

# MAINE STATE LEGISLATURE

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Date: 6/11/19

**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. 1236, L.D. 1738, Bill, "An Act Regarding Medical Marijuana"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** access to specialized marijuana strains and products is important to the well-being of qualifying patients; and

**Whereas,** it is difficult for qualifying patients to find specialized marijuana strains and products in rural areas of the State; and

**Whereas,** this legislation will enable caregivers and dispensaries to provide specialized marijuana strains and products to qualifying patients; and

**Whereas,** the growing season is already underway and is of short duration; and

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

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

**'Sec. 1. 22 MRSA §569** is enacted to read:

**§569. Marijuana testing facility certification program and fund established**

**1. Program established.** The Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall establish within the Maine Center for Disease Control and Prevention a laboratory certification

**COMMITTEE AMENDMENT**

1 program, referred to in this section as "the certification program," for the testing of  
2 medical and adult use marijuana in accordance with chapter 558-C and Title 28-B.

3 **2. Rules.** The Department of Administrative and Financial Services, in consultation  
4 with the Maine Center for Disease Control and Prevention, shall adopt rules for the  
5 certification of a marijuana testing facility under chapter 558-C and a testing facility  
6 under Title 28-B, which must include a certification fee schedule. The annual fee for  
7 certifying a marijuana testing facility under chapter 558-C or a testing facility under Title  
8 28-B may not exceed \$2,500 per year. Rules adopted pursuant to this subsection are  
9 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10 **3. Fund established.** The Marijuana Testing Facility Certification Fund, referred to  
11 in this section as "the fund," is established as an Other Special Revenue Funds account in  
12 the Maine Center for Disease Control and Prevention for the purposes specified in this  
13 subsection.

14 **A.** The State Controller shall credit to the fund:

15 (1) All money received as a result of fees assessed by the Maine Center for  
16 Disease Control and Prevention under the certification program;

17 (2) All money from any other source, whether public or private, designated for  
18 deposit into or credited to the fund; and

19 (3) Interest earned or other investment income on balances in the fund.

20 **B.** The fund may be used for expenses of the Maine Center for Disease Control and  
21 Prevention to administer the certification program.

22 **C.** By January 15, 2021 and every 2 years thereafter, the Department of  
23 Administrative and Financial Services, in consultation with the Maine Center for  
24 Disease Control and Prevention, shall review the balance in the fund. If the balance  
25 in the fund exceeds \$200,000, the Department of Administrative and Financial  
26 Services, in consultation with the Maine Center for Disease Control and Prevention,  
27 shall adopt rules to reduce the fees established under subsection 2 for a 2-year period  
28 beginning with the calendar year following the review.

29 **Sec. 2. 22 MRSA §2423-A, sub-§2, ¶K-1,** as enacted by PL 2017, c. 452, §4, is  
30 amended to read:

31 K-1. Transfer to and accept from another registered caregiver or a dispensary  
32 marijuana plants and harvested marijuana in a wholesale transaction in accordance  
33 with this paragraph. A registered caregiver may transfer in wholesale transactions for  
34 reasonable compensation or for no remuneration up to ~~30%~~ 75% of the mature  
35 marijuana plants grown by the caregiver over the course of a calendar year, including  
36 any marijuana products or marijuana concentrate manufactured from that ~~30%~~ 75%  
37 of the mature marijuana plants grown by the caregiver. A registered caregiver may  
38 transfer to or accept from other registered caregivers and dispensaries in wholesale  
39 transactions an unlimited amount of immature marijuana plants and seedlings. A  
40 registered caregiver that acquires mature marijuana plants, marijuana products or  
41 marijuana concentrate in a wholesale transaction under this paragraph may not resell  
42 the mature marijuana plants, marijuana products or marijuana concentrate except to a

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1 qualifying patient or to another registered caregiver or dispensary to assist a  
2 qualifying patient;

3 **Sec. 3. 22 MRSA §2423-A, sub-§10, ¶D**, as amended by PL 2017, c. 447, §10  
4 and c. 452, §4, is repealed and the following enacted in its place:

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

- 8 (1) Marijuana testing facility officer or director qualification requirements;
- 9 (2) Required security for marijuana testing facilities; and
- 10 (3) Requirements for the registration, certification or other approval of marijuana  
11 testing facilities.

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

14 **Sec. 4. 22 MRSA §2423-A, sub-§10, ¶D-1** is enacted to read:

15 D-1. Upon the adoption of rules pursuant to paragraph D and this paragraph, a  
16 marijuana testing facility must be certified by the certification program established  
17 pursuant to section 569 as meeting all operational and technical requirements in  
18 accordance with rules adopted by the department after consultation with the Maine  
19 Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph  
20 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A  
21 marijuana testing facility operating in compliance with this chapter on the date of the  
22 adoption of rules pursuant to this paragraph and paragraph D may continue to operate  
23 pending completion of certification under this paragraph. The failure of the  
24 department to adopt rules under this paragraph does not prevent a marijuana testing  
25 facility from engaging in activities in compliance with this chapter.

26 **Sec. 5. 22 MRSA §2423-A, sub-§10, ¶E**, as enacted by PL 2017, c. 447, §10  
27 and c. 452, §4, is repealed and the following enacted in its place:

28 E. A marijuana testing facility shall obtain and must be able to produce, upon  
29 demand of the department or a municipal code enforcement officer, documentation of  
30 the facility's accreditation pursuant to standard ISO/IEC 17025 of the International  
31 Organization for Standardization by a 3rd-party accrediting body.

32 **Sec. 6. 22 MRSA §2423-A, sub-§10, ¶F** is enacted to read:

33 F. The department and the Maine Center for Disease Control and Prevention may  
34 inspect a marijuana testing facility during regular business hours and hours of  
35 apparent activity for compliance with this chapter.

36 **Sec. 7. 22 MRSA §2428, sub-§1-A, ¶F**, as enacted by PL 2017, c. 447, §21 and  
37 c. 452, §16, is repealed and the following enacted in its place:

38 F. Except as provided in section 2426:

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

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

6 (3) Acquire marijuana plants and harvested marijuana from another dispensary  
7 for no remuneration;

8 (4) Transfer to and accept from a registered caregiver or another dispensary  
9 marijuana plants and harvested marijuana in a wholesale transaction in  
10 accordance with this paragraph. A dispensary may transfer in wholesale  
11 transactions for reasonable compensation or for no remuneration up to 75% of the  
12 mature marijuana plants grown by the dispensary over the course of a calendar  
13 year, including any marijuana products or marijuana concentrate manufactured  
14 from that 75% of the mature marijuana plants grown by the dispensary. A  
15 dispensary may transfer to or accept from registered caregivers and dispensaries  
16 in wholesale transactions an unlimited amount of immature marijuana plants and  
17 seedlings. A dispensary that acquires mature marijuana plants, marijuana  
18 products or marijuana concentrate in a wholesale transaction under this  
19 subparagraph may not resell the mature marijuana plants, marijuana products or  
20 marijuana concentrate except to a qualifying patient or to a caregiver or  
21 dispensary to assist a qualifying patient;

22 (5) Transfer harvested marijuana to a manufacturing facility and accept  
23 marijuana products and marijuana concentrate from the manufacturing facility  
24 that are produced from the harvested marijuana the dispensary provided to the  
25 manufacturing facility; and

26 (6) Provide samples to a marijuana testing facility for testing and research  
27 purposes;

28 **Sec. 8. 28-B MRSA §503, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,  
29 is amended to read:

30 A. Is certified for operation by under the certification program within the  
31 Department of Health and Human Services, Maine Center for Disease Control and  
32 Prevention established pursuant to Title 22, section 569 and, in accordance with rules  
33 adopted by the department after consultation with the Department of Health and  
34 Human Services, Maine Center for Disease Control and Prevention, which must  
35 allow for inspection of the proposed or operational testing facility by the department  
36 and the Department of Health and Human Services, Maine Center for Disease  
37 Control and Prevention;

38 **Sec. 9. Appropriations and allocations.** The following appropriations and  
39 allocations are made.

40 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
41 **Maine Center for Disease Control and Prevention 0143**

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1 Initiative: Provides allocations to allow expenditure of additional certification fees.

2	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
3	All Other	\$10,000	\$10,000
4			
5	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$10,000</u>	<u>\$10,000</u>

6 **Emergency clause.** In view of the emergency cited in the preamble, this  
7 legislation takes effect when approved.'

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

10 **SUMMARY**

11 This amendment, which is the unanimous report of the committee, replaces the bill,  
12 which is a concept draft. The amendment:

- 13 1. Adds an emergency preamble and clause to the legislation;
- 14 2. Establishes a certification program within the Department of Health and Human  
15 Services, Maine Center for Disease Control and Prevention for marijuana testing facilities  
16 under the Maine Medical Use of Marijuana Act and testing facilities under the adult use  
17 laws;
- 18 3. Establishes the Marijuana Testing Facility Certification Fund as an Other Special  
19 Revenue Funds account within the Maine Center for Disease Control and Prevention;
- 20 4. Requires marijuana testing facilities under the Maine Medical Use of Marijuana  
21 Act, like testing facilities under the adult use laws, to be certified by the Maine Center for  
22 Disease Control and Prevention; and
- 23 5. Adds an appropriations and allocations section.

24 **FISCAL NOTE REQUIRED**  
25 (See attached)



# 129th MAINE LEGISLATURE

LD 1738

LR 1889(02)

An Act Regarding Medical Marijuana

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

*A (H-545)*

## Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$10,000	\$10,000	\$10,000	\$10,000
<b>Revenue</b>				
Other Special Revenue Funds	\$10,000	\$10,000	\$10,000	\$10,000

### Fiscal Detail and Notes

The bill includes Other Special Revenue Funds allocations to the Department of Health and Human Services of \$10,000 beginning in fiscal year 2019-20 to allow expenditure of additional certification fees.