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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1097, L.D. 1505, Bill, "An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws"

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

Sec. 1. 22 MRSA §2422, sub-§§4-D to 4-I, as enacted by PL 2017, c. 447, §1 and c. 452, §3, are repealed.

Sec. 2. 22 MRSA §2422, sub-§§4-N to 4-S are enacted to read:

4-N. Immature marijuana plant. "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

4-O. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

4-P. Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

4-Q. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

4-R. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

COMMITTEE AMENDMENT

1 **4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted
2 from any part of a marijuana plant and every compound, manufacture, salt, derivative,
3 mixture or preparation from such resin, including, but not limited to, hashish.

4 **Sec. 3. 22 MRSA §2422, sub-§6,** as amended by PL 2017, c. 452, §3, is further
5 amended to read:

6 **6. Registered dispensary or dispensary.** "Registered dispensary" or "dispensary"
7 means an entity registered under section 2425-A that acquires, possesses, cultivates,
8 manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants
9 or harvested marijuana or related supplies and educational materials to qualifying patients
10 and the caregivers of those patients.

11 **Sec. 4. 22 MRSA §2422, sub-§14-A,** as amended by PL 2017, c. 447, §3 and c.
12 452, §3, is repealed and the following enacted in its place:

13 **14-A. Sample.** "Sample" means a marijuana plant or harvested marijuana that is
14 provided for testing or research purposes to a marijuana testing facility.

15 **Sec. 5. 22 MRSA §2423-A, sub-§1, ¶G,** as amended by PL 2015, c. 475, §6, is
16 further amended to read:

17 G. Be in the presence or vicinity of the medical use of marijuana and assist any
18 qualifying patient with using or administering harvested marijuana;

19 **Sec. 6. 22 MRSA §2423-A, sub-§1, ¶H,** as amended by PL 2017, c. 447, §4 and
20 c. 452, §4, is repealed and the following enacted in its place:

21 H. Accept marijuana plants or harvested marijuana from a qualifying patient,
22 caregiver or registered dispensary if no remuneration is provided to the patient,
23 caregiver or dispensary;

24 **Sec. 7. 22 MRSA §2423-A, sub-§1, ¶J,** as enacted by PL 2017, c. 447, §6 and c.
25 452, §4, is repealed and the following enacted in its place:

26 J. Manufacture marijuana products and marijuana concentrate for medical use,
27 except that a qualifying patient may not manufacture food, as defined in section 2152,
28 subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and
29 except that a qualifying patient may not produce marijuana concentrate using
30 inherently hazardous substances unless authorized pursuant to section 2423-F,
31 subsection 3;

32 **Sec. 8. 22 MRSA §2423-A, sub-§1, ¶K,** as enacted by PL 2017, c. 447, §6 and
33 c. 452, §4, is repealed and the following enacted in its place:

34 K. Provide harvested marijuana to a manufacturing facility and obtain marijuana
35 products and marijuana concentrate from the manufacturing facility that are produced
36 from the harvested marijuana the qualifying patient provided to the manufacturing
37 facility;

38 **Sec. 9. 22 MRSA §2423-A, sub-§2, ¶G,** as repealed and replaced by PL 2017, c.
39 447, §7 and amended by c. 452, §4, is repealed and the following enacted in its place:

1 G. Manufacture marijuana products and marijuana concentrate for medical use,
2 except that a caregiver may not manufacture food, as defined in section 2152,
3 subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that
4 a caregiver may not produce marijuana concentrate using inherently hazardous
5 substances unless authorized pursuant to section 2423-F, subsection 3;

6 **Sec. 10. 22 MRSA §2423-A, sub-§2, ¶L,** as amended by PL 2017, c. 447, §8
7 and c. 452, §4, is repealed and the following enacted in its place:

8 L. Provide samples to a marijuana testing facility for testing and research purposes;

9 **Sec. 11. 22 MRSA §2423-A, sub-§2, ¶M,** as amended by PL 2017, c. 447, §8
10 and c. 452, §4, is repealed and the following enacted in its place:

11 M. Conduct marijuana testing at the request of anyone authorized to possess
12 marijuana under this chapter for research and development purposes only;

13 **Sec. 12. 22 MRSA §2423-A, sub-§2, ¶N,** as enacted by PL 2017, c. 447, §9 and
14 c. 452, §4, is repealed and the following enacted in its place:

15 N. Provide harvested marijuana to a manufacturing facility and obtain marijuana
16 products and marijuana concentrate from the manufacturing facility that are produced
17 from the harvested marijuana the caregiver provided to the manufacturing facility;

18 **Sec. 13. 22 MRSA §2423-A, sub-§10,** as amended by PL 2017, c. 447, §10 and
19 c. 452, §4, is repealed and the following enacted in its place:

20 **10. Marijuana testing facility.** The following provisions apply to a marijuana
21 testing facility.

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

29 B. An assistant of a marijuana testing facility may have access to cultivation areas
30 pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6,
31 paragraph I.

32 C. A marijuana testing facility shall:

33 (1) Dispose of samples in a manner that prevents diversion of samples to persons
34 not authorized to possess the samples tested by the facility;

35 (2) House and store samples in the facility's possession or control during the
36 process of testing, transport or analysis in a manner to prevent diversion, theft or
37 loss;

38 (3) Label samples being transported to and from the facility with the following
39 statement: "For Testing Purposes Only";

1 (4) Maintain testing results as part of the facility's business books and records;
2 and

3 (5) Operate in accordance with any rules adopted by the department.

4 D. The department shall adopt routine technical rules as defined in Title 5, chapter
5 375, subchapter 2-A governing marijuana testing facilities, including but not limited
6 to:

7 (1) Marijuana testing facility officer or director qualification requirements;

8 (2) Required security for marijuana testing facilities; and

9 (3) Requirements for the licensing, certifying or other approval of marijuana
10 testing facilities.

11 The failure of the department to adopt rules under this paragraph does not prevent a
12 marijuana testing facility from engaging in activities in compliance with this chapter.

13 E. A marijuana testing facility shall obtain and must be able to produce, upon
14 demand of the department or a municipal code enforcement officer, documentation of
15 the facility's accreditation pursuant to standard ISO/IEC 17025 of the International
16 Organization for Standardization by a 3rd-party accrediting body. The department
17 may inspect a marijuana testing facility during regular business hours and hours of
18 apparent activity for compliance with this chapter.

19 **Sec. 14. 22 MRSA §2423-A, sub-§11**, as amended by PL 2017, c. 447, §11 and
20 repealed by c. 452, §4, is repealed.

21 **Sec. 15. 22 MRSA §2423-A, sub-§12**, as amended by PL 2017, c. 447, §12 and
22 c. 452, §4, is repealed and the following enacted in its place:

23 **12. Interest.** A caregiver or an officer or director of a registered dispensary,
24 registered caregiver or manufacturing facility may not have a financial or other interest in
25 a marijuana testing facility providing services associated with product labeling for that
26 dispensary, caregiver or manufacturing facility.

27 **Sec. 16. 22 MRSA §2423-A, sub-§14**, as enacted by PL 2017, c. 447, §14, is
28 repealed.

29 **Sec. 17. 22 MRSA §2423-F**, as enacted by PL 2017, c. 447, §15 and c. 452, §9, is
30 repealed and the following enacted in its place:

31 **§2423-F. Marijuana manufacturing facilities**

32 A person may not manufacture marijuana products or marijuana concentrate or
33 engage in marijuana extraction except as provided in this chapter.

34 **1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered
35 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in
36 accordance with rules adopted pursuant to subsection 10 and may possess up to 40
37 pounds of harvested marijuana.

1 2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered
2 pursuant to subsection 8 may engage in the activities authorized under subsection 4 in
3 accordance with rules adopted pursuant to subsection 10 and may possess up to 200
4 pounds of harvested marijuana.

5 3. Authorization for extraction using inherently hazardous substances. This
6 subsection governs the authority of a person to engage in marijuana extraction using
7 inherently hazardous substances in accordance with subsection 5.

8 A. A qualifying patient, caregiver, registered dispensary or manufacturing facility
9 may engage in marijuana extraction using inherently hazardous substances if the
10 person can produce, upon demand of the department:

11 (1) Certification from a professional engineer licensed in this State of the safety
12 of the equipment used for marijuana extraction and the location of the equipment
13 and the professional engineer's approval of the standard operating procedures for
14 the marijuana extraction;

15 (2) Documentation from a professional engineer licensed in this State or a state
16 or local official authorized to certify compliance that the equipment used for
17 marijuana extraction and the location of the equipment comply with state law and
18 all applicable local and state building codes, electrical codes and fire codes,
19 including the chapters of the most recent National Fire Protection Association
20 Fire Code relating to marijuana extraction facilities;

21 (3) Documentation from the manufacturer of the marijuana extraction system or
22 a professional engineer licensed in this State showing that a professional grade,
23 closed-loop extraction system that is capable of recovering the solvents used to
24 produce marijuana concentrate is used by the person; and

25 (4) Evidence that the person has provided notice to the department of the
26 person's intent to engage in marijuana extraction using inherently hazardous
27 substances and the location where the marijuana extraction will occur prior to
28 engaging in marijuana extraction using inherently hazardous substances.

29 A person that intends to engage in marijuana extraction using inherently hazardous
30 substances shall notify the department of that intention prior to engaging in marijuana
31 extraction using inherently hazardous substances. The department may deny an
32 application of a person authorized under this paragraph to register pursuant to rules
33 adopted under subsection 10 if the person did not notify the department in accordance
34 with this paragraph.

35 B. A person that is not a qualifying patient, caregiver or dispensary and that meets
36 the requirements of a person authorized under paragraph A, pays the fee required by
37 section 2425-A, subsection 10 and meets the requirements of rules adopted under
38 subsection 10 is authorized to engage in marijuana extraction using inherently
39 hazardous substances and may possess up to 40 pounds of harvested marijuana in
40 accordance with subsection 5.

41 4. Authorized conduct; manufacturing facilities. A registered manufacturing
42 facility:

1 A. May manufacture marijuana products and marijuana concentrate for medical use
2 using any method that does not involve an inherently hazardous substance, except
3 that a registered manufacturing facility may manufacture marijuana concentrate using
4 inherently hazardous substances if authorized under subsection 3;

5 B. May obtain harvested marijuana from a qualifying patient, a caregiver or a
6 registered dispensary and may transfer marijuana products and marijuana concentrate
7 to the person that provided the harvested marijuana used to manufacture the
8 marijuana product or marijuana concentrate;

9 C. May transfer samples to a marijuana testing facility for testing;

10 D. May conduct testing of marijuana products or marijuana concentrate
11 manufactured by the facility for research and development purposes;

12 E. May receive reasonable compensation for manufacturing marijuana products or
13 marijuana concentrate;

14 F. Shall dispose of harvested marijuana used in the manufacturing process in a
15 manner that prevents its diversion to persons not authorized to possess harvested
16 marijuana possessed by the facility and in accordance with rules adopted by the
17 department; and

18 G. May hire any number of assistants to assist in performing the duties of the
19 manufacturing facility.

20 **5. Authorized conduct; extraction using inherently hazardous substances. A**
21 **person that is authorized to engage in marijuana extraction using inherently hazardous**
22 **substances pursuant to subsection 3;**

23 A. May engage in marijuana extraction to produce marijuana concentrate for medical
24 use;

25 B. May obtain harvested marijuana from a qualifying patient, a caregiver or a
26 dispensary and may transfer marijuana concentrate to the person that provided the
27 harvested marijuana used to produce the marijuana concentrate;

28 C. May transfer samples to a marijuana testing facility for testing;

29 D. May conduct testing of marijuana concentrate produced by the person for
30 research and development purposes;

31 E. May receive reasonable compensation for producing marijuana concentrate;

32 F. Shall dispose of harvested marijuana used in the extraction process in a manner
33 that prevents its diversion to persons not authorized to possess harvested marijuana
34 possessed by the person and in accordance with rules adopted by the department; and

35 G. May hire any number of assistants to assist in performing the activities authorized
36 under this subsection, except that a qualifying patient authorized under subsection 3
37 may not hire an assistant.

38 Notwithstanding the authorizations established in this subsection, a person that is
39 authorized to engage in marijuana extraction using inherently hazardous substances
40 pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

1 **6. Retail sale prohibited.** A registered manufacturing facility or a person authorized
2 to engage in marijuana extraction using inherently hazardous substances under subsection
3 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the
4 person is authorized to engage in retail sales under this chapter.

5 **7. Food establishment license required to manufacture food products.** A
6 registered manufacturing facility or a person authorized to produce marijuana concentrate
7 using inherently hazardous substances may not manufacture edible marijuana products or
8 marijuana tinctures unless licensed pursuant to section 2167.

9 **8. Registration requirements.** This subsection governs registration requirements of
10 a manufacturing facility or a person authorized to engage in marijuana extraction using
11 inherently hazardous substances under subsection 3 and the officer or director or assistant
12 of the facility or person.

13 A. In accordance with rules adopted under subsection 10, the department shall
14 register and issue a registration certificate with a registry identification number to a
15 manufacturing facility or a person authorized to engage in marijuana extraction
16 within 30 days to the facility or person if the facility or person provides:

17 (1) The annual fee required pursuant to section 2425-A, subsection 10;

18 (2) The legal name of the facility or person and, if incorporated, evidence of
19 incorporation and evidence that the corporation is in good standing with the
20 Secretary of State;

21 (3) The physical address of the facility or person or the physical address where
22 an applicant who is an individual will engage in the activities authorized under
23 this section. If the facility or person changes its physical location, or if a person
24 registered under this subsection changes the location at which the person engages
25 in activities authorized under this section, the facility or person shall notify the
26 department of the new location; and

27 (4) The name, address and date of birth of each officer or director of the facility
28 or person.

29 B. In accordance with rules adopted under subsection 10, the department shall issue
30 registry identification cards to the officer or director or assistant of a registered
31 manufacturing facility or person authorized to engage in marijuana extraction using
32 inherently hazardous substances within 5 business days of approving an application
33 or renewal under this subsection. A registry identification card is required to be
34 issued to an officer or director or assistant of a registered manufacturing facility or
35 person authorized to engage in marijuana extraction using inherently hazardous
36 substances. A registry identification card expires one year after the date of issuance.
37 A registry identification card issued under this paragraph must contain:

38 (1) The name of the cardholder;

39 (2) The date of issuance and expiration date of the registry identification card;
40 and

41 (3) A random identification number that is unique to the cardholder.

1 The department may not issue a registry identification card to an officer or director or
2 assistant of a registered manufacturing facility or person authorized to engage in
3 marijuana extraction using inherently hazardous substances who has been convicted
4 of a disqualifying drug offense. The department shall conduct a criminal history
5 record check of each person, officer or director or assistant subject to this subsection
6 on an annual basis.

7 If the department determines not to issue a registry identification card for a person,
8 officer or director or assistant, the department shall notify the registered
9 manufacturing facility or person authorized to engage in marijuana extraction using
10 inherently hazardous substances in writing of the reason for denying the registry
11 identification card.

12 **9. Packaging and labeling requirements.** A manufacturing facility shall package
13 and label its marijuana products and marijuana concentrate prior to transfer from the
14 manufacturing facility in a form intended for use or consumption by a qualifying patient
15 in tamper-evident packaging and with a label that includes the following information:

16 A. The registry identification number of the manufacturing facility;

17 B. Information that allows the provider of the marijuana to the manufacturing facility
18 to confirm that the marijuana provided was used to manufacture the marijuana
19 product or marijuana concentrate transferred back to that provider;

20 C. Ingredients other than material derived from marijuana plants contained in the
21 marijuana product or marijuana concentrate; and

22 D. Any chemicals, solvents or other substances used to manufacture the marijuana
23 product or marijuana concentrate.

24 **10. Rulemaking.** The department shall adopt routine technical rules as defined in
25 Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not
26 limited to:

27 A. Requirements for the registration of a manufacturing facility and an officer or
28 director or assistant of a registered manufacturing facility;

29 B. Requirements for engaging in marijuana extraction using inherently hazardous
30 substances;

31 C. Manufacturing facility officer or director qualification requirements;

32 D. Required security for manufacturing facilities;

33 E. Requirements of a disposal plan for harvested marijuana used in the
34 manufacturing process; and

35 F. Minimum record-keeping requirements, including an annual audit requirement.

36 The failure of the department to adopt rules under this subsection does not prevent a
37 person authorized pursuant to subsection 3, paragraph A from engaging in conduct
38 authorized under this section.

39 **11. Multiple authorizations.** A manufacturing facility or person registered pursuant
40 to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A

1 manufacturing facility or person authorized to possess marijuana under this chapter may
2 possess the amount allowed for that manufacturing facility or person in addition to the
3 possession amount allowed under this section if the manufacturing facility or person is
4 registered pursuant to this section. The marijuana possessed must be distinguishable with
5 respect to the purposes for which it is authorized to be possessed.

6 **12. Record keeping.** A registered manufacturing facility or person authorized to
7 engage in marijuana extraction using inherently hazardous substances under subsection 3
8 shall maintain records of all transactions in accordance with section 2430-G.

9 **13. Colocation of facilities.** A manufacturing facility that is also licensed as an
10 adult use marijuana products manufacturing facility under Title 28-B, chapter 1 may
11 manufacture marijuana products and marijuana concentrate for adult use within the same
12 facility in which the licensee also manufactures marijuana products or marijuana
13 concentrate for medical use pursuant to this chapter. The following items or areas within
14 the shared facility may be shared for both manufacturing pursuant to this chapter and
15 pursuant to Title 28-B, chapter 1:

16 A. Manufacturing-related and nonmanufacturing-related equipment, except that
17 manufacturing-related equipment may not be simultaneously used for manufacturing
18 pursuant to this chapter and pursuant to Title 28-B, chapter 1;

19 B. Manufacturing-related and nonmanufacturing-related supplies or products not
20 containing harvested marijuana and the storage areas for those supplies or products;
21 and

22 C. General office space, bathrooms, entryways and walkways.

23 **Sec. 18. 22 MRSA §2425**, as amended by PL 2017, c. 447, §§16 to 18 and
24 repealed by c. 452, §11, is repealed.

25 **Sec. 19. 22 MRSA §2425-A, sub-§3-A, ¶¶E and F**, as enacted by PL 2017, c.
26 452, §12, are amended to read:

27 E. State and federal criminal history record information may be used by the
28 department for the purpose of screening a ~~child-care provider or child-care staff~~
29 ~~member~~ person in accordance with this chapter.

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

33 **Sec. 20. 22 MRSA §2425-A, sub-§8, ¶D**, as enacted by PL 2017, c. 452, §12, is
34 amended to read:

35 D. The physical address of the certificate holder and, if the certificate holder is a
36 dispensary, the physical address of one additional location, if any, where marijuana
37 plants will be cultivated; and

38 **Sec. 21. 22 MRSA §2426, sub-§1, ¶E**, as amended by PL 2017, c. 452, §13, is
39 further amended to read:

1 E. Use or possess marijuana plants or harvested marijuana if that person is not a
2 qualifying patient, caregiver, registered dispensary or other person authorized to use
3 or possess marijuana under this chapter.

4 **Sec. 22. 22 MRSA §2428, sub-§1-A, ¶D**, as amended by PL 2017, c. 447, §19
5 and c. 452, §16, is repealed and the following enacted in its place:

6 D. Assist the qualifying patient with the medical use or administration of harvested
7 marijuana;

8 **Sec. 23. 22 MRSA §2428, sub-§1-A, ¶E**, as amended by PL 2017, c. 447, §20
9 and c. 452, §16, is repealed and the following enacted in its place:

10 E. Obtain harvested marijuana from a caregiver under section 2423-A, subsection 2,
11 paragraph K;

12 **Sec. 24. 22 MRSA §2428, sub-§1-A, ¶F**, as enacted by PL 2017, c. 447, §21
13 and c. 452, §16, is repealed and the following enacted in its place:

14 F. Except as provided in section 2426:

15 (1) Transfer marijuana plants and harvested marijuana to a qualifying patient and
16 to a caregiver on behalf of a qualifying patient in a retail sale for reasonable
17 compensation;

18 (2) Transfer marijuana plants and harvested marijuana to a qualifying patient,
19 caregiver or dispensary for no remuneration;

20 (3) Acquire marijuana plants and harvested marijuana from another dispensary
21 for no remuneration;

22 (4) Transfer to and accept from a registered caregiver or another dispensary
23 marijuana plants and harvested marijuana in a wholesale transaction in
24 accordance with this paragraph. A dispensary may transfer in wholesale
25 transactions for reasonable compensation or for no remuneration up to 30% of the
26 mature marijuana plants grown by the dispensary over the course of a calendar
27 year, including any marijuana products or marijuana concentrate manufactured
28 from that 30% of the mature marijuana plants grown by the dispensary. A
29 dispensary may transfer to or accept from registered caregivers and dispensaries
30 in wholesale transactions an unlimited amount of immature marijuana plants and
31 seedlings. A dispensary that acquires mature marijuana plants, marijuana
32 products or marijuana concentrate in a wholesale transaction under this
33 subparagraph may not resell the mature marijuana plants, marijuana products or
34 marijuana concentrate except to a qualifying patient or to a caregiver or
35 dispensary to assist a qualifying patient;

36 (5) Transfer harvested marijuana to a manufacturing facility and accept
37 marijuana products and marijuana concentrate from the manufacturing facility
38 that are produced from the harvested marijuana the dispensary provided to the
39 manufacturing facility; and

40 (6) Provide samples to a marijuana testing facility for testing and research
41 purposes;

1 **Sec. 25. 22 MRSA §2428, sub-§1-A, ¶G**, as enacted by PL 2017, c. 447, §21
2 and c. 452, §16, is repealed and the following enacted in its place:

3 G. Conduct marijuana testing at the request of anyone authorized to possess
4 marijuana plants or harvested marijuana under this chapter for research and
5 development purposes only;

6 **Sec. 26. 22 MRSA §2428, sub-§6, ¶E**, as amended by PL 2017, c. 452, §16, is
7 further amended to read:

8 E. A dispensary shall implement appropriate security measures to deter and prevent
9 unauthorized entrance into areas containing marijuana plants and harvested marijuana
10 and the theft of marijuana plants and harvested marijuana at the dispensary and the
11 one permitted additional location at which the dispensary cultivates marijuana plants
12 for medical use by qualifying patients.

13 **Sec. 27. 22 MRSA §2428, sub-§9, ¶B**, as amended by PL 2017, c. 452, §16, is
14 further amended to read:

15 B. A dispensary may not dispense, deliver or otherwise transfer marijuana plants or
16 harvested marijuana except as provided in this chapter.

17 **Sec. 28. 22 MRSA §2429-A, sub-§4**, as enacted by PL 2017, c. 452, §18, is
18 amended to read:

19 **4. Educational materials.** A person that provides harvested marijuana to a
20 qualifying patient must make educational materials about ~~medical~~ the use of harvested
21 marijuana available to the qualifying patient at the time of the transaction. The
22 department shall develop the minimum content of the educational materials provided
23 under this subsection and make that content available publicly.

24 **Sec. 29. 22 MRSA §2429-B, sub-§1, ¶E**, as enacted by PL 2017, c. 452, §18, is
25 amended to read:

26 E. Market to any person authorized to possess marijuana plants or harvested
27 marijuana under this chapter and specifically to any adult use or recreational
28 marijuana market within the same sign, advertisement or marketing material.

29 **Sec. 30. 22 MRSA §2429-C, sub-§5**, as enacted by PL 2017, c. 452, §18, is
30 amended to read:

31 **5. Addition to trademarked food or drink.** May not involve the addition of
32 harvested marijuana to a trademarked food or drink product, except when the
33 trademarked product is used as a component of or ingredient in the edible marijuana
34 product and the edible marijuana product is not advertised or described for sale as
35 containing the trademarked product.

36 **Sec. 31. 22 MRSA §2430, sub-§5**, as enacted by PL 2017, c. 452, §22, is
37 amended to read:

38 **5. Medical marijuana research grant program established.** The medical
39 marijuana research grant program, referred to in this subsection as "the program," is
40 established within the department to provide grant money to support objective scientific
41 research, including observational and clinical trials and existing research, on the efficacy

1 of harvested marijuana as part of medical treatment and the health effects of harvested
2 marijuana used as part of medical treatment. The program must be funded from the fund.
3 The department shall adopt rules necessary to implement the program, including, but not
4 limited to, required qualifications of persons conducting the research; determining the
5 scientific merit and objectivity of a research proposal; criteria for determining the amount
6 of program funds distributed; criteria for determining the duration of the research;
7 procedures for soliciting research participants, including outreach to patients, and for
8 obtaining the informed consent of participants; and reporting requirements for the results
9 of the research and evaluation of the research results. Rules adopted pursuant to this
10 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11 **Sec. 32. 22 MRSA §2430-G, sub-§1, ¶B**, as enacted by PL 2017, c. 452, §24, is
12 amended to read:

13 B. The department shall develop and implement a statewide electronic portal through
14 which registered caregivers, registered dispensaries, marijuana testing facilities and
15 manufacturing facilities may submit to the department the records required under
16 paragraph A and in accordance with rules adopted by the department. A registered
17 caregiver, registered dispensary, marijuana testing facility and manufacturing facility
18 shall pay all costs and fees associated with the use of this electronic portal and all
19 other fees associated with the keeping of records required in this section in
20 accordance with rules adopted by the department. The department shall adopt rules
21 regarding the process and content of records to be submitted, the frequency with
22 which the records must be submitted, the costs and fees associated with using the
23 electronic portal and any other requirements necessary to implement this paragraph.'

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

26 **SUMMARY**

27 This amendment, which is the unanimous report of the committee, replaces the bill,
28 which is a concept draft. It corrects technical conflicts and other errors or inconsistencies
29 that resulted when both Public Law 2017, chapter 447 and Public Law 2017, chapter 452
30 were enacted in the 128th Legislature. It also provides that a registered caregiver,
31 registered dispensary, marijuana testing facility and manufacturing facility are required to
32 pay all costs and fees associated with the use of the statewide electronic portal for record
33 keeping.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1505

LR 2429(02)

An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws

Fiscal Note for Bill as Amended by Committee Amendment

A(H-513)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Administrative and Financial Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.