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L.D. 1847

Date: 4/10/26 REPORT 'C' (Filing No. H-1045)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

132ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "C" 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 Institute Testing and Tracking of Medical Use Cannabis for Large Registered Dispensaries, to Institute Mandatory Annual Inspections and Sample Testing 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,

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

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 A, §3, is repealed and the following enacted in its place:

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

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

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

Sec. A-6. 22 MRSA §2421-A, sub-§24-A is enacted to read:

24-A. Large registered dispensary. "Large registered dispensary" means a registered dispensary as defined under subsection 41 with a mature plant canopy of 2,000 square feet or more.

Sec. A-7. 22 MRSA §2421-A, sub-§27-A is enacted to read:

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

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

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

C. Cannabis product.

Sec. A-8. 22 MRSA §2421-A, sub-§42, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

42. Registrant. "Registrant" means a registered caregiver, dispensary, including a large registered dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

Sec. A-9. 22 MRSA §2421-A, sub-§43, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

43. Registrant agent. "Registrant agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, dispensary, including a large registered dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

Sec. A-10. 22 MRSA §2421-A, sub-§45-A is enacted to read:

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45-A. Remediation. "Remediation" means the process by which a registrant mitigates or otherwise removes a contaminant from a batch of harvested cannabis that failed mandatory testing due to the presence of that contaminant. "Remediation" includes without limitation the application of heat, radiation or ozone; solvent extraction; or further drying and curing. "Remediation" does not include the dilution of contaminants through the addition of uncontaminated material to batches of harvested cannabis that are contaminated.

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

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

Sec. A-12. 22 MRSA §2421-A, sub-§51-B is enacted to read:

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

Sec. A-13. 22 MRSA §2423-A, sub-§10, as amended by PL 2025, c. 390, Pt. A, §38 and c. 611, §3, is repealed.

Sec. A-14. 22 MRSA §2423-A, sub-§12, as repealed and replaced by PL 2019, c. 331, §15 and amended by PL 2021, c. 669, §5, is repealed.

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

§2423-G. Testing program established; large registered dispensaries

The office shall establish a testing program for harvested cannabis from large registered dispensaries.

1. Testing required. The testing program must require a large registered dispensary, prior to selling, distributing or transferring harvested cannabis to a qualifying patient or to an individual on behalf of a qualifying patient, to submit the harvested cannabis to a cannabis testing facility for testing to ensure that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and to ensure accurate labeling.

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

A. Rules identifying the types of contaminants that are injurious to health for which harvested cannabis must be tested under this chapter and rules regarding the maximum level of allowable contamination for each identified contaminant;

B. Rules establishing testing and maximum level parameters for speciation testing of harmful yeasts and molds, including the range for allowing speciation tests for cannabis flower and cannabis trim testing, which must be set based on evidence-based practices; and

C. Rules establishing testing protocols that ensure consistent and accurate reporting of potency.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, 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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(5) Test samples of harvested cannabis that are submitted for retesting after a failed mandatory test and report the results of retesting to the registrant, qualifying patient or member of the public that submitted the samples for retesting and to the office; and

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

2. Rules. The office may adopt rules regarding the registration, certification, accreditation and operation of cannabis testing facilities authorized under this chapter, including, but not limited to, rules establishing acceptable testing practices for cannabis testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; cannabis testing facility record-keeping, documentation and business practices; disposal of used, unused and waste harvested cannabis; and reporting of test results. The office shall, to the extent practicable, establish pass and fail requirements for cannabis testing in accordance with applicable national and international quality standards established for botanical ingredients by the American Herbal Pharmacopoeia, the United States Pharmacopeia, the European Pharmacopoeia and the British Pharmacopoeia or successor organizations. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may, alternatively, require cannabis testing facilities registered pursuant to this chapter to comply with any rules and standards established for testing facilities licensed under Title 28-B, chapter 1.

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

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

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

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

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

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

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

An application must include, as applicable:

A. The annual fee required pursuant to subsection 10;

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

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

D. For applicants for a dispensary registration certificate, plans for compliance with the requirements of section 2428; and

E. For applicants for a cannabis testing facility registration certificate, demonstration that the applicant is in compliance with the requirements of section 2423-H.

Sec. A-20. 22 MRSA §2429-A, sub-§1, ¶C, as enacted by PL 2017, c. 452, §18 and amended by PL 2021, c. 669, §5, is further amended to read:

C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; ~~and~~

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

C-1. For large registered dispensaries, packaged in a manner that does not introduce harmful contaminants to the harvested cannabis after it has passed mandatory testing required under this chapter; and

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

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

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

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

Sec. A-24. 22 MRSA §2430-I, sub-§1-A, ¶B, as enacted by PL 2023, c. 679, Pt. A, §26, is amended by enacting a new subparagraph (9-A) to read:

(9-A) Exceeding the maximum level of allowable contamination for residual solvents or pesticides in a sample of harvested cannabis collected and tested under section 2430-S, subsection 4, paragraph B;

Sec. A-25. 22 MRSA §2430-I, sub-§1-A, ¶C, as enacted by PL 2023, c. 679, Pt. A, §26, is amended by enacting a new subparagraph (3-A) to read:

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(3-A) Exceed the maximum level of allowable contamination for residual solvents or pesticides in the initial sample collected by the office during a mandatory annual inspection pursuant to section 2430-K, subsection 2-A and tested pursuant to section 2430-S;

Sec. A-26. 22 MRSA §2430-J, as enacted by PL 2023, c. 365, §21, is repealed and the following enacted in its place:

§2430-J. Records; reporting; labels; inventory tracking information

The office shall develop, implement and maintain a statewide electronic portal through which registered caregivers, registered dispensaries, other than large registered dispensaries, cannabis testing facilities and manufacturing facilities may submit to the office the records required pursuant to this chapter. The office may not require records submitted through the portal to contain information identifying qualifying patients or their medical providers.

The office shall also implement and administer a statewide inventory tracking system through which large registered dispensaries, pursuant to subsection 3, are required to submit to the office the electronic records required pursuant to this chapter. Large registered dispensaries shall pay all costs and fees associated with the use of the inventory tracking system and all other costs associated with the keeping of records required in this section. The office may not require records maintained in the inventory tracking system to contain information identifying qualifying patients or their medical providers.

1. Required records. A registered caregiver, a registered dispensary, other than a large registered dispensary, a cannabis testing facility and a manufacturing facility shall:

A. Maintain records related to the authorized conduct of the registered caregiver, the registered dispensary, the cannabis testing facility and the manufacturing facility that:

(1) Are specific to the types of authorized activity being conducted;

(2) Disclose all authorized conduct and all transactions of the registrant in enough detail for the office to be able to conduct an audit for compliance;

(3) Are inclusive of the time period from purchase or acquisition of cannabis plants and harvested cannabis through any manufacture, transfer, sale or transport of the cannabis plants or harvested cannabis;

(4) Can be used to trace the cannabis plants and harvested cannabis back to the registrant where the cannabis plant or harvested cannabis originated;

(5) Include documentation of the batch number on any cannabis plants and harvested cannabis received or the batch number assigned by the registrant to any cannabis plants or harvested cannabis cultivated, harvested or manufactured by the registrant;

(6) Include documentation of any batch numbers from any cannabis plants or harvested cannabis that is used to create a new batch; and

(7) Include sufficient detail to be able to conduct a recall of any cannabis plants and harvested cannabis as needed.

For the purposes of this paragraph, "batch number" means a distinct group of numbers, letters or symbols, or any combination thereof, assigned to a specific batch of harvested

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cannabis by a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility;

B. Keep the records for a period of 4 years; and

C. Make the records maintained under this subsection available for inspection by the office upon the office's request.

2. Required label. A registered caregiver, registered dispensary, other than a large registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported pursuant to this chapter with a label that identifies:

A. The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number;

B. The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;

C. A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;

D. The time and date of the transfer; and

E. The destination of the cannabis plants or harvested cannabis.

The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Large registered dispensaries required records; inventory tracking information. A large registered dispensary shall keep, for a period of 6 years, a record of all cannabis plants and harvested cannabis from immature cannabis plant to the point of sale or transfer to a qualifying patient, return, disposal or destruction.

Large registered dispensaries shall submit to the office by 11:59 p.m. every day the following information through the inventory tracking system:

A. A complete inventory of all cannabis plants and harvested cannabis cultivated, manufactured, stored or otherwise within the possession or control of the large registered dispensary;

B. A record of all transfers of cannabis plants or harvested cannabis transferred to or from the large registered dispensary that includes, at a minimum:

(1) The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number;

(2) The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person.

A registrant transferring cannabis plants or harvested cannabis to a person who is not required to register under this chapter shall maintain and produce to the office upon request a list that identifies the unique identifier and the person to whom that identifier is assigned;

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(3) A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;

(4) The time and date of the transfer; and

(5) The destination of the cannabis plants or harvested cannabis; and

C. A record of all mandatory test results for each batch of harvested cannabis offered to qualifying patients.

This subsection may not be construed to require a large registered dispensary to resubmit inventory tracking information to the office if no changes have been made to the inventory maintained by the large registered dispensary. The office may adopt rules to implement this subsection, including, but not limited to, rules regarding the process and content of records to be submitted and the frequency with which records must be submitted, as well as rules regarding enforcement of the inventory tracking requirements of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-27. 22 MRSA §2430-K, as enacted by PL 2023, c. 365, §22, is amended to read:

§2430-K. Inspections; limitation

The office shall conduct annual inspections of registered caregivers, registered dispensaries, other than large registered dispensaries, and manufacturing facilities in accordance with this section, section 2430-S and rules adopted pursuant to this chapter. The ~~department~~ office may conduct inspections of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities in accordance with this section and rules adopted pursuant to this chapter. The ~~department~~ office may not conduct an inspection of a qualifying patient or caregiver operating under section 2423-A, subsection 3, paragraph C.

1. Criteria. The ~~department~~ office shall maintain a publicly accessible electronic version of the criteria for inspection of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities.

2. Access to premises. Notwithstanding any provision of law to the contrary, to ensure compliance with this chapter or in response to a complaint, the ~~department~~ office may inspect the premises where a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility conducts activity authorized under this chapter, without notice during regular business hours or during hours of apparent activity, except that the ~~department~~ office may not enter the dwelling unit of a registered caregiver if the registered caregiver is not present and may inspect the area of a dwelling unit only where activity authorized under this chapter occurs.

2-A. Annual inspection; sample collection; mandatory testing. During the annual inspection required under this section for registered caregivers, registered dispensaries, other than large registered dispensaries, and manufacturing facilities, the office shall collect a sample from harvested cannabis located on the premises where a registered caregiver, registered dispensary, except a large registered dispensary, or manufacturing facility conducts activity authorized under this chapter. The office shall conduct testing on the sample in accordance with section 2430-S.

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3. Complaints. If the ~~department~~ office conducts an inspection in response to a complaint, the ~~department~~ office shall provide the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility subject to the inspection a written statement of the substance of the complaint at the time of the inspection.

4. Contamination prevention. The ~~department~~ office shall develop and post on the department's publicly accessible website guidance on how a person conducting inspections under this section can prevent contaminating the premises being inspected.

5. Notification of unauthorized conduct. If during an inspection the ~~department~~ office finds evidence of a violation of this chapter or rules adopted pursuant to this chapter, the ~~department~~ office shall, within one business day of the completion of the inspection, provide written notification of the identified violation to the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility. Notice under this subsection does not constitute final agency action.

6. Penalty. In addition to any other penalty authorized under this chapter, the registry identification card or registration certificate of a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility that refuses or willfully avoids 2 or more inspections under this section may be suspended or revoked pursuant to section 2430-I or the ~~department~~ office may refuse to renew the registry identification card or registration certificate.

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

§2430-O. Mandatory testing; large registered dispensaries

A large registered dispensary may not sell, distribute or transfer harvested cannabis to a qualifying patient or to an individual on behalf of a qualifying patient unless the harvested cannabis has been tested pursuant to this chapter and that testing demonstrates that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant for which testing is required, as applicable, based upon the matrix in which the harvested cannabis is intended to be used by a qualifying patient. The office may require testing for some analytes in some matrices before the harvested cannabis is further processed, manufactured or combined to ensure that contaminants that are injurious to health do not contaminate other batches of harvested cannabis. All cannabis concentrates used to manufacture cannabis products in accordance with this chapter must be tested in accordance with subsection 3 or 4 prior to being used to manufacture a cannabis product or a cannabis pre-roll infused with cannabis concentrate.

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

1. Scope of mandatory testing generally. Mandatory testing of harvested cannabis under this section must include, but is not limited to, testing for:

A. Residual solvents, poisons and toxins;

B. Metals;

C. Dangerous molds and mildew, including, but not limited to, Aspergillus spp. and mycotoxins, as applicable;

D. Harmful microbes, including, but not limited to, Escherichia coli and Salmonella;

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E. Pesticides, fungicides and insecticides;

F. Water activity, for harvested cannabis except cannabis concentrate; and

G. THC potency, homogeneity and cannabinoid profiles.

2. Scope of mandatory testing for cannabis flower and cannabis trim. Cannabis flower and cannabis trim, including cannabis pre-rolls and cannabis flower or cannabis trim that has been mixed with cannabis concentrate, must be tested for:

A. Metals;

B. Dangerous molds and mildew, including, but not limited to, Aspergillus spp. and mycotoxins, as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides;

E. Water activity; and

F. THC potency and cannabinoid profiles.

3. Scope of mandatory testing for cannabis concentrate extracted using solvents other than water. Cannabis concentrate that has been extracted using solvents other than water must be tested for:

A. Residual solvents, poisons and toxins;

B. Metals;

C. Pesticides, fungicides and insecticides;

D. Mycotoxins; and

E. THC potency, homogeneity and cannabinoid profiles.

4. Scope of mandatory testing for cannabis concentrate extracted without use of solvents other than water. Cannabis concentrate that has been extracted without the use of solvents other than water must be tested for:

A. Metals;

B. Dangerous molds and mildew, including, but not limited to, Aspergillus spp. and mycotoxins, as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides; and

E. THC potency, homogeneity and cannabinoid profiles.

5. Scope of mandatory testing for cannabis products. Cannabis products, including edible cannabis products, must be tested for:

A. Dangerous molds and mildew, including, but not limited to, Aspergillus spp. and mycotoxins, as applicable. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

B. Harmful microbes;

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C. Water activity, except that edible cannabis products that are preserved by refrigeration are not required to be tested for water activity; and

D. THC potency, homogeneity and cannabinoid profiles.

6. Record keeping. A large registered dispensary shall maintain a record of all mandatory testing that includes a description of the harvested cannabis provided to the cannabis testing facility, the identity of the cannabis testing facility and the results of the mandatory test. The results of all mandatory tests conducted by a cannabis testing facility must be recorded in accordance with the record-keeping and inventory tracking requirements of section 2430-J.

7. Sample collection, testing processes, protocols and standards. The office may establish by rule processes, protocols and standards for the collection of samples for mandatory testing and for the mandatory and other testing of harvested cannabis that conform with the best practices generally used to sample the applicable matrices and test for the presence or absence of the contaminants identified in this section based upon the matrix of the harvested cannabis tested. The rules may include an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products. The office shall, to the extent practicable, establish pass and fail requirements for cannabis testing in accordance with applicable national and international quality standards established for botanical ingredients by the American Herbal Pharmacopoeia, the United States Pharmacopeia, the European Pharmacopoeia and the British Pharmacopoeia or successor organizations. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may, alternatively, require registrants to comply with any rules and standards established for testing cannabis under Title 28-B, chapter 1.

8. Maximum batch size for mandatory testing. For the purpose of sampling and mandatory testing under this section, a batch may not exceed 44 pounds by net weight, regardless of matrix.

A. For cannabis flower and cannabis trim, including cannabis pre-rolls, the 44-pound limit applies to the combined net weight of cannabis flower or cannabis trim harvested or manufactured at the same time under the same conditions using the same process or procedure.

B. For cannabis concentrate and cannabis products, the 44-pound limit applies to the combined net weight of the finished material in that matrix that is manufactured at the same time under the same conditions using the same process or procedure.

The office may adopt rules for sample collection that ensure representative sampling within the 44-pound maximum batch size in accordance with subsection 7. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

§2430-P. Notification requirements

1. Notification of testing results required. If the results of a mandatory test conducted pursuant to section 2430-O indicate that the harvested cannabis exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the cannabis testing facility shall immediately notify the

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office and the large registered dispensary that submitted the samples for mandatory testing of the failed test. If a large registered dispensary successfully undertakes remediation and retesting of harvested cannabis, the cannabis testing facility shall notify the office of the subsequent passed mandatory testing.

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

A. Harvested cannabis at the direction of a large registered dispensary pursuant to section 2430-O that demonstrates that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;

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

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

D. A substance that is not harvested cannabis.

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

§2430-Q. Sample collection for testing

1. Sample collecting rules. A large registered dispensary, 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 large registered dispensary, 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 large registered dispensary 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 large registered dispensary pursuant to this section, with all costs of the audits to be paid for by the large registered dispensary subject to an audit of that sample collector's sample collecting practices;

D. Provisions authorizing the office to take samples of harvested cannabis from a large registered dispensary, including from a retail location maintained by the large registered dispensary, 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 large registered dispensary;

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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 large registered dispensary to a cannabis testing facility, which must require the in-person transfer of the samples by the large registered dispensary 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 large registered dispensary, 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.

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 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

§2430-R. Additional testing not required

Notwithstanding section 2430-O, a large registered dispensary may sell, transfer or otherwise furnish to a qualifying patient or caregiver or to another registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility harvested cannabis that the large registered dispensary has not submitted for testing in accordance with this chapter if:

1. Prior testing. The harvested cannabis has previously undergone all required testing in accordance with this chapter at the direction of another large registered dispensary and that testing demonstrated that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;

2. Proper documentation. The mandatory testing process and the test results for the harvested cannabis are documented in accordance with the requirements of this chapter;

3. Tracking maintained. Tracking from immature cannabis plant to the point of sale or transfer to a qualifying patient, or another individual on behalf of a qualifying patient, has been maintained for the harvested cannabis and transfers of the harvested cannabis to another registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility or to a qualifying patient or caregiver on behalf of a qualifying patient can be readily identified; and

4. No further processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the harvested cannabis has not undergone any further processing, manufacturing or alteration other than the packaging and labeling of the harvested cannabis in accordance with this chapter. For the purposes of this subsection,

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"further processing, manufacturing or alteration" does not include the use of cannabis concentrate in the creation of an edible cannabis product, except for testing under section 2430-O, subsection 5, paragraph D.

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

§2430-S. Annual inspections; mandatory sample testing

The office shall conduct testing of samples collected during the annual inspection required under section 2430-K for registered caregivers, registered dispensaries, other than large registered dispensaries, and manufacturing facilities in accordance with this section. 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.

1. Mandatory testing; costs. The office shall test a sample of harvested cannabis collected under this section for:

A. Residual solvents;

B. Metals;

C. Molds and mildew; and

D. Pesticides.

The costs associated with conducting tests under this subsection must be paid for by the registered caregiver, registered dispensary, other than a large registered dispensary, and manufacturing facility from which the sample was collected.

2. Other testing; costs. The office may conduct other tests on a sample of harvested cannabis collected under this section for the purpose of research and data collection. Any test conducted under this subsection must be paid for by the office.

3. Notification of results; records. The office shall notify a registered caregiver, registered dispensary, other than a large registered dispensary, and manufacturing facility within one business day of the office receiving the results of any test conducted under this section. The office shall provide a written copy of any test results with the notification. A registered caregiver, registered dispensary, other than a large registered dispensary, and manufacturing facility shall keep a record of all test results under this section for a period of 4 years in the same manner as other records required to be kept under this chapter.

4. Results exceed maximum allowable contamination level; additional testing. If a test conducted under this section for residual solvents or pesticides indicates that the sample of harvested cannabis exceeds the maximum level of allowable contamination for residual solvents or pesticides, as determined by the office pursuant to section 2423-G and rules adopted pursuant to that section, the office shall:

A. Provide notification as required under subsection 3 and, if applicable, provide notice to any registered caregiver, registered dispensary or manufacturing facility from which the harvested cannabis sample originated;

B. Collect up to 3 additional samples of harvested cannabis from the registrant whose sample exceeded the maximum level of allowable contamination for residual solvents or pesticides and from any registrant from which the harvested cannabis sample

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originated from any location where a registered caregiver, registered dispensary or manufacturing facility conducts activity authorized under this chapter;

C. Restrict the transfer or sale of the batch of harvested cannabis that exceeded the maximum level of allowable contamination for residual solvents or pesticides under this subsection and may initiate a recall of any harvested cannabis from the batch that may have already been sold or transferred; and

D. Conduct testing for residual solvents and pesticides on the additional samples collected under paragraph B at the expense of the registrant.

If additional testing conducted under paragraph D indicates that any of the samples collected under paragraph B exceed the maximum level of allowable contamination for residual solvents or pesticides the office shall restrict the transfer or sale of all batches of harvested cannabis in the possession of the registrant, initiate a recall of any harvested cannabis sold or transferred by the registrant from the batch or batches of harvested cannabis tested and shall open an investigation into the conduct of the registrant.

5. Results exceed maximum allowable contamination level; administrative penalty; violation types. The following administrative penalties may apply:

A. Except for a large registered dispensary, a registered caregiver, registered dispensary or manufacturing facility whose initial test under this section indicates that the sample of harvested cannabis exceeds the maximum level of allowable contamination for residual solvents or pesticides may be subject to an administrative penalty for a minor registration violation under section 2430-I, subsection 1-A, paragraph C; and

B. A registered caregiver, registered dispensary or manufacturing facility that has a sample collected under subsection 4, paragraph B that exceeds the maximum level of allowable contamination for residual solvents or pesticides may be subject to an administrative penalty for a major registration violation under section 2430-I, subsection 1-A, paragraph B.

If the office opens an investigation into the conduct of a registered caregiver, registered dispensary or manufacturing facility under this section, evidence of a violation of this chapter or rules adopted pursuant to this chapter must be handled pursuant to section 2430-I.

PART B

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

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

Sec. B-2. 28-B MRSA §102-A, sub-§64, as enacted by PL 2023, c. 679, Pt. B, §3, is amended to read:

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

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Sec. B-3. 28-B MRSA §605, sub-§4, as amended by PL 2023, c. 679, Pt. B, §120, is further amended to read:

4. No ~~subsequent~~ further processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the cannabis or cannabis product has not undergone any further processing, manufacturing or alteration that would result in an increase in the concentration of any contaminants or factors identified in section 602, subsection 1 or in any rules adopted by the office pursuant to that section. For the purposes of this subsection, "further processing, manufacturing or alteration" does not include the use of cannabis concentrate in the creation of an edible cannabis product, except for testing under section 602, subsection 1, paragraph F.

Sec. B-4. 28-B MRSA §1101, sub-§2, ¶B-1 is enacted to read:

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

PART C

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

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

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

2-A. Excise tax on cannabis pre-roll. Beginning January 1, 2028, a cultivation facility licensee shall pay an excise tax pursuant to subsection 1 or 2 based upon the amount per pound or fraction thereof of cannabis flower or cannabis trim contained within a cannabis pre-roll.

PART D

Sec. D-1. Effective date. This Act takes effect January 1, 2028.'

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

SUMMARY

This amendment replaces the bill and changes the title.

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

1. It defines the terms "batch," "cannabis flower," "cannabis pre-roll," "cannabis trim," "large registered dispensary," "matrix," "remediation," "testing" and "THC," repeals and replaces the definition of "cannabis testing facility" and amends the definitions of "registrant" and "registrant agent."

2. It establishes a program for mandatory testing of harvested cannabis from a large registered dispensary, which is defined in the amendment as a registered dispensary that cultivates 2,000 square feet or more of mature plant canopy.

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

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

5. It adds certain requirements related to packaging for large registered dispensaries who are required to conduct mandatory testing.

6. It provides that intentionally or knowingly failing to conduct a recall of harvested cannabis or cannabis products when ordered to do so by the Department of Administrative and Financial Services, Office of Cannabis Policy is a major registration violation affecting public safety.

7. It establishes registration violations for exceeding the maximum level of allowable contamination for residual solvents and pesticides in a sample of harvested cannabis tested by the office as a part of an annual inspection for registered caregivers, registered dispensaries who are not large registered dispensaries and manufacturing facilities.

8. It revises reporting and record-keeping requirements for large registered dispensaries to require records retention for 6 years and to mandate that all large registered dispensaries report all required inventory information in the statewide inventory tracking system implemented and administered by the office. It also requires all other registrants to maintain certain records related to the authorized conduct of the registrant and to keep those records for a period of 4 years and to make those records available for inspection by the office upon request.

9. It requires mandatory testing of all harvested cannabis from large registered dispensaries for the presence of harmful contaminants and cannabinoid profiles and specifies that the maximum size of a batch for mandatory testing by a large registered dispensary is 44 pounds.

10. It requires reporting of mandatory test results of failed tests to the office and to the large registered dispensary that submitted samples to a cannabis testing facility for testing.

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

12. It identifies the circumstances in which additional mandatory testing by the large registered dispensary is not required before harvested cannabis is provided to a qualifying patient.

13. It requires the office to conduct annual inspections for registered caregivers, registered dispensaries, other than large registered dispensaries, and manufacturing facilities, which must include the collection of a sample of harvested cannabis and requires the office to test that sample for certain contaminants, including residual solvents and pesticides.

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

1. It adds a definition of "cannabis pre-roll."

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

3. It provides exemptions from final form testing for cannabis pre-rolls and edible cannabis products.

4. It authorizes funds from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund to be used for research on public health impacts of cannabis use, including use by individuals who have not attained 21 years of age.

Part C of the amendment does the following.

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

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

Part D of the amendment does the following.

1. It establishes an effective date of January 1, 2028.

FISCAL NOTE REQUIRED

(See attached)

Approved: 04/03/26 LRL

132nd MAINE LEGISLATURE

LD 1847 **LR 854(04)**

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 "C" (H-1045)
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	$0	$3,229,291	$1,480,488
Appropriations/Allocations				
General Fund	$0	$0	$3,229,191	$1,479,188
Other Special Revenue Funds	$0	$0	$267,000	$534,000
Revenue				
General Fund	$0	$0	($100)	($1,300)
Other Special Revenue Funds	$0	$0	$100	$300

Fiscal Detail and Notes

This bill establishes a mandatory testing program for harvested cannabis from large registered dispensaries, annual inspections and sample testing requirements for other registrants, an electronic records submission portal and an inventory tracking system, including changes to the excise tax treatment of certain cannabis products. This estimate is based on an implementation model in which mandatory testing requirements are limited to large registered dispensaries, while other registrants are subject primarily to inspection and sample-based oversight.

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 activities, data management, and program administration. OCP would require ongoing General Fund appropriations of $729,188 beginning in fiscal year 2027-28 for one Planning and Research Associate I position, one Public Relations Representative position, one Senior Data Analyst position, 2 OCP Compliance Inspector positions and one Chemist II position and associated All Other costs. The staffing levels reflect the need to support statewide inspection, sampling and program administration activities, including registrants not subject to mandatory testing requirements.

OCP would also require a one-time General Fund appropriation of $2,500,000 in fiscal year 2027-28 to establish electronic records submission capabilities to support reporting, data collection and oversight activities required by the bill, and ongoing General Fund appropriations of $750,000 beginning in fiscal year 2028-29 for system maintenar and support. These capabilities are intended to support data collection and oversight across the broader registrant population.

CC'(H-1045)

In addition, OCP would require ongoing Other Special Revenue Funds allocations of $267,000 beginning in fiscal year 2027-28 for the procurement and implementation of an electronic inventory tracking system applicable to a subset of registrants. These costs are based on prior contract experience and are subject to change depending on the results of the procurement process.

The bill would result in a revenue decrease to the General Fund of $100 in fiscal year 2027-28 and $1,300 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 $100 in fiscal year 2027-28 and $300 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.

The bill requires large registered dispensaries to pay certain costs associated with the inventory-tracking system, testing, and audit activities. The State will continue to incur costs to administer the testing program, conduct inspections and maintain oversight systems.