

MAINE STATE LEGISLATURE

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ROS.

Date 6/21/23 Majority

L D 1880
(Filing No. H-684)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 1205, L D 1880, "An Act to Amend the Adult Use Cannabis Laws"

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 28-B MRSA §105, first ¶, as amended by PL 2021, c 628, §1 and c 669, §5, is further amended to read

The department shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of cannabis plants, adult use cannabis and adult use cannabis products from immature cannabis plant to the point of retail sale, return, disposal or destruction. The tracking system must allow for cannabis plants at the stage of cultivation and upon transfer from the stage of cultivation to another licensee to be tracked by group. The department may implement a tracking system that allows adult use cannabis or adult use cannabis products to be tracked by group.

Sec. 2. 28-B MRSA §105, 2nd ¶, as enacted by PL 2021, c 628, §1 and amended by c 669, §5, is further amended to read

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

Sec. 3. 28-B MRSA §114 is enacted to read

§114. Confidentiality

The home or business address, telephone number and e-mail address of the applicant, employees of the applicant and all natural persons having a direct or indirect financial interest in the applied-for license are confidential.

Sec. 4. 28-B MRSA §501, sub-§3, ¶D, as enacted by PL 2017, c 409, Pt A, §6 and amended by PL 2021, c 669, §5, is further amended to read

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D A nursery cultivation facility may sell to consumers only immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis pursuant to subsection 11 or from the nursery cultivation facility under this paragraph Sales to consumers by from a nursery cultivation facility

(1) Must be conducted within a portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales of immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis. A nursery cultivation facility licensee shall ensure that the portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales complies with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores, and

(2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and must be collected and remitted as required by subsection 9

Sec. 5. 28-B MRSA §501, sub-§10, as enacted by PL 2017, c 409, Pt A, §6 and amended by PL 2021, c 669, §5, is further amended to read

10. Tracking. In accordance with the requirements of section 105, a cultivation facility licensee shall track the adult use cannabis it cultivates from immature cannabis plant to the point at which the cannabis plant or the cannabis produced by the cannabis plant is delivered or transferred to a products manufacturing facility, a testing facility, a cannabis store or another cultivation facility or is disposed of or destroyed If a cultivation facility receives a return of a cannabis plant, cannabis flower or cannabis trim from a products manufacturing facility, a cannabis store or another cultivation facility, the cultivation facility licensee receiving the return shall track the returned cannabis plant, cannabis flower or cannabis trim to the point at which the return is transferred to a products manufacturing facility, a testing facility, a cannabis store or a cultivation facility or is disposed of or destroyed

Sec. 6. 28-B MRSA §501, sub-§11 is enacted to read

11. Delivery service. A tier 1 cultivation facility under section 301, subsection 1, a tier 2 cultivation facility under section 301, subsection 2 and a nursery cultivation facility may sell to consumers through a delivery service operated under the same requirements as for cannabis stores under section 504, subsection 9, but a nursery cultivation facility may sell under this subsection only those items authorized for sale under subsection 3, paragraph D A cultivation facility authorized to conduct retail sales under this subsection shall ensure that the tax imposed on the sale of adult use cannabis and adult use cannabis products to a consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3

Sec. 7. 28-B MRSA §502, sub-§13, as enacted by PL 2017, c 409, Pt A, §6 and amended by PL 2021, c 669, §5, is further amended to read

13. Tracking. In accordance with the requirements of section 105, a products manufacturing facility licensee shall track the adult use cannabis it uses in its manufacturing processes from the point the cannabis is delivered or transferred to the products manufacturing facility by a cultivation facility to the point the cannabis or cannabis concentrate or an adult use cannabis product produced using the cannabis or

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1 cannabis concentrate is delivered or transferred to another products manufacturing facility,
2 a testing facility or a cannabis store or is disposed of or destroyed If a products
3 manufacturing facility licensee receives a return of cannabis, cannabis concentrate or an
4 adult use cannabis product from another products manufacturing facility or a cannabis
5 store, the products manufacturing facility licensee shall track the cannabis, cannabis
6 concentrate or adult use cannabis product until transferred, whether in its original form or
7 as a cannabis product, to another products manufacturing facility or a cannabis store or
8 disposed of or destroyed

9 **Sec. 8. 28-B MRSA §502, sub-§14** is enacted to read

10 **14. Return of cannabis plant, flower or trim.** Notwithstanding any provision of law
11 to the contrary, a products manufacturing facility licensee may return a cannabis plant,
12 cannabis flower or cannabis trim to a cultivation facility from which the cannabis plant,
13 cannabis flower or cannabis trim was received, as long as the products manufacturing
14 facility licensee tracks the cannabis plant, cannabis flower or cannabis trim until transferred
15 to the cultivation facility and as long as the cultivation facility accepts returns

16 **Sec. 9. 28-B MRSA §504, sub-§8,** as enacted by PL 2017, c 409, Pt A, §6 and
17 amended by PL 2021, c. 669, §5, is further amended to read

18 **8. Tracking.** In accordance with the requirements of section 105, a cannabis store
19 licensee shall track all adult use cannabis and adult use cannabis products from the point at
20 which the cannabis or cannabis products are delivered or transferred to the cannabis store
21 by a cultivation facility or a products manufacturing facility to the point at which the
22 cannabis or cannabis products are sold to a consumer, are delivered or transferred to a
23 testing facility, are returned to a cultivation facility or a products manufacturing facility
24 from which the cannabis or cannabis products were received or are disposed of or
25 destroyed

26 **Sec. 10. 28-B MRSA §504, sub-§9,** as enacted by PL 2021, c 667, §3 and amended
27 by c 669, §5, is further amended to read

28 **9. Limited delivery service.** A cannabis store, cultivation facility or products
29 manufacturing facility may operate a limited delivery service for the delivery of immature
30 cannabis plants, seedlings, adult use cannabis and adult use cannabis products in
31 accordance with the requirements of this subsection. A cannabis store may not deliver
32 adult use cannabis or an immature cannabis plant, seedling or adult use cannabis product
33 to a person under 21 years of age. A municipality may not prohibit delivery of adult use
34 cannabis and adult use cannabis products authorized under this subsection.

35 **A** A cannabis store, cultivation facility or products manufacturing facility operating a
36 limited delivery service shall ensure that cannabis store employees engaging in
37 delivery have received training, prescribed by the department by rule, on how to
38 properly verify the age of a person making a purchase for delivery and how to ensure
39 that no deliveries are made to a person under 21 years of age

40 **B** A cannabis store, cultivation facility or products manufacturing facility operating a
41 limited delivery service may deliver only to a residential dwelling and may not deliver
42 to any residential dwelling located to any location in a municipality, except locations
43 within a safe zone designated by a municipality under Title 30-A, section 3253. A
44 cannabis store operating a limited delivery service may deliver to a residential dwelling

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1 ~~in any municipality in the State regardless of whether the municipality has approved~~
2 ~~the operation of cannabis stores-~~

3 C A cannabis store, cultivation facility or products manufacturing facility operating a
4 limited delivery service may deliver to a hotel or business as long as the cannabis store,
5 cultivation facility or products manufacturing facility has received written consent for
6 delivery to the hotel or business from an authorized employee of the hotel or business
7 and the cannabis store, cultivation facility or products manufacturing facility retains a
8 copy of the written consent. The written consent must be maintained and open to
9 inspection by the department in accordance with section 511.

10 The department shall adopt rules to implement this subsection. Rules adopted pursuant to
11 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
12 2-A.

13 **Sec. 11. 28-B MRSA §504, sub-§11** is enacted to read

14 11. Return of adult use cannabis. Notwithstanding any provision of law to the
15 contrary, a cannabis store licensee may return a cannabis plant, cannabis flower and
16 cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or
17 cannabis trim was received, or return cannabis or cannabis products to the products
18 manufacturing facility from which the cannabis or cannabis product was received, as long
19 as the cannabis store licensee tracks the return as required in subsection 8 until transferred
20 to the cultivation facility or products manufacturing facility and as long as the cultivation
21 facility or products manufacturing facility accepts returns.

22 **Sec. 12. 28-B MRSA §602, sub-§1, ¶C**, as enacted by PL 2017, c 409, Pt A, §6,
23 is amended to read

24 C Dangerous yeasts, molds and mildew as specified in rules adopted by the
25 department,

26 **Sec. 13. 28-B MRSA §602, sub-§1-A** is enacted to read

27 1-A. Testing of returns. Cannabis and cannabis products returned pursuant to section
28 502, subsection 14 or section 504, subsection 11 must be tested prior to being resold or
29 redistributed. The department may limit the mandatory testing required for returned
30 cannabis and cannabis products by rule. Rules adopted pursuant to this subsection are
31 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 14. 28-B MRSA §702, sub-§1, ¶B**, as enacted by PL 2017, c 409, Pt A, §6,
33 is repealed

34 **Sec. 15. 28-B MRSA §702, sub-§2, ¶C**, as enacted by PL 2017, c 409, Pt A, §6,
35 is amended to read

36 C A prohibition on opt-in advertising or marketing that does not permit an easy and
37 permanent opt-out feature; and

38 **Sec. 16. 28-B MRSA §702, sub-§2, ¶D**, as enacted by PL 2017, c 409, Pt A, §6,
39 is amended to read

40 D A prohibition on advertising or marketing directed toward location-based devices,
41 including, but not limited to, cellular telephones, unless the marketing is a mobile

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1 device application installed on the device by the owner of the device who is 21 years
2 of age or older and includes a permanent and easy opt-out feature, and

3 **Sec. 17. 28-B MRSA §702, sub-§2, ¶E** is enacted to read

4 E Specific limitations on signs, advertising and marketing to minimize the appeal of
5 adult use cannabis and adult use cannabis products to persons under 21 years of age

6 **Sec. 18. 28-B MRSA §702, sub-§3** is enacted to read

7 **3. Restrictions on signs, advertising and marketing.** A licensee may advertise or
8 market the promotion of the licensee's business and adult use cannabis and adult use
9 cannabis products sold by the licensee, including the display of a sign on the licensed
10 premises and off the licensed premises on the exterior of a motor vehicle in accordance
11 with this section

12 **Sec. 19. 28-B MRSA §703, sub-§1, ¶F**, as amended by PL 2021, c 558, §4, is
13 further amended to read

14 F May not contain more than 10 milligrams of THC per serving of the product and
15 may not contain more than ~~100~~ 200 milligrams of THC per package of the product,
16 with an allowable variance rate of 10%, except that the allowable variance may not be
17 less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount
18 of THC allowed under this paragraph, the allowable variance rate must be in addition
19 to the allowable variance rate applicable to a testing facility pursuant to section 602,
20 subsection 3,

21 **Sec. 20. 28-B MRSA §1501, sub-§1, ¶B**, as enacted by PL 2017, c 409, Pt A, §6
22 and amended by PL 2021, c 669, §5, is further amended to read

23 B Use, possess or transport at any one time up to 2 1/2 ounces of cannabis or 2 1/2
24 ounces of a combination of cannabis and cannabis concentrate that includes no more
25 than ~~5~~ 10 grams of cannabis concentrate,

26 **Sec. 21. 28-B MRSA §1501, sub-§1, ¶C**, as enacted by PL 2017, c 409, Pt A, §6
27 and amended by PL 2021, c 669, §5, is further amended to read

28 C Transfer or furnish, without remuneration, to a person 21 years of age or older up
29 to 2 1/2 ounces of cannabis or 2 1/2 ounces of a combination of cannabis and cannabis
30 concentrate that includes no more than ~~5~~ 10 grams of cannabis concentrate,

31 **Sec. 22. 28-B MRSA §1501, sub-§1, ¶F**, as enacted by PL 2017, c 409, Pt A, §6
32 and amended by PL 2021, c 669, §5, is further amended to read

33 F Subject to the limitations imposed under paragraph B, purchase up to 2 1/2 ounces
34 of adult use cannabis or 2 1/2 ounces of a combination of adult use cannabis and
35 cannabis concentrate that includes no more than ~~5~~ 10 grams of cannabis concentrate
36 from a cannabis store; and'

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

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SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. It clarifies that adult use cannabis and adult use cannabis products may be returned by a licensee to the licensee from which the cannabis or cannabis product was received. It allows a cannabis store to deliver in municipalities that have not approved the operation of cannabis stores and to deliver to businesses or hotels if written consent is given by an authorized employee of the business or hotel. It replaces the advertising and marketing restrictions on advertising and marketing designed or likely to reach persons under 21 years of age with a requirement that the Department of Administrative and Financial Services adopt rules that identify specific limitations on signs, advertising and marketing to minimize the appeal of adult use cannabis and adult use cannabis products to persons under 21 years of age. It removes or increases certain limitations on the amount of tetrahydrocannabinol, or THC, cannabis and cannabis concentrate that may be used, possessed, transported or furnished. It makes the personal information of a licensee and the licensee's employees included on an application confidential. The amendment allows cultivation facilities, nursery cultivation facilities and products manufacturing facilities to operate a limited delivery service. It allows advertising and marketing of the business and products with signs on the premises and on the exterior of a motor vehicle.

FISCAL NOTE REQUIRED
(See attached)



Approved 06/17/23 *mac*

131st MAINE LEGISLATURE

LD 1880

LR 1147(02)

An Act to Amend the Adult Use Cannabis Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-684)
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 implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources