132nd MAINE LEGISLATURE

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H.P. 1074	House of Representatives, April 15, 2025

An Act to Amend the Laws Regulating the Testing of Adult Use Cannabis and Adult Use Cannabis Products

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ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Representatives: CHAPMAN of Auburn, FREDERICKS of Sanford, MONTELL of Gardiner, RIELLY of Westbrook, SUPICA of Bangor.

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

Sec. 1. 28-B MRSA §601, as amended by PL 2023, c. 679, Pt. B, §112, is further amended to read:

§601. Testing program established

The office shall establish a testing program for adult use cannabis and adult use cannabis products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use cannabis or an adult use cannabis product to a consumer, to submit the cannabis or cannabis product to a testing facility for testing to ensure 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 and to ensure correct labeling. The office shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that are injurious to health for which cannabis and cannabis products must be tested under this subchapter and rules regarding the maximum level of allowable contamination for each contaminant. The rules must establish a testing limit for total yeast and mold contamination in adult use cannabis and adult use cannabis products of 100,000 colony-forming units per gram and may require other microbial testing only for microbes injurious to health, as determined by the office, including, but not limited to, Escherichia coli, salmonella and coliform bacteria. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-B MRSA §602-A is enacted to read:

§602-A. Audit testing

This section establishes a process by which a licensee may be eligible for audit testing of the licensee's adult use cannabis and adult use cannabis products.

1. Eligibility criteria. A licensee is eligible for audit testing under this section of the licensee's adult use cannabis or adult use cannabis products if:

A. The licensee conducts 10 consecutive and separate mandatory tests of different batches of the licensee's cannabis or cannabis products pursuant to section 602; and

B. The results of each of the tests under paragraph A demonstrate that the cannabis or cannabis products in each batch do not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required.

2. Eligibility determination. If a licensee believes the licensee is eligible for audit testing based on the criteria under subsection 1, the licensee shall submit to the office a request for a determination that the licensee is eligible for audit testing as well as the results of the testing on which the request is based.

A. Upon receipt of the request and testing results, the office shall verify eligibility for audit testing and notify the licensee in writing as to whether the licensee is eligible.

B. Notwithstanding section 602, and except as provided in subsection 3, a licensee determined to be eligible for audit testing pursuant to this subsection is not required to test the licensee's adult use cannabis or adult use cannabis products prior to sale or distribution to a consumer.

3. Audit testing program; effect of exceedance. The office shall establish a program for conducting audit testing of adult use cannabis and adult use cannabis products of licensees determined eligible for audit testing under this section. If audit testing of any batch of cannabis or cannabis products of such a licensee indicates an exceedance of the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the licensee:

A. Must resume mandatory testing of the licensee's cannabis or cannabis products pursuant to section 602; and

B. May subsequently be determined eligible for audit testing in accordance with this section based on the results of additional mandatory testing.

4. Rulemaking. The office may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 28-B MRSA §603, as amended by PL 2023, c. 679, Pt. B, §118, is further amended to read:

§603. ~~Notification requirements~~ Submission and publication of testing results

1. ~~Notification~~ Submission of testing results required. A testing facility that conducts a mandatory test pursuant to section 602 shall submit the testing results to the office within 30 days of completing the test. If the results of a mandatory test conducted pursuant to section 602 indicate that the tested adult use cannabis or adult use cannabis product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall quarantine, document and properly destroy the cannabis or cannabis product, except when the owner of the tested cannabis or cannabis product has successfully undertaken remediation and retesting~~, and within 30 days of completing the test shall notify the office of the test results~~.

1-A. ~~Notification~~ Submission of retesting results required. If a licensee chooses to retest any cannabis or cannabis product for potency in accordance with section 503, subsection 4-A, the testing facility shall provide ~~to the office and~~ the licensee with the results of the initial test for potency as well as the results of the retest for potency and shall submit the results of each test to the office within 30 days of test completion.

1-B. Publication of testing results. In accordance with this subsection, the office shall make available on its publicly accessible website all testing results submitted to the office pursuant to this section.

A. The publicly accessible testing results must be anonymized so that the licensee for which the test was conducted is indicated only through a unique identifying number or other anonymous indicator assigned by the office.

B. The office shall ensure that submitted testing results are made available on its publicly accessible website on a quarterly basis and no earlier than 3 months after the date on which the testing was completed.

2. ~~Notification~~ Submission of testing results not required. A testing facility is not required to ~~notify~~ submit to the office ~~of~~ the results of any test:

~~A. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee pursuant to section 602 that demonstrates 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;~~

B. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee for research and development purposes only, so long as the licensee notifies the testing facility prior to the performance of the test that the testing is for research and development purposes only;

C. Conducted on cannabis or a cannabis product at the direction of a person who is not a licensee; or

D. Conducted on a substance that is not cannabis or a cannabis product.

SUMMARY

This bill amends the laws regulating the testing of adult use cannabis and adult use cannabis products as follows.

1. It provides that testing rules adopted by the Department of Administrative and Financial Services, Office of Cannabis Policy must establish a testing limit for total yeast and mold contamination in adult use cannabis and adult use cannabis products of 100,000 colony-forming units per gram and may require other microbial testing only for microbes harmful to human health, as determined by the office, including, but not limited to, Escherichia coli, salmonella and coliform bacteria.

2. It establishes a process by which an adult use cannabis licensee may become eligible for audit testing of the licensee's adult use cannabis or adult use cannabis products by conducting 10 consecutive and separate mandatory tests of different batches of the cannabis or cannabis products, if the results of each of those tests demonstrate that the batch of cannabis or cannabis products do not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required. If determined eligible for audit testing by the office, the licensee is not required to test the licensee's adult use cannabis or adult use cannabis products prior to sale or distribution to a consumer unless the licensee fails an audit test.

3. It requires testing facilities to submit to the office the results of all testing conducted for adult use cannabis licensees, regardless of whether a licensee's adult use cannabis or adult use cannabis product tested exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required. It also requires the office to make available on its publicly accessible website all mandatory testing results submitted by testing facilities, regardless of whether the cannabis or cannabis product passed or failed the test. The office must anonymize the testing results so that the licensee for which the test was conducted is indicated only through a unique identifying number or other anonymous indicator assigned by the office. Testing results must be made available on its publicly accessible website on a quarterly basis, no earlier than 3 months after the date on which the testing was conducted.