

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 102 - L.D. 202

An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events

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

Sec. 1. 28-B MRSA §102, sub-§39-A is enacted to read:

39-A. Permitted premises for a specified event. "Permitted premises for a specified event" means the premises described in a specified event permit issued to a cannabis store pursuant to section 504-A where a cannabis store is authorized to sell adult use cannabis and adult use cannabis products.

Sec. 2. 28-B MRSA §102, sub-§51-A is enacted to read:

51-A. Specified event. "Specified event" means an event that occurs outside the licensed premises of a cannabis store that is not conducted primarily for the benefit or enjoyment of individuals under 21 years of age and that is not more than 10 consecutive days in duration or 10 occurrences in duration. For purposes of this subsection, "occurrence" means an event that is less than 24 hours in duration and that occurs during the same calendar year as another occurrence.

Sec. 3. 28-B MRSA §102, sub-§51-B is enacted to read:

51-B. Specified event permit. "Specified event permit" means a temporary authorization for a cannabis store to conduct sales of adult use cannabis and adult use cannabis products on the permitted premises for a specified event in accordance with section 504-A.

Sec. 4. 28-B MRSA §504, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or offered for sale at by a cannabis store must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted under subchapter 7.

Sec. 5. 28-B MRSA §504-A, as amended by PL 2021, c. 759, Pt. C, §2 and c. 669, §5, is further amended by amending the section headnote to read:

§504-A. Off-premises Specified event sales

Sec. 6. 28-B MRSA §504-A, first ¶, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

Notwithstanding any provision of law to the contrary, the department ~~may~~ shall issue a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis products at on the permitted premises for a specified event located outside the licensed premises in accordance with the requirements of this section. Transportation of adult use cannabis and adult use cannabis products between the licensed premises and the permitted premises for a specified event is subject to the requirements of section 505. A cannabis store authorized to sell adult use cannabis and adult use cannabis products under this section is subject to the provisions of section 504.

Sec. 7. 28-B MRSA §504-A, sub-§1, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

1. Permit application. At least 30 days prior to a specified event, a cannabis store seeking authorization to sell adult use cannabis and adult use cannabis products at the a specified event shall submit a permit application, on a form issued by the department, and a nonrefundable \$200 permit application fee to the department. The application must include or be appended with:

- A. Proof of approval, in accordance with subsection 2, from the municipality in which where the specified event is located as described in subsection 2 will occur to sell adult use cannabis or adult use cannabis products at the specified event;
- B. A The location and description of the specified event, including the date of the event, the date the cannabis store intends to sell adult use cannabis and adult use cannabis products and the name and description of the organization sponsoring the event; and
- C. If the specified event is being held on private property, the written permission of the property owner for the cannabis store licensee to sell adult use cannabis and adult use cannabis products on the property;
- D. A description of the adult use cannabis and adult use cannabis products the cannabis store intends to sell at the specified event;
- E. The number of cannabis store employees required to work at the specified event;
- F. A diagram and description of the permitted premises for the specified event; and
- G. As applicable, a diagram and description of the security measures the cannabis store intends to implement on the permitted premises for the specified event to prevent unauthorized access to adult use cannabis and adult use cannabis products, including access by persons under 21 years of age.

Sec. 8. 28-B MRSA §504-A, sub-§1-A is enacted to read:

1-A. Permit issuance. Within 14 calendar days of receipt of a permit application that meets the requirements of subsection 1, the department shall review the application and issue a specified event permit to the cannabis store or deny the application for good cause in accordance with section 206, subsection 2.

Sec. 9. 28-B MRSA §504-A, sub-§2, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is repealed and the following enacted in its place:

2. Municipal approval. At least 45 days prior to a specified event, a cannabis store shall submit a request for municipal approval to the municipality where the specified event will occur. The cannabis store shall include in the request the information required under subsection 1, paragraphs B to G and any other information or fee required by the municipality. The municipality may restrict the sale of certain adult use cannabis or adult use cannabis products at the specified event. Proof of municipal approval required under subsection 1, paragraph A must be in a form approved by a municipal official or the municipal legislative body of the municipality where the specified event will occur. As used in this subsection, "municipal official" and "municipal legislative body" have the same meanings as in Title 30-A, section 2001. Local authorization for the operation of a cannabis establishment within a municipality, pursuant to section 401, is not required for a municipality to approve a specified event permit.

Sec. 10. 28-B MRSA §504-A, sub-§3, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

3. Limitations ~~on off-premises sales.~~ A cannabis store issued a specified event permit under this section may sell adult use cannabis and adult use cannabis products at a specified event only as authorized under the permit. A specified event permit issued by the department under this section for a specified event may not authorize:

- A. Sales at the specified event for a period greater than the duration of the event;
- B. Sales anywhere other than on the permitted premises for the specified event; or
- C. The consumption of adult use cannabis or adult use cannabis products ~~at the location of sale at~~ on the permitted premises for the specified event; ~~or,~~
- ~~D. Sales of adult use cannabis products that are consumed by smoking. For the purposes of this paragraph, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.~~

Sec. 11. 28-B MRSA §504-A, sub-§4, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

4. Conditions. Sales of adult use cannabis and adult use cannabis products under a specified event permit ~~issued under this section~~ are subject to the following conditions.

- A. A cannabis store ~~authorized to sell adult use cannabis products at a specified event held outdoors~~ shall ~~transact~~ conduct all sales in a tent or similar structure with a single point of entry ~~that requires entry~~ into the tent or structure ~~in order~~ to view or purchase adult use cannabis or adult use cannabis products.
- B. A cannabis store ~~may not allow a person under 21 years of age to enter a tent or structure in which sales are conducted~~ and shall verify that a person entering the tent or structure is at least 21 years of age in the same manner as required under section 504, subsection 4.
- C. A cannabis store shall provide signs notifying customers that adult use cannabis and adult use cannabis products may not be consumed ~~at the location of sale at~~ on the permitted premises of the specified event.

D. A cannabis store shall ensure that all adult use cannabis and adult use cannabis products are secured when not under the direct control and supervision of the licensee cannabis store or an the cannabis store's employee of the licensee.

E. A cannabis store shall record all sales conducted at the specified event using a video recording device in a manner that captures, to the extent practicable, only the individual making the purchase. The recording must be retained by the cannabis store ~~in a manner prescribed by the department by rule for 45 days, and the cannabis store shall make it available for inspection at the department's request.~~

Sec. 12. 28-B MRSA §504-A, sub-§5, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is further amended to read:

5. Guidance. The department shall develop and publish on a publicly accessible website guidance documents to assist cannabis stores in applying for ~~and complying with permits a specified event permit~~ under this section and ~~lawfully engaging in the off-premises sale of adult use cannabis products~~ to establish best practices for conducting sales of adult use cannabis and adult use cannabis products at a specified event.

Sec. 13. 28-B MRSA §504-A, sub-§5-A is enacted to read:

5-A. Suspension or revocation. On the department's own initiative or upon complaint and after investigation, the department, by written order, may for good cause as described in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis store. The department shall revoke a specified event permit if:

A. Municipal approval granted in accordance with subsection 2 is revoked by the municipality; or

B. As applicable, the owner of the property where the specified event will occur revokes the property owner's written permission required under subsection 1, paragraph C.

Sec. 14. 28-B MRSA §504-A, sub-§6, as enacted by PL 2021, c. 735, §1 and amended by c. 669, §5, is repealed.

Sec. 15. 28-B MRSA §504-A, sub-§7, as enacted by PL 2021, c. 759, Pt. C, §2, is repealed.

Sec. 16. 28-B MRSA §505, as amended by PL 2021, c. 667, §5; c. 669, §5; and c. 759, Pt. C, §3, is repealed and the following enacted in its place:

§505. Transportation of adult use cannabis and adult use cannabis products

A licensee and its employees may transport adult use cannabis and adult use cannabis products between the licensed premises of the licensee and:

1. Other licensed premises. The licensed premises of any other cannabis establishment;

2. Delivery location. The location of a delivery in accordance with section 504, subsection 9; and

3. Permitted premises. The permitted premises for a specified event in accordance with section 504-A.

All transportation of adult use cannabis and adult use cannabis products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the department.