

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT SELECT COMMITTEE ON MARIJUANA
LEGALIZATION IMPLEMENTATION**

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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under 21 years of age;

- 5. Establish a special marijuana tax at the rate of 10% on the retail sale of marijuana by marijuana dispensaries. This tax is in addition to the sales tax currently imposed on medical marijuana and is only imposed until the retail sale of marijuana by other establishments is authorized by the bureau;
- 6. Modify the record-keeping, audit and other compliance requirements of a person licensed as a retail marijuana establishment or retail marijuana social club;
- 7. Authorize a nonprofit medical marijuana dispensary to reorganize as a for-profit entity; and
- 8. Increase the sales tax on retail marijuana and marijuana products from 10% to 20%.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1596 An Act To Establish the Cannabis Advisory Commission

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DESCHAMBAULT S		

This bill establishes the Cannabis Advisory Commission for the purpose of conducting a continuing study of the laws related to cannabis.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1641 An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities

**PUBLIC 309
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-326 HAMPER J

This bill was reported out by the Joint Select Committee on Marijuana Legalization Implementation pursuant to a joint order.

This bill amends the Marijuana Legalization Act with respect to the requirements for retail marijuana testing facilities and the testing of marijuana and marijuana products as follows.

- 1. It clarifies requirements for the testing of marijuana and marijuana products, including the mandatory testing of retail marijuana and retail marijuana products for homogeneity and cannabinoid profiles.
- 2. It clarifies licensing and operational requirements for retail marijuana testing facilities, including requirements that such facilities:
 - A. Be certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body, or be certified, registered or accredited by an organization approved by the Department of Agriculture, Conservation and Forestry, and be licensed or approved by the municipality in which the facility is physically located. It authorizes issuance of a provisional retail marijuana testing facility license to a testing facility that has applied for but not yet obtained certification, registration or

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accreditation from a third-party accrediting body or an approved organization;

B. Meet all operational and technical requirements established by rule and follow testing protocols, standards and criteria established by rule for testing of different forms of marijuana and marijuana products, determining batch size, sampling, testing validity and approval and disapproval;

C. Offer remediation and retesting of marijuana or a marijuana product that fails a test and dispose of used, unused and waste marijuana and marijuana products; and

D. Maintain records of all business transactions and testing and report the results of certain tests to the Department of Agriculture, Conservation and Forestry.

3. It authorizes retail marijuana testing facilities to perform research and product testing and development on marijuana and marijuana products and on substances other than marijuana and marijuana products for that facility or for other retail marijuana establishments or retail marijuana social clubs. It also authorizes testing facilities to provide services to a person intending to use marijuana or a marijuana product for personal use and to a qualifying patient, a registered caregiver and a registered dispensary under the Maine Medical Use of Marijuana Act.

4. It clarifies inspection and record-keeping requirements for retail marijuana licensees, including requiring a licensee to submit to sampling and testing of retail marijuana or retail marijuana products upon demand and without notice by the Department of Agriculture, Conservation and Forestry for the purposes of product quality control.

5. It clarifies the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding the adoption of rules relating to retail marijuana testing facilities and the testing of marijuana and marijuana products and designates those rules as routine technical rules.

The bill also includes an appropriations and allocations section.

Senate Amendment "A" (S-326)

This amendment makes changes to the bill to reflect the designation of the Department of Administrative and Financial Services as the state licensing authority pursuant to Public Law 2017, chapter 278.

This amendment also removes the General Fund appropriations from the bill, replaces them with Other Special Revenue Funds allocations and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

Enacted Law Summary

Public Law 2017, chapter 309 amends the Marijuana Legalization Act with respect to the requirements for retail marijuana testing facilities and the testing of marijuana and marijuana products as follows.

1. It clarifies requirements for the testing of marijuana and marijuana products, including the mandatory testing of retail marijuana and retail marijuana products for homogeneity and cannabinoid profiles.

2. It clarifies licensing and operational requirements for retail marijuana testing facilities, including requirements that such facilities:

A. Be certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body, or be certified, registered or accredited by an organization

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approved by the Department of Agriculture, Conservation and Forestry, and be licensed or approved by the municipality in which the facility is physically located. It authorizes issuance of a provisional retail marijuana testing facility license to a testing facility that has applied for but not yet obtained certification, registration or accreditation from a third-party accrediting body or an approved organization;

B. Meet all operational and technical requirements established by rule and follow testing protocols, standards and criteria established by rule for testing of different forms of marijuana and marijuana products, determining batch size, sampling, testing validity and approval and disapproval;

C. Offer remediation and retesting of marijuana or a marijuana product that fails a test and dispose of used, unused and waste marijuana and marijuana products; and

D. Maintain records of all business transactions and testing and report the results of certain tests to the Department of Agriculture, Conservation and Forestry.

3. It authorizes retail marijuana testing facilities to perform research and product testing and development on marijuana and marijuana products and on substances other than marijuana and marijuana products for that facility or for other retail marijuana establishments or retail marijuana social clubs. It also authorizes testing facilities to provide services to a person intending to use marijuana or a marijuana product for personal use and to a qualifying patient, a registered caregiver and a registered dispensary under the Maine Medical Use of Marijuana Act.

4. It clarifies inspection and record-keeping requirements for retail marijuana licensees, including requiring a licensee to submit to sampling and testing of retail marijuana or retail marijuana products upon demand and without notice by the Department of Agriculture, Conservation and Forestry for the purposes of product quality control.

5. It clarifies the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding the adoption of rules relating to retail marijuana testing facilities and the testing of marijuana and marijuana products and designates those rules as routine technical rules.

This law allocates Other Special Revenue Funds and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

Public Law 2017, chapter 309 was enacted as an emergency measure effective August 2, 2017.