

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1529

H.P. 984

House of Representatives, April 5, 2023

**An Act to Reform the State's Adult Use Cannabis Seed-to-sale
Tracking System to Allow for Canopy Tagging**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative SUPICA of Bangor.

Cosponsored by Representatives: BOYER of Poland, LOOKNER of Portland, MALON of Biddeford, RIELLY of Westbrook, Senator: HICKMAN of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 28-B MRSA §105**, as corrected by RR 2021, c. 2, Pt. A, §106, is further
3 amended to read:

4 **§105. Tracking system**

5 The department shall implement and administer a system, referred to in this section as
6 "the tracking system," for the tracking of cannabis plants, adult use cannabis and adult use
7 cannabis products from immature cannabis plant to the point of retail sale, disposal or
8 destruction. The tracking system must allow for cannabis plants at the stage of cultivation
9 ~~and upon transfer from the stage of cultivation to another licensee~~ to be tracked by group,
10 including, but not limited to, by plant canopy, to the point of retail sale, disposal or
11 destruction. The department ~~may~~ shall implement a tracking system that allows adult use
12 cannabis or adult use cannabis products to be tracked by group.

13 The department shall ensure that the system implemented and administered under this
14 section, whether tracking individually or by group, maintains a detailed record at every
15 stage from immature cannabis plant to the point of retail sale, disposal or destruction.

16 **1. Data submission requirements.** The tracking system must allow licensees to
17 submit tracking data for adult use cannabis or adult use cannabis products to the department
18 through manual data entry or through the use of tracking system software commonly used
19 within the cannabis industry as determined by the department.

20 **1-A. Group tracking.** Cannabis plants at the same stage of growth that are of the
21 same varietal or cultivar of the plant genus Cannabis may be tracked by group if they:

- 22 A. Are planted in the same specific area at the same time;
23 B. Are transplanted to the same specific area at the same time; ~~or~~
24 C. Include cannabis plants that were planted in a specific area and cannabis plants that
25 were transplanted to the same specific area; or
26 D. Are within a plant canopy.

27 For cannabis plants that are tracked as a group, a licensee shall designate the square footage
28 of the specific area in which the plants are planted or transplanted. Cannabis plants may
29 not be tracked as a group unless they are intended for harvest as a group.

30 **1-B. Tagging.** A licensee shall affix a tag containing the identifying information
31 required by the department by rule to each group of cannabis plants tracked under this
32 section. The department may not require cannabis plants that are being tracked as a group
33 to be individually affixed with a tag during cultivation or subsequent transfer ~~to another~~
34 ~~licensee~~.

35 **1-C. Group transfers.** When a group of cannabis plants tracked under this section is
36 transferred to another licensee person, the licensee transferring the group of cannabis plants
37 must provide a manifest that lists every cannabis plant within the group and any other
38 relevant information required by the department by rule.

39 **2. Rules.** The department shall adopt rules regarding the implementation and
40 administration of the tracking system and tracking requirements for licensees. Rules
41 adopted under this section must include, but are not limited to, the following:

1 A. Record-keeping requirements for the tracking of cannabis plants when tracked
2 individually and when tracked by group; and

3 B. Record-keeping requirements necessary to ensure the department's ability to
4 implement a recall for reasons related to health and safety when tracking cannabis
5 plants individually or by group.

6 **Sec. 2. Contract.** The contract of the Department of Administrative and Financial
7 Services' office of cannabis policy with Metrc, LLC to implement the Maine Cannabis
8 Enforcement Tracking Reporting and Compliance webpage is void and of no effect if, on
9 the effective date of this Act, the webpage is not in compliance with the requirements of
10 the Maine Revised Statutes, Title 28-B, section 105 as in effect on January 1, 2023.

11 SUMMARY

12 This bill provides that group tracking of cannabis plants, currently provided for under
13 the Cannabis Legalization Act through wholesale transactions, is extended through to retail
14 sale, disposal or destruction. It further provides that the contract of the Department of
15 Administrative and Financial Services' office of cannabis policy, with Metrc, LLC to
16 implement the Maine Cannabis Enforcement Tracking Reporting and Compliance webpage
17 is void and of no effect if, on the effective date of this legislation, the webpage is not in
18 compliance with the requirements of the Maine Revised Statutes, Title 28-B, section 105
19 as in effect on January 1, 2023.