

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

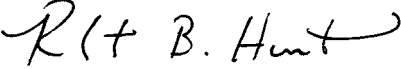
No. 1530

H.P. 985

House of Representatives, April 5, 2023

An Act to Support Patients by Permitting On-site Consumption of Medical Cannabis and Medical Cannabis Products

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


ROBERT B. HUNT
Clerk

Presented by Representative SUPICA of Bangor.
Cosponsored by Representatives: BOYER of Poland, LOOKNER of Portland, MATHIESON
of Kittery, RIELLY of Westbrook, Senator: HICKMAN of Kennebec.

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

2 **Sec. 1. 22 MRSA §2429-D, first ¶**, as amended by PL 2019, c. 217, §5 and PL
3 2021, c. 669, §5, is further amended to read:

4 Pursuant to the home rule authority granted under the Constitution of Maine, Article
5 VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered
6 caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2,
7 paragraph P, registered dispensaries, cannabis testing facilities ~~and~~ manufacturing
8 facilities and the on-site consumption of harvested cannabis authorized pursuant to section
9 2430-I.

10 **Sec. 2. 22 MRSA §2430-I** is enacted to read:

11 **§2430-I. On-site consumption**

12 A registered caregiver, caregiver retail store or registered dispensary may permit the
13 consumption of harvested cannabis for medical use by a qualifying patient only in
14 accordance with the following.

15 **1. Department permit.** The registered caregiver, caregiver retail store or registered
16 dispensary shall obtain a permit from the department authorizing on-site consumption of
17 harvested cannabis. The department, by rule, shall establish the process for issuing permits
18 under this subsection as well as the permit fee, which may not exceed the administrative
19 cost of issuing the permit. Rules adopted pursuant to this subsection are major substantive
20 rules as defined in Title 5, chapter 375, subchapter 2-A.

21 **2. Compliance.** The registered caregiver, caregiver retail store or registered dispensary
22 shall comply with all applicable requirements under this chapter and the rules adopted
23 pursuant to this chapter.

24 **3. Physically separate area.** In the case of a caregiver retail store or registered
25 dispensary, on-site consumption of harvested cannabis must occur only in an area
26 physically separate from all other areas of the caregiver retail store or registered dispensary,
27 including the sales area.

28 **4. Security.** In the case of a caregiver retail store or registered dispensary, the store
29 or registered dispensary shall implement appropriate security measures to deter and prevent
30 unauthorized entrance into areas where on-site consumption occurs.

31 **5. Assistants.** A registered caregiver, caregiver retail store or registered dispensary
32 may hire any number of assistants to assist in on-site consumption, but those assistants
33 must be 21 years of age or older.

34 **6. Signs, advertising and marketing.** Signs, advertising and marketing used by or
35 on behalf of a registered caregiver, caregiver retail store or registered dispensary
36 advertising or marketing on-site consumption of harvested cannabis must comply with
37 section 2429-B.

38 **7. Sales tax.** The registered caregiver, caregiver retail store or registered dispensary
39 shall ensure that the tax imposed on the sale of harvested cannabis to a consumer pursuant
40 to Title 36, section 1811 is collected and remitted in accordance with the requirements of
41 Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

SUMMARY

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This bill allows for the on-site consumption of harvested cannabis for medical use by a qualifying patient in a caregiver retail store, in a registered dispensary or with a registered caregiver. The Department of Administrative and Financial Services must establish, by major substantive rule, the process for issuing permits for on-site consumption and the permit fee, which may not exceed the administrative cost of issuing the permit.