



132nd MAINE LEGISLATURE

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Legislative Document

No. 1847

H.P. 1231

House of Representatives, April 30, 2025

An Act to Institute Testing and Tracking of Medical Use Cannabis and Cannabis Products Similar to Adult Use Cannabis and Cannabis Products, Dedicate a Portion of the Adult Use Cannabis Sales and Excise Tax to Medical Use Cannabis Programs and Create a Study Group

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator MOORE of Washington and
Representatives: FAIRCLOTH of Bangor, GRAMLICH of Old Orchard Beach, MEYER of
Eliot, SHAGOURY of Hallowell, ZAGER of Portland, Senators: INGWERSEN of York,
RENY of Lincoln, TEPLER of Sagadahoc.

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

2 **Sec. 1. 22 MRSA §2421-A, sub-§36-A** is enacted to read:

3 **36-A. Perfluoroalkyl and polyfluoroalkyl substances; PFAS.** "Perfluoroalkyl and
4 polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732,
5 subsection 5-A.

6 **Sec. 2. 22 MRSA §2421-A, sub-§51-A** is enacted to read:

7 **51-A. Testing facility.** "Testing facility" has the same meaning as in Title 28-B,
8 section 102-A, subsection 64.

9 **Sec. 3. 22 MRSA §2421-A, sub-§51-B** is enacted to read:

10 **51-B. THC.** "THC" means tetrahydrocannabinol.

11 **Sec. 4. 22 MRSA §2429-C, sub-§1-A** is enacted to read:

12 **1-A. Cannabinoid potency.** May, except as provided in subsection 2-A, have the
13 amount or potency of cannabinoids calculated using an allowable variance rate of 10%,
14 except that the allowable variance may not be less than 0.6 milligrams or greater than 5
15 milligrams. In the calculation of the amount or potency of cannabinoids allowed under this
16 subsection, the allowable variance rate may be in addition to the allowable variance rate
17 applicable to a testing facility pursuant to section 2430-P, subsection 4;

18 **Sec. 5. 22 MRSA §2429-C, sub-§1-B** is enacted to read:

19 **1-B. THC potency.** May not contain more than 10 milligrams of THC per serving of
20 the product and may not contain more than 200 milligrams of THC per package of the
21 product, with an allowable variance rate of 10%, except that the allowable variance may
22 not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the
23 amount of THC allowed under this subsection, the allowable variance rate must be in
24 addition to the allowable variance rate applicable to a testing facility pursuant to section
25 2430-P, subsection 4;

26 **Sec. 6. 22 MRSA §2430-O** is enacted to read:

27 **§2430-O. Testing program established**

28 The department shall establish a testing program for cannabis and cannabis products.
29 Except as otherwise provided in this chapter, the program must require a dispensary, a
30 caregiver or an assistant of a caregiver, prior to selling or distributing cannabis or a cannabis
31 product to a patient, to submit the cannabis or cannabis product to a testing facility for
32 testing to ensure that the cannabis or cannabis product does not exceed the maximum level
33 of allowable contamination for any contaminant that is injurious to health and for which
34 testing is required and to ensure correct labeling. The department shall adopt rules
35 establishing a testing program pursuant to this section, rules identifying the types of
36 contaminants that are injurious to health for which cannabis and cannabis products must be
37 tested under this chapter and rules regarding the maximum level of allowable
38 contamination for each contaminant. Rules adopted pursuant to this section are routine
39 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

40 **Sec. 7. 22 MRSA §2430-P** is enacted to read:

41 **§2430-P. Mandatory testing**

1 A dispensary, a caregiver or an assistant of a caregiver may not sell or distribute
2 cannabis or a cannabis product to a patient under this chapter unless the cannabis or
3 cannabis product has been tested pursuant to this chapter and the rules adopted pursuant to
4 this chapter and that mandatory testing has demonstrated that the cannabis or cannabis
5 product does not exceed the maximum level of allowable contamination for any
6 contaminant that is injurious to health and for which testing is required.

7 **1. Scope of mandatory testing.** Mandatory testing of cannabis and cannabis products
8 under this section must include, but is not limited to, testing for:

9 A. Residual solvents, poisons and toxins;

10 B. Harmful chemicals;

11 C. Dangerous yeasts, molds and mildew as specified in rules adopted by the
12 department;

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

14 E. Pesticides, fungicides and insecticides;

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

16 G. Perfluoroalkyl and polyfluoroalkyl substances.

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

20 **2. Testing of returns.** Cannabis and cannabis products returned to a dispensary, a
21 caregiver or an assistant of a caregiver must be tested prior to being resold or redistributed.
22 The department may limit the mandatory testing required for returned cannabis and
23 cannabis products by rule.

24 **3. Record keeping.** A dispensary, a caregiver or an assistant of a caregiver shall
25 maintain a record of all mandatory testing that includes a description of the cannabis or
26 cannabis product provided to the testing facility, the identity of the testing facility and the
27 results of the mandatory test.

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

33 **Sec. 8. 22 MRSA §2430-Q** is enacted to read:

34 **§2430-Q. Notification requirements**

35 **1. Notification of testing results required.** If the results of a mandatory test
36 conducted pursuant to section 2430-P indicate that the tested cannabis or cannabis product
37 exceeds the maximum level of allowable contamination for any contaminant that is
38 injurious to health and for which testing is required, the testing facility immediately shall
39 quarantine, document and properly destroy the cannabis or cannabis product, except when
40 the owner of the tested cannabis or cannabis product has successfully undertaken
41 remediation and retesting, and within 30 days of completing the test shall notify the
42 department of the test results.

1 **2. Notification of testing results not required.** A testing facility is not required to
2 notify the department of the results of any test:

3 A. Conducted on cannabis or a cannabis product at the direction of a dispensary, a
4 caregiver or an assistant of a caregiver pursuant to section 2430-P that demonstrates
5 that the cannabis or cannabis product does not exceed the maximum level of allowable
6 contamination for any contaminant that is injurious to health and for which testing is
7 required;

8 B. Conducted on cannabis or a cannabis product at the direction of a dispensary, a
9 caregiver or an assistant of a caregiver for research and development purposes only, as
10 long as the dispensary, caregiver or assistant of the caregiver notify the testing facility
11 prior to the performance of the test that the testing is for research and development
12 purposes only;

13 C. Conducted on cannabis or a cannabis product at the direction of a person who is not
14 a dispensary, a caregiver or an assistant of a caregiver; or

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

16 **Sec. 9. 22 MRSA §2430-R** is enacted to read:

17 **§2430-R. Sample collection for testing**

18 **1. Sample collection for testing.** Except as provided in subsection 2, if a test to be
19 performed by a testing facility is a mandatory test under section 2430-P, an employee or
20 designee of the testing facility must collect the sample required for the test. If a test to be
21 performed by a testing facility is not a mandatory test, the owner of the cannabis or cannabis
22 product, or a designee of the owner, may collect the sample required for the test.

23 **2. Sample collecting by dispensary, employee of dispensary, caregiver or assistant**
24 **of caregiver authorized.** Notwithstanding any provision of this chapter to the contrary, a
25 dispensary, an employee of a dispensary, a caregiver or an assistant of a caregiver may
26 collect a sample of the cannabis or cannabis products for mandatory testing under section
27 2430-P and may deliver the sample to a testing facility for testing. The department shall
28 adopt rules regarding the collection of a samples of cannabis and cannabis products for
29 mandatory testing by a dispensary, an employee of a dispensary, a caregiver or an assistant
30 of a caregiver as authorized under this section, which must include, but are not limited to:

31 A. The establishment of sample collecting processes, protocols and standards, which
32 must be complied with by the dispensary, employee of the dispensary, caregiver or
33 assistant of the caregiver in collecting samples of cannabis and cannabis products for
34 testing purposes;

35 B. Requirements for the dispensary or caregiver to provide video, on-site or other
36 demonstration of its sample collecting practices to ensure compliance with paragraph
37 A;

38 C. Provisions authorizing the department to conduct an audit of cannabis or a cannabis
39 product that was tested using a sample collected by the dispensary, employee of the
40 dispensary, caregiver or assistant of the caregiver pursuant to this section, with all costs
41 of the audit to be paid for by the dispensary, employee of the dispensary, caregiver or
42 assistant of the caregiver;

1 D. Requirements for the transportation, delivery and transfer of a sample of cannabis
2 and cannabis products collected by the dispensary, employee of the dispensary,
3 caregiver or assistant of the caregiver, which must require the in-person transfer of the
4 samples by the dispensary, employee of the dispensary, caregiver or assistant of the
5 caregiver to the testing facility or an employee of the testing facility;

6 E. A prohibition on the intentional tampering with or interference in the mandatory
7 testing process or auditing process by a dispensary, an employee of a dispensary, a
8 caregiver or an assistant of a caregiver, which, notwithstanding any provision of this
9 chapter to the contrary, may be treated by the department as constituting a major
10 registration violation affecting public safety and as a basis for imposition of a
11 registration suspension or revocation pursuant to section 2430-I; and

12 F. Authorization for the department to suspend or revoke the dispensary's or caregiver's
13 registration following 2 or more failed sample collecting audits conducted by the
14 department pursuant to this section.

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

17 **Sec. 10. 22 MRSA §2430-S** is enacted to read:

18 **§2430-S. Additional testing not required**

19 Notwithstanding section 2430-P, a dispensary, an employee of a dispensary, a
20 caregiver or an assistant of a caregiver may sell or furnish to a patient cannabis or a cannabis
21 product that the dispensary, employee of the dispensary, caregiver or assistant of the
22 caregiver has not submitted for testing in accordance with this chapter and rules adopted
23 pursuant to this chapter if:

24 **1. Prior testing.** The cannabis or cannabis product has previously undergone testing
25 in accordance with this chapter and rules adopted pursuant to this chapter at the direction
26 of another registrant and that testing demonstrated that the cannabis or cannabis product
27 does not exceed the maximum level of allowable contamination for any contaminant that
28 is injurious to health and for which testing is required;

29 **2. Proper documentation.** The mandatory testing process and the test results for the
30 cannabis or cannabis product are documented in accordance with the requirements of this
31 chapter and all applicable rules adopted pursuant to this chapter;

32 **3. Tracking maintained.** Tracking from immature cannabis plant to the point of retail
33 sale has been maintained for the cannabis or cannabis product and transfers of the cannabis
34 or cannabis product to another registrant or to a patient can be easily identified; and

35 **4. No subsequent processing, manufacturing or alteration.** Since the performance
36 of the prior testing under subsection 1, the cannabis or cannabis product has not undergone
37 any further processing, manufacturing or alteration that would result in an increase in the
38 concentration of any contaminants or factors identified in section 2430-P, subsection 1 or
39 in any rules adopted by the department pursuant to that section.

40 **Sec. 11. 22 MRSA §2430-T** is enacted to read:

41 **§2430-T. Coordination with testing program and rules for cannabis and cannabis**
42 **products for adult use**

1 In adopting rules for and regulating the testing of cannabis and cannabis products under
2 this chapter, the department shall ensure that, when necessary and practicable, the
3 regulation of the testing of cannabis and cannabis products under this chapter is consistent
4 with the regulation of the testing of adult use cannabis and adult use cannabis products
5 under the Cannabis Legalization Act.

6 **Sec. 12. 22 MRSA §2430-U** is enacted to read:

7 **§2430-U. Tracking system**

8 The department shall implement and administer a system, referred to in this section as
9 "the tracking system," for the tracking of cannabis plants, cannabis and cannabis products
10 from immature cannabis plant to the point of retail sale, return, disposal or destruction. The
11 tracking system must allow for cannabis plants at the stage of cultivation and upon transfer
12 from the stage of cultivation to another registrant to be tracked by group. The department
13 may implement a tracking system that allows cannabis or cannabis products to be tracked
14 by group.

15 The department shall ensure that the system implemented and administered under this
16 section, whether tracking individually or by group, maintains a detailed record at every
17 stage from immature cannabis plant to the point of retail sale, return, disposal or
18 destruction.

19 **1. Data submission requirements.** The tracking system must allow a dispensary, an
20 employee of a dispensary, a caregiver or an assistant of a caregiver to submit tracking data
21 for cannabis or cannabis products to the department through manual data entry or through
22 the use of tracking system software commonly used within the cannabis industry as
23 determined by the department.

24 **2. Group tracking.** Cannabis plants at the same stage of growth that are of the same
25 varietal or cultivar of the plant genus Cannabis may be tracked by group if they:

26 A. Are planted in the same specific area at the same time;

27 B. Are transplanted to the same specific area at the same time; or

28 C. Include cannabis plants that were planted in a specific area and cannabis plants that
29 were transplanted to the same specific area.

30 For cannabis plants that are tracked as a group, a registrant shall designate the square
31 footage of the specific area in which the plants are planted or transplanted. Cannabis plants
32 may not be tracked as a group unless they are intended for harvest as a group.

33 **3. Tagging.** A registrant shall affix a tag containing the identifying information
34 required by the department by rule to each group of cannabis plants tracked under this
35 section. The department may not require cannabis plants that are being tracked as a group
36 to be individually affixed with a tag during cultivation or transfer to another registrant.

37 **4. Group transfers.** When a group of cannabis plants tracked under this section is
38 transferred to another registrant, the registrant transferring the group of cannabis plants
39 must provide a manifest that lists every cannabis plant within the group and any other
40 relevant information required by the department by rule.

1 **5. Rules.** The department shall adopt rules regarding the implementation and
2 administration of the tracking system and tracking requirements for registrants. Rules
3 adopted under this section must include, but are not limited to:

4 A. Record-keeping requirements for the tracking of cannabis plants when tracked
5 individually and when tracked by group; and

6 B. Record-keeping requirements necessary to ensure the department's ability to
7 implement a recall for reasons related to health and safety when tracking cannabis
8 plants individually or by group.

9 **Sec. 13. 28-B MRSA §703, sub-§1, ¶D,** as repealed and replaced by PL 2023, c.
10 641, §1 and c. 679, Pt. B, §127, is repealed and the following enacted in its place:

11 D. Unless determined impracticable by the office by rule, must be stamped or
12 embossed with a universal symbol on each serving of the edible cannabis product or
13 each serving must be individually wrapped or blister packaged with a universal symbol
14 clearly included on the wrapping or packaging. If the office determines by rule that
15 stamping, embossing, individual wrapping or blister packaging for a particular type of
16 edible cannabis product is impracticable, each individual serving size of the product
17 must be packaged together with the universal symbol affixed to the individual
18 packaging. For purposes of this chapter, edible cannabis products that are determined
19 to be impracticable to stamp, emboss, individually wrap or blister package include but
20 are not limited to:

21 (1) Potato or corn chips;

22 (2) Popcorn;

23 (3) Pretzels; and

24 (4) Loose granola.

25 A package of gummies that is not stamped or embossed with the universal symbol on
26 each individual serving of the product must be blister packaged with a universal symbol
27 clearly included on each individually packaged serving.

28 **Sec. 14. 28-B MRSA §1101, sub-§2,** as corrected by RR 2023, c. 2, Pt. A, §§44
29 and 45, is amended to read:

30 **2. Uses of fund.** Money credited to the fund pursuant to subsection 1 ~~may~~ must be
31 used by the office as provided in this subsection.

32 A. ~~Money~~ At least 25% of the money credited to the fund ~~may~~ must be expended by
33 the office to fund public health and safety awareness and education programs,
34 initiatives, campaigns and activities relating to the sale and use of adult use cannabis
35 and adult use cannabis products conducted in accordance with section 108 by the
36 office, another state agency or department or any other public or private entity and
37 relating to the sale and use of cannabis and cannabis products under Title 22, chapter
38 558-C. The office may give priority consideration to funding public health and safety
39 awareness and education programs, initiatives and campaigns designed specifically for
40 minors.

41 B. Money credited to the fund may be expended by the office to fund enhanced law
42 enforcement training programs relating to the sale and use of adult use cannabis and

1 adult use cannabis products for local, county and state law enforcement officers
2 conducted in accordance with section 109 by the office, the Maine Criminal Justice
3 Academy, another state agency or department or any other public or private entity.

4 C. Money credited to the fund may be expended by the office to provide
5 reimbursement to a municipality for qualifying expenses incurred as a result of the
6 municipality's opting to permit the operation of some or all adult use cannabis
7 establishments within the municipality. For the purposes of this paragraph, "qualifying
8 expenses" means legal fees and costs associated with the drafting and adoption of a
9 warrant article or the adoption or amendment of an ordinance, including the conduct
10 of a town meeting or election, by a municipality that opted to permit the operation of
11 some or all cannabis establishments within the municipality. Each municipality may
12 receive funds, not to exceed \$20,000, only once for the reimbursement of qualifying
13 expenses in accordance with this paragraph. Nothing in this paragraph may be
14 construed to require the office to reimburse qualifying expenses incurred by a
15 municipality if the office determines there are insufficient funds available to provide
16 reimbursement. Under no circumstances may a municipality submit an initial
17 application for the reimbursement of qualifying expenses more than 3 years after the
18 municipality adopts a warrant article or adopts or amends an ordinance to allow for the
19 operation of some or all adult use cannabis establishments within the municipality. The
20 office may adopt rules to implement and administer the reimbursement of qualifying
21 expenses to municipalities. Rules adopted pursuant to this paragraph are routine
22 technical rules as defined in Title 5, chapter 375, subchapter 2-A. The office may not
23 reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

24 C-1. Money credited to the fund must be expended to provide a transfer of \$2,000,000
25 by July 31st annually to the Recovery Community Centers Fund established pursuant
26 to Title 5, section 20012 for operational support for recovery community centers and
27 to provide funding for capacity building for recently established or new recovery
28 community centers.

29 C-2. Money credited to the fund may be expended by the department or transferred by
30 the department to other state agencies to fund the social equity program established in
31 Title 5, chapter 395.

32 D. Any funds remaining in the fund after expenditures made in accordance with
33 paragraphs A to C-2 must be used to fund:

34 (1) The cost of the tax deductions for business expenses related to carrying on a
35 business as a cannabis establishment or a testing facility provided pursuant to Title
36 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A,
37 subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall
38 determine the cost of those deductions during the prior calendar year and report
39 that amount to the State Controller, who shall transfer that amount from the
40 remaining funds in the fund to the General Fund; and

41 (2) The cost of the position in the Bureau of Revenue Services within the
42 department to administer the tax deductions provided pursuant to Title 36, section
43 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2,
44 paragraph BB. By June 1st annually, the commissioner shall determine the cost of
45 the position in the bureau to administer those deductions during the prior calendar

1 year and report that amount to the State Controller, who shall transfer that amount
2 from the remaining funds in the fund to the General Fund.

3 **Sec. 15. Study Group to Examine Youth Consumption of Medical Use and**
4 **Adult Use Cannabis established.** The Study Group to Examine Youth Consumption
5 of Medical Use and Adult Use Cannabis, referred to in this section as "the study group," is
6 established.

7 1. The study group consists of 13 members appointed as follows:

8 A. Two members of the Senate representing the joint committees of the Legislature
9 having jurisdiction over cannabis use matters and over health and human services
10 matters, appointed by the President of the Senate;

11 B. Two members of the House of Representatives representing the joint committees of
12 the Legislature having jurisdiction over cannabis use matters and over health and
13 human services matters, appointed by the Speaker of the House;

14 C. Two representatives from the medical community, at least one of whom must be
15 involved in pediatric care, appointed by the Governor;

16 D. Two representatives from the public health community, appointed by the Governor;
17 and

18 E. Five members appointed by the Director of the Office of Cannabis Policy within the
19 Department of Administrative and Financial Services as follows:

20 (1) A representative of the medical use cannabis industry;

21 (2) A representative of the cannabis testing industry;

22 (3) A representative of the adult use cannabis industry;

23 (4) A parent of a minor who has been involved with medical use cannabis; and

24 (5) An individual between 18 years of age and 20 years of age involved with
25 medical use cannabis.

26 2. The Senate member representing the joint committee of the Legislature having
27 jurisdiction over health and human services matters is the Senate chair of the study group
28 and the House of Representatives member representing the joint committee of the
29 Legislature having jurisdiction over cannabis use matters is the House chair of the study
30 group.

31 3. All appointments must be made no later than 30 days following the effective date of
32 this Act. The appointing authorities shall notify the Executive Director of the Legislative
33 Council once all appointments have been completed. Within 15 days after appointment of
34 all members, the chairs shall call and convene the first meeting of the study group.

35 4. The study group may hold up to 6 meetings to learn about youth consumption of
36 adult use cannabis and adult use cannabis products and medical use cannabis and medical
37 use cannabis products and to develop strategies for decreasing the risks associated with
38 consumption. The study group shall hold at least one public hearing and, as part of its
39 duties, shall examine the following:

- 1 A. The data available around the number of youth involved with adult use cannabis and
2 adult use cannabis products and medical use cannabis and medical use cannabis
3 products and consuming both illegal and legal cannabis;
- 4 B. Strategies to improve the quality, availability and transparency of the data in
5 paragraph A;
- 6 C. The science concerning the effects of the use of cannabis on youth development and
7 overall health; and
- 8 D. An approach to regularly report to the Legislature about the use of cannabis by youth
9 in the State.

10 For purposes of this subsection, "youth" means an individual who is under 21 years of age.

11 5. The Department of Administrative and Financial Services, Office of Cannabis Policy
12 and the Department of Health and Human Services shall provide necessary staffing services
13 to the study group.

14 6. The legislative members of the study group are entitled to receive the legislative per
15 diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for
16 travel and other necessary expenses related to their attendance at authorized meetings of
17 the study group. Public members not otherwise compensated by their employers or other
18 entities that they represent are entitled to receive reimbursement of necessary expenses for
19 their attendance at authorized meetings of the study group.

20 7. No later than December 3, 2025, the study group shall submit a report that includes
21 its findings and recommendations, including suggested legislation, for presentation to the
22 joint standing committee of the Legislature having jurisdiction over health and human
23 services matters, the joint standing committee of the Legislature having jurisdiction over
24 veterans and legal affairs and the Legislative Council. The joint standing committee of the
25 Legislature having jurisdiction over veterans and legal affairs may submit a bill related to
26 the recommendations of the study group to the Second Regular Session of the 132rd
27 Legislature.

28 **SUMMARY**

29 This bill provides:

30 1. For the same testing and tracking provisions that are applied for adult use cannabis
31 and adult use cannabis products to be applied for medical use cannabis and medical use
32 cannabis products;

33 2. A requirement that a portion of the adult use cannabis and adult use cannabis
34 products excise and sales tax must be used to fund public health and safety campaigns
35 related to the sale and use of medical use cannabis and medical use cannabis products;

36 3. That edible adult use cannabis products that are gummies must be blister packaged;
37 and

38 4. For the establishment of a study group to examine youth consumption of medical
39 use and adult use cannabis, including a study of data related to cannabis use of people under
40 21 years of age in the State, science concerning the effects of the use of cannabis on youth
41 development and overall health, strategies to improve the quality, availability and

1 transparency of data concerning cannabis use by people under 21 years of age in the State
2 and an approach to regularly report to the Legislature on youth consumption of cannabis.