

MAINE STATE LEGISLATURE

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Date: 4/11/22 Majority

L.D. 1985
(Filing No. H- 909)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1471, L.D. 1985, "An Act To Improve Testing Requirements for Adult Use Marijuana"

Amend the bill in the emergency preamble by striking out the 4th and 5th paragraphs after the title (page 1, lines 8 to 12 in L.D.).

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

Sec. 1. 28-B MRSA §601, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§601. Testing program established

The department shall establish a testing program for adult use marijuana and adult use marijuana products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use marijuana or an adult use marijuana product to a consumer ~~or to another licensee~~, to submit the marijuana or marijuana product to a testing facility for testing to ensure that the marijuana or marijuana 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 marijuana and marijuana products must be tested under this subchapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-B MRSA §602, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A licensee may not sell or distribute adult use marijuana or an adult use marijuana product to a consumer ~~or to another licensee~~ under this chapter unless the marijuana or marijuana product has been tested pursuant to this subchapter and the rules adopted

COMMITTEE AMENDMENT

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1 pursuant to this subchapter and that mandatory testing has demonstrated that the marijuana
2 or marijuana product does not exceed the maximum level of allowable contamination for
3 any contaminant that is injurious to health and for which testing is required.

4 **Sec. 3. 28-B MRSA §605, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is
5 amended to read:

6 Notwithstanding section 602, a licensee may sell or furnish to a consumer ~~or to another~~
7 ~~licensee~~ adult use marijuana or an adult use marijuana product that the licensee has not
8 submitted for testing in accordance with this subchapter and rules adopted pursuant to this
9 subchapter if:

10 **Sec. 4. 28-B MRSA §605, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6, is
11 amended to read:

12 **4. No subsequent processing, manufacturing or alteration.** Since the performance
13 of the prior testing under subsection 1, the marijuana or marijuana product has not
14 undergone any further processing, manufacturing or alteration, ~~other than the packaging~~
15 ~~and labeling of the marijuana or marijuana product for sale~~ that would result in an increase
16 in the concentration of any contaminants or factors identified in section 602, subsection 1
17 or in any rules adopted by the department pursuant to that section.'

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

20 **SUMMARY**

21 This amendment does the following.

22 1. It changes the emergency preamble.

23 2. It allows adult use marijuana and adult use marijuana products to be transferred
24 between licensees without requiring mandatory testing.

25 3. It keeps the requirement in current law that requires mandatory testing before adult
26 use marijuana or adult use marijuana products may be sold or transferred to a consumer.

27 4. It requires additional testing of previously tested adult use marijuana or adult use
28 marijuana products prior to sale or transfer to a consumer only if the marijuana or marijuana
29 product has undergone further processing, manufacturing or alteration since the previous
30 testing that would result in an increase in the concentration of any contaminants or factors
31 that are required to be assessed as part of the testing.

32 **FISCAL NOTE REQUIRED**

33 (See attached)



130th MAINE LEGISLATURE

LD 1985

LR 2579(02)

An Act To Improve Testing Requirements for Adult Use Marijuana

Fiscal Note for Bill as Amended by Committee Amendment "A" (M-909)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Office of Marijuana Policy within the Department of Administrative and Financial Services due to changes to testing requirements for adult use marijuana products are anticipated to be minor and can be absorbed within existing budgeted resources.