132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document **No. 1847**

H.P. 1231 House of Representatives, April 30, 2025

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

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator MOORE of Washington and
Representatives: FAIRCLOTH of Bangor, GRAMLICH of Old Orchard Beach, MEYER of Eliot, SHAGOURY of Hallowell, ZAGER of Portland, Senators: INGWERSEN of York, RENY of Lincoln, TEPLER of Sagadahoc.

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

Sec. 1. 22 MRSA §2421-A, sub-§36-A is enacted to read:

36-A. Perfluoroalkyl and polyfluoroalkyl substances; PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732, subsection 5-A.

Sec. 2. 22 MRSA §2421-A, sub-§51-A is enacted to read:

51-A. Testing facility. "Testing facility" has the same meaning as in Title 28-B, section 102-A, subsection 64.

Sec. 3. 22 MRSA §2421-A, sub-§51-B is enacted to read:

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

Sec. 4. 22 MRSA §2429-C, sub-§1-A is enacted to read:

1-A. Cannabinoid potency. May, except as provided in subsection 2-A, have the amount or potency of cannabinoids calculated using an allowable variance rate of 10%, except that the allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount or potency of cannabinoids allowed under this subsection, the allowable variance rate may be in addition to the allowable variance rate applicable to a testing facility pursuant to section 2430-P, subsection 4;

Sec. 5. 22 MRSA §2429-C, sub-§1-B is enacted to read:

1-B. THC potency. May not contain more than 10 milligrams of THC per serving of the product and may not contain more than 200 milligrams of THC per package of the product, with an allowable variance rate of 10%, except that the allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount of THC allowed under this subsection, the allowable variance rate must be in addition to the allowable variance rate applicable to a testing facility pursuant to section 2430-P, subsection 4;

Sec. 6. 22 MRSA §2430-O is enacted to read:

§2430-O. Testing program established

The department shall establish a testing program for cannabis and cannabis products. Except as otherwise provided in this chapter, the program must require a dispensary, a caregiver or an assistant of a caregiver, prior to selling or distributing cannabis or a cannabis product to a patient, to submit the cannabis or cannabis product to a testing facility for testing to ensure that the cannabis or cannabis product 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 correct labeling. The department shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that are injurious to health for which cannabis and cannabis products must be tested under this chapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 22 MRSA §2430-P is enacted to read:

§2430-P. Mandatory testing

A dispensary, a caregiver or an assistant of a caregiver may not sell or distribute cannabis or a cannabis product to a patient under this chapter unless the cannabis or cannabis product has been tested pursuant to this chapter and the rules adopted pursuant to this chapter and that mandatory testing has demonstrated that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required.

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

A. Residual solvents, poisons and toxins;

B. Harmful chemicals;

C. Dangerous yeasts, molds and mildew as specified in rules adopted by the department;

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

E. Pesticides, fungicides and insecticides;

F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling; and

G. Perfluoroalkyl and polyfluoroalkyl substances.

The department may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the department has determined that no licensed testing facility in the State is capable of and certified to perform such testing.

2. Testing of returns. Cannabis and cannabis products returned to a dispensary, a caregiver or an assistant of a caregiver must be tested prior to being resold or redistributed. The department may limit the mandatory testing required for returned cannabis and cannabis products by rule.

3. Record keeping. A dispensary, a caregiver or an assistant of a caregiver shall maintain a record of all mandatory testing that includes a description of the cannabis or cannabis product provided to the testing facility, the identity of the testing facility and the results of the mandatory test.

4. Testing process, protocols and standards. The department shall establish by rule processes, protocols and standards for mandatory and other testing of cannabis and cannabis products that conform with the best practices generally used within the cannabis industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products.

Sec. 8. 22 MRSA §2430-Q is enacted to read:

§2430-Q. Notification requirements

1. Notification of testing results required. If the results of a mandatory test conducted pursuant to section 2430-P indicate that the tested cannabis or cannabis product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall quarantine, document and properly destroy the cannabis or cannabis product, except when the owner of the tested cannabis or cannabis product has successfully undertaken remediation and retesting, and within 30 days of completing the test shall notify the department of the test results.

2. Notification of testing results not required. A testing facility is not required to notify the department of the results of any test:

A. Conducted on cannabis or a cannabis product at the direction of a dispensary, a caregiver or an assistant of a caregiver pursuant to section 2430-P that demonstrates that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;

B. Conducted on cannabis or a cannabis product at the direction of a dispensary, a caregiver or an assistant of a caregiver for research and development purposes only, as long as the dispensary, caregiver or assistant of the caregiver notify the testing facility prior to the performance of the test that the testing is for research and development purposes only;

C. Conducted on cannabis or a cannabis product at the direction of a person who is not a dispensary, a caregiver or an assistant of a caregiver; or

D. Conducted on a substance that is not cannabis or a cannabis product.

Sec. 9. 22 MRSA §2430-R is enacted to read:

§2430-R. Sample collection for testing

1. Sample collection for testing. Except as provided in subsection 2, if a test to be performed by a testing facility is a mandatory test under section 2430-P, an employee or designee of the testing facility must collect the sample required for the test. If a test to be performed by a testing facility is not a mandatory test, the owner of the cannabis or cannabis product, or a designee of the owner, may collect the sample required for the test.

2. Sample collecting by dispensary, employee of dispensary, caregiver or assistant of caregiver authorized. Notwithstanding any provision of this chapter to the contrary, a dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver may collect a sample of the cannabis or cannabis products for mandatory testing under section 2430-P and may deliver the sample to a testing facility for testing. The department shall adopt rules regarding the collection of a samples of cannabis and cannabis products for mandatory testing by a dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver as authorized under this section, which must include, but are not limited to:

A. The establishment of sample collecting processes, protocols and standards, which must be complied with by the dispensary, employee of the dispensary, caregiver or assistant of the caregiver in collecting samples of cannabis and cannabis products for testing purposes;

B. Requirements for the dispensary or caregiver to provide video, on-site or other demonstration of its sample collecting practices to ensure compliance with paragraph A;

C. Provisions authorizing the department to conduct an audit of cannabis or a cannabis product that was tested using a sample collected by the dispensary, employee of the dispensary, caregiver or assistant of the caregiver pursuant to this section, with all costs of the audit to be paid for by the dispensary, employee of the dispensary, caregiver or assistant of the caregiver;

D. Requirements for the transportation, delivery and transfer of a sample of cannabis and cannabis products collected by the dispensary, employee of the dispensary, caregiver or assistant of the caregiver, which must require the in-person transfer of the samples by the dispensary, employee of the dispensary, caregiver or assistant of the caregiver to the testing facility or an employee of the testing facility;

E. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process by a dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver, which, notwithstanding any provision of this chapter to the contrary, may be treated by the department as constituting a major registration violation affecting public safety and as a basis for imposition of a registration suspension or revocation pursuant to section 2430-I; and

F. Authorization for the department to suspend or revoke the dispensary's or caregiver's registration following 2 or more failed sample collecting audits conducted by the department pursuant to this section.

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

Sec. 10. 22 MRSA §2430-S is enacted to read:

§2430-S. Additional testing not required

Notwithstanding section 2430-P, a dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver may sell or furnish to a patient cannabis or a cannabis product that the dispensary, employee of the dispensary, caregiver or assistant of the caregiver has not submitted for testing in accordance with this chapter and rules adopted pursuant to this chapter if:

1. Prior testing. The cannabis or cannabis product has previously undergone testing in accordance with this chapter and rules adopted pursuant to this chapter at the direction of another registrant and that testing demonstrated that the cannabis or cannabis product 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 cannabis or cannabis product are documented in accordance with the requirements of this chapter and all applicable rules adopted pursuant to this chapter;

3. Tracking maintained. Tracking from immature cannabis plant to the point of retail sale has been maintained for the cannabis or cannabis product and transfers of the cannabis or cannabis product to another registrant or to a patient can be easily identified; and

4. No subsequent 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 2430-P, subsection 1 or in any rules adopted by the department pursuant to that section.

Sec. 11. 22 MRSA §2430-T is enacted to read:

§2430-T. Coordination with testing program and rules for cannabis and cannabis products for adult use

In adopting rules for and regulating the testing of cannabis and cannabis products under this chapter, the department shall ensure that, when necessary and practicable, the regulation of the testing of cannabis and cannabis products under this chapter is consistent with the regulation of the testing of adult use cannabis and adult use cannabis products under the Cannabis Legalization Act.

Sec. 12. 22 MRSA §2430-U is enacted to read:

§2430-U. Tracking system

The department shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of cannabis plants, cannabis and cannabis products from immature cannabis plant to the point of retail sale, return, disposal or destruction. The tracking system must allow for cannabis plants at the stage of cultivation and upon transfer from the stage of cultivation to another registrant to be tracked by group. The department may implement a tracking system that allows cannabis or cannabis products to be tracked by group.

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

1. Data submission requirements. The tracking system must allow a dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver to submit tracking data for cannabis or cannabis products to the department through manual data entry or through the use of tracking system software commonly used within the cannabis industry as determined by the department.

2. Group tracking. Cannabis plants at the same stage of growth that are of the same varietal or cultivar of the plant genus Cannabis may be tracked by group if they:

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

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

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

For cannabis plants that are tracked as a group, a registrant shall designate the square footage of the specific area in which the plants are planted or transplanted. Cannabis plants may not be tracked as a group unless they are intended for harvest as a group.

3. Tagging. A registrant shall affix a tag containing the identifying information required by the department by rule to each group of cannabis plants tracked under this section. The department may not require cannabis plants that are being tracked as a group to be individually affixed with a tag during cultivation or transfer to another registrant.

4. Group transfers. When a group of cannabis plants tracked under this section is transferred to another registrant, the registrant transferring the group of cannabis plants must provide a manifest that lists every cannabis plant within the group and any other relevant information required by the department by rule.

5. Rules. The department shall adopt rules regarding the implementation and administration of the tracking system and tracking requirements for registrants. Rules adopted under this section must include, but are not limited to:

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

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

Sec. 13. 28-B MRSA §703, sub-§1, ¶D, as repealed and replaced by PL 2023, c. 641, §1 and c. 679, Pt. B, §127, is repealed and the following enacted in its place:

D. Unless determined impracticable by the office by rule, must be stamped or embossed with a universal symbol on each serving of the edible cannabis product or each serving must be individually wrapped or blister packaged with a universal symbol clearly included on the wrapping or packaging. If the office determines by rule that stamping, embossing, individual wrapping or blister packaging for a particular type of edible cannabis product is impracticable, each individual serving size of the product must be packaged together with the universal symbol affixed to the individual packaging. For purposes of this chapter, edible cannabis products that are determined to be impracticable to stamp, emboss, individually wrap or blister package include but are not limited to:

(1) Potato or corn chips;

(2) Popcorn;

(3) Pretzels; and

(4) Loose granola.

A package of gummies that is not stamped or embossed with the universal symbol on each individual serving of the product must be blister packaged with a universal symbol clearly included on each individually packaged serving.

Sec. 14. 28-B MRSA §1101, sub-§2, as corrected by RR 2023, c. 2, Pt. A, §§44 and 45, is amended to read:

2. Uses of fund. Money credited to the fund pursuant to subsection 1 ~~may~~ must be used by the office as provided in this subsection.

A. ~~Money~~ At least 25% of the money credited to the fund ~~may~~ must be expended by the office to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use cannabis and adult use cannabis products conducted in accordance with section 108 by the office, another state agency or department or any other public or private entity and relating to the sale and use of cannabis and cannabis products under Title 22, chapter 558-C. ~~The office may give priority consideration to funding public health and safety awareness and education programs, initiatives and campaigns designed specifically for minors.~~

B. Money credited to the fund may be expended by the office to fund enhanced law enforcement training programs relating to the sale and use of adult use cannabis and

adult use cannabis products for local, county and state law enforcement officers conducted in accordance with section 109 by the office, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

C. Money credited to the fund may be expended by the office to provide reimbursement to a municipality for qualifying expenses incurred as a result of the municipality's opting to permit the operation of some or all adult use cannabis establishments within the municipality. For the purposes of this paragraph, "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, by a municipality that opted to permit the operation of some or all cannabis establishments within the municipality. Each municipality may receive funds, not to exceed $20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph may be construed to require the office to reimburse qualifying expenses incurred by a municipality if the office determines there are insufficient funds available to provide reimbursement. Under no circumstances may a municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use cannabis establishments within the municipality. The office may adopt rules to implement and administer the reimbursement of qualifying expenses to municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may not reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

C-1. Money credited to the fund must be expended to provide a transfer of $2,000,000 by July 31st annually to the Recovery Community Centers Fund established pursuant to Title 5, section 20012 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers.

C-2. Money credited to the fund may be expended by the department or transferred by the department to other state agencies to fund the social equity program established in Title 5, chapter 395.

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C-2 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar

year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

Sec. 15. Study Group to Examine Youth Consumption of Medical Use and Adult Use Cannabis established. The Study Group to Examine Youth Consumption of Medical Use and Adult Use Cannabis, referred to in this section as "the study group," is established.

1. The study group consists of 13 members appointed as follows:

A. Two members of the Senate representing the joint committees of the Legislature having jurisdiction over cannabis use matters and over health and human services matters, appointed by the President of the Senate;

B. Two members of the House of Representatives representing the joint committees of the Legislature having jurisdiction over cannabis use matters and over health and human services matters, appointed by the Speaker of the House;

C. Two representatives from the medical community, at least one of whom must be involved in pediatric care, appointed by the Governor;

D. Two representatives from the public health community, appointed by the Governor; and

E. Five members appointed by the Director of the Office of Cannabis Policy within the Department of Administrative and Financial Services as follows:

(1) A representative of the medical use cannabis industry;

(2) A representative of the cannabis testing industry;

(3) A representative of the adult use cannabis industry;

(4) A parent of a minor who has been involved with medical use cannabis; and

(5) An individual between 18 years of age and 20 years of age involved with medical use cannabis.

2. The Senate member representing the joint committee of the Legislature having jurisdiction over health and human services matters is the Senate chair of the study group and the House of Representatives member representing the joint committee of the Legislature having jurisdiction over cannabis use matters is the House chair of the study group.

3. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the study group.

4. The study group may hold up to 6 meetings to learn about youth consumption of adult use cannabis and adult use cannabis products and medical use cannabis and medical use cannabis products and to develop strategies for decreasing the risks associated with consumption. The study group shall hold at least one public hearing and, as part of its duties, shall examine the following:

A. The data available around the number of youth involved with adult use cannabis and adult use cannabis products and medical use cannabis and medical use cannabis products and consuming both illegal and legal cannabis;

B. Strategies to improve the quality, availability and transparency of the data in paragraph A;

C. The science concerning the effects of the use of cannabis on youth development and overall health; and

D. An approach to regularly report to the Legislature about the use of cannabis by youth in the State.

For purposes of this subsection, "youth" means an individual who is under 21 years of age.

5. The Department of Administrative and Financial Services, Office of Cannabis Policy and the Department of Health and Human Services shall provide necessary staffing services to the study group.

6. The legislative members of the study group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the study group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the study group.

7. No later than December 3, 2025, the study group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs and the Legislative Council. The joint standing committee of the Legislature having jurisdiction over veterans and legal affairs may submit a bill related to the recommendations of the study group to the Second Regular Session of the 132rd Legislature.

SUMMARY

This bill provides:

1. For the same testing and tracking provisions that are applied for adult use cannabis and adult use cannabis products to be applied for medical use cannabis and medical use cannabis products;

2. A requirement that a portion of the adult use cannabis and adult use cannabis products excise and sales tax must be used to fund public health and safety campaigns related to the sale and use of medical use cannabis and medical use cannabis products;

3. That edible adult use cannabis products that are gummies must be blister packaged; and

4. For the establishment of a study group to examine youth consumption of medical use and adult use cannabis, including a study of data related to cannabis use of people under 21 years of age in the State, science concerning the effects of the use of cannabis on youth development and overall health, strategies to improve the quality, availability and

transparency of data concerning cannabis use by people under 21 years of age in the State and an approach to regularly report to the Legislature on youth consumption of cannabis.