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Legislative Document

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S.P. 425

In Senate, March 29, 2021

An Act Regarding Registered Dispensaries and Rules under the Maine Medical Use of Marijuana Act and the Definition of "Resident" in the Marijuana Legalization Act

(EMERGENCY)

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

DAREK M. GRANT Secretary of the Senate

Presented by Senator POULIOT of Kennebec.

Cosponsored by Representative KINNEY of Knox and

Senators: FARRIN of Somerset, HICKMAN of Kennebec, President JACKSON of Aroostook, TIMBERLAKE of Androscoggin, Representatives: COREY of Windham, HARRINGTON of Sanford, TALBOT ROSS of Portland, WADSWORTH of Hiram.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to extend the repeal date of a portion of a definition in the Marijuana Legalization Act, which is scheduled to be repealed June 1, 2021; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

 Sec. 1. 22 MRSA §2428, sub-§11-A, ¶A, as enacted by PL 2017, c. 452, §16, is amended to read:

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary. The department may not issue more than 14 dispensary registration certificates.

Sec. 2. 28-B MRSA §102, sub-§48, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. Has filed a resident individual income tax return in this State pursuant to Title 36, Part 8 in each of the 4 years prior to the year in which the person files an application for licensure under this chapter. This paragraph is repealed June 1, 2021 2025;

Sec. 3. Rules moratorium. The Department of Administrative and Financial Services, office of marijuana policy may not adopt rules governing the medical use of marijuana until December 31, 2023. Beginning December 31, 2023, the office of marijuana policy may adopt rules governing the medical use of marijuana only if the office, using existing resources and before the adoption of those rules, conducts studies on the economic impact of the rules and how the rules would affect the access of patients to marijuana for medical use.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

38 SUMMARY

This bill provides that the Department of Administrative and Financial Services may not issue more than 14 marijuana dispensary registration certificates. It also provides that the Department of Administrative and Financial Services, office of marijuana policy may not adopt rules governing the medical use of marijuana until December 31, 2023.

Beginning December 31, 2023, the office of marijuana policy may adopt rules governing the medical use of marijuana only if the office, using existing resources and before the adoption of those rules, conducts studies on the economic impact of the rules and how the rules would affect the access of patients to marijuana for medical use. The bill also extends the repeal date of a portion of the definition of "resident" in the Marijuana Legalization Act from June 1, 2021 to June 1, 2025.