

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1985

H.P. 1471

House of Representatives, February 16, 2022

An Act To Improve Testing Requirements for Adult Use Marijuana

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

ROBERT B. HUNT
Clerk

Presented by Representative CAIAZZO of Scarborough.

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,** redundant testing has led to a bottleneck in the testing process that increases
4 financial costs to marijuana licensees and delays and compromises marijuana products
5 being sold to consumers; and

6 **Whereas,** prompt action by the Legislature to eliminate the need for redundant testing
7 is necessary for the functioning of the adult use marijuana program; and

8 **Whereas,** the Department of Administrative and Financial Services, office of
9 marijuana policy has submitted for legislative review provisionally adopted rules related to
10 the adult use marijuana program; and

11 **Whereas,** timely consideration and enactment of this legislation ahead of legislative
12 review of the provisionally adopted rules will avoid conflicts and rule changes; 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. 28-B MRSA §605, sub-§3,** as enacted by PL 2017, c. 409, Pt. A, §6, is
19 amended to read:

20 **3. Tracking maintained.** Tracking from immature marijuana plant to the point of
21 retail sale has been maintained for the marijuana or marijuana product and transfers of the
22 marijuana or marijuana product to another licensee or to a consumer can be easily
23 identified; ~~and~~

24 **Sec. 2. 28-B MRSA §605, sub-§4,** as enacted by PL 2017, c. 409, Pt. A, §6, is
25 amended to read:

26 **4. No subsequent processing, manufacturing or alteration.** Since the performance
27 of the prior testing under subsection 1, the marijuana or marijuana product has not
28 undergone any further processing, manufacturing or alteration, other than the packaging
29 and labeling of the marijuana or marijuana product for sale; ~~and~~

30 **Sec. 3. 28-B MRSA §605, sub-§5** is enacted to read:

31 **5. No increase in contaminants or factors.** The marijuana or marijuana product has
32 previously undergone mandatory testing at the direction of another licensee and the
33 marijuana or marijuana product has not undergone any further processing, manufacturing
34 or alteration that would result in an increase in the concentration of any contaminants or
35 factors identified in section 602, subsection 1 and in any rules adopted by the department
36 pursuant to that section.

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

SUMMARY

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This bill provides an exemption to the required testing of adult use marijuana or a marijuana product if the marijuana or marijuana product has already undergone mandatory testing at the direction of another licensee and the marijuana or marijuana product has not undergone any further processing, manufacturing or alteration that would result in an increase in the concentration of any contaminants for which testing is required.