

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1765

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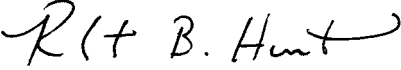
H.P. 1129

House of Representatives, April 25, 2023

**An Act Authorizing the Governor to Enter into Interstate  
Agreements Regarding the Cannabis Industry**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative PERRY of Bangor.

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

2 **Sec. 1. 28-B MRSA c. 1, sub-c. 12** is enacted to read:

3 **SUBCHAPTER 12**

4 **INTERSTATE AGREEMENTS**

5 **§1201. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Agreement.** "Agreement" means an agreement entered into under this subchapter  
9 between the Governor and another state or states regarding commercial cannabis activity.

10 **2. Commercial cannabis activity.** "Commercial cannabis activity" means the  
11 transportation, cultivation, manufacture, testing, purchase, sale or distribution of cannabis  
12 or cannabis products.

13 **3. Contracting state.** "Contracting state" means a state with which the Governor has  
14 entered into an agreement pursuant to this subchapter.

15 **4. Maine commercial cannabis business.** "Maine commercial cannabis business"  
16 means an individual or entity authorized to engage in commercial cannabis activity in this  
17 State pursuant to this chapter or Title 22, chapter 558-C.

18 **5. Out-of-state commercial cannabis business.** "Out-of-state commercial cannabis  
19 business" means an individual or entity authorized under the laws of another state to engage  
20 in commercial cannabis activity within that state.

21 **6. State.** "State" means a state of the United States or any district, commonwealth,  
22 territory or possession subject to the legislative authority of the United States.

23 **§1202. Agreement by Governor**

24 The Governor may enter into one or more agreements with another state or states  
25 authorizing commercial cannabis activity in this State by an out-of-state commercial  
26 cannabis business or authorizing a Maine commercial cannabis business to engage in  
27 commercial cannabis activity in the contracting state, as long as the provisions of this  
28 subchapter are met.

29 **§1203. Federal action required**

30 An agreement entered into pursuant to this subchapter takes effect upon or after the  
31 occurrence of the following:

32 **1. Federal law permits interstate transfer.** Federal law authorizes the interstate  
33 commercial cannabis activities authorized by the agreement;

34 **2. Federal expenditures prohibited.** Federal law prohibits the expenditure of federal  
35 funds to prevent the interstate commercial cannabis activities authorized by the agreement;

36 **3. Opinion of United States Department of Justice.** The United States Department  
37 of Justice issues an opinion or memorandum allowing or tolerating the interstate  
38 commercial cannabis activities authorized by the agreement; or

1            **4. Opinion of Attorney General of United States.** The Attorney General of the  
2            United States issues a written opinion that, based on review of federal judicial decisions  
3            and administrative action, implementation of the agreement will not result in significant  
4            legal risk to this State.

5            **§1204. Agreement requirements**

6            An agreement entered into pursuant to this subchapter must contain provisions that:

7            **1. Department authorization.** Require an out-of-state commercial cannabis business  
8            to comply with the requirements of this Title or Title 22, chapter 558-C, as appropriate, in  
9            order to engage in commercial cannabis activity in this State;

10          **2. Standards.** Require the contracting state to apply standards to out-of-state  
11          commercial cannabis businesses operating in the contracting state that meet or exceed the  
12          standards found in this chapter or Title 22, chapter 558-C, as appropriate, regarding:

13          A. Tracking and tagging cannabis plants, adult use cannabis and adult use cannabis  
14          products from immature cannabis plant to the point of retail sale, disposal or  
15          destruction;

16          B. Testing cannabis and cannabis products prior to selling or distributing to ensure the  
17          cannabis and cannabis products do not exceed the maximum level of allowable  
18          contamination for any contaminate that is injurious to health and for which testing is  
19          required and to ensure correct labeling;

20          C. Identifying adulterated or misbranded cannabis products and destroying those  
21          products; and

22          D. Packaging, labeling, marketing and advertising of cannabis and cannabis products;

23          **3. Public health and safety emergencies.** Require the appropriate regulatory  
24          authority of the contracting state to address public health and welfare emergencies  
25          concerning cannabis or cannabis products that are sold or intended for sale within this State,  
26          including the prompt recall or embargo of adulterated or misbranded cannabis or cannabis  
27          products;

28          **4. Investigate alleged noncompliance.** Require the appropriate regulatory authority  
29          of the contracting state to investigate and reasonably cooperate with this State's  
30          investigation of instances of alleged noncompliance with the agreement and laws and rules  
31          applicable to out-of-state commercial cannabis businesses operating in this State in  
32          accordance with mutually agreed-upon procedures;

33          **5. Promote inclusion.** Require the contracting state to promote the inclusion and  
34          support of individuals and communities in the cannabis industry who are linked to  
35          populations and neighborhoods that were negatively or disproportionately affected by  
36          cannabis criminalization as determined by the Governor; and

37          **6. Transportation prohibited.** Prohibit the transportation of cannabis or cannabis  
38          products by an out-of-state commercial cannabis business or a Maine commercial cannabis  
39          business through a state that does not authorize that transportation.

40          **§1205. License required; rules**

41          An out-of-state commercial cannabis business may not engage in commercial cannabis  
42          activity in this State unless authorized to do so in accordance with this Title or Title 22,

1 chapter 558-C, as appropriate. The department shall adopt rules to implement, administer  
2 and enforce this subchapter. Rules adopted pursuant to this section are routine technical  
3 rules as defined in Title 5, chapter 375, subchapter 2-A.

4 **§1206. Affix signature**

5 When the Governor, on behalf of the State, executes an agreement pursuant to this  
6 subchapter, the Governor shall affix the Governor's signature to the agreement under a  
7 recital that the agreement is executed pursuant to the provisions of this subchapter and  
8 subject to the limitations and qualifications contained in this subchapter.

9 **§1207. Report**

10 By January 15, 2024, and annually thereafter, the department shall submit a report to  
11 the joint standing committee of the Legislature having jurisdiction over adult use cannabis  
12 and medical use cannabis matters listing all agreements entered into pursuant to this  
13 subchapter, including, but not limited to, information regarding the terms and conditions  
14 of each agreement, the activities undertaken by the department and other state agencies to  
15 implement the agreement and the effects of the agreement on the adult use and medical use  
16 cannabis industries in this State.

17 **SUMMARY**

18 This bill permits the Governor to enter into interstate agreements authorizing the  
19 transportation, cultivation, manufacture, testing, purchase, sale or distribution of cannabis  
20 or cannabis products into and out of this State by entities licensed in Maine pursuant to the  
21 Maine Revised Statutes, Title 28-B, chapter 1 or Title 22, chapter 558-C. Such agreements  
22 will be effective if one of the following occurs: (1) federal law allows for the interstate  
23 transfer of cannabis or cannabis products; (2) federal law specifically prohibits the  
24 expenditure of federal funds to prevent the interstate transfer of cannabis or cannabis  
25 products; (3) the United States Department of Justice issues an opinion or memorandum  
26 allowing or tolerating the interstate transfer of cannabis products; or (4) the Attorney  
27 General of the United States issues a written opinion that implementation of these  
28 agreements will not result in significant legal risk to this State.

29 The agreements must require a cannabis business from the contracting state to be  
30 authorized to operate in this State pursuant to either Title 28-B, chapter 1 or Title 22,  
31 chapter 558-C and that the contracting state apply standards on these businesses equal to  
32 or exceeding Maine standards on: tracking; tagging; testing; identifying and destroying  
33 adulterated or misbranded cannabis products; labeling; marketing; and advertising. The  
34 contracting state must also agree to address public health and safety emergencies  
35 concerning cannabis and cannabis products and agree to assist in investigations of  
36 noncompliance with the agreement or Maine's laws or rules. The agreements must also  
37 prohibit the transportation of cannabis or cannabis products in states that do not authorize  
38 such transportation.