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Date: (Filing No. H- )

**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1063, L.D. 1609, “An Act to Prevent the Participation of Individuals and Companies Linked to Federally Recognized Criminal Organizations in the Medical and Adult Use Cannabis Programs”

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Background Checks for Medical Cannabis Providers'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA §2421-A, sub-§16, ¶B,** as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

B. If required by the office pursuant to this chapter, the applicant has submitted to a criminal history record check pursuant to section 2425-B;

**Sec. 2. 22 MRSA §2423-A, sub-§4,** as amended by PL 2019, c. 501, §12 and PL 2021, c. 669, §5, is further amended to read:

**4. Long-term care facility.** A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of cannabis if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis in accordance with this chapter must be at least 21 years of age, must submit to a criminal history record check pursuant to section 2425-B and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate cannabis plants for the patient.

**Sec. 3. 22 MRSA §2423-A, sub-§10, ¶A,** as repealed and replaced by PL 2019, c. 331, §13 and amended by PL 2021, c. 669, §5, is amended to read:

**COMMITTEE AMENDMENT**

1 A. A cannabis testing facility that meets the requirements of this subsection and any  
2 rules adopted under paragraph D and submits to a criminal history record check  
3 pursuant to section 2425-B may receive and possess samples from qualifying patients,  
4 caregivers, dispensaries and manufacturing facilities to provide testing for the  
5 cannabinoid profile and potency of the samples and for contaminants in the samples,  
6 including but not limited to mold, mildew, heavy metals, plant regulators and illegal  
7 pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning  
8 as in Title 7, section 604, subsection 26.

9 **Sec. 4. 22 MRSA §2423-F, sub-§8, ¶B**, as repealed and replaced by PL 2019, c.  
10 331, §17 and amended by PL 2021, c. 669, §5, is further amended by amending the first  
11 blocked paragraph to read:

12 The department may not issue a registry identification card to an officer or director or  
13 assistant of a registered manufacturing facility or person authorized to engage in  
14 cannabis extraction using inherently hazardous substances who has been convicted of  
15 a disqualifying drug offense. The department shall conduct a criminal history record  
16 check pursuant to section 2425-B of each person, officer or director ~~or assistant~~ subject  
17 to this subsection on an annual basis.

18 **Sec. 5. 22 MRSA §2425-A, sub-§3**, as amended by PL 2023, c. 679, Pt. A, §§10  
19 and 11, is further amended by amending the first blocked paragraph to read:

20 The department shall conduct a criminal history record check pursuant to section 2425-B  
21 for any applicant for a registry identification card, except that an assistant is not required  
22 to submit to a criminal history record check. The criminal history record check is valid for  
23 2 years from the date it was conducted, regardless of the person's employment status.  
24 Except as provided in subsection 3-A, the department may not issue a registry identification  
25 card to an applicant who is not permitted under this chapter to have a disqualifying drug  
26 offense.

27 **Sec. 6. 22 MRSA §2425-A, sub-§3-A**, as amended by PL 2021, c. 387, §8 and c.  
28 669, §5, is further amended to read:

29 **3-A. Criminal history record check for caregivers administering medical**  
30 **cannabis on school grounds.** The department shall request a criminal history record check  
31 pursuant to section 2425-B for a caregiver designated under section 2423-A, subsection 1,  
32 paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or  
33 a person having legal custody of the qualifying patient. The department may not issue a  
34 registry identification card to an applicant who is not permitted to have a disqualifying drug  
35 offense or who would be denied an approval, credential, certification, authorization or  
36 renewal under Title 20-A, section 6103 or 13011 based on that criminal history record  
37 check.

38 ~~The criminal history record check requested under this subsection must include criminal~~  
39 ~~history record information obtained from the Maine Criminal Justice Information System~~  
40 ~~established in Title 16, section 631 and the Federal Bureau of Investigation. The following~~  
41 ~~provisions apply.~~

42 ~~A. The criminal history record information obtained from the Maine Criminal Justice~~  
43 ~~Information System must include a record of public criminal history record information~~  
44 ~~as defined in Title 16, section 703, subsection 8.~~

1 ~~B. The criminal history record information obtained from the Federal Bureau of~~  
2 ~~Investigation must include other state and national criminal history record information.~~

3 ~~C. A person subject to a criminal history record check under this section shall submit~~  
4 ~~to having fingerprints taken. The State Police, upon payment of the fee, shall take or~~  
5 ~~cause to be taken the person's fingerprints and shall forward the fingerprints to the State~~  
6 ~~Bureau of Identification so that the bureau can conduct state and national criminal~~  
7 ~~history record checks. Except for the portion of the payment, if any, that constitutes~~  
8 ~~the processing fee charged by the Federal Bureau of Investigation, all money received~~  
9 ~~by the State Police for purposes of this paragraph must be paid over to the Treasurer of~~  
10 ~~State. The money must be applied to the expenses of administration incurred by the~~  
11 ~~Department of Public Safety.~~

12 ~~D. The subject of a Federal Bureau of Investigation criminal history record check may~~  
13 ~~obtain a copy of the criminal history record check by following the procedures outlined~~  
14 ~~in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state~~  
15 ~~criminal history record check may inspect and review the criminal history record~~  
16 ~~information pursuant to Title 16, section 709.~~

17 ~~E. State and federal criminal history record information may be used by the department~~  
18 ~~for the purpose of screening a person in accordance with this chapter.~~

19 ~~F. Information obtained pursuant to this subsection is confidential. The results of~~  
20 ~~criminal history record checks received by the department are for official use only and~~  
21 ~~may not be disseminated to any other person.~~

22 ~~G. If a person is no longer subject to this chapter that person may request in writing~~  
23 ~~that the State Bureau of Identification remove the person's fingerprints from the~~  
24 ~~bureau's fingerprint file. In response to a written request, the bureau shall remove the~~  
25 ~~person's fingerprints from the fingerprint file and provide written confirmation of that~~  
26 ~~removal.~~

27 ~~The department, with the Department of Public Safety, Bureau of State Police, State Bureau~~  
28 ~~of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to~~  
29 ~~this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter~~  
30 ~~2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major~~  
31 ~~substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

32 **Sec. 7. 22 MRSA §2425-A, sub-§6**, as enacted by PL 2017, c. 452, §12, is amended  
33 to read:

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

38 The department shall conduct a criminal history record check pursuant to section 2425-B  
39 for each officer or director of the applicant for a registration certificate. The department  
40 may not issue a registration certificate to an applicant if any officer or director of the  
41 applicant has been convicted of a disqualifying drug offense.

42 An application must include, as applicable:

43 A. The annual fee required pursuant to subsection 10;

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

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

4 **Sec. 8. 22 MRSA §2425-A, sub-§10, ¶J**, as amended by PL 2023, c. 679, Pt. A,  
5 §13, is repealed.

6 **Sec. 9. 22 MRSA §2425-B** is enacted to read:

7 **§2425-B. Criminal history record check**

8 The department shall request a criminal history record check for each applicant for an  
9 initial registry identification card and registration certificate as required under this chapter  
10 and for each registrant or registrant agent, except that an assistant is not required to submit  
11 to a criminal history record check, and every 2 years thereafter, unless a different period is  
12 specified in this chapter. If the applicant or registrant is a business entity, every officer or  
13 director of the business entity is required to submit to a criminal history record check in  
14 accordance with this section. If the applicant or registrant is a long-term care facility under  
15 section 2423-A, subsection 4, any staff person of the facility who will be assisting a  
16 qualifying patient with the patient's medical use of cannabis is required to submit to a  
17 criminal history record check in accordance with this section. A criminal history record  
18 check conducted pursuant to this section must include criminal history record information  
19 as defined in Title 16, section 703, subsection 3 and obtained from the Maine Criminal  
20 Justice Information System established in Title 16, section 631 and the United States  
21 Department of Justice, Federal Bureau of Investigation.

22 **1. Record of public criminal history record information required.** Criminal  
23 history record information obtained from the Maine Criminal Justice Information System  
24 pursuant to this section must include a record of public criminal history record information  
25 as defined in Title 16, section 703, subsection 8.

26 **2. Other state and national criminal history record information required.**  
27 Criminal history record information obtained from the Federal Bureau of Investigation  
28 pursuant to this section must include other state and national criminal history record  
29 information.

30 **3. Fingerprinting.** A person required to submit to a criminal history record check  
31 under this section shall submit to having fingerprints taken. The Department of Public  
32 Safety, Bureau of State Police, upon payment of the fee required under subsection 4, shall  
33 take or cause to be taken the person's fingerprints and shall forward the fingerprints to the  
34 Department of Public Safety, Bureau of State Police, State Bureau of Identification. The  
35 State Bureau of Identification shall conduct the state and national criminal history record  
36 checks required under this section. Except for the portion of a payment, if any, that  
37 constitutes the processing fee for a criminal history record check charged by the Federal  
38 Bureau of Investigation, all money received by the Department of Public Safety, Bureau of  
39 State Police under this section must be paid to the Treasurer of State, who shall apply the  
40 money to the expenses incurred by the Department of Public Safety in the administration  
41 of this section.

42 **4. Fees.** The fee for a criminal history record check under this section may not be less  
43 than \$31 or more than \$60. The fee must be paid by the applicant, registrant or registrant  
44 agent, except that if the applicant, registrant or registrant agent is a business entity, the fee

1 must be paid by the business entity for any officer or director required to submit to a  
2 criminal history record check under this section.

3 **5. Availability of criminal history record information.** The subject of a Federal  
4 Bureau of Investigation criminal history record check pursuant to this section may obtain  
5 a copy of the criminal history record check by following the procedures outlined in 28 Code  
6 of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history  
7 record check pursuant to this section may inspect and review the criminal history record  
8 information pursuant to Title 16, section 709.

9 **6. Use of criminal history record information.** State and national criminal history  
10 record information obtained by the department under this section may be used only for the  
11 purpose of screening an applicant for a registry identification card or registration certificate,  
12 a registrant or a registrant agent under this chapter.

13 **7. Confidentiality.** All criminal history record information obtained by the  
14 department pursuant to this section is confidential, is for the official use of the department  
15 only and may not be disseminated outside of the department or disclosed to any other  
16 person or entity except as provided in subsection 5.

17 **8. Rules.** The department, after consultation with the Department of Public Safety,  
18 Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this  
19 section. Rules adopted pursuant to this subsection are major substantive rules as defined in  
20 Title 5, chapter 375, subchapter 2-A.

21 **Sec. 10. 25 MRSA §1542-A, sub-§1, ¶S,** as repealed and replaced by PL 2021, c.  
22 293, Pt. A, §31, is amended to read:

23 S. Who is required to have a criminal history record check under Title 22, section  
24 ~~2425-A, subsection 3-A~~ 2425-B.

25 **Sec. 11. 25 MRSA §1542-A, sub-§3, ¶R,** as enacted by PL 2019, c. 343, Pt. G,  
26 §9; c. 399, §6; c. 402, §6; and c. 416, §6, is amended to read:

27 R. The State Police shall take or cause to be taken the fingerprints of the person named  
28 in subsection 1, paragraph S at the request of that person or the Department of  
29 Administrative and Financial Services under Title 22, section ~~2425-A, subsection 3-A~~  
30 2425-B.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
32 number to read consecutively.

### SUMMARY

34 This amendment replaces the bill and changes the title. The amendment requires  
35 anyone applying for or renewing a registry identification card or registration certificate  
36 under the Maine Medical Use of Cannabis Act, except for assistants, to submit to a criminal  
37 history record check. If a person applying for or renewing a registry identification card or  
38 registration certificate is a business entity, every officer or director of the business entity is  
39 also required to submit to a criminal history record check.

### FISCAL NOTE REQUIRED

(See attached)