

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1996

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S.P. 821

In Senate, May 23, 2023

### **An Act to Regulate Synthetic Hemp-derived Cannabinoids**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator PIERCE of Cumberland.  
Cosponsored by Senators: DAUGHTRY of Cumberland, KEIM of Oxford, VITELLI of Sagadahoc, Representatives: ARATA of New Gloucester, CLOUTIER of Lewiston, Speaker TALBOT ROSS of Portland, TERRY of Gorham.

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

2 **Sec. 1. 7 MRSA §2231, sub-§1-A, ¶D**, as enacted by PL 2019, c. 528, §1 and  
3 amended by PL 2021, c. 669, §5, is further amended to read:

4 D. "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including  
5 the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of  
6 isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of  
7 not more than 0.3% on a dry weight basis, or as otherwise defined in federal law.  
8 "Hemp" includes agricultural commodities and products derived from hemp and  
9 topical or ingestible consumer products, including food, food additives ~~and~~ food  
10 products and nonalcoholic beverages in liquid form derived from hemp, ~~which that~~ in  
11 their final forms contain ~~a delta-9-tetrahydrocannabinol concentration of not more than~~  
12 ~~0.3% or as otherwise defined in federal law~~ 0.5 milligrams of delta-9-  
13 tetrahydrocannabinol per package, regardless of the number of servings per package.  
14 "Hemp" does not include cannabis for medical use pursuant to Title 22, chapter 558-C  
15 ~~or~~ adult use cannabis pursuant to Title 28-B, chapter 1 or any product intended for  
16 human consumption or inhalation containing synthetic hemp-derived cannabinoids.

17 **Sec. 2. 7 MRSA §2231, sub-§1-A, ¶F** is enacted to read:

18 F. "Manufacture" means the production, blending, infusing, compounding or other  
19 preparation of hemp and hemp-derived products, including, but not limited to,  
20 extraction or preparation by means of chemical synthesis. "Manufacture" does not  
21 include cultivation or testing.

22 **Sec. 3. 7 MRSA §2231, sub-§1-A, ¶G** is enacted to read:

23 G. "Synthetic hemp-derived cannabinoid" means any cannabinoid that is not naturally  
24 occurring in hemp or a cannabinoid, whether naturally occurring in hemp or not, that  
25 is produced by manufacturing a hemp-derived cannabinoid in a manner that modifies  
26 the molecular structure.

27 **Sec. 4. 7 MRSA §2231, sub-§6**, as repealed and replaced by PL 2021, c. 761, §3,  
28 is amended to read:

29 **6. Rules.** The commissioner shall adopt rules to align the laws governing hemp in  
30 this State with 7 United States Code, Section 1639p(a)(2)(A) (2020), 7 Code of Federal  
31 Regulations, Part 990 (2020) and any additional federal statutes or regulations. The  
32 commissioner shall cooperate with the Department of Administrative and Financial  
33 Services' office of cannabis policy to adopt rules governing the manufacture of hemp and  
34 hemp-derived products.

35 The rules must establish an application fee, a license fee, per acre or per square foot fees  
36 for monitoring, sampling and testing and guidelines for monitoring the growth and harvest  
37 of hemp.

38 The rules must establish a mechanism for conducting criminal background checks on  
39 grower licensees and all key participants and require fees to be paid by the grower licensee  
40 or key participant.

41 For purposes of this subsection, "key participant" means a person who, as determined by  
42 the commissioner by rule, has a direct or indirect financial interest in an entity producing

1 hemp, such as an owner or partner in a partnership. "Key participant" also includes a person  
2 in a corporate entity at an executive level including a chief executive officer, chief  
3 operating officer and chief financial officer. "Key participant" does not include other  
4 management positions such as farm, field or shift managers.  
5 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
6 chapter 375, subchapter 2-A.

7 **SUMMARY**

8 This bill excludes from the definition of "hemp" consumer products, including  
9 beverages, that in their final form contain more than 0.5 milligrams of delta-9-  
10 tetrahydrocannabinol per package, regardless of the number of servings per package, and  
11 any product intended for human consumption or inhalation containing synthetic hemp-  
12 derived cannabinoids. The bill directs the Commissioner of Agriculture, Conservation and  
13 Forestry to work with the Department of Administrative and Financial Services' office of  
14 cannabis policy to adopt rules governing the manufacture of hemp and hemp-derived  
15 products.