

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

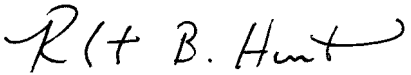
No. 1952

H.P. 1254

House of Representatives, May 16, 2023

An Act to Allow On-site Cannabis Consumption

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


ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.

Cosponsored by Representatives: BLIER of Buxton, FAULKINGHAM of Winter Harbor, FREDERICKS of Sanford, MILLIKEN of Blue Hill, SUPICA of Bangor, THERIAULT of Fort Kent, WILLIAMS of Bar Harbor, WOOD of Greene.

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

2 **Sec. 1. 28-B MRSA §102, sub-§29**, as amended by PL 2019, c. 676, §1 and PL
3 2021, c. 669, §5, is further amended to read:

4 **29. Cannabis establishment.** "Cannabis establishment" means a cultivation facility,
5 a products manufacturing facility, a testing facility, a cannabis store, a cannabis hospitality
6 establishment or a sample collector licensed under this chapter.

7 **Sec. 2. 28-B MRSA §102, sub-§31-B** is enacted to read:

8 **31-B. Cannabis hospitality establishment.** "Cannabis hospitality establishment"
9 means a facility licensed under this chapter to purchase adult use cannabis, immature
10 cannabis plants and seedlings from a cultivation facility; to purchase adult use cannabis
11 and adult use cannabis products from a products manufacturing facility; to purchase adult
12 use cannabis and adult use cannabis products from a cannabis store; to sell adult use
13 cannabis, adult use cannabis products, cannabis paraphernalia, immature cannabis plants
14 and seedlings; and to permit the consumption in the facility of the cannabis or cannabis
15 products sold at the facility.

16 **Sec. 3. 28-B MRSA §201, sub-§4**, as amended by PL 2019, c. 676, §5 and PL
17 2021, c. 669, §5, is further amended to read:

18 **4. Cannabis store.** Consistent with the restrictions of section 205, subsection 2,
19 paragraph C, a cannabis store license; ~~or~~

20 **Sec. 4. 28-B MRSA §201, sub-§5**, as enacted by PL 2019, c. 676, §5, is amended
21 to read:

22 **5. Sample collector.** Consistent with the requirements and restrictions of section 205,
23 subsection 2, paragraph B and section 503-A, a sample collector license; ~~or~~

24 **Sec. 5. 28-B MRSA §201, sub-§6** is enacted to read:

25 **6. Cannabis hospitality establishment.** Consistent with the restrictions of section
26 504-B, a cannabis hospitality establishment license.

27 **Sec. 6. 28-B MRSA §205, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6,
28 is amended by amending subparagraph (2) to read:

29 (2) Multiple cultivation facility licenses with a combined total licensed amount of
30 plant canopy exceeding 30,000 square feet, except when that exceedance is solely
31 attributable to approved increases in the maximum licensed area of plant canopy
32 authorized under a tier 4 cultivation facility license pursuant to section 304; and

33 **Sec. 7. 28-B MRSA §205, sub-§2, ¶B**, as amended by PL 2019, c. 676, §6 and PL
34 2021, c. 669, §5, is further amended to read:

35 B. If the applicant has applied for the issuance or renewal of a testing facility license
36 or sample collector license, the applicant may not be a caregiver or registered caregiver
37 or have an interest in a registered dispensary, a cultivation facility license, a products
38 manufacturing facility license ~~or~~, a cannabis store license or a cannabis hospitality
39 establishment license. If the applicant has applied for the issuance or renewal of any
40 license under this chapter that is not a testing facility license or a sample collector
41 license, the applicant may not have an interest in a testing facility license or a sample

1 collector license. An applicant that meets the requirements for the issuance of a testing
2 facility license under this chapter and the requirements of this paragraph may apply for
3 and be issued multiple testing facility licenses. For purposes of this paragraph,
4 "interest" means an equity ownership interest or a partial equity ownership interest or
5 any other type of financial interest, including, but not limited to, being an investor or
6 serving in a management position; ~~and.~~

7 **Sec. 8. 28-B MRSA §207, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6 and
8 amended by PL 2021, c. 669, §5, is further amended to read:

9 **2. Fees for products manufacturing facilities and cannabis stores.** For a products
10 manufacturing facility license ~~or~~, a cannabis store license or a cannabis hospitality
11 establishment license, the department shall require payment of an application fee of \$250
12 and a license fee of not more than \$2,500.

13 **Sec. 9. 28-B MRSA §504-B** is enacted to read:

14 **§504-B. Cannabis hospitality establishment**

15 A cannabis hospitality establishment must be operated in accordance with the
16 provisions of this section and the rules adopted pursuant to this chapter.

17 **1. Products authorized for sale.** Except as provided in subsection 2, a cannabis
18 hospitality establishment may sell:

19 A. Adult use cannabis, adult use cannabis products, cannabis paraphernalia, immature
20 cannabis plants and seedlings;

21 B. Consumable products not containing cannabis, including, but not limited to, sodas,
22 candies and baked goods; and

23 C. Any other nonconsumable products, including, but not limited to, apparel and
24 cannabis-related products.

25 **2. Prohibitions.** A cannabis hospitality establishment may not:

26 A. Give away adult use cannabis or adult use cannabis products;

27 B. Give away or sell products containing tobacco or alcohol;

28 C. Sell to any person during the same business day an amount of adult use cannabis,
29 adult use cannabis products, immature cannabis plants or seedlings that exceeds the
30 personal adult use limitations of section 1501, subsection 1;

31 D. Allow the consumption of alcohol or the smoking or use of tobacco or tobacco
32 products on the licensed premises;

33 E. Allow adult use cannabis or adult use cannabis products that are not purchased from
34 the cannabis hospitality establishment to be used on the licensed premises;

35 F. Sell adult use cannabis, adult use cannabis products or immature cannabis plants
36 using:

37 (1) An automated dispensing or vending machine;

38 (2) A drive-through sales window;

39 (3) An Internet-based sales platform; or

- 1 (4) A delivery service;
- 2 G. Knowingly permit any activity or acts of disorderly conduct as described in Title
3 17-A, section 501-A;
- 4 H. Permit rowdiness, undue noise or other disturbances or activity offensive to the
5 average citizen or to the residents of the neighborhood in which the licensed premises
6 are located;
- 7 I. Sell adult use cannabis or adult use cannabis products to a person who is visibly
8 intoxicated; or
- 9 J. Sell adult use cannabis or adult use cannabis products to any person solely for off-
10 premises use, unless the cannabis hospitality establishment licensee also holds a valid
11 cannabis store license. Nothing in this paragraph prohibits the cannabis hospitality
12 establishment from selling immature cannabis plants and seedlings for use off premises
13 or from allowing a person who purchases adult use cannabis or adult use cannabis
14 products for on-premises use to take off premises amounts that are not used on
15 premises, as long as the amount taken off premises does not exceed the amount that
16 may be transported under section 1501, subsection 1, paragraph B.
- 17 **3. Operation.** A cannabis hospitality establishment:
- 18 A. Shall ensure the sale and consumption of adult use cannabis and adult use cannabis
19 products cease if an emergency requires law enforcement officers, firefighters,
20 emergency medical service providers or other public safety personnel to enter the
21 establishment. Sale and consumption may resume after such personnel have left the
22 establishment;
- 23 B. Shall destroy adult use cannabis and adult use cannabis products left behind by a
24 patron, except for purposes of recycling;
- 25 C. Shall ensure the display and consumption of adult use cannabis and adult use
26 cannabis products are not visible from outside the establishment;
- 27 D. May remove an individual from the establishment for any reason;
- 28 **4. Compliance with packaging, labeling and health and safety requirements.** All
29 adult use cannabis and adult use cannabis products sold or offered for sale at a cannabis
30 hospitality establishment must meet all applicable packaging, labeling and health and
31 safety requirements of subchapter 7 and the rules adopted under subchapter 7.
- 32 **5. Verification of purchaser's age.** A person must be 21 years of age or older to enter
33 or make a purchase from a cannabis hospitality establishment. A cannabis hospitality
34 establishment may not sell any item to a person under 21 years of age.
- 35 A. Prior to initiating a sale in a cannabis hospitality establishment, an employee of the
36 cannabis hospitality establishment licensee shall verify that the purchaser has a valid
37 government-issued photographic identification card, or other acceptable photographic
38 identification, demonstrating that the purchaser is 21 years of age or older.
- 39 B. The department shall by rule determine the forms of photographic identification
40 that a cannabis hospitality establishment licensee may accept when verifying a
41 purchaser's age.

1 **6. Controlled area.** A cannabis hospitality establishment shall establish a controlled
2 area in which an employee of the cannabis hospitality establishment licensee may verify
3 the identification and age of persons before they enter the sales area of the cannabis
4 hospitality establishment. The controlled area may be outside of the establishment or may
5 be a controlled, indoor entry area clearly indicated by signs or physical barriers so that
6 persons in the controlled area are separated from the sales area of the cannabis hospitality
7 establishment.

8 **7. Prohibition on use of shared facility.** A cannabis hospitality establishment
9 licensee that is also a registered caregiver or a registered dispensary pursuant to Title 22,
10 chapter 558-C may not sell or offer for sale to consumers or permit consumption of adult
11 use cannabis and adult use cannabis products pursuant to this chapter within the same
12 facility or building in which the licensee also sells or offers for sale to qualifying patients
13 cannabis and cannabis products for medical use pursuant to Title 22, chapter 558-C.

14 **8. Colocation.** A cannabis hospitality establishment may be located in proximity to
15 any other cannabis establishment, other than a testing facility, as long as the cannabis
16 hospitality establishment is in a separate building or has a separate entrance from the other
17 cannabis establishment. The department by rule shall prescribe the location of cannabis
18 hospitality establishments in relation to a testing facility.

19 **9. Signs, marketing and advertising.** All signs used by and all marketing and
20 advertising conducted by or on behalf of a cannabis hospitality establishment must comply
21 with the requirements of section 702 and the rules adopted pursuant to section 702.

22 **10. Sales tax.** A cannabis hospitality establishment licensee shall ensure that the tax
23 imposed on the sale of adult use cannabis and adult use cannabis products to a consumer
24 pursuant to Title 36, section 1811 is collected and remitted in accordance with the
25 requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

26 **11. Tracking.** In accordance with the requirements of section 105, a cannabis
27 hospitality establishment licensee shall track all adult use cannabis and adult use cannabis
28 products from the point at which the cannabis or cannabis products are delivered or
29 transferred to the cannabis hospitality establishment by a cultivation facility or a products
30 manufacturing facility to the point at which the cannabis or cannabis products are sold to a
31 consumer, delivered or transferred to a testing facility or disposed of or destroyed.

32 **12. Training.** In accordance with rules adopted by the department, a cannabis
33 hospitality establishment licensee shall provide training to all employees on how to
34 recognize impairment resulting from cannabis use. The department shall develop an
35 appropriate training course or program for use by cannabis hospitality establishment
36 licensees.

37 **13. Rules.** The department shall adopt rules regarding the licensing and operation of
38 cannabis hospitality establishments. The rules must include requirements governing
39 cannabis hospitality establishment operations that ensure odor control and workplace
40 safety, including ventilation requirements to limit employee exposure to cannabis smoke.
41 The rules must also require a cannabis hospitality establishment to carry appropriate
42 insurance coverage for liability arising from the negligence of its customers. Rules adopted
43 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
44 subchapter 2-A.

