 8 A. The person transferring the cannabis plants or harvested cannabis, including the
- 9 person's registry identification number;
- 10 B. The person receiving the cannabis plants or harvested cannabis, including the
- 11 person's registry identification number or, if the person is not required to register under
- 12 this chapter, a unique identifier assigned to the person;
- 13 C. A description of the cannabis plants or harvested cannabis being transferred,
- 14 including the amount and form;
- 15 D. The time and date of the transfer; and
- 16 E. The destination of the cannabis plants or harvested cannabis.
- 17 The department may adopt rules to implement this subsection. Rules adopted pursuant to
- 18 this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter
- 19 2-A.

20 **Sec. A-29. 22 MRSA §2430-P** is enacted to read:

21 **§2430-P. Mandatory testing**

22 Except as provided in section 2430-S, a registered caregiver, dispensary or

23 manufacturing facility may not sell, distribute or transfer harvested cannabis to a qualifying

24 patient or to an individual on behalf of a qualifying patient unless the harvested cannabis

25 has been tested pursuant to this chapter and that testing demonstrates that the harvested

26 cannabis does not exceed the maximum level of allowable contamination for any

27 contaminant for which testing is required, as applicable, based upon the matrix in which

28 the harvested cannabis is intended to be used by a qualifying patient.

29 The office may temporarily waive mandatory testing requirements under this section

30 for any contaminant or factor for which the office has determined that there exists no

31 cannabis testing facility in the State capable of and authorized to perform such testing.

32 **1. Scope of mandatory testing generally. Mandatory testing of harvested cannabis**

33 under this section must include, but is not limited to, testing for:

- 34 A. Residual solvents, poisons and toxins;
- 35 B. Metals;
- 36 C. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins
- 37 produced by penicillin, as applicable;
- 38 D. Pesticides; and
- 39 E. THC potency and homogeneity.

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- 1 **2. Scope of mandatory testing for cannabis flower and cannabis trim. Cannabis**
- 2 **flower and cannabis trim, including cannabis pre-rolls and cannabis flower or cannabis trim**
- 3 **that has been mixed with cannabis concentrate, must be tested for:**
- 4 **A. Metals;**
- 5 **B. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins**
- 6 **produced by penicillin, as applicable; and**
- 7 **C. Pesticides.**
- 8 **3. Scope of mandatory testing for cannabis concentrate extracted using solvents**
- 9 **other than water. Cannabis concentrate that has been extracted using solvents other than**
- 10 **water must be tested for:**
- 11 **A. Residual solvents, poisons and toxins;**
- 12 **B. Metals;**
- 13 **C. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins**
- 14 **produced by penicillin, as applicable; and**
- 15 **D. Pesticides.**
- 16 **4. Scope of mandatory testing for cannabis concentrate extracted without use of**
- 17 **solvents other than water. Cannabis concentrate that has been extracted without the use**
- 18 **of solvents other than water must be tested for:**
- 19 **A. Metals;**
- 20 **B. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins**
- 21 **produced by penicillin, as applicable; and**
- 22 **C. Pesticides.**
- 23 **5. Scope of mandatory testing for edible cannabis products. Edible cannabis**
- 24 **products must be tested for:**
- 25 **A. Residual solvents, poisons and toxins;**
- 26 **B. Metals;**
- 27 **C. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins**
- 28 **produced by penicillin, as applicable;**
- 29 **D. Pesticides; and**
- 30 **E. THC potency and homogeneity.**
- 31 **6. Sample collection, testing processes, protocols and standards. The office may**
- 32 **establish by rule processes, protocols and standards for the collection of samples for**
- 33 **mandatory testing and for the mandatory and other testing of harvested cannabis that**
- 34 **conform with the best practices generally used to sample the applicable matrices and test**
- 35 **for the presence or absence of the contaminants identified in this section based upon the**
- 36 **matrix of the harvested cannabis tested. Rules adopted pursuant to this subsection must**
- 37 **allow a variance rate of 5% for cannabis testing facilities for determining the amount or**
- 38 **potency of THC or other cannabinoids in edible cannabis products in addition to the**
- 39 **variance rate provided in section 2429-C, subsection 1-A. Rules adopted pursuant to this**
- 40 **subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.**

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1 7. Exemption from mandatory testing. Harvested cannabis cultivated by a
2 registered caregiver who meets the following criteria is exempt from the mandatory testing
3 requirements in this section:

4 A. There are no other registered caregivers with a cultivation area on the property
5 where the registered caregiver's cultivation area is located with the exception of one
6 family member; and

7 B. The registered caregiver, or the registered caregiver's family member who cultivates
8 on the property where the registered caregiver's cultivation area is located, as
9 applicable, does not engage in retail sales at a retail store or office that is not located at
10 the primary residence of the registered caregiver.

11 A registered caregiver exempt from mandatory testing under this section is still subject to
12 the audit testing program under section 2430-S.

13 Harvested cannabis that is exempt from testing pursuant to this section must include the
14 following warning statement: "NOT SUBJECT TO MANDATORY TESTING." The
15 warning statement must appear on the front or the most prominently displayed side of any
16 marketing layer, must appear in bold and must be no smaller than 12-point font or 1/12
17 inch. The office shall adopt rules for certifying that a registered caregiver meets the criteria
18 in this subsection. Rules adopted pursuant to this subsection are major substantive rules as
19 defined in Title 5, chapter 375, subchapter 2-A.

20 **Sec. A-30. 22 MRSA §2430-Q** is enacted to read:

21 **§2430-Q. Notification requirements**

22 1. Notification of testing results required. If the results of a mandatory test
23 conducted pursuant to section 2430-P indicate that the harvested cannabis exceeds the
24 maximum level of allowable contamination for any contaminant that is injurious to health
25 and for which testing is required, the cannabis testing facility shall immediately notify the
26 office and the registered caregiver, dispensary or manufacturing facility that submitted the
27 samples for mandatory testing of the failed test. If a registered caregiver, dispensary or
28 manufacturing facility successfully undertakes remediation and retesting of harvested
29 cannabis, the cannabis testing facility shall notify the office of the subsequent passed
30 mandatory testing.

31 2. Notification of testing results not required. A cannabis testing facility is not
32 required to notify the office of the results of any test conducted on:

33 A. Harvested cannabis at the direction of a registered caregiver, dispensary or
34 manufacturing facility pursuant to section 2430-P that demonstrates that the harvested
35 cannabis does not exceed the maximum level of allowable contamination for any
36 contaminant that is injurious to health and for which testing is required;

37 B. Harvested cannabis at the direction of a registered caregiver, dispensary or
38 manufacturing facility for research and development purposes only, as long as the
39 registered caregiver, dispensary or manufacturing facility notifies the cannabis testing
40 facility prior to the performance of the test that the testing is for research and
41 development purposes only;

42 C. Harvested cannabis at the direction of a person who is not a registered caregiver,
43 dispensary or manufacturing facility; or

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D. A substance that is not harvested cannabis.

Sec. A-31. 22 MRSA §2430-R is enacted to read:

§2430-R. Sample collection for testing

1. Sample collecting rules. A registered caregiver, an assistant of a registered caregiver, a dispensary, a manufacturing facility, a sample collector licensed pursuant to Title 28-B, chapter 1 or an employee of a sample collector or cannabis testing facility may collect samples of harvested cannabis for mandatory testing. The office may adopt rules regarding the collection of samples of harvested cannabis for mandatory testing by a registered caregiver, an assistant of a registered caregiver, a dispensary, a manufacturing facility, a sample collector licensed pursuant to Title 28-B, chapter 1 or an employee of a sample collector or cannabis testing facility, which may include, but are not limited to:

A. Establishment of sample collecting processes, protocols and standards, which must be complied with by any person collecting samples of harvested cannabis for mandatory testing purposes;

B. Requirements for a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility to demonstrate that the sample collector's sample collecting practices comply with paragraph A;

C. Provisions authorizing the office to conduct audits of harvested cannabis that was tested using samples collected by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility pursuant to this section, with all costs of the audits to be paid for by the office;

D. Provisions authorizing the office to take samples of harvested cannabis from a registrant, including from a retail location maintained by a registrant, for testing by a cannabis testing facility to audit or verify mandatory test results issued by the cannabis testing facility, with all costs of the testing to be paid for by the office;

E. Provisions authorizing the office to conduct interlaboratory proficiency testing to ensure cannabis testing facility compliance with testing program requirements and to ensure the quality, consistency and reliability of mandatory testing conducted by cannabis testing facilities authorized pursuant to this chapter;

F. Requirements for the transportation, delivery and transfer of samples of harvested cannabis collected by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility to a cannabis testing facility, which must require the in-person transfer of the samples by the registered caregiver, the assistant of a registered caregiver, the dispensary or the manufacturing facility to a cannabis testing facility; and

G. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process, including failure of any audit conducted in accordance with paragraph C, by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility, which, notwithstanding any provision of this chapter to the contrary, may be treated by the office as constituting a violation of program requirements and as a basis for imposition of a penalty pursuant to section 2430-I, subsection 2, as applicable.

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2. Samples for investigation. This section may not be construed to limit the authority of the office to take samples of harvested cannabis pursuant to an investigation by the office into the conduct of a registrant or a registrant agent.

3. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-32. 22 MRSA §2430-S is enacted to read:

§2430-S. Audit testing program

The office shall establish a program for conducting audit tests of a registrant's harvested cannabis for a registrant who is determined to be eligible for the program under this section.

1. Request for audit testing program determination. A registrant who meets the criteria under subsection 2 may submit to the office a request for a determination of audit testing program eligibility. A request for a determination of eligibility must contain the results of the mandatory testing under section 2430-P pursuant to subsection 2.

2. Eligibility; mandatory testing results. A registrant is eligible for audit testing under this section if the results of 3 consecutive tests under section 2430-P of samples from different batches of harvested cannabis demonstrate that the harvested cannabis in each of the registrant's batches does not exceed the maximum level of allowable contamination for any contaminant for which testing is required based upon the matrix of the harvested cannabis at the time of mandatory testing.

3. Office to determine eligibility. Upon receipt of the request for a determination of audit testing program eligibility under subsection 1 and the results of mandatory testing conducted pursuant to section 2430-P as required under subsection 2, the office shall determine the registrant's eligibility for the audit testing program under this section. The office shall notify the registrant in writing of the office's determination within 14 days of making the determination.

4. Exemption from mandatory testing; audit testing. Except as provided in subsection 5, a registrant determined to be eligible for the audit testing program under this section is exempt from the requirements for mandatory testing under section 2430-P. A registrant determined to be eligible under subsection 3 shall participate in the audit testing program established pursuant to this section.

5. Audit test exceeds maximum allowable contamination level; notification; requirements. The office shall notify a registrant in the audit testing program, within one business day of the office receiving the results, of any audit test that demonstrates the harvested cannabis in a registrant's batch subject to audit testing under this section has failed. For the purposes of this section, "failed" means that a sample tested from a registrant's batch of harvested cannabis exceeds the maximum level of allowable contamination for any contaminant for which testing is required under section 2430-P based upon the matrix of the harvested cannabis at the time of testing. If the harvested cannabis that failed testing originated from a registrant other than the registrant who failed testing, that registrant must also be notified. Upon notification by the office under this subsection, a registrant participating in the audit testing program must:

A. Resume mandatory testing under section 2430-P of the registrant's harvested cannabis; and

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- 1 B. Submit to additional audit testing pursuant to subsection 6.
- 2 6. Additional audit testing. A registrant notified by the office of a failed test under
3 this section may be subject to the following requirements.
- 4 A. Upon first notice of a failed test, the registrant:
- 5 (1) Must allow the office to conduct audit testing on up to 6 additional samples of
6 the registrant's harvested cannabis to be paid for by the registrant; and
- 7 (2) May be subject to an administrative penalty for a minor registration violation
8 under section 2430-I, subsection 1-A, paragraph C.
- 9 B. If additional audit testing under paragraph A results in a failed test, the registrant:
- 10 (1) Must allow the office to conduct audit testing on up to 6 additional samples of
11 the registrant's harvested cannabis to be paid for by the registrant; and
- 12 (2) May be subject to an administrative penalty for a major registration violation
13 under section 2430-I, subsection 1-A, paragraph B.
- 14 C. If additional audit testing under paragraph B results in a failed test, the registrant:
- 15 (1) May be required by the office to conduct a recall of harvested cannabis from
16 any batch of harvested cannabis that failed an audit test under this section;
- 17 (2) May be subject to an administrative penalty for a major registration violation
18 affecting public safety under section 2430-I, subsection 1-A, paragraph A; and
- 19 (3) May have the registrant's registration suspended or revoked pursuant to section
20 2430-I, subsection 8 or 8-A, respectively.
- 21 A registrant may voluntarily cease all transfers of harvested cannabis from the registrant to
22 other registrants and to qualifying patients. The registrant must notify the office that
23 transfers have ceased. If the registrant decides to resume transfers of harvested cannabis,
24 additional audit testing under this subsection must also resume.
- 25 A registrant may voluntarily surrender any harvested cannabis that has failed audit testing
26 under this section to the office for destruction pursuant to section 2430-M, although the
27 registrant is still subject to additional audit testing under this section.
- 28 7. Registrant allowed to retest failed batch. A registrant who has been notified of a
29 failed test under subsection 5 may have a sample from the same batch of harvested cannabis
30 that the sample that failed testing originated from retested within the same matrix by a
31 cannabis testing facility of the registrant's choosing and at the registrant's expense. A
32 sample retested under this subsection may not have been remediated prior to retesting. If
33 a sample under this subsection does not result in a failed test, the registrant is not subject
34 to the requirements under subsection 5, paragraph A or B. A registrant may conduct a
35 retest under this subsection only once for a batch of harvested cannabis that failed testing
36 under this section.
- 37 8. Remediation; transfer or sale. A batch of harvested cannabis that failed audit
38 testing under this section and that has been remediated and tested to ensure that the
39 harvested cannabis does not exceed the maximum level of allowable contamination for any
40 contaminant for which testing is required under section 2430-P based upon the matrix of
41 the harvested cannabis following remediation may be transferred or sold.

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1 9. Resume audit testing program participation; eligibility. A registrant may be
2 eligible to resume participation in the audit testing program under this section when the
3 additional audit testing under subsection 6 results in no failed tests and the registrant
4 submits a request under subsection 1 and meets the criteria under subsection 2.

5 10. Registrant and registrant agents; applicability. For the purposes of this section,
6 "registrant" means a registrant and any registrant agent of the registrant.

7 11. Rules. The office shall adopt rules to implement this section. Rules adopted
8 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
9 subchapter 2-A.

10 PART B

11 Sec. B-1. 28-B MRSA §102-A, sub-§14-A is enacted to read:

12 14-A. Cannabis pre-roll. "Cannabis pre-roll" means cannabis flower, cannabis trim
13 or a combination of cannabis flower and cannabis trim that is rolled in rolling papers,
14 cigarette papers or wraps, with or without a cardboard filter, and intended for smoking. A
15 cannabis pre-roll may be infused with cannabis concentrate.

16 Sec. B-2. 28-B MRSA §102-A, sub-§40-A is enacted to read:

17 40-A. Matrix. "Matrix" means, as applicable to the testing of adult use cannabis or
18 adult use cannabis products, the form in which the adult use cannabis or adult use cannabis
19 product exists at the time it is subject to mandatory testing in accordance with this chapter.
20 "Matrix" includes the following categories of adult use cannabis and adult use cannabis
21 products:

22 A. Cannabis flower and cannabis trim, including cannabis pre-rolls;

23 B. Cannabis concentrate, including concentrates extracted using solvents, as well as
24 solventless extraction methods; and

25 C. Cannabis product.

26 Sec. B-3. 28-B MRSA §102-A, sub-§64, as enacted by PL 2023, c. 679, Pt. B, §3,
27 is amended to read:

28 64. Testing facility. "Testing facility" means a facility licensed under this chapter to
29 develop, research and test cannabis; and cannabis products and other substances or a facility
30 registered in accordance with Title 22, chapter 558-C.

31 Sec. B-4. 28-B MRSA §602, first ¶, as amended by PL 2021, c. 612, §2 and c.
32 669, §5, is further amended to read:

33 A licensee may not sell or distribute adult use cannabis or an adult use cannabis product
34 to a consumer under this chapter unless the cannabis or cannabis product has been tested
35 pursuant to this subchapter and the rules adopted pursuant to this subchapter and that
36 mandatory testing has demonstrated that the cannabis or cannabis product does not exceed
37 the maximum level of allowable contamination for any contaminant that is injurious to
38 health and for which testing is required. The office may require testing for some analytes
39 in some matrices before the cannabis or cannabis product is further processed,
40 manufactured or combined to ensure that contaminants that are injurious to health do not
41 contaminate other batches of cannabis or cannabis product. All cannabis concentrates used
42 to manufacture cannabis products in accordance with this chapter must be tested in

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1 accordance with subsections 1-C and 1-D prior to being used to manufacture a cannabis
2 product or a cannabis pre-roll infused with cannabis concentrate. The office shall also
3 adopt rules establishing testing and maximum level parameters for speciation testing,
4 including the range for allowing speciation tests for flower and trim testing, which must be
5 set based on evidence-based practices.

6 **Sec. B-5. 28-B MRSA §602, sub-§1**, as amended by PL 2023, c. 679, Pt. B, §§113
7 and 114, is further amended to read:

8 **1. Scope of mandatory testing.** Mandatory testing of adult use cannabis and adult
9 use cannabis products under this section must include, but is not limited to, testing for:

- 10 A. Residual solvents, poisons and toxins;
- 11 B. ~~Harmful chemicals~~ Metals;
- 12 C. ~~Dangerous yeasts, molds and mildew as specified in rules adopted by the office,~~
13 ~~including, but not limited to, Aspergillus spp. and mycotoxins, as applicable;~~
- 14 D. Harmful microbes, including, but not limited to, Escherichia coli and ~~salmonella~~
15 Salmonella;
- 16 E. Pesticides, fungicides and insecticides; and
- 17 F. THC potency, homogeneity and cannabinoid profiles ~~to ensure correct labeling;~~
18 and
- 19 G. Water activity, except for cannabis concentrate.

20 ~~The office may temporarily waive mandatory testing requirements under this section for~~
21 ~~any contaminant or factor for which the office has determined that there exists no licensed~~
22 ~~testing facility in the State capable of and certified to perform such testing.~~

23 **Sec. B-6. 28-B MRSA §602, sub-§1-B** is enacted to read:

24 **1-B. Scope of mandatory testing; cannabis flower and cannabis trim.** Cannabis
25 flower and cannabis trim, including cannabis pre-rolls and cannabis flower or cannabis trim
26 that has been mixed with cannabis concentrate, must be tested for:

- 27 A. Metals;
- 28 B. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins,
29 as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing
30 for dangerous molds and is subsequently retested;
- 31 C. Harmful microbes;
- 32 D. Pesticides, fungicides and insecticides;
- 33 E. Water activity; and
- 34 F. THC potency and cannabinoid profiles.

35 **Sec. B-7. 28-B MRSA §602, sub-§1-C** is enacted to read:

36 **1-C. Scope of mandatory testing; cannabis concentrate extracted using solvents**
37 **other than water.** Cannabis concentrate that has been extracted using solvents other than
38 water must be tested for:

- 39 A. Residual solvents, poisons and toxins;

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- 1 B. Metals;
- 2 C. Pesticides, fungicides and insecticides;
- 3 D. Mycotoxins; and
- 4 E. THC potency, homogeneity and cannabinoid profiles.

5 **Sec. B-8. 28-B MRSA §602, sub-§1-D** is enacted to read:

6 **1-D. Scope of mandatory testing; cannabis concentrate extracted without use of**
7 **solvents other than water. Cannabis concentrate that has been extracted without the use**
8 **of solvents other than water must be tested for:**

- 9 A. Metals;
- 10 B. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins,
11 as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing
12 for dangerous molds and is subsequently retested;
- 13 C. Harmful microbes;
- 14 D. Pesticides, fungicides and insecticides; and
- 15 E. THC potency, homogeneity and cannabinoid profiles.

16 **Sec. B-9. 28-B MRSA §602, sub-§1-E** is enacted to read:

17 **1-E. Scope of mandatory testing; cannabis products. Cannabis products, including**
18 **edible cannabis products, must be tested for:**

- 19 A. Dangerous molds, including, but not limited to, Aspergillus spp. and mycotoxins,
20 as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing
21 for dangerous molds and is subsequently retested;
- 22 B. Harmful microbes;
- 23 C. Water activity, except that edible cannabis products that are preserved by
24 refrigeration are not required to be tested for water activity; and
- 25 D. THC potency, homogeneity and cannabinoid profiles.

26 **Sec. B-10. 28-B MRSA §1101, sub-§2, ¶B-1** is enacted to read:

27 **B-1. Money credited to the fund may be expended by the office to fund research on**
28 **the public health impacts of cannabis use, including, but not limited to, cannabis use**
29 **by individuals under 21 years of age.**

30 **PART C**

31 **Sec. C-1. 36 MRSA §4921, sub-§7-A** is enacted to read:

32 **7-A. Cannabis pre-roll. "Cannabis pre-roll" has the same meaning as in Title 28-B,**
33 **section 102-A, subsection 14-A.**

34 **Sec. C-2. 36 MRSA §4923, sub-§2-A** is enacted to read:

35 **2-A. Excise tax on cannabis pre-roll. Beginning January 1, 2027, a cultivation**
36 **facility licensee shall pay an excise tax pursuant to subsection 1 or 2 based upon the amount**
37 **per pound or fraction thereof of cannabis flower or cannabis trim contained within a**
38 **cannabis pre-roll.**

COMMITTEE AMENDMENT

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PART D

1
2 **Sec. D-1. Test results to determine audit eligibility valid if completed**
3 **within 90 days prior to adoption of rules.** A registrant may submit the results of any
4 testing completed within the 90 days prior to the final adoption of rules pursuant to this Act
5 and that include the results of testing as described in this legislation in the Maine Revised
6 Statutes, Title 22, section 2430-P in order to determine eligibility for audit testing as
7 authorized in this legislation in Title 22, section 2430-S.

8 **Sec. D-2. Competitive bidding process.** The Department of Administrative and
9 Financial Services, Office of Cannabis Policy shall conduct competitive bidding and issue
10 a request for proposals in order to select a vendor to provide medical use cannabis inventory
11 tracking services as provided in the Maine Revised Statutes, Title 22, section 2430-O. The
12 office shall begin the competitive bidding process by August 1, 2026.

13 **Sec. D-3. Online trip tickets.** By July 1, 2027, the Department of Administrative
14 and Financial Services, Office of Cannabis Policy shall develop and implement an online
15 trip ticket for registrants to use when transporting cannabis plants and harvested cannabis.

16 **Sec. D-4. Medical cannabis research grant program; rulemaking.** On or
17 before January 9, 2027, the Department of Administrative and Financial Services shall
18 provisionally adopt and submit for legislative review rules necessary to implement the
19 medical cannabis research grant program in accordance with the Maine Revised Statutes,
20 Title 22, section 2430, subsection 5. Rules adopted by the department pursuant to this
21 section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

24 SUMMARY

25 This amendment replaces the bill and changes the title.

26 Part A of the amendment makes the following changes to the Maine Medical Use of
27 Cannabis Act.

28 1. It defines the terms "batch," "cannabis flower," "cannabis pre-roll," "cannabis trim,"
29 "contaminant," "fresh frozen cannabis," "matrix," "remediation," "testing" and "THC" and
30 repeals and replaces the definition of "cannabis testing facility."

31 2. It establishes a program for testing of harvested cannabis and provides for specific
32 rules related to the testing for yeasts and molds.

33 3. It replaces previous authorization for cannabis testing facilities with a provision
34 establishing a cannabis testing facility registration and establishes additional requirements
35 necessary to obtain a registration certificate to operate a cannabis testing facility.

36 4. It includes cannabis testing facilities in the standard application process for a
37 registration certificate.

38 5. It authorizes edible cannabis products sold or offered for sale in a retail transaction
39 to contain information on cannabinoid potency within an allowable variance rate.

40 6. It provides that intentionally or knowingly failing to conduct a recall of harvested
41 cannabis or cannabis products when ordered to do so by the Department of Administrative

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1 and Financial Services, Office of Cannabis Policy is a major registration violation affecting
2 public safety.

3 7. It establishes registration violations for failure of audit testing.

4 8. It revises reporting and record-keeping requirements to require records retention for
5 2 years instead of 4 years.

6 9. It requires certain registrants to report certain inventory tracking information at the
7 batch level to the office through an electronic inventory tracking system.

8 10. It requires the mandatory testing for harmful contaminants of harvested cannabis
9 provided to a qualifying patient by a registrant.

10 11. It exempts from mandatory testing harvested cannabis cultivated by a registered
11 caregiver whose cultivation area meets certain criteria and who does not engage in retail
12 sales at a retail store or office at a location that is not the registered caregiver's primary
13 residence.

14 12. It requires reporting of mandatory test results of failed tests to the office and to the
15 registrant that submitted samples to a cannabis testing facility for testing.

16 13. It establishes sampling requirements and permits the office to take samples for audit
17 testing to verify mandatory test results and to ensure the quality, consistency and reliability
18 of the testing program.

19 14. It directs the office to establish an audit testing program, which allows an eligible
20 registrant who has conducted 3 successful consecutive and separate mandatory tests of
21 different batches of the registrant's harvested cannabis and has requested to be in the audit
22 testing program to be exempt from the requirements of mandatory testing as long as that
23 registrant maintains eligibility.

24 Part B of the amendment makes the following changes to the Cannabis Legalization
25 Act.

26 1. It adds definitions of "cannabis pre-roll" and "matrix."

27 2. It amends the definition of "testing facility" to include a registered cannabis testing
28 facility under the Maine Medical Use of Cannabis Act.

29 3. It identifies what tests for harmful contaminants are mandatory for adult use cannabis
30 and adult use cannabis products based upon the matrix of the cannabis or cannabis product
31 at the time it is subject to mandatory testing.

32 Part C of the amendment does the following.

33 1. It defines "cannabis pre-roll" for the purposes of the cannabis excise tax using the
34 same definition of "cannabis pre-roll" in the adult use cannabis program.

35 2. It establishes an excise tax for adult use cannabis pre-rolls as the amount per pound
36 or fraction thereof of adult use cannabis flower or adult use cannabis trim used in a cannabis
37 pre-roll.

38 Part D of the amendment does the following.

39 1. It provides that a registrant may, in order to determine eligibility for audit testing,
40 submit the results of any testing completed within the 90 days prior to the final adoption of

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COMMITTEE AMENDMENT "B" to H.P. 1231, L.D. 1847

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rules pursuant to this legislation that include the results of testing that meets the requirements of mandatory testing.

2. It directs the office to begin, by August 1, 2026, a competitive bidding process for a statewide inventory tracking system for the medical use of cannabis program.

3. It directs the office to develop and implement, by July 1, 2027, an online trip ticket for registrants to use when transporting cannabis plants and harvested cannabis.

4. It directs the office to provisionally adopt and submit for legislative review, on or before January 9, 2027, rules necessary to implement the medical cannabis research grant program.

FISCAL NOTE REQUIRED
(See attached)



132nd MAINE LEGISLATURE

LD 1847

LR 854(03)

An Act to Institute Testing and Tracking of Medical Use Cannabis and Cannabis Products Similar to Adult Use Cannabis and Cannabis Products, Dedicate a Portion of the Adult Use Cannabis Sales and Excise Tax to Medical Use Cannabis Programs and Create a Study Group

Fiscal Note for Bill as Amended by Committee Amendment **B** (H-1044)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$0	\$14,100	\$18,500	\$17,800
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$0	\$5,279,988	\$5,546,988
Revenue				
General Fund	\$0	(\$14,100)	(\$18,500)	(\$17,800)
Other Special Revenue Funds	\$0	\$2,100	\$3,500	\$3,800

Fiscal Detail and Notes

This bill establishes mandatory testing and audit testing programs for the medical use of cannabis, an electronic inventory tracking system and a data management system and makes associated changes to record-keeping, labeling and regulatory requirements for registrants and cannabis testing facilities, including changes to the excise tax treatment of certain cannabis products. This estimate is based on an implementation model in which audit testing would be conducted on a recurring basis across a substantial portion of registrants and would require centralized sample collection, analysis and ongoing compliance monitoring activities supported by dedicated field, supervisory and analytical staff.

The Office of Cannabis Policy (OCP) within the Department of Administrative and Financial Services has indicated that implementation of the provisions of this bill would require additional resources to support testing oversight, audit testing activities, data management, and program administration. OCP would require ongoing Other Special Revenue Funds allocations of \$3,369,874 beginning in fiscal year 2027-28 for 15 OCP Compliance Inspector positions, 3 Field Investigator Supervisor positions, one Chemist II position, 5 Planning and Research Associate II positions, 2 Public Service Coordinator I positions, one Public Relations Representative position, and associated position costs. The staffing levels reflect assumptions regarding the scope and frequency of audit testing activities and assume that OCP would be responsible for sample collection, coordination with testing facilities and evaluation of results.

OCP would also require ongoing Other Special Revenue Funds allocations for the development and maintenance of data management capabilities to support audit testing, trip ticket reporting and compliance monitoring activities, as well as ongoing allocations of \$1,143,114 for audit testing costs based on the assumed frequency and scope of audit testing activities.

In addition, OCP would require Other Special Revenue Funds allocations of \$267,000 beginning in fiscal year 2027-28 for costs associated with the procurement and implementation of an electronic inventory tracking system.

The use of additional Other Special Revenue Funds allocations from the Maine Medical Use of Cannabis Fund to support the expenditures estimated in this bill would increase the rate at which the fund balance is drawn down. Based on current revenue levels and projected expenditures, the fund balance may be depleted more quickly than it is replenished. This could require the identification of alternative funding sources in future biennia and may affect the availability of the fund to support other statutorily authorized purposes, including ongoing program administration and regulatory activities.

The bill would result in a revenue decrease to the General Fund of \$14,100 in fiscal year 2026-27, \$18,500 in fiscal year 2027-28 and \$17,800 in fiscal year 2028-29 from increased prices leading to a reduction in quantity sold in the medical market with a partially offsetting increase in sales of adult use cannabis. The bill would also result in a revenue increase to the Local Government Fund and the Adult Use Cannabis Public Health and Safety Fund totaling \$2,100 in fiscal year 2026-27, \$3,500 in fiscal year 2027-28 and \$3,800 in fiscal year 2028-29.

Implementation of the program is expected to occur over time due to rulemaking and a 12- to 18-month procurement process for the inventory-tracking system. As a result, costs in fiscal year 2026-27 are expected to be limited to initial implementation activities. The costs described above represent the estimated resources necessary to support full program implementation beginning in fiscal year 2027-28.