

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1641

H.P. 1132

House of Representatives, June 21, 2017

**An Act To Amend the Marijuana Legalization Act Regarding Retail
Marijuana Testing Facilities**

(EMERGENCY)

Reported by Representative PIERCE of Falmouth for the Joint Select Committee on
Marijuana Legalization Implementation pursuant to Joint Order 2017, H.P. 96.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the people of the State of Maine in November 2016 passed into law the
4 Marijuana Legalization Act, which establishes a system of licensing for marijuana
5 cultivation, testing, processing and retail sale to enable persons 21 years of age or older to
6 legally acquire, possess and consume marijuana and marijuana products under the laws of
7 this State; and

8 **Whereas,** amendments to the Marijuana Legalization Act are necessary to provide
9 clarity in the licensing and regulation of retail marijuana testing facilities and in the
10 testing of marijuana and marijuana products to guard the public health and safety by
11 ensuring that marijuana and marijuana products entering the retail market will be safe and
12 fit for consumption by persons 21 years of age or older; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. 7 MRSA §2442, sub-§20,** as enacted by IB 2015, c. 5, §1, is repealed.

19 **Sec. 2. 7 MRSA §2442, sub-§§23-A, 31-A and 31-B** are enacted to read:

20 **23-A. Marijuana product.** "Marijuana product" means concentrated marijuana or a
21 product composed of marijuana and other ingredients that is intended for use or
22 consumption. "Marijuana product" includes, but is not limited to, an edible marijuana
23 product, a marijuana ointment and a marijuana tincture.

24 **31-A. Qualifying patient.** "Qualifying patient" means a person who possesses a
25 valid certification for the medical use of marijuana pursuant to Title 22, section 2423-B.

26 **31-B. Registered caregiver.** "Registered caregiver" means a primary caregiver who
27 is registered by the Department of Health and Human Services pursuant to Title 22,
28 section 2425, subsection 4.

29 **Sec. 3. 7 MRSA §2442, sub-§32,** as enacted by IB 2015, c. 5, §1, is amended to
30 read:

31 **32. Registered dispensary.** "Registered dispensary" means a nonprofit dispensary
32 that is ~~a nonprofit corporation organized under Title 13-B and~~ registered with by the
33 Department of Health and Human Services pursuant to ~~the Maine Medical Use of~~
34 ~~Marijuana Act and holds one or more dispensary registrations~~ Title 22, section 2428,
35 subsection 2, paragraph A.

36 **Sec. 4. 7 MRSA §2442, sub-§36-A** is enacted to read:

1 **36-A. Retail marijuana licensee.** "Retail marijuana licensee" or "licensee" means a
2 person licensed pursuant to this chapter.

3 **Sec. 5. 7 MRSA §2442, sub-§37,** as enacted by IB 2015, c. 5, §1, is amended to
4 read:

5 **37. Retail marijuana product.** "Retail marijuana product" means concentrated
6 retail marijuana and retail marijuana products that are composed of retail marijuana and
7 other ingredients and are intended for use or consumption, including, but not limited to,
8 edible products, ointments and tinctures a marijuana product that is manufactured,
9 processed, distributed or sold by a licensed retail marijuana establishment or a retail
10 marijuana social club.

11 **Sec. 6. 7 MRSA §2445,** as amended by PL 2017, c. 1, §7, is further amended to
12 read:

13 **§2445. Independent testing and certification program**

14 Beginning February 1, 2018, the state licensing authority shall establish, ~~within a~~
15 ~~specific time frame, a~~ an independent testing and certification program for retail
16 marijuana and retail marijuana products independent testing and certification program.
17 ~~This~~ Except as otherwise provided in this section, the program must require licensees to
18 test retail marijuana and retail marijuana products to ensure at a minimum that products
19 sold for human consumption do a retail marijuana licensee, prior to selling or furnishing
20 retail marijuana or a retail marijuana product to a consumer or to another licensee, to
21 submit the marijuana or marijuana product to a retail marijuana testing facility for testing
22 pursuant to this section to ensure that the marijuana or marijuana product does not contain
23 contaminants exceed the maximum level of allowable contamination for any contaminant
24 that are is injurious to health and for which testing is required and to ensure correct
25 labeling. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules
26 identifying the types of contaminants that are injurious to health for which marijuana and
27 marijuana products must be tested under this section and the maximum level of allowable
28 contamination for each contaminant.

29 **1. Mandatory testing.** ~~Testing~~ A retail marijuana licensee may not sell or furnish
30 retail marijuana or a retail marijuana product to a consumer or to another licensee under
31 this chapter unless the marijuana or marijuana product has been tested pursuant to this
32 section and rules adopted pursuant to this section and that mandatory testing has
33 demonstrated that the marijuana or marijuana product does not exceed the maximum
34 level of allowable contamination for any contaminant that is injurious to health and for
35 which testing is required. Mandatory testing of retail marijuana and retail marijuana
36 products under this section must include, but is not limited to, analysis testing for residual
37 solvents, poisons and toxins; harmful chemicals; dangerous molds and mildew; harmful
38 microbes, such as including, but not limited to, Escherichia coli and salmonella; and
39 pesticides, fungicides and insecticides; and THC potency, homogeneity and cannabinoid
40 profiles for correct labeling. The Commissioner of Agriculture, Conservation and
41 Forestry shall establish by rule processes, protocols and standards for mandatory and
42 other testing of marijuana and marijuana products that conform with the best practices
43 generally used within the marijuana testing industry.

1 **2. Notification requirements.** ~~In the event that test~~ If the results of a mandatory test
2 required under subsection 1 indicate the presence of quantities of any substance
3 determined to be that the tested marijuana or marijuana product exceeds the maximum
4 level of allowable contamination for any contaminant that is injurious to health in any
5 product, these products must be immediately quarantined and immediate notification to
6 the persons responsible for enforcing the marijuana laws must be made. These products
7 must be documented and properly destroyed, and for which testing is required, the testing
8 facility shall immediately quarantine, document and properly destroy the marijuana or
9 marijuana product, except when the owner of the tested marijuana or marijuana product
10 has successfully undertaken remediation and retesting. If the results of a mandatory test
11 indicate that the tested marijuana or marijuana product exceeds the maximum level of
12 allowable contamination for any contaminant that is injurious to health and for which
13 testing is required, the testing facility shall within 30 days of completing the test notify
14 the Department of Agriculture, Conservation and Forestry of the test results. A testing
15 facility is not required to notify the Department of Agriculture, Conservation and Forestry
16 of the results of any test:

17 A. Conducted on marijuana or a marijuana product at the direction of a retail
18 marijuana licensee pursuant to subsection 1 that demonstrates that the marijuana or
19 marijuana product does not exceed the maximum level of allowable contamination
20 for any contaminant that is injurious to health and for which testing is required;

21 B. Conducted on marijuana or a marijuana product at the direction of a retail
22 marijuana licensee for research and development purposes only, as long as the
23 licensee notifies the testing facility prior to the performance of the test that the testing
24 is for research and development purposes only;

25 C. Conducted on a substance that is not marijuana or a marijuana product at the
26 direction of any person; or

27 D. Conducted on marijuana or a marijuana product at the direction of any person
28 who is not a retail marijuana licensee.

29 ~~**3. THC potency.** Testing must verify THC potency representations for correct~~
30 ~~labeling.~~

31 **4. Sampling.** If a test to be performed by a retail marijuana testing facility is a
32 mandatory test required under subsection 1, an employee or designee of the testing
33 facility must perform the sampling required for the test. If a test to be performed by a
34 retail marijuana testing facility is not a mandatory test, the owner of the marijuana or
35 marijuana product may perform the sampling required for the test.

36 **5. Additional testing not required.** A retail marijuana licensee may sell or furnish
37 to a consumer or to another licensee retail marijuana or a retail marijuana product that the
38 retail marijuana licensee has not submitted for testing pursuant to this section if:

39 A. The marijuana or marijuana product has previously been tested pursuant to this
40 section by another retail marijuana licensee and that testing demonstrated that the
41 marijuana or marijuana product does not exceed the maximum level of allowable
42 contamination for any contaminant that is injurious to health and for which testing is
43 required;

1 B. The mandatory testing process and the test results for the marijuana or marijuana
2 product under paragraph A are documented in accordance with the requirements of
3 this chapter and all applicable rules adopted pursuant to this chapter; and

4 C. Tracking from seed or immature plant to retail sale has been maintained for the
5 marijuana or marijuana product and transfers of the marijuana or marijuana product
6 to a consumer or another licensee can be easily identified.

7 The establishment of an independent testing and certification program in accordance
8 with this section does not affect the adoption of rules ~~in~~ under section 2444, subsection 2
9 or affect the implementation of cultivation, production and sale of retail marijuana and
10 retail marijuana products in accordance with the requirements of this chapter.

11 **Sec. 7. 7 MRSA §2448, sub-§6**, as enacted by IB 2015, c. 5, §1, is amended to
12 read:

13 **6. Retail marijuana testing facility license.** ~~A retail marijuana testing facility~~
14 ~~license may be issued to a person who performs testing and research on retail marijuana.~~
15 ~~The facility may develop and test retail marijuana products~~ The state licensing authority
16 may issue a full or a provisional retail marijuana testing facility license in accordance
17 with this chapter to a person to operate a retail marijuana testing facility for the purposes
18 of developing, researching and testing marijuana, marijuana products and other
19 substances.

20 ~~The state licensing authority shall adopt rules pursuant to its authority in section 2445~~
21 ~~related to acceptable testing and research practices, including but not limited to testing,~~
22 ~~standards, quality control analysis, equipment certification and calibration, chemical~~
23 ~~identification and other practices used in bona fide research methods.~~

24 A. A person ~~that has~~ with an interest in a retail marijuana testing facility ~~license from~~
25 ~~the state licensing authority for testing purposes~~ licensed under this chapter may not
26 ~~be a registered caregiver or have any an~~ interest in a registered dispensary, ~~a~~
27 ~~registered caregiver, or in a licensed~~ retail marijuana store, a ~~licensed~~ retail marijuana
28 social club, a ~~licensed~~ retail marijuana cultivation facility or a ~~licensed~~ retail
29 marijuana products manufacturing facility licensed under this chapter. A person ~~that~~
30 ~~has who is a registered caregiver or who has~~ an interest in a registered dispensary, ~~a~~
31 ~~registered caregiver, or in a licensed~~ retail marijuana store, a ~~licensed~~ retail marijuana
32 social club, a ~~licensed~~ retail marijuana cultivation facility or a ~~licensed~~ retail
33 marijuana products manufacturing facility licensed under this chapter may not have
34 an interest in a ~~facility that has a~~ retail marijuana testing facility ~~license~~ licensed
35 under this chapter. For purposes of this paragraph, "interest" ~~includes~~ means an
36 ownership interest or partial ownership interest or any other type of financial interest,
37 ~~such as including, but not limited to,~~ being an investor or serving in a management
38 position.

39 B. Retail marijuana and retail marijuana products may be transported between ~~the~~
40 ~~licensed a~~ retail marijuana testing facility and ~~a~~ retail marijuana cultivation ~~facilities~~
41 ~~facility,~~ facility, ~~a~~ retail marijuana products manufacturing ~~facilities~~ facility, ~~a~~ retail marijuana
42 ~~stores~~ store and ~~a~~ retail marijuana social ~~clubs~~ club.

1 C. A licensed retail marijuana testing facility may not commence or continue
2 operation unless the facility:

3 (1) Is certified for operation by the Department of Health and Human Services,
4 Maine Center for Disease Control and Prevention in accordance with rules
5 adopted by the Commissioner of Agriculture, Conservation and Forestry in
6 consultation with the Department of Health and Human Services, Maine Center
7 for Disease Control and Prevention;

8 (2) Except as otherwise provided in this subparagraph, is accredited pursuant to
9 standard ISO/IEC 17025 of the International Organization for Standardization by
10 a 3rd-party accrediting body or is certified, registered or accredited by an
11 organization approved by the Commissioner of Agriculture, Conservation and
12 Forestry. The Commissioner of Agriculture, Conservation and Forestry shall
13 adopt rules regarding the scope of certification, registration or accreditation
14 required for licensure as a retail marijuana testing facility.

15 The state licensing authority may issue a full retail marijuana testing facility
16 license to a person who meets all applicable requirements of this chapter and
17 rules adopted under this chapter and who has obtained accreditation pursuant to
18 standard ISO/IEC 17025 of the International Organization for Standardization
19 from a 3rd-party accrediting body or who is certified, registered or accredited by
20 an approved organization.

21 The state licensing authority may issue a provisional retail marijuana testing
22 facility license to a person who otherwise meets all applicable requirements of
23 this chapter and rules adopted under this chapter and who has applied for but not
24 yet obtained accreditation from a 3rd-party accrediting body or who has applied
25 for but not yet obtained certification, registration or accreditation from an
26 approved organization. The state licensing authority may not renew a provisional
27 retail marijuana testing facility license more than once;

28 (3) Is determined by the Department of Agriculture, Conservation and Forestry
29 to meet all operational and technical requirements for retail marijuana testing
30 facilities under this chapter and applicable rules adopted under this chapter; and

31 (4) Is approved or licensed by the municipality in which the facility is physically
32 located and notice of approval or licensure has been provided by the municipality
33 to the state licensing authority.

34 D. A retail marijuana testing facility shall follow all testing protocols, standards and
35 criteria adopted by rule by the Commissioner of Agriculture, Conservation and
36 Forestry for the testing of different forms of marijuana and marijuana products;
37 determining batch size; sampling; testing validity; and approval and disapproval of
38 tested marijuana and marijuana products.

39 E. If a retail marijuana testing facility determines that a sample of marijuana or a
40 marijuana product has failed testing, the facility shall offer to the owner of the sample
41 that failed testing an opportunity for remediation and retesting in accordance with
42 rules adopted by the Commissioner of Agriculture, Conservation and Forestry.

1 F. A retail marijuana testing facility shall maintain records of all business
2 transactions and testing results in accordance with the record-keeping requirements of
3 subsection 8-A and in accordance with applicable standards for licensing and
4 accreditation under paragraph C and testing protocols, standards and criteria adopted
5 by the Commissioner of Agriculture, Conservation and Forestry under paragraph D.

6 G. A retail marijuana testing facility shall dispose of used, unused and waste
7 marijuana and marijuana products in accordance with rules adopted by the
8 Commissioner of Agriculture, Conservation and Forestry.

9 H. A retail marijuana testing facility shall notify the Department of Agriculture,
10 Conservation and Forestry of test results in accordance with section 2445, subsection
11 2.

12 I. A retail marijuana testing facility may develop, research and test marijuana and
13 marijuana products for that facility; for another retail marijuana establishment or a
14 retail marijuana social club; for a person who intends to use the marijuana or
15 marijuana product for personal use as allowed under this chapter; or for a qualifying
16 patient, a registered caregiver or a registered dispensary. A retail marijuana testing
17 facility may develop, research and test other substances that are not marijuana or
18 marijuana products for that facility or for any other person.

19 The Commissioner of Agriculture, Conservation and Forestry shall adopt rules regarding
20 the testing of marijuana and marijuana products by retail marijuana testing facilities
21 pursuant to this chapter, including, but not limited to, rules establishing acceptable testing
22 and research practices for retail marijuana testing facilities, including, but not limited to,
23 provisions relating to testing practices, methods and standards; remediation and retesting
24 procedures; quality control analysis; equipment certification and calibration; chemical
25 identification; testing facility record-keeping, documentation and business practices;
26 disposal of used, unused and waste marijuana and marijuana products; and reporting of
27 test results; rules establishing an independent testing and certification program pursuant
28 to section 2445; and rules governing sampling and testing of retail marijuana and retail
29 marijuana products pursuant to section 2448, subsection 8-A. Rules adopted pursuant to
30 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
31 2-A.

32 **Sec. 8. 7 MRSA §2448, sub-§8,** as enacted by IB 2015, c. 5, §1, is repealed.

33 **Sec. 9. 7 MRSA §2448, sub-§8-A** is enacted to read:

34 **8-A. Inspections; record-keeping requirements; audit requirements; testing and**
35 **sampling for product quality control.** A retail marijuana licensee shall submit to
36 inspections and maintain business records in accordance with this subsection.

37 A. A licensee shall maintain a complete set of all records of the licensee's business
38 transactions, which must be open to inspection and examination by the state licensing
39 authority upon demand and without notice during all business hours. Records must
40 be maintained by a licensee for a period comprising the current tax year and the 2
41 immediately preceding tax years.

1 B. The state licensing authority may require a licensee to furnish any additional
 2 information necessary for the proper administration of this chapter and may require a
 3 licensee to submit to an audit of the licensee's business records. If the state licensing
 4 authority requires a licensee to submit to an audit, the licensee shall provide the
 5 auditor selected by the state licensing authority with access to all business records of
 6 the licensee and the cost of the audit must be paid by the licensee.

7 C. A licensee shall submit to an inspection of the licensed premises, including any
 8 places of storage, upon demand and without notice during all business hours and
 9 other times of apparent activity by the state licensing authority, a law enforcement
 10 agency or an official authorized by the municipality in which the licensed premises
 11 are located. If any part of the licensed premises consists of a locked area, a licensee
 12 shall, upon demand of the state licensing authority, a law enforcement agency or the
 13 official authorized by the municipality, open the locked area for inspection.

14 D. A licensee shall submit to the sampling and testing of retail marijuana or retail
 15 marijuana products upon demand and without notice during all business hours by the
 16 Department of Agriculture, Conservation and Forestry for the purposes of product
 17 quality control. Sampling and testing by the Department of Agriculture,
 18 Conservation and Forestry pursuant to this paragraph must be conducted in
 19 accordance with the requirements of section 2445 and rules adopted pursuant to
 20 section 2448, subsection 6.

21 **Sec. 10. Appropriations and allocations.** The following appropriations and
 22 allocations are made.

23 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 24 **Cannabis Regulation and Licensing Fund N219**

25 Initiative: Provides allocations for one Consumer Protection Inspector position, one pool
 26 vehicle and position technology costs.

27

28 OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
29 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
30 Personal Services	\$0	\$79,801
31 All Other	\$0	\$12,500
32		
33 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$92,301

34 **Cannabis Regulation and Licensing Fund N219**

35 Initiative: Provides one-time funding for the first year of one Consumer Protection
 36 Inspector position, one pool vehicle, position technology costs and rule-making costs.

37

38 GENERAL FUND	2017-18	2018-19
39 POSITIONS - LEGISLATIVE COUNT	1.000	0.000
40 Personal Services	\$76,032	\$0

1	All Other	\$15,000	\$0
2			
3	GENERAL FUND TOTAL	<u>\$91,032</u>	<u>\$0</u>
4			
5	AGRICULTURE, CONSERVATION AND		
6	FORESTRY, DEPARTMENT OF		
7	DEPARTMENT TOTALS	2017-18	2018-19
8			
9	GENERAL FUND	\$91,032	\$0
10	OTHER SPECIAL REVENUE FUNDS	\$0	\$92,301
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$91,032</u>	<u>\$92,301</u>
13	HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
14	Maine Center for Disease Control and Prevention 0143		
15	Initiative: Provides appropriations and allocations for one Environmental Specialist III		
16	position to certify licensed retail marijuana testing facilities.		
17			
18	GENERAL FUND	2017-18	2018-19
19	POSITIONS - LEGISLATIVE COUNT	1.000	0.000
20	Personal Services	\$74,552	\$0
21	All Other	\$10,170	\$0
22			
23	GENERAL FUND TOTAL	<u>\$84,722</u>	<u>\$0</u>
24			
25	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
26	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
27	Personal Services	\$0	\$77,185
28	All Other	\$0	\$10,170
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$87,355</u>
31			
32	HEALTH AND HUMAN SERVICES,		
33	DEPARTMENT OF (FORMERLY DHS)		
34	DEPARTMENT TOTALS	2017-18	2018-19
35			
36	GENERAL FUND	\$84,722	\$0
37	OTHER SPECIAL REVENUE FUNDS	\$0	\$87,355
38		<u></u>	<u></u>

1	DEPARTMENT TOTAL - ALL FUNDS	\$84,722	\$87,355
2			
3	SECTION TOTALS	2017-18	2018-19
4			
5	GENERAL FUND	\$175,754	\$0
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$179,656
7			
8	SECTION TOTAL - ALL FUNDS	\$175,754	\$179,656

9 **Emergency clause.** In view of the emergency cited in the preamble, this
10 legislation takes effect when approved.

11 **SUMMARY**

12 This bill amends the Marijuana Legalization Act with respect to the requirements for
13 retail marijuana testing facilities and the testing of marijuana and marijuana products as
14 follows.

15 1. It clarifies requirements for the testing of marijuana and marijuana products,
16 including the mandatory testing of retail marijuana and retail marijuana products for
17 homogeneity and cannabinoid profiles.

18 2. It clarifies licensing and operational requirements for retail marijuana testing
19 facilities, including requirements that such facilities:

20 A. Be certified by the Department of Health and Human Services, Maine Center for
21 Disease Control and Prevention, be accredited pursuant to standard ISO/IEC 17025
22 of the International Organization for Standardization by a 3rd-party accrediting body,
23 or be certified, registered or accredited by an organization approved by the
24 Department of Agriculture, Conservation and Forestry, and be licensed or approved
25 by the municipality in which the facility is physically located. It authorizes issuance
26 of a provisional retail marijuana testing facility license to a testing facility that has
27 applied for but not yet obtained certification, registration or accreditation from a 3rd-
28 party accrediting body or an approved organization;

29 B. Meet all operational and technical requirements established by rule and follow
30 testing protocols, standards and criteria established by rule for testing of different
31 forms of marijuana and marijuana products, determining batch size, sampling, testing
32 validity and approval and disapproval;

33 C. Offer remediation and retesting of marijuana or a marijuana product that fails a
34 test and dispose of used, unused and waste marijuana and marijuana products; and

35 D. Maintain records of all business transactions and testing and report the results of
36 certain tests to the Department of Agriculture, Conservation and Forestry.

1 3. It authorizes retail marijuana testing facilities to perform research and product
2 testing and development on marijuana and marijuana products and on substances other
3 than marijuana and marijuana products for that facility or for other retail marijuana
4 establishments or retail marijuana social clubs. It also authorizes testing facilities to
5 provide services to a person intending to use marijuana or a marijuana product for
6 personal use and to a qualifying patient, a registered caregiver and a registered dispensary
7 under the Maine Medical Use of Marijuana Act.

8 4. It clarifies inspection and record-keeping requirements for retail marijuana
9 licensees, including requiring a licensee to submit to sampling and testing of retail
10 marijuana or retail marijuana products upon demand and without notice by the
11 Department of Agriculture, Conservation and Forestry for the purposes of product quality
12 control.

13 5. It clarifies the rule-making authority of the Commissioner of Agriculture,
14 Conservation and Forestry regarding the adoption of rules relating to retail marijuana
15 testing facilities and the testing of marijuana and marijuana products and designates those
16 rules as routine technical rules.

17 The bill also includes an appropriations and allocations section.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**



128th MAINE LEGISLATURE

LD 1641

LR 2391(01)

An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities

Fiscal Note for Original Bill
Committee: Marijuana Legalization Implementation
Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$175,754	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$175,754	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$179,656	\$184,297	\$189,098

Fiscal Detail and Notes

The bill includes a General Fund appropriation to the Department of Health and Human Services of \$84,722 in fiscal year 2017-18 and an Other Special Revenue Funds allocation of 87,355 in fiscal year 2018-19 for one Environmental Specialist III position to certify the licensed retail marijuana testing facilities. The bill also includes a General Fund appropriation to the Department of Agriculture, Conservation and Forestry of \$91,032 in fiscal year 2017-18 and an Other Special Revenue Funds allocation of \$92,301 in fiscal year 2018-19 for one Consumer Protection Inspector position to inspect licensed retail marijuana testing facilities for compliance. The Other Special Revenue Funds allocations will be funded by license fees authorized by the Marijuana Legalization Act, 7 MRSA, §2448, subsection 10. The General Fund appropriations are required because there will not be sufficient revenue from license fees in fiscal year 2017-18.