

MAINE STATE LEGISLATURE

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MAJORITY

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "*A*" to S P 102, L D 202, "An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees"

Amend the bill by striking out the title and substituting the following

'An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events'

Amend the bill by striking out the emergency preamble and inserting 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, Public Law 2021, chapter 735 requires the Department of Administrative and Financial Services to authorize certain off-premises sales of certain adult use cannabis products under the Cannabis Legalization Act, and

Whereas, the Act became effective January 1, 2023, and

Whereas, the Act requires statutory amendments that cannot be delayed in order to provide clarity for the Act's implementation and administration by the Department of Administrative and Financial Services and to provide clarity and certainty about the Act's requirements to adult use cannabis licensees and members of the public, 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 before the emergency clause and inserting the following

'Sec. 1. 28-B MRSA §102, sub-§39-A is enacted to read

39-A. Permitted premises for a specified event. "Permitted premises for a specified event" means the premises described in a specified event permit issued to a cannabis store

COMMITTEE AMENDMENT

1 pursuant to section 504-A where a cannabis store is authorized to sell adult use cannabis
 2 and adult use cannabis products

3 **Sec. 2. 28-B MRSA §102, sub-§51-A** is enacted to read

4 **51-A. Specified event.** "Specified event" means an event that occurs outside the
 5 licensed premises of a cannabis store that is not conducted primarily for the benefit or
 6 enjoyment of individuals under 21 years of age and that is not more than 10 consecutive
 7 days in duration or 10 occurrences in duration For purposes of this subsection,
 8 "occurrence" means an event that is less than 24 hours in duration and that occurs during
 9 the same calendar year as another occurrence

10 **Sec. 3. 28-B MRSA §102, sub-§51-B** is enacted to read

11 **51-B. Specified event permit.** "Specified event permit" means a temporary
 12 authorization for a cannabis store to conduct sales of adult use cannabis and adult use
 13 cannabis products on the permitted premises for a specified event in accordance with
 14 section 504-A

15 **Sec. 4. 28-B MRSA §504, sub-§3,** as enacted by PL 2017, c 409, Pt A, §6 and
 16 amended by PL 2021, c 669, §5, is further amended to read

17 **3. Compliance with packaging, labeling and health and safety requirements.** All
 18 adult use cannabis and adult use cannabis products sold or offered for sale at by a cannabis
 19 store must meet all applicable packaging, labeling and health and safety requirements of
 20 subchapter 7 and the rules adopted under subchapter 7

21 **Sec. 5. 28-B MRSA §504-A,** as amended by PL 2021, c 759, Pt C, §2 and c 669,
 22 §5, is further amended by amending the section headnote to read

23 **§504-A. Off-premises Specified event sales**

24 **Sec. 6. 28-B MRSA §504-A, first ¶,** as enacted by PL 2021, c 735, §1 and
 25 amended by c 669, §5, is further amended to read

26 Notwithstanding any provision of law to the contrary, the department ~~may~~ shall issue
 27 a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis
 28 products at on the permitted premises for a specified event located outside the licensed
 29 premises in accordance with the requirements of this section Transportation of adult use
 30 cannabis and adult use cannabis products between the licensed premises and the permitted
 31 premises for a specified event is subject to the requirements of section 505 A cannabis
 32 store authorized to sell adult use cannabis and adult use cannabis products under this section
 33 is subject to the provisions of section 504

34 **Sec. 7. 28-B MRSA §504-A, sub-§1,** as enacted by PL 2021, c 735, §1 and
 35 amended by c 669, §5, is further amended to read

36 **1. Permit application.** At least 30 days prior to a specified event, a cannabis store
 37 seeking authorization to sell adult use cannabis and adult use cannabis products at the a
 38 specified event shall submit a permit application, on a form issued by the department, and
 39 a nonrefundable \$200 permit application fee to the department The application must
 40 include or be appended with

- 1 A ~~Proof of approval, in accordance with subsection 2, from the municipality in which~~
2 ~~where the specified event is located as described in subsection 2 will occur to sell adult~~
3 ~~use cannabis or adult use cannabis products at the specified event,~~
- 4 B A The location and description of the specified event, including the date of the
5 event, the date the cannabis store intends to sell adult use cannabis and adult use
6 cannabis products and the name and description of the organization sponsoring the
7 event, and
- 8 C ~~If the specified event is being held on private property, the written permission of~~
9 ~~the property owner for the cannabis store licensee to sell adult use cannabis and adult~~
10 ~~use cannabis products on the property,~~
- 11 D A description of the adult use cannabis and adult use cannabis products the cannabis
12 store intends to sell at the specified event,
- 13 E The number of cannabis store employees required to work at the specified event,
- 14 F A diagram and description of the permitted premises for the specified event, and
- 15 G As applicable, a diagram and description of the security measures the cannabis store
16 intends to implement on the permitted premises for the specified event to prevent
17 unauthorized access to adult use cannabis and adult use cannabis products, including
18 access by persons under 21 years of age

19 **Sec. 8. 28-B MRSA §504-A, sub-§1-A** is enacted to read

20 1-A. Permit issuance Within 14 calendar days of receipt of a permit application that
21 meets the requirements of subsection 1, the department shall review the application and
22 issue a specified event permit to the cannabis store or deny the application for good cause
23 in accordance with section 206, subsection 2.

24 **Sec. 9. 28-B MRSA §504-A, sub-§2,** as enacted by PL 2021, c 735, §1 and
25 amended by c 669, §5, is repealed and the following enacted in its place

26 **2. Municipal approval** At least 45 days prior to a specified event, a cannabis store
27 shall submit a request for municipal approval to the municipality where the specified event
28 will occur The cannabis store shall include in the request the information required under
29 subsection 1, paragraphs B to G and any other information or fee required by the
30 municipality The municipality may restrict the sale of certain adult use cannabis or adult
31 use cannabis products at the specified event Proof of municipal approval required under
32 subsection 1, paragraph A must be in a form approved by a municipal official or the
33 municipal legislative body of the municipality where the specified event will occur As
34 used in this subsection, "municipal official" and "municipal legislative body" have the same
35 meanings as in Title 30-A, section 2001 Local authorization for the operation of a cannabis
36 establishment within a municipality, pursuant to section 401, is not required for a
37 municipality to approve a specified event permit

38 **Sec. 10. 28-B MRSA §504-A, sub-§3,** as enacted by PL 2021, c 735, §1 and
39 amended by c 669, §5, is further amended to read

40 **3. Limitations on off-premises sales.** A cannabis store issued a specified event permit
41 under this section may sell adult use cannabis and adult use cannabis products at a specified
42 event only as authorized under the permit A specified event permit issued by the
43 department under this section for a specified event may not authorize

- 1 A Sales at the specified event for a period greater than the duration of the event,
- 2 B Sales anywhere other than on the permitted premises for the specified event, or
- 3 C The consumption of adult use cannabis or adult use cannabis products at the location
- 4 of sale at on the permitted premises for the specified event, ~~or~~
- 5 ~~D Sales of adult use cannabis products that are consumed by smoking~~ For the
- 6 ~~purposes of this paragraph, "smoking" has the same meaning as in Title 22, section~~
- 7 ~~1541, subsection 6~~

8 **Sec. 11. 28-B MRSA §504-A, sub-§4**, as enacted by PL 2021, c 735, §1 and
9 amended by c 669, §5, is further amended to read

10 **4. Conditions.** Sales of adult use cannabis and adult use cannabis products under a
11 specified event permit issued under this section are subject to the following conditions

12 A A cannabis store ~~authorized to sell adult use cannabis products at a specified event~~
13 ~~held outdoors~~ shall ~~transact~~ conduct all sales in a tent or similar structure with a single
14 point of entry ~~that requires entry into the tent or structure in order to view or purchase~~
15 adult use cannabis or adult use cannabis products

16 B A cannabis store ~~may not allow a person under 21 years of age to enter a tent or~~
17 ~~structure in which sales are conducted and~~ shall verify that a person entering the tent
18 or structure is at least 21 years of age in the same manner as required under section
19 504, subsection 4

20 C A cannabis store shall provide signs notifying customers that adult use cannabis
21 and adult use cannabis products may not be consumed ~~at the location of sale at~~ on the
22 permitted premises of the specified event

23 D A cannabis store shall ensure that all adult use cannabis and adult use cannabis
24 products are secured when not under the direct control and supervision of the ~~licensee~~
25 cannabis store or an the cannabis store's employee of the licensee

26 E A cannabis store shall record all sales conducted at the specified event using a video
27 recording device in a manner that captures, to the extent practicable, only the individual
28 making the purchase The recording must be retained by the cannabis store ~~in a manner~~
29 prescribed by the department by rule for 45 days, and the cannabis store shall make it
30 available for inspection at the department's request

31 **Sec. 12. 28-B MRSA §504-A, sub-§5**, as enacted by PL 2021, c 735, §1 and
32 amended by c 669, §5, is further amended to read

33 **5. Guidance.** The department shall develop and publish on a publicly accessible
34 website guidance documents to assist cannabis stores in applying for ~~and complying with~~
35 ~~permits a specified event permit~~ under this section and lawfully engaging in the off-
36 premises sale of adult use cannabis products to establish best practices for conducting sales
37 of adult use cannabis and adult use cannabis products at a specified event

38 **Sec. 13. 28-B MRSA §504-A, sub-§5-A** is enacted to read

39 **5-A. Suspension or revocation.** On the department's own initiative or upon complaint
40 and after investigation, the department, by written order, may for good cause as described
41 in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis
42 store The department shall revoke a specified event permit if

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A Municipal approval granted in accordance with subsection 2 is revoked by the municipality, or

B As applicable, the owner of the property where the specified event will occur revokes the property owner's written permission required under subsection 1, paragraph C

Sec. 14. 28-B MRSA §504-A, sub-§6, as enacted by PL 2021, c 735, §1 and amended by c 669, §5, is repealed

Sec. 15. 28-B MRSA §504-A, sub-§7, as enacted by PL 2021, c 759, Pt C, §2, is repealed

Sec. 16. 28-B MRSA §505, as amended by PL 2021, c 667, §5, c 669, §5, and c 759, Pt C, §3, is repealed and the following enacted in its place

§505 Transportation of adult use cannabis and adult use cannabis products

A licensee and its employees may transport adult use cannabis and adult use cannabis products between the licensed premises of the licensee and

1. Other licensed premises. The licensed premises of any other cannabis establishment,

2. Delivery location. The location of a delivery in accordance with section 504, subsection 9, and

3. Permitted premises. The permitted premises for a specified event in accordance with section 504-A

All transportation of adult use cannabis and adult use cannabis products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the department'

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

SUMMARY

This amendment replaces the bill and changes the title It amends the Cannabis Legalization Act by

1 Creating new definitions for the terms "permitted premises for a specified event," "specified event" and "specified event permit",

2 Amending the application requirements for the issuance of a permit for cannabis stores to conduct sales at a specified event,

3 Changing the requirements for cannabis stores to account for authorized sales at a specified event,

4 Changing the limitations and conditions for cannabis stores to conduct sales at a specified event,

5 Establishing the criteria for the suspension or revocation of a permit for a cannabis store to conduct sales at a specified event,

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6 Providing criteria for the Department of Administrative and Financial Services' approval or denial of a permit application for cannabis stores to conduct sales at a specified event,

7 Repealing the department's rule-making authority regarding specified events which is provided for under the department's general rule-making authority under this chapter, and

8 Amending the requirement that the department issue guidance documents to cannabis stores

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 202

LR 120(02)

An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S384)
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 Cannabis Policy to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources