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H.P. 69	House of Representatives, January 8, 2025

An Act to Protect the Health of Medical Cannabis Patients and Streamline the Mandatory Testing of Cannabis

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

ROBERT B. HUNT
Clerk

Presented by Representative MALON of Biddeford.

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

PART A

Sec. A-1. 22 MRSA §2421-A, sub-§1-A is enacted to read:

1-A. Batch. "Batch" means a specific quantity of cannabis flower, cannabis trim, cannabis concentrate or cannabis products harvested or manufactured at the same time under the same conditions using the same process or procedure.

Sec. A-2. 22 MRSA §2421-A, sub-§1-B is enacted to read:

1-B. Cannabis. "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

Sec. A-3. 22 MRSA §2421-A, sub-§3-A is enacted to read:

3-A. Cannabis flower. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" includes prerolled cannabis cigarettes. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. A-4. 22 MRSA §2421-A, sub-§8, as enacted by PL 2023, c. 679, Pt. A, §3, is repealed and the following enacted in its place:

8. Cannabis testing facility. "Cannabis testing facility" means:

A. A facility that is licensed pursuant to Title 28-B, chapter 1 to operate a testing facility; or

B. A laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body, registered in accordance with this chapter, and certified in accordance with section 569 to accept and test harvested cannabis for all contaminants and cannabinoids required by section 2429-E.

Sec. A-5. 22 MRSA §2421-A, sub-§9-A is enacted to read:

9-A. Cannabis trim. "Cannabis trim" means any part of a cannabis plant, whether processed or unprocessed, that is not cannabis flower or a cannabis seed, except that "cannabis trim" does not include the stalks or roots of the cannabis plant. "Cannabis trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. A-6. 22 MRSA §2421-A, sub-§27-A is enacted to read:

27-A. Matrix. "Matrix" means, as applicable to the testing of harvested cannabis, the form in which the harvested cannabis is at the time it is subject to mandatory testing in accordance with this chapter. "Matrix" includes the following categories of harvested cannabis:

A. Cannabis flower and cannabis trim, including prerolled cannabis cigarettes;

B. Cannabis concentrate, including concentrates extracted using solvents, as well as solventless extraction methods; and

C. Cannabis product.

Sec. A-7. 22 MRSA §2421-A, sub-§45-A is enacted to read:

45-A. Remediation. "Remediation" means a process by which a registrant mitigates or otherwise removes a contaminant from a batch of harvested cannabis that has failed mandatory testing due to the presence of the contaminant. "Remediation" includes without limitation the application of heat, radiation or ozone; solvent extraction; or further drying and curing. "Remediation" does not include the dilution of contaminants through the addition of uncontaminated material to batches of harvested cannabis that are contaminated.

Sec. A-8. 22 MRSA §2421-A, sub-§51-A is enacted to read:

51-A. Testing or test. "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of cannabis or cannabis products for testing purposes, but does not include cultivation or manufacturing.

Sec. A-9. 22 MRSA §2421-A, sub-§51-B is enacted to read:

51-B. THC. "THC" means tetrahydrocannabinol.

Sec. A-10. 22 MRSA §2423-A, sub-§2, ¶M, as repealed and replaced by PL 2019, c. 331, §11 and amended by PL 2021, c. 669, §5, is repealed.

Sec. A-11. 22 MRSA §2423-A, sub-§10, as amended by PL 2023, c. 646, Pt. A, §25 and c. 679, Pt. A, §7, is repealed.

Sec. A-12. 22 MRSA §2423-A, sub-§12, as repealed and replaced by PL 2019, c. 331, §15 and amended by PL 2021, c. 669, §5, is repealed.

Sec. A-13. 22 MRSA §2423-F, sub-§4, ¶C, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

C. May transfer samples to a cannabis testing facility for testing and research purposes;

Sec. A-14. 22 MRSA §2423-F, sub-§4, ¶D, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is repealed.

Sec. A-15. 22 MRSA §2423-F, sub-§5, ¶C, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

C. May transfer samples to a cannabis testing facility for testing and research purposes;

Sec. A-16. 22 MRSA §2423-F, sub-§5, ¶D, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is repealed.

Sec. A-17. 22 MRSA §2423-G is enacted to read:

§2423-G. Testing program established

The office shall establish a testing program for harvested cannabis. The program must require a registered caregiver, registered dispensary or manufacturing facility, prior to selling, distributing or transferring harvested cannabis to a qualifying patient, or to an

individual on behalf of a qualifying patient, to submit the harvested cannabis to a cannabis testing facility registered in accordance with this chapter for testing to ensure that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and to ensure accurate labeling. The office may adopt rules necessary for the administration of the testing program established pursuant to this section, including without limitation rules identifying the contaminants that are injurious to health and for which harvested cannabis must be tested under this chapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may, alternatively, require registrants pursuant to this chapter to comply with any rules and standards established for cannabis testing under Title 28-B, chapter 1.

Sec. A-18. 22 MRSA §2423-H is enacted to read:

§2423-H. Cannabis testing facilities requirements

1. Testing requirements. The following requirements are applicable to the operation of a cannabis testing facility registered in accordance with this chapter to conduct mandatory and other testing on harvested cannabis.

A. A cannabis testing facility that is licensed pursuant to Title 28-B, chapter 1 to test cannabis and cannabis products for harmful contaminants and cannabinoid profiles may be issued a registration certificate to operate a cannabis testing facility under this chapter, as long as the licensed cannabis testing facility is in good standing with the office and the request for a registration certificate is submitted on forms provided by the office. There is no fee for a registration certificate issued to a cannabis testing facility licensed under Title 28-B, chapter 1. All employees of the cannabis testing facility that conduct mandatory testing on harvested cannabis shall obtain from the office a registry identification card in accordance with section 2425-A.

B. A person that is not licensed under Title 28-B, chapter 1 to operate a cannabis testing facility may apply for a registration certificate to operate a cannabis testing facility under this chapter in accordance with the requirements of section 2425-A. The office may not issue a registration certificate to a person pursuant to this paragraph and section 2425-A unless the applicant also demonstrates that:

(1) The applicant has obtained accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body for all fields of mandatory testing, in all matrices, required under this chapter;

(2) The applicant has obtained certification by the Maine Center for Disease Control and Prevention in accordance with section 569 for all fields of mandatory testing, in all matrices, required under this chapter;

(3) The applicant and, if a business entity, anyone with a financial or other interest in the applicant, is not a caregiver, registered caregiver or an officer or director of a registered dispensary or manufacturing facility; and

(4) The applicant has obtained local authorization in accordance with section 2429-D from the municipality where the cannabis testing facility will be located.

C. A cannabis testing facility registered in accordance with this chapter is authorized to:

(1) Accept and possess samples of harvested cannabis for mandatory testing from registrants;

(2) Accept and possess samples of harvested cannabis for other testing from registrants, qualifying patients and members of the public;

(3) Test samples of harvested cannabis for mandatory and other testing and report the results of such testing to the registrant, qualifying patient or member of the public that submitted the samples for testing;

(4) Report the results of any mandatory and other testing conducted pursuant to this chapter to the office;

(5) Test samples of harvested cannabis that are submitted for retesting after a failed mandatory test and report the results of retesting to the registrant, qualifying patient or member of the public that submitted the samples for retesting and to the office; and

(6) Hire any number of cardholders necessary to conduct analyses in accordance with this chapter.

2. Rules. The office may adopt rules regarding the registration, certification, accreditation and operation of cannabis testing facilities authorized under this chapter, including, but not limited to, rules establishing acceptable testing and research practices for cannabis testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; testing facility record-keeping, documentation and business practices; disposal of used, unused and waste cannabis and cannabis products; and reporting of test results. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may, alternatively, require cannabis testing facilities registered pursuant to this chapter to comply with any rules and standards established for cannabis testing facilities licensed under Title 28-B, chapter 1.

Sec. A-19. 22 MRSA §2425-A, first ¶, as enacted by PL 2017, c. 452, §12 and amended by PL 2021, c. 669, §5, is further amended to read:

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in cannabis extraction is governed by section 2423-F and registration of cannabis testing facilities is governed by section ~~2423-A, subsection 10~~ 2423-H.

Sec. A-20. 22 MRSA §2425-A, sub-§2, as enacted by PL 2017, c. 452, §12, is amended to read:

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a ~~dispensary or a caregiver~~ registrant, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary or a cannabis testing facility shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

Sec. A-21. 22 MRSA §2425-A, sub-§6, as enacted by PL 2017, c. 452, §12, is amended to read:

6. Application for registration certificate; qualifications. The ~~department~~ office shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

A. The annual fee required pursuant to subsection 10;

B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; ~~and~~

C. The name, address and date of birth of each officer or director of the applicant~~.~~;

D. For applicants for a dispensary registration certificate, plans for compliance with the requirements of section 2428; and

E. For applicants for a cannabis testing facility registration certificate, demonstration that the applicant is in compliance with the requirements of section 2423-H.

Sec. A-22. 22 MRSA §2428, sub-§1-A, ¶G, as repealed and replaced by PL 2019, c. 331, §25 and amended by PL 2021, c. 669, §5, is repealed.

Sec. A-23. 22 MRSA §2429-A, sub-§1, ¶C, as enacted by PL 2017, c. 452, §18 and amended by PL 2021, c. 669, §5, is further amended to read:

C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; ~~and~~

Sec. A-24. 22 MRSA §2429-A, sub-§1, ¶C-1 is enacted to read:

C-1. Packaged in a manner that does not introduce harmful contaminants to the harvested cannabis after it has passed mandatory testing required under this chapter; and

Sec. A-25. 22 MRSA §2429-A, sub-§3, as enacted by PL 2017, c. 452, §18 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Labels. ~~If a~~ A registered caregiver, registered dispensary or manufacturing facility ~~affixes~~ shall affix a label on the packaging of any harvested cannabis provided to a qualifying patient, and that label ~~includes~~ must include information about contaminants, the cannabinoid profile ~~or~~ and potency of the harvested cannabis~~, the label~~ and must be verified by a cannabis testing facility. ~~This subsection does not apply if there is no cannabis testing facility operating in accordance with section 2423-A, subsection 10.~~

Sec. A-26. 22 MRSA §2429-A, sub-§5 is enacted to read:

5. Health and safety rules. The office shall adopt labeling, packaging and other necessary health and safety rules for harvested cannabis to be sold or transferred by a registrant to a qualifying patient in accordance with this chapter. Rules adopted pursuant to this subsection must establish mandatory health and safety standards applicable to the packaging and labeling of harvested cannabis sold or transferred by a registrant to a qualifying patient. Such rules must address, but are not limited to, sanitary standards for cannabis establishments that cultivate, manufacture or package harvested cannabis for sale or transfer to qualifying patients after the harvested cannabis has passed all mandatory

testing for contaminants required by this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-27. 22 MRSA §2429-E is enacted to read:

§2429-E. Mandatory testing

A registered caregiver, dispensary or manufacturing facility may not sell, distribute or transfer harvested cannabis to a qualifying patient, or to an individual on behalf of a qualifying patient, unless the harvested cannabis has been tested pursuant to this chapter, and that testing demonstrates that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant for which testing is required, as applicable, based upon the matrix the harvested cannabis is intended to be used by a qualifying patient. The office may require testing for some analytes in some matrices before the harvested cannabis is further processed, manufactured or combined to ensure that contaminants that are injurious to health do not contaminate other batches of harvested cannabis. All cannabis concentrates used to manufacture cannabis products in accordance with this chapter must be tested in accordance with subsection 3 or 4 prior to being used to manufacture a cannabis product or a prerolled cannabis cigarette infused with cannabis concentrate.

The office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the office has determined that there exists no cannabis testing facility in the State capable of and authorized to perform such testing.

1. Scope of mandatory testing generally. Mandatory testing of harvested cannabis under this section must include, but is not limited to, testing for:

A. Residual solvents, poisons and toxins;

B. Metals;

C. Dangerous molds and mildew, including mycotoxins, as applicable;

D. Harmful microbes, including, but not limited to, Escherichia coli and Salmonella;

E. Pesticides, fungicides and insecticides;

F. Water activity, for harvested cannabis except cannabis concentrate; and

G. THC potency, homogeneity and cannabinoid profiles.

2. Scope of mandatory testing for cannabis flower and cannabis trim. Cannabis flower and cannabis trim, including prerolled cannabis cigarettes and cannabis flower or trim that has been mixed with cannabis concentrate, must be tested for:

A. Metals;

B. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides;

E. Water activity; and

F. THC potency and cannabinoid profiles.

3. Scope of mandatory testing for cannabis concentrate extracted using solvents other than water. Cannabis concentrate that has been extracted using solvents other than water must be tested for:

A. Residual solvents, poisons and toxins;

B. Metals;

C. Pesticides, fungicides and insecticides;

D. Mycotoxins; and

E. THC potency, homogeneity and cannabinoid profiles.

4. Scope of mandatory testing for cannabis concentrate extracted without the use of solvents other than water. Cannabis concentrate that has been extracted without the use of solvents other than water must be tested for:

A. Metals;

B. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides; and

E. THC potency, homogeneity and cannabinoid profiles.

5. Scope of mandatory testing for cannabis products. Cannabis products, including edible cannabis products, must be tested for:

A. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

B. Harmful microbes, including, but not limited to, Escherichia coli and Salmonella;

C. Water activity, except that edible cannabis products that are preserved by refrigeration are not required to be tested for water activity; and

D. THC potency, homogeneity and cannabinoid profiles.

6. Record keeping. A registrant shall maintain a record of all mandatory testing that includes a description of the harvested cannabis provided to the cannabis testing facility, the identity of the cannabis testing facility and the results of the mandatory test. The results of all mandatory tests conducted by a cannabis testing facility must be recorded in accordance with the record-keeping and inventory tracking requirements of section 2430-J.

7. Sample collection, testing process, protocols and standards. The office may establish by rule processes, protocols and standards for the collection of samples for mandatory testing and for the mandatory and other testing of harvested cannabis that conform with the best practices generally used to sample the applicable matrices and test for the presence or absence of the contaminants identified in this section based upon the matrix of the harvested cannabis tested. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may, alternatively, require registrants to comply with any rules and standards established for testing cannabis under Title 28-B, chapter 1.

Sec. A-28. 22 MRSA §2429-F is enacted to read:

§2429-F. Notification requirements

1. Notification of testing results required. If the results of a mandatory test conducted pursuant to section 2429-E indicate that the harvested cannabis exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the cannabis testing facility shall immediately notify the office and the registered caregiver, dispensary or manufacturing facility that submitted the samples for mandatory testing of the failed test. If a registered caregiver, dispensary or manufacturing facility successfully undertakes remediation and retesting of harvested cannabis, the cannabis testing facility shall notify the office of the subsequent passed mandatory testing.

2. Notification of testing results not required. A cannabis testing facility is not required to notify the office of the results of any test conducted on:

A. Harvested cannabis at the direction of a registered caregiver, dispensary or manufacturing facility pursuant to section 2429-E that demonstrates that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;

B. Harvested cannabis at the direction of a registered caregiver, dispensary or manufacturing facility for research and development purposes only, as long as the registered caregiver, dispensary or manufacturing facility notifies the cannabis testing facility prior to the performance of the test that the testing is for research and development purposes only;

C. Harvested cannabis at the direction of a person who is not a registered caregiver, dispensary or manufacturing facility; or

D. A substance that is not harvested cannabis.

Sec. A-29. 22 MRSA §2429-G is enacted to read:

§2429-G. Sampling for testing

1. Sample collecting rules. A registered caregiver, an assistant of a registered caregiver, a dispensary, a manufacturing facility, a sample collector licensed pursuant to Title 28-B, chapter 1 or an employee of a sample collector or cannabis testing facility licensed pursuant to Title 28-B, chapter 1 may collect samples of harvested cannabis for mandatory testing. The office may adopt rules regarding the collection of samples of harvested cannabis for mandatory testing by a registered caregiver, an assistant of a registered caregiver, a dispensary, a manufacturing facility, a sample collector licensed pursuant to Title 28-B, chapter 1 or an employee of a sample collector or cannabis testing facility licensed pursuant to Title 28-B, chapter 1, which may include, but are not limited to:

A. The establishment of sample collecting processes, protocols and standards, which must be complied with by any person collecting samples of harvested cannabis for mandatory testing purposes;

B. Requirements for a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility to demonstrate that sample collector's sample collecting practices to ensure compliance with paragraph A;

C. Provisions authorizing the office to conduct audits of harvested cannabis that was tested using samples collected by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility pursuant to this section, with all costs of the audits to be paid for by the registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility subject to an audit of that sample collector's sample collecting practices;

D. Provisions authorizing the office to take samples of harvested cannabis from a registrant, including from a retail location maintained by a registrant, for testing by a cannabis testing facility to audit or verify mandatory test results issued by the cannabis testing facility, with all costs of the testing to be paid for by the registrant;

E. Provisions authorizing the office to conduct interlaboratory proficiency testing to ensure cannabis testing facility compliance with testing program requirements and to ensure the quality, consistency and reliability of mandatory testing conducted by cannabis testing facilities authorized pursuant to this chapter;

F. Requirements for the transportation, delivery and transfer of samples of harvested cannabis collected by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility to a cannabis testing facility, which must require the in-person transfer of the samples by the registered caregiver, the assistant of a registered caregiver, the dispensary or the manufacturing facility to a cannabis testing facility licensed pursuant to Title 28-B, chapter 1; and

G. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process, including failure of any audit conducted in accordance with paragraph C, by a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility, which, notwithstanding any provision of this chapter to the contrary, may be treated by the office as constituting a violation of program requirements and as a basis for imposition of a penalty pursuant to section 2430-I, subsection 2, as applicable.

2. Samples for investigation. This section may not be construed to limit the authority of the office to take samples of harvested cannabis pursuant to an investigation by the office into the conduct of a registrant or a registrant's agent.

3. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-30. 22 MRSA §2429-H is enacted to read:

§2429-H. Additional testing not required

Notwithstanding section 2429-F, a registered caregiver, an assistant of a registered caregiver, a dispensary or a manufacturing facility may sell, transfer or otherwise furnish to a qualifying patient or caregiver or to another registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility harvested cannabis that the registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility has not submitted for testing in accordance with this chapter if:

1. Prior testing. The harvested cannabis has previously undergone all required testing in accordance with this chapter at the direction of another registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility and that testing demonstrated

that the harvested cannabis does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;

2. Proper documentation. The mandatory testing process and the test results for the harvested cannabis are documented in accordance with the requirements of this chapter;

3. Tracking maintained. Tracking from immature cannabis plant to the point of sale or transfer to a qualifying patient, or another individual on behalf of a qualifying patient, has been maintained for the harvested cannabis and transfers of the harvested cannabis to another registered caregiver, assistant of a registered caregiver, dispensary or manufacturing facility or to a qualifying patient or caregiver on behalf of a qualifying patient can be readily identified; and

4. No subsequent processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the harvested cannabis has not undergone any further processing, manufacturing or alteration other than the packaging and labeling of the harvested cannabis in accordance with this chapter.

Sec. A-31. 22 MRSA §2430-J, as enacted by PL 2023, c. 365, §21, is amended to read:

§2430-J. ~~Reporting; record keeping; labels~~ Records; inventory tracking information

The ~~department~~ office shall ~~develop,~~ implement and ~~maintain~~ administer a statewide ~~electronic portal~~ inventory tracking system through which registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities ~~may~~ shall submit to the ~~department~~ office the electronic records required pursuant to this chapter. Registrants of the inventory tracking system shall pay all costs and fees associated with the use of the inventory tracking system and all other costs associated with the keeping of records required in this section. The ~~department~~ office may not require records ~~submitted through the portal~~ maintained in the inventory tracking system to contain information identifying qualifying patients or their providers.

1. Required records. A registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility shall:

A. Keep a record of all ~~transfers of~~ cannabis plants and harvested cannabis from immature cannabis plant to the point of sale or transfer to a qualifying patient, return, disposal or destruction; and

B. Keep the ~~books and~~ records for a period of ~~4~~ 6 years~~; and~~.

~~C. Make the books and records maintained under this subsection available for inspection by the department upon the department's request.~~

~~**2. Required label.** A registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported pursuant to this chapter with a label that identifies:~~

~~A. The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number;~~

~~B. The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;~~

~~C. A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;~~

~~D. The time and date of the transfer; and~~

~~E. The destination of the cannabis plants or harvested cannabis.~~

~~The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

2-A. Required inventory tracking information. Registrants of the inventory tracking system shall submit to the office by 11:59 p.m. every day the following information through the inventory tracking system:

A. A complete inventory of all cannabis plants and harvested cannabis cultivated, manufactured, stored or otherwise within the possession or control of the registrant;

B. A record of all transfers of cannabis plants or harvested cannabis transferred to or from the registrant that includes, at a minimum:

(1) The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number;

(2) The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person.

A registrant transferring cannabis or harvested cannabis to a person who is not required to register under this chapter shall maintain and produce to the office upon request a list that identifies the unique identifier and the person to whom that identifier is assigned;

(3) A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;

(4) The time and date of the transfer; and

(5) The destination of the cannabis plants or harvested cannabis; and

C. A record of all mandatory test results for each batch of harvested cannabis offered to qualifying patients.

This subsection may not be construed to require a registrant to resubmit inventory tracking information to the office if no changes have been made to the inventory maintained by the registrant.

The office may adopt rules to implement this section, including, but not limited to, rules regarding the process and content of records to be submitted and the frequency with which records must be submitted, as well as rules regarding enforcement of the inventory tracking requirements of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART B

Sec. B-1. 28-B MRSA §102-A, sub-§12, as enacted by PL 2023, c. 679, Pt. B, §3, is amended to read:

12. Cannabis flower. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" includes prerolled cannabis cigarettes. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. B-2. 28-B MRSA §102-A, sub-§40-A is enacted to read:

40-A. Matrix. "Matrix" means, as applicable to the testing of adult use cannabis or adult use cannabis products, the form in which the adult use cannabis or adult use cannabis product is at the time it is subject to mandatory testing in accordance with this chapter. "Matrix" includes the following categories of adult use cannabis and adult use cannabis products:

A. Cannabis flower and cannabis trim, including prerolled cannabis cigarettes;

B. Cannabis concentrate, including concentrates extracted using solvents, as well as solventless extraction methods; and

C. Cannabis product.

Sec. B-3. 28-B MRSA §602, as amended by PL 2023, c. 396, §§12 and 13 and c. 679, Pt. B, §§113 to 117, is further amended to read:

§602. Mandatory testing

A licensee may not sell or distribute adult use cannabis or an adult use cannabis product to a consumer under this chapter unless the cannabis or cannabis product has been tested pursuant to this subchapter and the rules adopted pursuant to this subchapter and that mandatory testing has demonstrated that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required. The office may require testing for some analytes in some matrices before the cannabis or cannabis product is further processed, manufactured or combined to ensure that contaminants that are injurious to health do not contaminate other batches of cannabis or cannabis product. All cannabis concentrates used to manufacture cannabis products in accordance with this chapter must be tested in accordance with subsection 1-C or 1-D prior to being used to manufacture a cannabis product or a prerolled cannabis cigarette infused with cannabis concentrate.

1. Scope of mandatory testing generally. Mandatory testing of adult use cannabis and adult use cannabis products under this section must include, but is not limited to, testing for:

A. Residual solvents, poisons and toxins;

B. ~~Harmful chemicals~~ Metals;

C. Dangerous yeasts, molds and mildew, including mycotoxins, as applicable, as specified in rules adopted by the office;

D. Harmful microbes, including, but not limited to, Escherichia coli and ~~salmonella~~ Salmonella;

E. Pesticides, fungicides and insecticides; ~~and~~

F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling.; and

G. Water activity, except for cannabis concentrate and cannabis products preserved by refrigeration.

The office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the office has determined that there exists no licensed testing facility in the State capable of and certified to perform such testing.

1-A. Testing of returns. Cannabis and cannabis products returned pursuant to section 502, subsection 14 or section 504, subsection 11 may be resold or redistributed without retesting if the tamper-evident packaging indicates that the cannabis or cannabis products have not been tampered with. Cannabis and cannabis products returned by a consumer to any licensee may not be resold.

1-B. Scope of mandatory testing for cannabis flower and cannabis trim. Cannabis flower and cannabis trim, including prerolled cannabis cigarettes and cannabis flower or trim that has been mixed with cannabis concentrate, must be tested for:

A. Metals;

B. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides;

E. Water activity; and

F. THC potency and cannabinoid profiles.

1-C. Scope of mandatory testing for cannabis concentrate extracted using solvents other than water. Cannabis concentrate that has been extracted using solvents other than water must be tested for:

A. Residual solvents, poisons and toxins;

B. Metals;

C. Pesticides, fungicides and insecticides;

D. Mycotoxins; and

E. THC potency, homogeneity and cannabinoid profiles.

1-D. Scope of mandatory testing for cannabis concentrate extracted without the use of solvents other than water. Cannabis concentrate that has been extracted without the use of solvents other than water must be tested for:

A. Metals;

B. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

C. Harmful microbes;

D. Pesticides, fungicides and insecticides; and

E. THC potency, homogeneity and cannabinoid profiles.

1-E. Scope of mandatory testing for cannabis products. Cannabis products, including edible cannabis products, must be tested for:

A. Dangerous molds and mildew. Testing for mycotoxins is mandatory if the batch fails mandatory testing for dangerous molds and mildew and is subsequently retested;

B. Harmful microbes, including, but not limited to, Escherichia coli and Salmonella;

C. Water activity, except that edible cannabis products that are preserved by refrigeration are not required to be tested for water activity; and

D. THC potency, homogeneity and cannabinoid profiles.

2. Record keeping. A licensee shall maintain a record of all mandatory testing that includes a description of the adult use cannabis or adult use cannabis product provided to the testing facility, the identity of the testing facility and the results of the mandatory test. A licensee that chooses to retest any adult use cannabis or adult use cannabis products for potency in accordance with section 503, subsection 4-A shall maintain a record of all mandatory potency test results.

3. Testing process, protocols and standards. The office shall establish by rule processes, protocols and standards for mandatory and other testing of cannabis and cannabis products that conform with the best practices generally used within the cannabis industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products.

SUMMARY

Part A of this bill makes the following changes to the Maine Medical Use of Cannabis Act.

1. It defines the terms "batch," "cannabis," "cannabis flower," "cannabis trim," "matrix," "remediation," "testing" and "THC" and repeals and replaces the definition of "cannabis testing facility."

2. It clarifies that only cannabis testing facilities may conduct testing for research and development purposes.

3. It establishes a program for the mandatory testing of harvested cannabis.

4. It replaces previous authorization for cannabis testing facilities with a provision establishing the cannabis testing facility registration type and identifies additional requirements necessary to obtain a registration certificate to operate a cannabis testing facility.

5. It includes cannabis testing facilities in the standard application process for a registration certificate.

6. It requires the testing of all harvested cannabis provided to a qualifying patient by a registrant.

7. It requires mandatory testing of harvested cannabis for the presence of harmful contaminants and the cannabinoid profiles.

8. It requires reporting of mandatory test results to the Department of Administrative and Financial Services, Office of Cannabis Policy and the registrant that submitted samples to a cannabis testing facility for testing.

9. It establishes sampling requirements and permits the office to take samples for audit testing to verify mandatory test results and to ensure the quality, consistency and reliability of the testing program.

10. It identifies the circumstances in which additional mandatory testing is not required before harvested cannabis is provided to a qualifying patient.

11. It revises reporting and record-keeping requirements to require records retention for 6 years and to mandate that all registrants report all required inventory information in the statewide inventory tracking system implemented and administered by the office.

12. It adds requirements and health and safety rules to the provisions on packaging and labeling.

13. It repeals the provision that prohibits certain parties from having financial or other interest in testing facility product labeling.

Part B of the bill makes the following changes to the Cannabis Legalization Act.

1. It adds a definition of "matrix."

2. It identifies what tests for harmful contaminants are mandatory for adult use cannabis and adult use cannabis products based upon the matrix the cannabis or cannabis product is in at the time it is subject to mandatory testing.