

# MAINE STATE LEGISLATURE

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Date: 4/16/24

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STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 32,  
L.D. 40, "An Act to Amend the Cannabis Laws"

Amend the amendment by striking the first instructional paragraph after the substitute title (page 1, line 15 in amendment).

Amend the amendment by striking out all of the emergency preamble.

Amend the amendment in Part A in section 3 in §2421-A in subsection 44 in the 2nd line (page 7, line 19 in amendment) by striking out the following: "an individual as an individual" and inserting the following: 'a person'

Amend the amendment in Part A by striking out all of section 18 and inserting the following:

**'Sec. A-18. 22 MRSA §2429-B, sub-§2, ¶A,** as enacted by PL 2017, c. 452, §18 and amended by PL 2021, c. 669, §5, is further amended to read:

A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested cannabis, except that advertising, marketing, labeling or packaging may contain qualifying patients' testimonials of how cannabis for medical use has provided palliative or therapeutic effects for the patients' conditions. All testimonials must contain the following disclaimer: "This statement has not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease";

Amend the amendment in Part B in section 14 in §106 in subsection 1 in the first line (page 29, line 40 in amendment) by striking out the following: "office shall" and inserting the following: 'shall office may'

Amend the amendment in Part B in section 14 in §106 in subsection 1 in the first and 2nd lines (page 29, lines 40 and 41 in amendment) by striking out the following: "the requirements for and issuance and format of and the information to be included on and use of" and inserting the following: 'the issuance and format of and the information to be included on'

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1 Amend the amendment in Part B in section 64 in subsection 5 in the 9th line (page 47,  
2 line 15 in amendment) by inserting after the following: "dispensary" the following: 'but is  
3 not required to have identical ownership'

4 Amend the amendment in Part D in section 1 by striking out all of subsection 4 (page  
5 82, line 18 in amendment).

6 Amend the amendment in Part D in section 1 by renumbering the subsections to read  
7 consecutively.

8 Amend the amendment by inserting after Part D the following:

9 **PART E**

10 **Sec. E-1. Adoption; Chapter 10: Rules for the Administration of the Adult**  
11 **Use Cannabis Program.** Notwithstanding any provision of the Maine Revised Statutes,  
12 Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title  
13 5, section 8072, subchapter 11, final adoption of Chapter 10: Rules for the Administration  
14 of the Adult Use Cannabis Program, a provisionally adopted major substantive rule of the  
15 Department of Administrative and Financial Services, Office of Cannabis Policy that has  
16 been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter  
17 2-A, is authorized only if the following changes are made:

18 1. The rule must be amended, as necessary, to substitute the words "minor" and  
19 "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years  
20 of age," respectively;

21 2. The rule must be amended in the subsection labeled "Definitions" to expand the  
22 definition of "principal" to better identify the natural persons associated with the various  
23 types of business entities licensed under the Maine Revised Statutes, Title 28-B, chapter 1;

24 3. The rule must be amended in section 1.4 and any other relevant sections to remove  
25 the requirement that packaging for adult use cannabis and adult use cannabis products be  
26 opaque;

27 4. The rule must be amended, as necessary, to allow the requirement for child-resistant  
28 and tamper-evident packaging to be met either through the packaging of or the exit  
29 packaging for adult use cannabis or adult use cannabis products;

30 5. The rule must be amended, as necessary, to conform the rule to any changes to the  
31 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the  
32 131st Legislature, including, but not limited to, changes to definitions;

33 6. All necessary grammatical, formatting, punctuation or other technical  
34 nonsubstantive editing changes must be made to the rule, and any necessary correction of  
35 the description of the units of the rule must be made to ensure proper reference and  
36 application of the provisions of the rule; and

37 7. All other necessary changes must be made to the rule to ensure conformity and  
38 consistency throughout the rule and to ensure consistency between the rule and the  
39 provisions of this section and between the rule and the provisions of the Maine Revised  
40 Statutes, Title 28-B, chapter 1.

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1 The Department of Administrative and Financial Services, Office of Cannabis Policy  
2 is not required to hold hearings or undertake further proceedings prior to final adoption of  
3 the rule in accordance with this section.

4 **Sec. E-2. Adoption; Chapter 20: Rules for the Licensure of Adult Use**  
5 **Cannabis Establishments.** Notwithstanding any provision of the Maine Revised  
6 Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as  
7 permitted in Title 5, section 8072, subsection 11, final adoption of Chapter 20: Rules for  
8 the Licensure of Adult Use Cannabis Establishments, a provisionally adopted major  
9 substantive rule of the Department of Administrative and Financial Services, Office of  
10 Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5,  
11 chapter 375, subchapter 2-A, is authorized only if the following changes are made:

12 1. The rule must be amended, as necessary, to substitute the words "minor" and  
13 "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years  
14 of age," respectively;

15 2. The rule must be amended, as necessary, to allow a licensee to use equipment not  
16 included on the licensee's plan of record in emergency or exigent circumstances to the  
17 extent use of the equipment is necessary to mitigate loss of or damage to a licensee's  
18 inventory or property;

19 3. The rule must be amended, as necessary, to allow the requirement for child-resistant  
20 and tamper-evident packaging to be met either through the packaging of or the exit  
21 packaging for adult use cannabis or adult use cannabis products;

22 4. The rule must be amended, as necessary, to conform the rule to any changes to the  
23 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the  
24 131st Legislature, including, but not limited to, changes to definitions;

25 5. All necessary grammatical, formatting, punctuation or other technical  
26 nonsubstantive editing changes must be made to the rule, and any necessary correction of  
27 the description of the units of the rule must be made to ensure proper reference and  
28 application of the provisions of the rule; and

29 6. All other necessary changes must be made to the rule to ensure conformity and  
30 consistency throughout the rule and to ensure consistency between the rule and the  
31 provisions of this section and between the rule and the provisions of the Maine Revised  
32 Statutes, Title 28-B, chapter 1.

33 The Department of Administrative and Financial Services, Office of Cannabis Policy  
34 is not required to hold hearings or undertake further proceedings prior to final adoption of  
35 the rule in accordance with this section.

36 **Sec. E-3. Adoption; Chapter 30: Compliance Rules for Adult Use Cannabis**  
37 **Establishments.** Notwithstanding any provision of the Maine Revised Statutes, Title 5,  
38 chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5,  
39 section 8072, subsection 11, final adoption of Chapter 30: Compliance Rules for Adult Use  
40 Cannabis Establishments, a provisionally adopted major substantive rule of the Department  
41 of Administrative and Financial Services, Office of Cannabis Policy that has been  
42 submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is  
43 authorized only if the following changes are made:

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- 1           1. The rule must be amended, as necessary, to substitute the words "minor" and  
2 "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years  
3 of age," respectively;
- 4           2. The rule must be amended, as necessary, to substitute the phrase "targets minors,"  
5 or a similar phrase, for the phrase "appeals to individuals under 21 years of age," and similar  
6 phrases;
- 7           3. The rule must be amended, as necessary, to allow a licensee to use equipment not  
8 included on the licensee's plan of record in emergency or exigent circumstances to the  
9 extent use of the equipment is necessary to mitigate loss of or damage to a licensee's  
10 inventory or property;
- 11           4. The rule must be amended, as necessary, to allow a cultivation facility licensee or  
12 nursery cultivation facility licensee to acquire cannabis plants and seeds through a lawful  
13 purchase from another cultivation facility licensee or nursery cultivation facility licensee.  
14 The rule must allow a cultivation facility licensee or nursery cultivation facility licensee to  
15 acquire seeds or seedlings as a gift from a resident of the State who is at least 21 years of  
16 age as long as the acquisition, within any 90-day period, is not more than one transfer of  
17 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting  
18 seeds or seedlings to the licensee; the office of cannabis policy has provided prior written  
19 approval of the gift of seeds or seedlings; the individual gifting the seeds or seedlings does  
20 not receive any form of remuneration; the gift is not conditional or contingent upon any  
21 other term or requirement of the licensee; and the licensee records the name and telephone  
22 number of the person gifting the seeds or seedlings, along with the identification number  
23 from that individual's valid state identification card. The rule must provide that, whether  
24 the seeds or seedlings are acquired by purchase or gift, the licensee must track the seeds or  
25 seedlings pursuant to the Maine Revised Statutes, Title 28-B, section 105;
- 26           5. The rule must be amended in sections 1.9, 5.3.A.1(d), 5.4.A(7), 5.5.A(4) and  
27 5.6.A(4) and any other relevant sections to remove the requirement that the packaging of  
28 or exit packaging for adult use cannabis or adult use cannabis products be opaque;
- 29           6. The rule must be amended, as necessary, to allow the Office of Cannabis Policy to  
30 require labeling of adult use cannabis and adult use cannabis products that includes  
31 information on whether the adult use cannabis or adult use cannabis product has been  
32 remediated and by what method;
- 33           7. The rule must be amended, as necessary, to conform the rule to any changes to the  
34 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the  
35 131st Legislature, including, but not limited to, changes to definitions;
- 36           8. All necessary grammatical, formatting, punctuation or other technical  
37 nonsubstantive editing changes must be made to the rule, and any necessary correction of  
38 the description of the units of the rule must be made to ensure proper reference and  
39 application of the provisions of the rule; and
- 40           9. All other necessary changes must be made to the rule to ensure conformity and  
41 consistency throughout the rule and to ensure consistency between the rule and the  
42 provisions of this section and between the rule and the provisions of the Maine Revised  
43 Statutes, Title 28-B, chapter 1.

# SENATE AMENDMENT

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1 The Department of Administrative and Financial Services, Office of Cannabis Policy  
2 is not required to hold hearings or undertake further proceedings prior to final adoption of  
3 the rule in accordance with this section.

4 **Sec. E-4. Report to Legislature.** By December 15, 2024, the Department of  
5 Administrative and Financial Services, Office of Cannabis Policy shall submit a copy of  
6 each finally adopted rule under this Part to the joint standing committee of the Legislature  
7 having jurisdiction over cannabis matters and shall clearly identify all differences between  
8 the provisionally adopted rules and the finally adopted rules. The committee may report  
9 out legislation related to one or more of the rules to the 132nd Legislature in 2025.'

10 Amend the amendment by striking out all of the 2nd to last instructional paragraph  
11 (page 83, line 8 in amendment).

12 Amend the amendment by striking out all of the emergency clause.

13 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
14 section number to read consecutively.

**SUMMARY**

16 This amendment removes the emergency preamble and emergency clause from  
17 Committee Amendment "A" and does the following.

18 1. It amends the definition of "registration certificate" in the Maine Medical Use of  
19 Cannabis Act.

20 2. It provides that rules adopted by the Department of Administrative and Financial  
21 Services, Office of Cannabis Policy regarding the Maine Medical Use of Cannabis Act may  
22 provide that advertising, marketing, labeling or packaging may contain qualifying patients'  
23 testimonials of how cannabis for medical use has provided palliative or therapeutic effects  
24 for patients' conditions and includes a disclaimer that all testimonials must contain.

25 3. It authorizes, instead of requiring, the Office of Cannabis Policy to adopt rules  
26 pursuant to the Cannabis Legalization Act regarding individual identification cards.

27 4. It clarifies that a cultivation facility licensee may share a facility for cultivation with  
28 a registered caregiver or registered dispensary pursuant to the Cannabis Legalization Act  
29 as long as at least one owner of the cultivation facility is also the registered caregiver or an  
30 owner of the registered dispensary but is not required to have identical ownership.

31 5. It removes the requirement that the task force convened by the Office of Cannabis  
32 Policy consider exemptions from the laws relating to clean indoor air.

33 6. It authorizes the final adoption of the following 3 major substantive rules of the  
34 Department of Administrative and Financial Services, Office of Cannabis Policy, with  
35 certain changes:

- 36 A. Chapter 10: Rules for the Administration of the Adult Use Cannabis Program;
- 37 B. Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments; and
- 38 C. Chapter 30: Compliance Rules for Adult Use Cannabis Establishments.

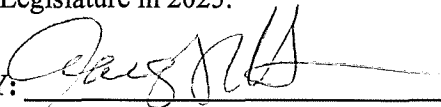
39 The amendment requires the office to submit, by December 15, 2024, a copy of each  
40 finally adopted rule to the joint standing committee of the Legislature having jurisdiction

**SENATE AMENDMENT**

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 32, L.D. 40 (S-717)

1 over cannabis matters and to clearly indicate any differences between each provisionally  
2 adopted and finally adopted rule. The committee may report out legislation related to the  
3 rules to the 132nd Legislature in 2025.

4 **SPONSORED BY:**  \_\_\_\_\_

5 (Senator HICKMAN, C.)

6 COUNTY: Kennebec

# SENATE AMENDMENT