

MAINE STATE LEGISLATURE

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1401, L.D. 2187, "Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program; Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments; and Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, Major Substantive Rules of the Department of Administrative and Financial Services, Office of Cannabis Policy'

Amend the resolve in the emergency preamble in the 3rd paragraph in the first line (page 1, line 6 in L.D.) by striking out the following: "a major substantive rule has" and inserting the following: 'major substantive rules have'

Amend the resolve in the emergency preamble in the 4th paragraph in the 2nd line (page 1, line 9 in L.D.) by striking out the following: "rule" and inserting the following: 'rules'

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of cannabis policy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;

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1 2. The rule must be amended in the subsection labeled "Definitions" to expand the
2 definition of "principal" to better identify the natural persons associated with the various
3 types of business entities licensed under the Maine Revised Statutes, Title 28-B, chapter 1;

4 3. The rule must be amended in section 1.4 and any other relevant sections to remove
5 the requirement that packaging for adult use cannabis and adult use cannabis products be
6 opaque;

7 4. The rule must be amended, as necessary, to allow the requirement for child-resistant
8 and tamper-evident packaging to be met either through the packaging of or the exit
9 packaging for adult use cannabis or adult use cannabis products;

10 5. The rule must be amended, as necessary, to conform the rule to any changes to the
11 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the
12 131st Legislature, including, but not limited to, changes to definitions;

13 6. All necessary grammatical, formatting, punctuation or other technical
14 nonsubstantive editing changes must be made to the rule, and any necessary correction of
15 the description of the units of the rule must be made to ensure proper reference and
16 application of the provisions of the rule; and

17 7. All other necessary changes must be made to the rule to ensure conformity and
18 consistency throughout the rule and to ensure consistency between the rule and the
19 provisions of this section and between the rule and the provisions of the Maine Revised
20 Statutes, Title 28-B, chapter 1.

21 The Department of Administrative and Financial Services, office of cannabis policy is
22 not required to hold hearings or undertake further proceedings prior to final adoption of the
23 rule in accordance with this section.

24 **Sec. 2. Adoption. Resolved:** That, using this resolve as permitted in the Maine
25 Revised Statutes, Title 5, section 8072, subsection 11, final adoption of Chapter 20: Rules
26 for the Licensure of Adult Use Cannabis Establishments, a provisionally adopted major
27 substantive rule of the Department of Administrative and Financial Services, office of
28 cannabis policy that has been submitted to the Legislature for review pursuant to Title 5,
29 chapter 375, subchapter 2-A, is authorized only if the following changes are made:

30 1. The rule must be amended, as necessary, to substitute the words "minor" and
31 "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years
32 of age";

33 2. The rule must be amended, as necessary, to allow a licensee to use equipment not
34 included on the licensee's plan of record in emergency or exigent circumstances to the
35 extent use of the equipment is necessary to mitigate loss of or damage to a licensee's
36 inventory or property;

37 3. The rule must be amended, as necessary, to allow the requirement for child-resistant
38 and tamper-evident packaging to be met either through the packaging of or the exit
39 packaging for adult use cannabis or adult use cannabis products;

40 4. The rule must be amended, as necessary, to conform the rule to any changes to the
41 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the
42 131st Legislature, including, but not limited to, changes to definitions;

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1 5. All necessary grammatical, formatting, punctuation or other technical
2 nonsubstantive editing changes must be made to the rule, and any necessary correction of
3 the description of the units of the rule must be made to ensure proper reference and
4 application of the provisions of the rule; and

5 6. All other necessary changes must be made to the rule to ensure conformity and
6 consistency throughout the rule and to ensure consistency between the rule and the
7 provisions of this section and between the rule and the provisions of the Maine Revised
8 Statutes, Title 28-B, chapter 1.

9 The Department of Administrative and Financial Services, office of cannabis policy is
10 not required to hold hearings or undertake further proceedings prior to final adoption of the
11 rule in accordance with this section.

12 **Sec. 3. Adoption. Resolved:** That, using this resolve as permitted in the Maine
13 Revised Statutes, Title 5, section 8072, subsection 11, final adoption of Chapter 30:
14 Compliance Rules for Adult Use Cannabis Establishments, a provisionally adopted major
15 substantive rule of the Department of Administrative and Financial Services, office of
16 cannabis policy that has been submitted to the Legislature for review pursuant to Title 5,
17 chapter 375, subchapter 2-A, is authorized only if the following changes are made:

18 1. The rule must be amended, as necessary, to substitute the words "minor" and
19 "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years
20 of age," respectively;

21 2. The rule must be amended, as necessary, to substitute the phrase "targets minors,"
22 or a similar phrase, for the phrase "appeals to individuals under 21 years of age," and similar
23 phrases;

24 3. The rule must be amended, as necessary, to allow a licensee to use equipment not
25 included on the licensee's plan of record in emergency or exigent circumstances to the
26 extent use of the equipment is necessary to mitigate loss of or damage to a licensee's
27 inventory or property;

28 4. The rule must be amended, as necessary, to allow a cultivation facility licensee or
29 nursery cultivation facility licensee to acquire cannabis plants and seeds through a lawful
30 purchase from another cultivation facility licensee or nursery cultivation facility licensee.
31 The rule must allow a cultivation facility licensee or nursery cultivation facility licensee to
32 acquire seeds or seedlings as a gift from a resident of the State who is at least 21 years of
33 age as long as the acquisition, within any 90-day period, is not more than one transfer of 2
34 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting
35 seeds or seedlings to the licensee; the office of cannabis policy has provided prior written
36 approval of the gift of seeds or seedlings; the individual gifting the seeds or seedlings does
37 not receive any form of remuneration; the gift is not conditional or contingent upon any
38 other term or requirement of the licensee; and the licensee records the name and telephone
39 number of the person gifting the seeds or seedlings, along with the identification number
40 from that individual's valid state identification card. The rule must provide that, whether
41 the seeds or seedlings are acquired by purchase or gift, the licensee must track the seeds or
42 seedlings pursuant to the Maine Revised Statutes, Title 28-B, section 105;

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1 5. The rule must be amended in sections 1.9, 5.3.A.1(d), 5.4.A(7), 5.5.A(4) and
2 5.6.A(4) and any other relevant sections to remove the requirement that the packaging of
3 or exit packaging for adult use cannabis or adult use cannabis products be opaque;

4 6. The rule must be amended, as necessary, to allow the office of cannabis policy to
5 require labeling of adult use cannabis and adult use cannabis products that includes
6 information on whether the adult use cannabis or adult use cannabis product has been
7 remediated and by what method;

8 7. The rule must be amended, as necessary, to conform the rule to any changes to the
9 Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the
10 131st Legislature, including, but not limited to, changes to definitions;

11 8. All necessary grammatical, formatting, punctuation or other technical
12 nonsubstantive editing changes must be made to the rule, and any necessary correction of
13 the description of the units of the rule must be made to ensure proper reference and
14 application of the provisions of the rule; and

15 9. All other necessary changes must be made to the rule to ensure conformity and
16 consistency throughout the rule and to ensure consistency between the rule and the
17 provisions of this section and between the rule and the provisions of the Maine Revised
18 Statutes, Title 28-B, chapter 1.

19 The Department of Administrative and Financial Services, office of cannabis policy is
20 not required to hold hearings or undertake further proceedings prior to final adoption of the
21 rule in accordance with this section.

22 **Sec. 4. Report to Legislature.** By December 15, 2024, the Department of
23 Administrative and Financial Services, office of cannabis policy shall submit a copy of
24 each finally adopted rule under this resolve to the joint standing committee of the
25 Legislature having jurisdiction over cannabis matters and shall clearly identify all
26 differences between the provisionally adopted rules and the finally adopted rules. The
27 committee may report out legislation related to one or more of the rules to the 132nd
28 Legislature in 2025.'

29 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
30 section number to read consecutively.

31 **SUMMARY**

32 This amendment replaces the resolve and changes the title. The amendment authorizes
33 the final adoption of the following 3 major substantive rules of the Department of
34 Administrative and Financial Services, office of cannabis policy, with certain changes:

- 35 1. Chapter 10: Rules for the Administration of the Adult Use Cannabis Program;
- 36 2. Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments; and
- 37 3. Chapter 30: Compliance Rules for Adult Use Cannabis Establishments.

38 The Department of Administrative and Financial Services, office of cannabis policy is
39 not required to hold hearings or undertake further proceedings prior to final adoption of
40 any of the rules authorized in this legislation.

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COMMITTEE AMENDMENT "A" to H.P. 1401, L.D. 2187

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The amendment requires the office to submit, by December 15, 2024, a copy of each finally adopted rule to the joint standing committee of the Legislature having jurisdiction over cannabis matters and to clearly indicate any differences between each provisionally adopted and finally adopted rule. The committee may report out legislation related to the rules to the 132nd Legislature in 2025.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 2187

LR 3040(02)

Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-952)
Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Office of Cannabis Policy within the Department of Administrative and Financial Services to implement the provisions of this resolve are expected to be minor and can be absorbed within existing budgeted resources.