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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 32, L.D. 40, “An Act to Amend the Cannabis Laws”

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

**'An Act to Protect Liberty and Advance Justice in the Administration and Enforcement of the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act'**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the definitions in the Maine Medical Use of Cannabis Act need to be clarified and alphabetized as the first step in reorganizing and recodifying the Maine Medical Use of Cannabis Act in order to make the medical use of cannabis program more just, understandable and accessible to the regulated community, the regulators, Legislators, other interested parties and the general public, as reported by the 2023 Joint Standing Committee on Veterans and Legal Affairs Subcommittee to Consider Non-substantive Changes to the Maine Medical Use of Cannabis Act; and

**Whereas,** the Cannabis Legalization Act requires substantive changes to address statutory reforms that allow licensees to operate more efficiently; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

**'PART A**

**COMMITTEE AMENDMENT**

1           **Sec. A-1. 3 MRSA §959, sub-§1, ¶J**, as amended by PL 2021, c. 617, §1, is further  
2 amended to read:

3           J. The joint standing committee of the Legislature having jurisdiction over veterans  
4 and legal affairs shall use the following list as a guideline for scheduling reviews:

5                 (2) State Liquor and Lottery Commission in 2023;

6                 (3) ~~The~~ Department of Administrative and Financial Services, Bureau of  
7 Alcoholic Beverages and Lottery Operations with regard to the enforcement of the  
8 law relating to the manufacture, importation, storage, transportation and sale of all  
9 liquor and the laws relating to licensing and the collection of taxes on malt liquor  
10 and wine in 2023; ~~and~~

11                (4) Department of Defense, Veterans and Emergency Management in 2027, except  
12 for the Maine Emergency Management Agency within the department; ~~and~~

13                (5) Department of Administrative and Financial Services, Office of Cannabis  
14 Policy with regard to the administration and enforcement of the laws relating to the  
15 Cannabis Legalization Act and the Maine Medical Use of Cannabis Act in 2031.

16           **Sec. A-2. 3 MRSA §959, sub-§1, ¶S**, as enacted by PL 2021, c. 617, §1 and  
17 amended by c. 669, §5, is repealed.

18           **Sec. A-3. 22 MRSA §2421-A** is enacted to read:

19           **§2421-A. Definitions**

20           As used in this chapter, unless the context otherwise indicates, the following terms  
21 have the following meanings.

22           **1. Assistant.** "Assistant" means an individual who is paid to perform a service for a  
23 registrant, whether as an employee or independent contractor, in accordance with this  
24 chapter.

25           **2. Cannabis concentrate.** "Cannabis concentrate" means the resin extracted from  
26 any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or  
27 preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate"  
28 does not include resin extracted from hemp as defined in Title 7, section 2231, subsection  
29 1-A, paragraph D.

30           **3. Cannabis extraction.** "Cannabis extraction" means the process of extracting  
31 cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other  
32 chemicals or chemical processes. "Cannabis extraction" does not include the process of  
33 extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A,  
34 paragraph D.

35           **4. Cannabis Legalization Act.** "Cannabis Legalization Act" means the laws  
36 governing adult use of cannabis under Title 28-B, chapter 1.

37           **5. Cannabis paraphernalia.** "Cannabis paraphernalia" means equipment, products,  
38 devices and materials that are used for planting, propagating, cultivating, harvesting,  
39 processing, preparing, testing, packaging or storing cannabis for medical use or used for  
40 ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis  
41 paraphernalia" includes, but is not limited to:

- 1           A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;
- 2           B. Isomerization devices used for adjusting the potency of a cannabis plant;
- 3           C. Testing equipment used for identifying or analyzing the potency, effectiveness or  
4           purity of a cannabis plant or harvested cannabis;
- 5           D. Scales and balances used for weighing or measuring harvested cannabis;
- 6           E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise  
7           cleaning or refining, harvested cannabis;
- 8           F. Envelopes and other containers used for packaging small quantities of harvested  
9           cannabis for medical use;
- 10          G. Containers and other objects used for storing harvested cannabis;
- 11          H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for  
12          smoking;
- 13          I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without  
14          screens, chillums or punctured metal bowls used for smoking harvested cannabis; and
- 15          J. Electronic smoking devices used for simulating the smoking of harvested cannabis  
16          or cannabis products through the inhalation of vapor or aerosol from the device.
- 17          **6. Cannabis plant.** "Cannabis plant" means a plant of the genus Cannabis sativa L.  
18          "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A,  
19          paragraph D.
- 20          **7. Cannabis product.** "Cannabis product" means a product composed of harvested  
21          cannabis and other ingredients that is intended for medical use. "Cannabis product"  
22          includes, but is not limited to, an edible cannabis product, a cannabis ointment and a  
23          cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product  
24          containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
- 25          **8. Cannabis testing facility.** "Cannabis testing facility" means a public or private  
26          laboratory that is:
  - 27                A. Authorized in accordance with section 2423-A, subsection 10 to analyze  
28                contaminants in and the potency and cannabinoid profile of samples; and
  - 29                B. Accredited pursuant to standard ISO/IEC 17025 of the International Organization  
30                for Standardization by a 3rd-party accrediting body or is certified, registered or  
31                accredited by an organization approved by the office.
- 32          **9. Cannabis tincture.** "Cannabis tincture" means a solution that is intended to be  
33          consumed orally and is prepared from harvested cannabis blended with an edible solvent.
- 34          **10. Cardholder.** "Cardholder" means an individual who has been issued and  
35          possesses a valid registry identification card.
- 36          **11. Caregiver.** "Caregiver" means an individual who provides care for a qualifying  
37          patient in accordance with this chapter.
- 38          **12. Caregiver retail store.** "Caregiver retail store" means a store authorized in  
39          accordance with this chapter and used by a registered caregiver to sell cannabis

1 paraphernalia, cannabis plants, harvested cannabis, related supplies or educational  
2 materials to qualifying patients and other items to the general public at a fixed location.

3 **13. Certified nurse practitioner.** "Certified nurse practitioner" means a registered  
4 professional nurse licensed under Title 32, chapter 31 who has received postgraduate  
5 education designed to prepare the nurse for advanced practice registered nursing in a  
6 clinical specialty in nursing that has a defined scope of practice and who has been certified  
7 in the clinical specialty by a national certifying organization acceptable to the State Board  
8 of Nursing.

9 **14. Child-resistant.** "Child-resistant" means, with respect to packaging or a container:

10 A. Specially designed or constructed to be significantly difficult for a typical child  
11 under 5-years of age to open and not to be significantly difficult for a typical adult to  
12 open and reseal; and

13 B. With respect to any product intended for more than a single use or that contains  
14 multiple servings, resealable.

15 **15. Commissioner.** "Commissioner" means the Commissioner of Administrative and  
16 Financial Services.

17 **16. Complete application.** "Complete application" means, with respect to an  
18 application for a registry identification card or a registration certificate, that:

19 A. The applicant has completed and submitted to the office all application forms  
20 required and provided by the office;

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

23 C. If applying for a registry identification card for a caregiver or a registration  
24 certificate for a dispensary, the applicant has registered with the State Tax Assessor  
25 pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of  
26 harvested cannabis imposed under Title 36, section 1811 and has provided to the office  
27 documentation of the registration; and

28 D. If applying for a registration certificate for a dispensary, the applicant has submitted  
29 to the office documentation sufficient to show that the applicant has fulfilled any  
30 applicable municipal authorization requirements for the municipality in which the  
31 applicant intends to operate the dispensary.

32 **17. Cultivation area.** "Cultivation area" means an indoor or outdoor area used for  
33 cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance  
34 with this chapter. A cultivation area may include multiple indoor or outdoor areas, whether  
35 contiguous or noncontiguous, on the same parcel or tract of land.

36 **18. Department.** "Department" means the Department of Administrative and  
37 Financial Services.

38 **19. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for  
39 a violation of a state or federal controlled substance law that is a crime punishable by  
40 imprisonment for one year or more. It does not include:

41 A. An offense for which the sentence, including any term of probation, incarceration  
42 or supervised release, was completed 5 or more years earlier;

1 B. An offense that consisted of conduct that would have been permitted under this  
2 chapter; or

3 C. An offense that consisted of conduct that would be authorized under Title 28-B or  
4 that, if the person convicted of the offense had been acting under the authority of a  
5 license pursuant to Title 28-B, would have been authorized under Title 28-B.

6 **20. Edible cannabis product.** "Edible cannabis product" means a cannabis product  
7 intended to be consumed orally, including, but not limited to, any type of food, drink or pill  
8 containing harvested cannabis. "Edible cannabis product" does not include an edible  
9 product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

10 **21. Harvested cannabis.** "Harvested cannabis" means the plant material harvested  
11 from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not  
12 used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis  
13 concentrate and cannabis products. "Harvested cannabis" does not include plant material  
14 harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

15 **22. Immature cannabis plant.** "Immature cannabis plant" means a cannabis plant  
16 that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include  
17 hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

18 **23. Immature plant canopy.** "Immature plant canopy" means the total surface area  
19 within a cultivation area where immature cannabis plants are growing. The surface area of  
20 the immature plant canopy must be calculated in square feet and measured using the outside  
21 boundaries of the area and must include all of the area within the boundaries. If the surface  
22 area of the immature plant canopy consists of noncontiguous areas, each component area  
23 must be separated by identifiable boundaries. If a tiered or shelving system is used in the  
24 cultivation area, the surface area of each tier or shelf must be included in calculating the  
25 area of the immature plant canopy. Calculation of the surface area of the immature plant  
26 canopy may not include the areas within the cultivation area that are not used at any time  
27 to cultivate immature cannabis plants.

28 **24. Inherently hazardous substance.** "Inherently hazardous substance" means a  
29 liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash  
30 point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane  
31 and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol  
32 or ethanol.

33 **25. Long-term care facility.** "Long-term care facility" means a hospice provider  
34 facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an  
35 assisted living facility licensed under chapter 1663 or 1664; or a facility or program  
36 licensed under chapter 1663 that provides care for a qualifying patient in accordance with  
37 this chapter.

38 **26. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the  
39 production, blending, infusing, compounding or other preparation of cannabis concentrate  
40 and cannabis products, including, but not limited to, cannabis extraction or preparation by  
41 means of chemical synthesis.

42 **27. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier  
43 2 manufacturing facility or a person authorized to engage in cannabis extraction in  
44 accordance with this chapter.

1           **28. Mature cannabis plant.** "Mature cannabis plant" means a flowering female  
2 cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7,  
3 section 2231, subsection 1-A, paragraph D.

4           **29. Mature plant canopy.** "Mature plant canopy" means the total surface area within  
5 a cultivation area where mature cannabis plants are growing. The surface area of the mature  
6 plant canopy must be calculated in square feet and measured using the outside boundaries  
7 of the area and must include all of the area within the boundaries. If the surface area of the  
8 mature plant canopy consists of noncontiguous areas, each component area must be  
9 separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation  
10 area, the surface area of each tier or shelf must be included in calculating the area of the  
11 mature plant canopy. Calculation of the surface area of the mature plant canopy may not  
12 include the areas within the cultivation area that are not used at any time to cultivate mature  
13 cannabis plants.

14           **30. Medical provider.** "Medical provider" means a physician, a certified nurse  
15 practitioner or a physician assistant.

16           **31. Medical use.** "Medical use" means the acquisition, possession, cultivation,  
17 manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia  
18 relating to the administration of cannabis to treat or alleviate a qualifying patient's medical  
19 diagnosis or symptoms for which a medical provider has provided the qualifying patient a  
20 written certification under this chapter.

21           **32. Member of the family.** "Member of the family" means an individual who is a  
22 resident of the State and who is a spouse, domestic partner, child, sibling, sibling of a  
23 parent, child of a sibling, parent, stepparent, grandparent or grandchild of another  
24 individual.

25           **33. Members of the same household.** "Members of the same household" means 2 or  
26 more individuals who are residents of the State and who reside in a shared dwelling unit.

27           **34. Minor.** "Minor" means a person who has not attained 21 years of age.

28           **35. Office.** "Office" means the Office of Cannabis Policy established in Title 28-B,  
29 section 104-A within the department.

30           **36. Officer or director.** "Officer or director" means, when used with respect to any  
31 nonprofit, for-profit or other organization governed by this chapter, a director, manager,  
32 shareholder, board member, partner or other individual holding a management position or  
33 ownership interest in the organization.

34           **37. Physician.** "Physician" means an individual licensed as an osteopathic physician  
35 by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an individual  
36 licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title  
37 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement  
38 Administration license to prescribe drugs.

39           **38. Physician assistant.** "Physician assistant" means an individual licensed as a  
40 physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36  
41 or an individual licensed as a physician assistant by the Board of Licensure in Medicine  
42 pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug  
43 Enforcement Administration license to prescribe drugs.

1           **39. Qualifying patient.** "Qualifying patient" means an individual who has been a  
2 resident of the State for at least 30 days and who possesses a valid written certification  
3 regarding medical use of cannabis in accordance with this chapter.

4           **40. Registered caregiver.** "Registered caregiver" means a caregiver who is registered  
5 by the office pursuant to this chapter.

6           **41. Registered dispensary.** "Registered dispensary" means an entity registered in  
7 accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers,  
8 transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants,  
9 harvested cannabis, related supplies or educational materials to qualifying patients and the  
10 caregivers of those patients.

11           **42. Registrant.** "Registrant" means a registered caregiver, dispensary, cannabis testing  
12 facility, manufacturing facility or person authorized to engage in cannabis extraction using  
13 inherently hazardous substances under this chapter.

14           **43. Registrant agent.** "Registrant agent" means an assistant, employee, officer,  
15 director or other authorized agent of a registered caregiver, dispensary, cannabis testing  
16 facility, manufacturing facility or person authorized to engage in cannabis extraction using  
17 inherently hazardous substances under this chapter.

18           **44. Registration certificate.** "Registration certificate" means a document issued by  
19 the office that identifies an individual as an individual who has registered with the office  
20 in accordance with this chapter.

21           **45. Registry identification card.** "Registry identification card" means a document  
22 issued by the office that identifies an individual who has registered with the office in  
23 accordance with this chapter.

24           **46. Remuneration.** "Remuneration" means a donation or any other monetary payment  
25 received directly or indirectly by a person in exchange for goods or services as part of a  
26 transaction in which cannabis for medical use is transferred or furnished by that person to  
27 another person.

28           **47. Sample.** "Sample" means a cannabis plant or harvested cannabis that is provided  
29 for testing or research purposes to a cannabis testing facility.

30           **48. Seedling.** "Seedling" means a cannabis plant or rooted cutting that is:

31           A. Not flowering;

32           B. Less than 24 inches in height; and

33           C. Less than 24 inches in width.

34           **49. Tamper-evident.** "Tamper-evident" means, with respect to a device or process,  
35 bearing a seal, a label or a marking that makes unauthorized access to or tampering with a  
36 package, product or container easily detectable.

37           **50. Tamper-resistant paper.** "Tamper-resistant paper" means paper that possesses an  
38 industry-recognized feature that prevents copying of the paper, erasure or modification of  
39 information on the paper and the use of counterfeit documentation.

40           **51. Telehealth services.** "Telehealth services" means health care services delivered  
41 through the use of information technology. "Telehealth services" includes synchronous  
42 encounters, store and forward transfers, telemonitoring and asynchronous encounters.

1 As used in this subsection, the following terms have the following meanings.

2 A. "Asynchronous encounter" means an interaction between an individual and a  
3 medical provider through a system that has the ability to store digital information,  
4 including, but not limited to, still images, video files, audio files, text files and other  
5 relevant data, and to transmit such information without requiring the simultaneous  
6 presence of the individual and the medical provider.

7 B. "Store and forward transfer" means the transmission of an individual's records  
8 through a secure electronic system to a medical provider.

9 C. "Synchronous encounter" means a real-time interaction conducted with an  
10 interactive audio or video connection between an individual and a medical provider or  
11 between a medical provider and another medical provider.

12 D. "Telemonitoring" means the use of information technology to remotely monitor an  
13 individual's health status via electronic means, allowing the medical provider to track  
14 the individual's health data over time.

15 **52. Timely filed.** "Timely filed" means, with respect to an application submitted for  
16 renewal of a registry identification card or an application submitted for renewal of a  
17 registration certificate, that the applicant submits a complete application to the office no  
18 sooner than 60 days and no later than 30 days prior to the expiration date of the current  
19 registry identification card or the current registration certificate.

20 **53. Visiting qualifying patient.** "Visiting qualifying patient" means a patient who is  
21 authorized for the medical use of cannabis in this State and who is not a resident of the  
22 State or who has been a resident of the State less than 30 days.

23 **54. Written certification.** "Written certification" means a document signed by a  
24 medical provider and issued to a qualifying patient, or a digital image of that document  
25 issued by the medical provider that states that, in the medical provider's professional  
26 opinion, the patient is likely to receive therapeutic or palliative benefit from the medical  
27 use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated  
28 with the medical diagnosis.

29 **Sec. A-4. 22 MRSA §2422,** as amended by PL 2023, c. 6, §1, is repealed.

30 **Sec. A-5. 22 MRSA §2423-A, sub-§2,** as amended by PL 2023, c. 6, §§2 to 4, is  
31 further amended to read:

32 **2. Caregiver.** Except as provided in section 2426, a caregiver, for the purpose of  
33 assisting a qualifying patient with the patient's medical use of cannabis, may engage in the  
34 following authorized conduct if the caregiver ~~is a resident of the State,~~ is 21 years of age  
35 or older and has not been convicted of a disqualifying drug offense:

36 A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis  
37 plants under paragraph B;

38 A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one  
39 transaction, except that a caregiver may not dispense more than 2 1/2 ounces of  
40 harvested cannabis to a visiting qualifying patient during a 15-day period;

41 B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and  
42 unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to

- 1 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may  
2 not cultivate immature plants by canopy if cultivating mature plants by plant count and  
3 may not cultivate immature plants by plant count if cultivating mature plants by  
4 canopy;
- 5 C-1. Assist a qualifying patient with the patient's medical use of cannabis;
- 6 E. Receive reasonable monetary compensation for costs associated with cultivating  
7 cannabis plants or assisting a qualifying patient with that patient's medical use of  
8 cannabis;
- 9 F. Be in the presence or vicinity of the medical use of cannabis and assist any patient  
10 with the medical use, administration or preparation of cannabis;
- 11 G. Manufacture cannabis products and cannabis concentrate for medical use, except  
12 that a caregiver may not manufacture food, as defined in section 2152, subsection 4,  
13 unless the caregiver is licensed pursuant to section 2167 and except that a caregiver  
14 may not produce cannabis concentrate using inherently hazardous substances unless  
15 authorized pursuant to section 2423-F, subsection 3;
- 16 I. Hire any number of assistants who are 21 years of age or older to assist in performing  
17 the duties of the caregiver;
- 18 I-1. Hire any number of assistants who are 18 years of age or older and under 21 years  
19 of age if they are also a member of the family of the caregiver to assist in performing  
20 the duties of the caregiver;
- 21 J. Use a pesticide in the cultivation of cannabis plants if the pesticide is used consistent  
22 with federal labeling requirements, is registered with the Department of Agriculture,  
23 Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607  
24 and is used consistent with best management practices for pest management approved  
25 by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver  
26 may not in the cultivation of cannabis plants use a pesticide unless the registered  
27 caregiver or the registered caregiver's assistant is certified in the application of the  
28 pesticide pursuant to section 1471-D and any assistant who has direct contact with  
29 treated plants has completed safety training pursuant to 40 Code of Federal  
30 Regulations, Section 170.130. An assistant of the registered caregiver who is not  
31 certified pursuant to section 1471-D and who is involved in the application of the  
32 pesticide or handling of the pesticide or equipment must first complete safety training  
33 described in 40 Code of Federal Regulations, Section 170.230;
- 34 K. Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a  
35 qualifying patient, another caregiver or a registered dispensary for reasonable  
36 compensation or for no remuneration;
- 37 K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis  
38 plants and harvested cannabis in a wholesale transaction in accordance with this  
39 paragraph. A registered caregiver may transfer in wholesale transactions for reasonable  
40 compensation or for no remuneration an unlimited amount of the mature cannabis  
41 plants grown by the caregiver over the course of a calendar year, including any  
42 cannabis products or cannabis concentrate manufactured from mature cannabis plants  
43 grown by the caregiver. A registered caregiver may transfer to or accept from other  
44 registered caregivers and dispensaries in wholesale transactions an unlimited amount

1 of immature cannabis plants and seedlings. A registered caregiver that acquires mature  
2 cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction  
3 under this paragraph may not resell the mature cannabis plants, cannabis products or  
4 cannabis concentrate except to a qualifying patient or to another registered caregiver  
5 or dispensary to assist a qualifying patient;

6 L. Provide samples to a cannabis testing facility for testing and research purposes;

7 M. Conduct cannabis testing at the request of anyone authorized to possess cannabis  
8 under this chapter for research and development purposes only;

9 N. Provide harvested cannabis to a manufacturing facility and obtain cannabis  
10 products and cannabis concentrate from the manufacturing facility that are produced  
11 from the harvested cannabis the caregiver provided to the manufacturing facility;

12 O. Transport cannabis plants or harvested cannabis for authorized conduct in  
13 accordance with this chapter;

14 P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients  
15 for the patients' medical use in accordance with this chapter;

16 Q. Be organized as any type of legal business entity recognized under the laws of the  
17 State, including, but not limited to, a limited liability company, partnership or limited  
18 liability partnership; and

19 S. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia  
20 to a qualifying patient, caregiver or registered dispensary for a qualifying patient's  
21 medical use of cannabis.

22 **Sec. A-6. 22 MRSA §2423-A, sub-§3, ¶B**, as amended by PL 2021, c. 662, §15  
23 and c. 669, §5, is further amended to read:

24 B. A caregiver cultivating cannabis plants for a patient's medical use must keep all  
25 plants in a cultivation area unless the plants are being transported pursuant to  
26 subsection 2, paragraph O. The cultivation area must be enclosed and equipped with  
27 locks or other security devices that permit access only by a person authorized to have  
28 access to the area under this chapter.

29 (1) The caregiver shall ensure that the mature cannabis plants, immature cannabis  
30 plants and seedlings cultivated by the caregiver are kept in separate cultivation  
31 areas. The cultivation area for mature cannabis plants and the cultivation area for  
32 immature cannabis plants and seedlings may be located on separate parcels or tracts  
33 of land, whether the parcels or tracts of land are contiguous or noncontiguous, as  
34 long as the caregiver discloses the locations of all cultivation areas to the  
35 department. The caregiver may not maintain more than 2 cultivation areas. The  
36 caregiver shall ensure that the cultivation area for mature cannabis plants and the  
37 cultivation area for immature cannabis plants comply with the plant count or plant  
38 canopy limitations of subsection 2, paragraph B.

39 (2) Access to cultivation areas is limited to the caregiver, except that an elected  
40 official invited by the caregiver for the purpose of providing education to the  
41 elected official on cultivation by the caregiver, emergency services personnel, an  
42 assistant of a caregiver or a cannabis testing facility or a person who needs to gain  
43 access to a cultivation area in order to perform repairs or maintenance or to do

1 construction may access a cultivation area to provide those professional services  
2 while under the direct supervision of the caregiver.

3 **Sec. A-7. 22 MRSA §2423-A, sub-§10, ¶E**, as repealed and replaced by PL 2023,  
4 c. 365, §2 and c. 405, Pt. A, §57, is repealed and the following enacted in its place:

5 E. A cannabis testing facility shall obtain and must be able to produce, upon demand  
6 of the office or a municipal code enforcement officer, documentation of the facility's  
7 accreditation pursuant to standard ISO/IEC 17025 of the International Organization for  
8 Standardization by a 3rd-party accrediting body.

9 **Sec. A-8. 22 MRSA §2423-F, sub-§12**, as repealed and replaced by PL 2019, c.  
10 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

11 **12. Record keeping.** A registered manufacturing facility or person authorized to  
12 engage in cannabis extraction using inherently hazardous substances under subsection 3  
13 shall maintain records of all transactions in accordance with section ~~2430-G~~ 2430-J.

14 **Sec. A-9. 22 MRSA §2425-A, sub-§1**, as enacted by PL 2017, c. 452, §12, is  
15 repealed.

16 **Sec. A-10. 22 MRSA §2425-A, sub-§3**, as amended by PL 2021, c. 367, §11 and  
17 c. 669, §5, is further amended by amending the first blocked paragraph to read:

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

24 **Sec. A-11. 22 MRSA §2425-A, sub-§3, ¶A**, as enacted by PL 2017, c. 452, §12,  
25 is amended to read:

26 A. The ~~annual~~ fee required pursuant to subsection 10; and

27 **Sec. A-12. 22 MRSA §2425-A, sub-§5, ¶A**, as amended by PL 2023, c. 365, §4  
28 to 6, is further amended to read:

29 A. A registry identification card expires ~~one year~~ 2 years after the date of issuance,  
30 regardless of the person's employment status, except that a caregiver's registry  
31 identification card expires one year after the date of issuance. The card must contain:

- 32 (1) The name of the cardholder;
- 33 (2) The date of issuance and expiration date;
- 34 (3) A ~~random~~ randomly generated unique identification number ~~that is unique~~ to  
35 the cardholder;
- 36 (4) A clear designation showing whether the cardholder is allowed under this  
37 chapter to cultivate cannabis plants; and
- 38 (5) A photograph of the cardholder, if required by the department.

39 **Sec. A-13. 22 MRSA §2425-A, sub-§10, ¶J**, as enacted by PL 2017, c. 452, §12  
40 and amended by PL 2021, c. 669, §5, is further amended to read:

1 J. There is ~~an annual~~ a fee for a criminal history record check for a caregiver or an  
2 officer or director ~~or assistant~~ of a registered dispensary, cannabis testing facility or  
3 manufacturing facility, which may not be less than \$31 or more than \$60. The fee must  
4 be paid by the caregiver or by the registered dispensary, cannabis testing facility or  
5 manufacturing facility for an officer or director ~~or assistant~~ of the registered dispensary,  
6 cannabis testing facility or manufacturing facility.

7 **Sec. A-14. 22 MRSA §2425-A, sub-§11-A** is enacted to read:

8 **11-A. Temporary appointee.** Notwithstanding any provision of this chapter to the  
9 contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional  
10 circumstances, unless a court appoints a temporary appointee, the office may approve a  
11 temporary appointee to take possession of, operate, manage, control or wind down a  
12 registrant's operations. Under such circumstances:

13 A. A temporary appointee must be otherwise qualified under the provisions of this  
14 chapter to be a registered caregiver or an officer or director;

15 B. A temporary appointee may not transfer cannabis or cannabis products for medical  
16 use without a valid registry identification card; and

17 C. The registrant shall submit a plan of temporary appointment, on forms made  
18 available by the office, as soon as practicable but no later than 60 days after a qualifying  
19 event.

20 For purposes of this subsection, "temporary appointee" means a court-appointed receiver,  
21 personal representative, executor, administrator, guardian, conservator, trustee or similarly  
22 situated person or person approved by the office pursuant to this section.

23 **Sec. A-15. 22 MRSA §2428, sub-§6, ¶H**, as amended by PL 2017, c. 452, §16, is  
24 repealed.

25 **Sec. A-16. 22 MRSA §2428, sub-§6, ¶O** is enacted to read:

26 O. A dispensary may not be required to have designated parking spaces in order to be  
27 issued or reissued a registration certificate by the office.

28 **Sec. A-17. 22 MRSA §2428, sub-§9, ¶D**, as amended by PL 2017, c. 452, §16, is  
29 further amended to read:

30 D. A person who has been convicted of a disqualifying drug offense may not be an  
31 officer or director ~~or assistant~~ of a dispensary.

32 (1) A person who is an officer or director ~~or assistant~~ of a dispensary in violation  
33 of this paragraph commits a civil violation for which a fine of not more than \$1,000  
34 may be adjudged.

35 (2) A person who is an officer or director ~~or assistant~~ of a dispensary in violation  
36 of this paragraph and who at the time of the violation has been previously found to  
37 have violated this paragraph ~~commits a Class D crime~~ may be subject to additional  
38 enforcement action as established by the office in rule.

39 **Sec. A-18. 22 MRSA §2429-B, sub-§2, ¶A**, as enacted by PL 2017, c. 452, §18  
40 and amended by PL 2021, c. 669, §5, is further amended to read:

1 A. A prohibition on health or physical benefit claims in advertising or marketing,  
2 including, but not limited to, health or physical benefit claims on the label or packaging  
3 of harvested cannabis, except that advertising, marketing, labeling or packaging may  
4 contain information regarding qualifying patients' testimonies of how cannabis for  
5 medical use has provided palliative or therapeutic effects for the patients' conditions;

6 **Sec. A-19. 22 MRSA §2429-C, sub-§4**, as enacted by PL 2017, c. 452, §18, is  
7 repealed and the following enacted in its place:

8 **4. Adulterated or misbranded.** May not be adulterated or misbranded as prohibited  
9 in sections 2156 and 2157, respectively, or contain additives specifically formulated to  
10 increase the addictiveness of the edible cannabis product; and

11 **Sec. A-20. 22 MRSA §2430-D, first ¶**, as enacted by PL 2017, c. 452, §24, is  
12 amended to read:

13 Collectives are prohibited under this chapter. A person may not form or participate in  
14 a collective. For purposes of this section, "collective" means an association, cooperative,  
15 affiliation or group of caregivers who physically assist each other in the act of cultivation,  
16 processing or distribution of cannabis for medical use for the benefit of the members of the  
17 collective. The following relationships are not collectives and are not prohibited:

18 **Sec. A-21. 22 MRSA §2430-D, sub-§2**, as enacted by PL 2017, c. 452, §24, is  
19 amended to read:

20 **2. Employer and assistant relationship, family members or members of the same**  
21 **household.** Two caregivers to the extent the relationship is as employer and assistant,  
22 members of the same family or members of the same household; or

23 **Sec. A-22. 22 MRSA §2430-D, sub-§3**, as enacted by PL 2017, c. 452, §24 and  
24 amended by PL 2021, c. 669, §5, is further amended to read:

25 **3. Caregivers sharing common areas.** Any number of caregivers who are operating  
26 separately and occupying separate spaces within a common facility to engage in activities  
27 authorized under section 2423-A, subsection 2 pursuant to the provisions of this chapter,  
28 even if they also share utilities or common areas, including but not limited to storage areas  
29 and building facilities, and who do not share cannabis plants or harvested cannabis resulting  
30 from the cultivation of those plants; or

31 **Sec. A-23. 22 MRSA §2430-D, sub-§4** is enacted to read:

32 **4. Caregivers providing short-term assistance.** A caregiver assisting up to 2 other  
33 caregivers at any one time with activities authorized under this chapter, as long as the  
34 caregiver has given prior notice to the office. Notice required by this subsection must  
35 include the name of each caregiver needing assistance and the duration of the assistance to  
36 be provided. Assistance may not exceed 90 days within a calendar year unless approved  
37 in advance by the office.

38 **Sec. A-24. 22 MRSA §2430-G**, as repealed by PL 2023, c. 365, §18 and amended  
39 by c. 405, Pt. A, §58, is repealed.

40 **Sec. A-25. 22 MRSA §2430-I, sub-§1**, as enacted by PL 2023, c. 365, §20, is  
41 repealed.

42 **Sec. A-26. 22 MRSA §2430-I, sub-§1-A** is enacted to read:

1 **1-A. Registration violation types.** The following registration violation types are  
2 established.

3 A. "Major registration violation affecting public safety" means an intentional or  
4 knowing violation that imminently jeopardizes public health and safety or conduct that  
5 indicates a willful or reckless disregard for public health and safety. "Major  
6 registration violation affecting public safety" is limited to:

7 (1) Intentionally or knowingly selling harvested cannabis or cannabis products for  
8 medical use containing any scheduled drug as defined in Title 17-A, section 1101,  
9 subsection 11, except for any compounds naturally occurring in the cannabis plant;

10 (2) Intentionally or knowingly using prohibited agricultural chemicals that pose a  
11 threat to public health and concealing their use from the office, other registrants or  
12 consumers;

13 (3) Intentionally or knowingly treating or otherwise adulterating harvested  
14 cannabis with a scheduled drug as defined in Title 17-A, section 1101, subsection  
15 11, except for compounds naturally occurring in the cannabis plant;

16 (4) Intentionally or knowingly purchasing or transferring from the illicit market  
17 cannabis or cannabis products that are offered for sale or transfer to qualifying  
18 patients or combined with harvested cannabis or cannabis products for medical  
19 use;

20 (5) Intentionally or knowingly destroying, damaging, altering, removing or  
21 concealing potential evidence of a violation under this paragraph or asking or  
22 encouraging another person to do so; or

23 (6) Other intentional or knowing egregious conduct that imminently threatens  
24 public health and safety or conduct that shows a willful or reckless disregard for  
25 public health and safety that poses an imminent risk to public health and safety.

26 B. "Major registration violation" means a serious violation that does not imminently  
27 jeopardize public safety. "Major registration violation" is limited to:

28 (1) Misleading the office for the purposes of involving a person with a  
29 disqualifying drug offense in the operation of a registrant;

30 (2) Intentionally or knowingly diverting harvested cannabis or cannabis products  
31 for medical use to the illicit market or to a cannabis establishment under the  
32 Cannabis Legalization Act;

33 (3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or  
34 otherwise adulterating harvested cannabis with any chemical that alters the color,  
35 appearance, weight or smell of the cannabis or that increases its potency, toxicity  
36 or addictiveness in a manner not authorized under this chapter;

37 (4) Selling or transferring cannabis plants, harvested cannabis or cannabis  
38 products for medical use to a person under 21 years of age who is not a minor  
39 qualifying patient;

40 (5) Intentionally or knowingly making deliveries of harvested cannabis to a safe  
41 zone designated by a municipality pursuant to Title 30-A, section 3253 unless  
42 otherwise authorized under this chapter;

- 1           (6) Allowing a minor to be an assistant of the registrant unless otherwise authorized
- 2           under this chapter;
- 3           (7) Cultivating cannabis plants in an amount that is equal to or greater than 150%
- 4           of the total number of cannabis plants or plant canopy the registrant is authorized
- 5           to cultivate under this chapter;
- 6           (8) Intentionally or knowingly misrepresenting any cannabis product to a
- 7           qualifying patient, registrant or the public, including:
- 8               (a) Its contents;
- 9               (b) Its testing results; or
- 10              (c) Its potency;
- 11           (9) Refusing, 2 or more times, to permit the office to inspect locations where the
- 12           registrant conducts authorized activities;
- 13           (10) Intentionally or knowingly destroying, damaging, altering, removing or
- 14           concealing potential evidence of a violation under this paragraph or asking or
- 15           encouraging another person to do so; or
- 16           (11) Any violation in paragraph C that is a knowing violation or that the registrant
- 17           has committed 3 or more times.

18           C. "Minor registration violation" means a negligent violation. "Minor registration

19           violation" is limited to:

- 20               (1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or
- 21               delivering cannabis or cannabis products for or to a minor who is not a qualifying
- 22               patient;
- 23               (2) Cultivating more cannabis plants than the registrant is authorized to cultivate
- 24               under this chapter, but less than 150% of the total number of cannabis plants or
- 25               plant canopy authorized;
- 26               (3) Supplying adulterated or misbranded harvested cannabis or cannabis products;
- 27               (4) Failing to obtain or maintain any required licenses, permits or certificates from
- 28               another state agency or a municipality, as applicable, for the conduct of activities
- 29               authorized by this chapter; or
- 30               (5) A 2nd violation of any other requirement of this chapter or the rules adopted
- 31               pursuant to this chapter that is not expressly listed in this subsection.

32           **Sec. A-27. 22 MRSA §2430-I, sub-§2**, as enacted by PL 2023, c. 365, §20, is

33           amended to read:

34           **2. Penalties.** ~~The~~ For a registration violation, the department, in accordance with this

35           section, on its own initiative or on complaint and after investigation, may, by written order:

- 36           A. Impose an administrative penalty in accordance with this section ~~for a violation.~~
- 37           Penalties collected pursuant to this paragraph must be credited to the Medical Use of
- 38           Cannabis Fund established under section 2430;
- 39           B. Seize and destroy cannabis or cannabis products under ~~subsection 5~~ subsections 5
- 40           and 6; and

# COMMITTEE AMENDMENT

1 C. Suspend or revoke a registry identification card or registration certificate issued  
2 under this chapter ~~for a violation.~~

3 For a first violation of this chapter or rules adopted pursuant to this chapter, other than a  
4 registration violation under subsection 1-A or a violation under subsection 4, the office  
5 may only provide technical assistance to the registrant and may not impose a penalty or  
6 suspend or revoke a registration.

7 **Sec. A-28. 22 MRSA §2430-I, sub-§3**, as enacted by PL 2023, c. 365, §20, is  
8 amended to read:

9 **3. Administrative penalties, generally.** The department may impose administrative  
10 penalties for a violation of this chapter or rules adopted under this chapter as follows:

11 A. For a registered caregiver who does not operate a retail store and a ~~covered entity~~  
12 registrant agent:

- 13 (1) Not more than \$200 for each minor registration violation;
- 14 (2) Not more than \$600 for each major registration violation; or
- 15 (3) Not more than \$1,500 for each major registration violation affecting public  
16 safety; and

17 B. For a ~~covered entity~~ registrant, except a registered caregiver who does not operate  
18 a retail store:

- 19 (1) Not more than \$1,000 for each minor registration violation;
- 20 (2) Not more than \$3,000 for each major registration violation; or
- 21 (3) Not more than \$7,500 for each major registration violation affecting public  
22 safety.

23 **Sec. A-29. 22 MRSA §2430-I, sub-§4**, as enacted by PL 2023, c. 365, §20, is  
24 amended to read:

25 **4. Administrative penalty for sale or transfer to nonpatient.** The department shall  
26 notify a ~~covered entity~~ registrant within one business day after the department discovers  
27 that a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sold, furnished or gave  
28 cannabis for medical use to a person who is not authorized to possess cannabis for medical  
29 use under this chapter. Both the ~~covered entity~~ registrant and ~~covered entity~~ registrant  
30 agent that sold, furnished or gave cannabis for medical use to a person who is not authorized  
31 to possess cannabis for medical use may be held responsible as follows.

32 A. The first time a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sells,  
33 furnishes or gives cannabis for medical use to a person who is not authorized to possess  
34 cannabis for medical use under this chapter, the ~~covered entity~~ registrant or ~~covered~~  
35 entity registrant agent that sold, furnished or gave cannabis for medical use to a person  
36 not authorized to possess cannabis for medical use may be subject to an administrative  
37 penalty for a minor registration violation.

38 B. The 2nd time a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sells,  
39 furnishes or gives cannabis for medical use to a person who is not authorized to possess  
40 cannabis for medical use under this chapter, the ~~covered entity~~ registrant or ~~covered~~  
41 entity registrant agent that sold, furnished or gave cannabis for medical use to a person

1 not authorized to possess cannabis for medical use may be subject to an administrative  
2 penalty for a major registration violation.

3 C. The 3rd time a ~~covered-entity registrant~~ or ~~covered-entity registrant~~ agent sells,  
4 furnishes or gives cannabis for medical use to a person who is not authorized to possess  
5 cannabis for medical use under this chapter and for any subsequent violations of this  
6 subsection thereafter, the ~~covered-entity registrant~~ or ~~covered-entity registrant~~ agent  
7 that sold, furnished or gave cannabis for medical use to a person not authorized to  
8 possess cannabis for medical use may be subject to suspension or revocation of the  
9 ~~covered-entity's registrant's~~ or ~~covered-entity registrant~~ agent's registry identification  
10 card or registration certificate or an administrative penalty for a major registration  
11 violation.

12 A ~~covered-entity registrant~~ is subject to the penalties in this section whether the ~~covered~~  
13 ~~entity registrant~~ violated this subsection or the ~~covered-entity registrant~~ agent violated this  
14 subsection. Violations of this section by a ~~covered-entity registrant~~ are cumulative whether  
15 the same or a different ~~covered-entity registrant~~ agent violated this subsection.

16 **Sec. A-30. 22 MRSA §2430-I, sub-§5**, as enacted by PL 2023, c. 365, §20, is  
17 amended to read:

18 **5. Forfeit and destruction under final order.** This subsection governs the forfeiture  
19 and destruction of cannabis plants, cannabis or cannabis products when a final order is  
20 issued.

21 A. If the department issues a final order imposing an administrative penalty under this  
22 section, the department may require, in the final order, that all or a portion of the  
23 cannabis plants, cannabis or cannabis products in the possession of the ~~covered-entity~~  
24 ~~registrant~~ subject to the final order be destroyed.

25 B. The ~~covered-entity registrant~~ subject to the final order shall forfeit the cannabis  
26 plants, cannabis or cannabis products to the department or destroy the cannabis plants,  
27 cannabis and cannabis products at the time and place and in the manner required by the  
28 department in writing.

29 **Sec. A-31. 22 MRSA §2430-I, sub-§6**, as enacted by PL 2023, c. 365, §20, is  
30 amended to read:

31 **6. Destruction prohibition.** If the department is notified by a criminal justice agency  
32 that there is a pending investigation of a ~~covered-entity registrant~~ subject to a final order  
33 under this section, the department may not destroy, or allow the ~~covered-entity registrant~~  
34 to destroy, any cannabis plants, cannabis or cannabis products of that ~~covered-entity~~  
35 ~~registrant~~ until the destruction is approved by the criminal justice agency.

36 **Sec. A-32. 22 MRSA §2430-I, sub-§8**, as enacted by PL 2023, c. 365, §20, is  
37 repealed and the following enacted in its place:

38 **8. Suspension.** The office may suspend a registration in accordance with this  
39 subsection.

40 A. The office may suspend a registration, for a period of up to one year, upon a finding  
41 of:

42 (1) A major registration violation affecting public safety;

- 1           (2) A pattern of major registration violations in a 60-month period; or  
2           (3) A violation of subsection 1-A, paragraph B, subparagraph (7).

3           B. A registrant whose registration has been suspended pursuant to this subsection may  
4           not, for the duration of the suspension period, engage in any activities otherwise  
5           authorized under this chapter, except that the registrant may do what is reasonably  
6           necessary to wind down processes and may harvest any cannabis plants currently  
7           growing but may not start any new plants or make any transfers or sales.

8           C. The office may permit the transfer of a suspended registry identification card or  
9           registration certificate to another person in order for the person to undertake some or  
10           all of the registrant's operations during the period of suspension. A registry  
11           identification card or registration certificate may not be transferred to any person that  
12           is not qualified to be a registrant under this chapter. A suspended registry identification  
13           card or registration certificate may not be transferred pursuant to this paragraph if such  
14           a transfer would result in the receiving registrant exceeding the amount of plant canopy  
15           or mature cannabis plants the receiving registrant is authorized to cultivate or in any  
16           other violation of this chapter.

17           **Sec. A-33. 22 MRSA §2430-I, sub-§8-A** is enacted to read:

18           **8-A. Revocation.** The office may revoke a registration in accordance with this  
19           subsection.

20           A. The office may revoke a registration for a period of up to one year, upon a finding  
21           of:

- 22           (1) A major registration violation affecting public safety; or  
23           (2) A pattern of major registration violations in a 60-month period.

24           B. A registrant whose registration has been revoked pursuant to this subsection shall  
25           cease all activities otherwise authorized under this chapter until the revocation period  
26           ends and the registration is reauthorized.

27           **Sec. A-34. 22 MRSA §2430-I, sub-§9**, as enacted by PL 2023, c. 365, §20, is  
28           repealed and the following enacted in its place:

29           **9. Maine Administrative Procedure Act; final agency action; appeals.** Except as  
30           otherwise provided in this chapter or the rules adopted pursuant to this chapter, the  
31           imposition of an administrative penalty on a registrant by the office, including, but not  
32           limited to, the provision of notice and the conduct of hearings, is governed by the Maine  
33           Administrative Procedure Act. A final order of the office imposing an administrative  
34           penalty is a final agency action, as defined in Title 5, section 8002, subsection 4, and the  
35           registrant may appeal that final order to the Superior Court in accordance with Rule 80C  
36           of the Maine Rules of Civil Procedure.

37           **Sec. A-35. 22 MRSA §2430-I, sub-§10** is enacted to read:

38           **10. Notification.** Except as otherwise provided in subsection 4, if, after an inspection  
39           or investigation by the office or a criminal justice agency, the office identifies a violation  
40           of this chapter or the rules adopted pursuant to this chapter, the office shall, within 5  
41           business days of identifying the violation, provide written notification of the violation to  
42           the registrant. The registrant, within 5 days of receiving notification, shall provide the office

1 with a plan of correction, if applicable, for the identified violation, including a time frame  
2 for the correction. If, after a follow-up inspection, the office decides to impose a monetary  
3 penalty on the registrant, the office shall notify the registrant of the monetary penalty in a  
4 timely manner after the follow-up inspection. Notice under this subsection does not  
5 constitute final agency action.

6 **PART B**

7 **Sec. B-1. 28-B MRSA, headnote** is amended to read:

8 **TITLE 28-B**

9 **~~ADULT USE CANNABIS~~**

10 **Sec. B-2. 28-B MRSA §102**, as amended by PL 2023, c. 6, §12 and c. 408, §§1 to  
11 3, is repealed.

12 **Sec. B-3. 28-B MRSA §102-A** is enacted to read:

13 **§102-A. Definitions**

14 As used in this chapter and chapter 3, unless the context otherwise indicates, the  
15 following terms have the following meanings.

16 **1. Adult use cannabis.** "Adult use cannabis" means cannabis cultivated,  
17 manufactured, distributed or sold by a cannabis establishment.

18 **2. Adult use cannabis product.** "Adult use cannabis product" means a cannabis  
19 product that is manufactured, distributed or sold by a cannabis establishment.

20 **3. Another jurisdiction.** "Another jurisdiction" means the Federal Government, the  
21 United States military, the District of Columbia, the Commonwealth of Puerto Rico, the  
22 Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam,  
23 American Samoa and each of the several states of the United States except Maine.

24 **4. Applicant.** "Applicant" means a person that submits an application for a license  
25 under this chapter to the office for review that the department has not yet approved or  
26 denied.

27 **5. Batch.** "Batch" means:

28 A. A specific quantity of adult use cannabis harvested during a specified period of  
29 time from a specified cultivation area within a cultivation facility; or

30 B. A specific quantity of adult use cannabis or adult use cannabis products produced  
31 during a specified period of time in a specified manufacturing area within a products  
32 manufacturing facility.

33 **6. Batch number.** "Batch number" means a distinct group of numbers, letters or  
34 symbols, or any combination thereof, assigned to a specific batch of adult use cannabis by  
35 a cultivation facility or to a specific batch of adult use cannabis or adult use cannabis  
36 products by a products manufacturing facility.

37 **7. Business entity.** "Business entity" means a partnership, association, company,  
38 corporation, limited liability company or other entity incorporated or otherwise formed or

1 organized by law. "Business entity" does not include a federal, state or municipal  
2 government organization.

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

7 **9. Cannabis concentrate.** "Cannabis concentrate" means the resin extracted from any  
8 part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or  
9 preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate"  
10 does not include resin extracted from hemp as defined in Title 7, section 2231, subsection  
11 1-A, paragraph D. In determining the weight of cannabis concentrate in a cannabis product,  
12 the weight of any other ingredient combined with cannabis or cannabis concentrate to  
13 prepare the cannabis product may not be included.

14 **10. Cannabis establishment.** "Cannabis establishment" means a cultivation facility,  
15 a products manufacturing facility, a testing facility, a cannabis store or a sample collector  
16 licensed under this chapter.

17 **11. Cannabis extraction.** "Cannabis extraction" means the process of extracting  
18 cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals  
19 or chemical processes. "Cannabis extraction" does not include the process of extracting  
20 concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

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

26 **13. Cannabis paraphernalia.** "Cannabis paraphernalia" means equipment, products,  
27 devices and materials that are used for planting, propagating, cultivating, harvesting,  
28 processing, preparing, testing, packaging or storing adult use cannabis or used for  
29 ingesting, inhaling or otherwise consuming adult use cannabis. "Cannabis paraphernalia"  
30 includes, but is not limited to:

- 31 A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;
- 32 B. Isomerization devices used for adjusting the potency of a cannabis plant;
- 33 C. Testing equipment used for identifying or analyzing the potency, effectiveness or  
34 purity of a cannabis plant or cannabis;
- 35 D. Scales and balances used for weighing or measuring cannabis;
- 36 E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise  
37 cleaning or refining, cannabis;
- 38 F. Envelopes and other containers used for packaging small quantities of cannabis for  
39 adult use;
- 40 G. Containers and other objects used for storing cannabis;
- 41 H. Rolling papers, cigarette papers or wraps used for rolling cannabis for smoking;

1 I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without  
2 screens, chillums or punctured metal bowls used for smoking cannabis; and

3 J. Electronic smoking devices used for simulating the smoking of cannabis or cannabis  
4 products through the inhalation of vapor or aerosol from the device.

5 **14. Cannabis plant.** "Cannabis plant" means all species of the plant genus Cannabis  
6 sativa L., including, but not limited to, a mother plant, a mature cannabis plant, an immature  
7 cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7,  
8 section 2231, subsection 1-A, paragraph D.

9 **15. Cannabis product.** "Cannabis product" means a product composed of cannabis  
10 or cannabis concentrate and other ingredients that is intended for use or consumption.  
11 "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis  
12 ointment and a cannabis tincture. "Cannabis product" does not include cannabis  
13 concentrate or a product containing hemp as defined in Title 7, section 2231, subsection  
14 1-A, paragraph D.

15 **16. Cannabis store.** "Cannabis store" means a facility licensed under this chapter to  
16 purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation  
17 facility, to purchase adult use cannabis and adult use cannabis products from a products  
18 manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature  
19 cannabis plants, seedlings and other products to consumers.

20 **17. Cannabis trim.** "Cannabis trim" means any part of a cannabis plant, whether  
21 processed or unprocessed, that is not cannabis flower or a cannabis seed except that  
22 "cannabis trim" does not include the stalks or roots of the cannabis plant. "Cannabis trim"  
23 does not include any part of a hemp plant as defined in Title 7, section 2231, subsection  
24 1-A, paragraph D.

25 **18. Caregiver.** "Caregiver" has the same meaning as in Title 22, section 2421-A,  
26 subsection 11.

27 **19. Child-resistant.** "Child-resistant" means, with respect to packaging or a container:

28 A. Specially designed or constructed to be significantly difficult for a typical child  
29 under 5 years of age to open and not to be significantly difficult for a typical adult to  
30 open and reseal; and

31 B. With respect to any product intended for more than a single use or that contains  
32 multiple servings, resealable.

33 **20. Colocation.** "Colocation" means the siting of multiple licensees or the siting of a  
34 licensee with a registered caregiver or registered dispensary within a licensed premises.

35 **21. Commissioner.** "Commissioner" means the Commissioner of Administrative and  
36 Financial Services.

37 **22. Container.** "Container" means a sealed package in which adult use cannabis or  
38 an adult use cannabis product is placed by a licensee prior to sale to a consumer and that  
39 meets all applicable packaging, labeling and health and safety requirements of this chapter  
40 and the rules adopted pursuant to this chapter.

41 **23. Criminal justice agency.** "Criminal justice agency" has the same meaning as in  
42 Title 16, section 803, subsection 4.

1           **24. Cultivation or cultivate.** "Cultivation" or "cultivate" means the planting,  
2 propagation, growing, harvesting, drying, curing, grading, trimming or other processing of  
3 cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing,  
4 testing or cannabis extraction.

5           **25. Cultivation facility.** "Cultivation facility" means a facility licensed under this  
6 chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate,  
7 prepare and package adult use cannabis; to sell adult use cannabis to products  
8 manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell  
9 cannabis plants and seeds to other cultivation facilities and immature cannabis plants and  
10 seedlings to cannabis stores or adults.

11           **26. Department.** "Department" means the Department of Administrative and  
12 Financial Services.

13           **27. Direct or indirect financial interest.** "Direct or indirect financial interest" means  
14 any interest in a sole proprietorship or business entity that is applying for or holds a  
15 cannabis establishment license, including:

16           A. Proprietors, partners, shareholders, persons with membership interests and persons  
17 with any other equity ownership interests, such as purchase warrants or options,  
18 whether whole or partial. If the equity owner is a business entity, all business entities  
19 and natural persons that have an aggregate ownership interest in that equity owner  
20 business entity of 5% or more are deemed to be indirect financial interests of the  
21 applicant or licensee;

22           B. Any employee, independent contractor, professional or other person who has an  
23 agreement with the applicant or licensee that provides for the person's attaining any  
24 form of equity ownership, except that employee equity ownership vested pursuant to  
25 an employee stock ownership program is governed by paragraph E. If the other equity  
26 owner is a business entity, all business entities and natural persons that have an  
27 aggregate ownership interest in that other equity owner business entity of 5% or more  
28 are deemed to be indirect financial interests of the applicant or licensee;

29           C. All persons who expect to receive financial payment in the form of royalty  
30 payments, profit sharing, revenue sharing or similar payment, such as, but not limited  
31 to, royalty license partners, parties to a profit-sharing agreement, capital investors and  
32 management contractors or consultants. If the non-owner interest is a business entity,  
33 all business entities and natural persons that have an aggregate ownership interest in  
34 that non-owner interest business entity of 5% or more are deemed to be indirect  
35 financial interest holders of the applicant or licensee; and

36           E. Any shares designated solely for inclusion in a portion of shares reserved for  
37 employees of the applicant or licensee for the purpose of vesting an equity ownership  
38 interest in an employee or employees of the licensee. A licensee offering an employee  
39 stock ownership program must designate a percentage of equity ownership interests for  
40 the employee stock ownership program and must report annually the identity of any  
41 person holding an equity interest in the licensee through the employee stock ownership  
42 program.

43           **28. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for  
44 a violation of a state or federal controlled substance law that is a crime punishable by

1 imprisonment for one year or more, except that "disqualifying drug offense" does not  
2 include:

3 A. An offense for which the sentence, including any term of probation, incarceration  
4 or supervised release, was completed 5 or more years prior to the submission of an  
5 application for a license under this chapter; or

6 B. An offense that consisted of conduct that would be authorized under this Title or  
7 that, if the person convicted of the offense had been acting under the authority of a  
8 license pursuant to this Title, would have been authorized under this Title.

9 **29. Edible cannabis product.** "Edible cannabis product" means a cannabis product  
10 intended to be consumed orally, including, but not limited to, any type of food, drink or pill  
11 containing cannabis or cannabis concentrate. "Edible cannabis product" does not include  
12 an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A,  
13 paragraph D.

14 **30. Flowering.** "Flowering" means, with respect to a cannabis plant, the gametophytic  
15 or reproductive state of a female cannabis plant during which the plant is in a light cycle  
16 intended to produce flowers, trichomes and cannabinoids characteristic of cannabis.

17 **31. Identity statement.** "Identity statement" means the name of a business entity as  
18 it is commonly known and used in any advertising or marketing by the business entity.

19 **32. Immature cannabis plant.** "Immature cannabis plant" means a cannabis plant  
20 that is not a mature cannabis plant or a seedling. "Immature cannabis plant" does not  
21 include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

22 **33. Inherently hazardous substance.** "Inherently hazardous substance" means a  
23 liquid chemical, compressed gas or commercial product that has a flash point at or lower  
24 than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane,  
25 propane and diethyl ether. "Inherently hazardous substance" does not include any form of  
26 alcohol or ethanol.

27 **34. Intoxication.** "Intoxication" means a substantial impairment of an individual's  
28 mental or physical faculties as a result of drug or alcohol use.

29 **35. Law enforcement officer.** "Law enforcement officer" has the same meaning as  
30 in Title 17-A, section 2, subsection 17.

31 **36. Licensed premises.** "Licensed premises" means the premises specified in a license  
32 to operate a cannabis establishment within which the licensee is authorized under this  
33 chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute,  
34 test or sell adult use cannabis or adult use cannabis products.

35 **37. Licensee.** "Licensee" means a person licensed pursuant to this chapter to operate  
36 a cannabis establishment.

37 **38. Limited access area.** "Limited access area" means a building, room or other area  
38 within the licensed premises of a cannabis establishment where a licensee is authorized to  
39 cultivate, store, weigh, manufacture, package or otherwise prepare for sale adult use  
40 cannabis and adult use cannabis products in accordance with the provisions of this chapter  
41 and the rules adopted pursuant to this chapter.

1           **39. Maine Medical Use of Cannabis Act.** "Maine Medical Use of Cannabis Act"  
2 means the program established in Title 22, chapter 558-C.

3           **40. Manufacturing or manufacture.** "Manufacturing" or "manufacture" means the  
4 production, blending, infusing, compounding or other preparation of cannabis and cannabis  
5 products, including, but not limited to, cannabis extraction or preparation by means of  
6 chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or  
7 testing.

8           **41. Mature cannabis plant.** "Mature cannabis plant" means a cannabis plant that is  
9 flowering. "Mature cannabis plant" does not include hemp as defined in Title 7, section  
10 2231, subsection 1-A, paragraph D.

11           **42. Minor.** "Minor" means a person who has not attained 21 years of age.

12           **43. Mother plant.** "Mother plant" means a cannabis plant that is used solely for the  
13 taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7,  
14 section 2231, subsection 1-A, paragraph D.

15           **44. Municipality.** "Municipality" means a city, town or plantation in this State that is  
16 not located within the unorganized and deorganized areas.

17           **45. Office.** "Office" means the Office of Cannabis Policy established in section 104-A  
18 within the department.

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

23           **47. Person.** "Person" means a natural person or a business entity.

24           **48. Plan of record.** "Plan of record" means, as applicable, a licensee's current facility  
25 plan and the operating, cultivation and security information listed in the licensee's  
26 application for a conditional or active license on file with and approved by the office.

27           **49. Plant canopy.** "Plant canopy" means the total surface area within the licensed  
28 premises of a cultivation facility that is authorized by the office for use at any time by the  
29 cultivation facility licensee to cultivate mature cannabis plants. The surface area of the  
30 plant canopy must be calculated in square feet and measured using the outside boundaries  
31 of the area and must include all of the area within the boundaries. If the surface area of the  
32 plant canopy consists of noncontiguous areas, each component area must be separated by  
33 identifiable boundaries. If a tiered or shelving system is used by the cultivation facility  
34 licensee, the surface area of each tier or shelf must be included in calculating the area of  
35 the plant canopy. Calculation of the area of the plant canopy may not include the areas  
36 within the licensed premises of a cultivation facility that are used by the licensee to cultivate  
37 immature cannabis plants and seedlings and that are not used by the licensee at any time to  
38 cultivate mature cannabis plants.

39           **50. Principal.** "Principal" means:

40           A. A natural person operating as a sole proprietor;

1 B. The officers of a corporation organized pursuant to Title 13-C who have authority  
2 to manage, direct or oversee the applicant's or licensee's operations, if the applicant or  
3 licensee is a corporation;

4 C. The directors of a corporation organized pursuant to Title 13-C, if the applicant or  
5 licensee is a corporation;

6 D. The shareholders of a corporation organized pursuant to Title 13-C, if no officers or  
7 directors are appointed and the applicant or licensee is a corporation;

8 E. The general or limited partners of a partnership organized under Title 31, chapter  
9 19, if the applicant or licensee is a partnership;

10 F. The nonmember managers or managing members of a limited liability company  
11 organized under Title 31, chapter 21, if the applicant or licensee is organized as a  
12 limited liability company; and

13 G. Any other natural person to whom the applicant or licensee has given authority to  
14 manage, direct or oversee the applicant's or licensee's operations.

15 If an officer, director, shareholder, partner, manager or member under paragraph B, C, D,  
16 E or F is a business entity, "principal" means any natural person to whom the business  
17 entity has given authority to manage, direct or oversee the applicant's or licensee's  
18 operations.

19 "Principal" does not include those persons whose managerial responsibilities are limited to  
20 staff supervision and who are not authorized to act on behalf of the applicant or licensee.

21 For purposes of this subsection, "operations" does not include human resources,  
22 information technology, marketing or accounting and finance.

23 **51. Products manufacturing facility.** "Products manufacturing facility" means a  
24 facility licensed under this chapter to purchase adult use cannabis from a cultivation facility  
25 or another products manufacturing facility; to manufacture, label and package adult use  
26 cannabis and adult use cannabis products; and to sell adult use cannabis and adult use  
27 cannabis products to cannabis stores and to other products manufacturing facilities.

28 **52. Propagation.** "Propagation" means the process of reproducing cannabis plants  
29 through the use of cannabis seeds, cuttings or grafting.

30 **53. Qualifying patient.** "Qualifying patient" means a person who possesses a valid  
31 certification for the medical use of cannabis pursuant to Title 22, section 2423-B.

32 **54. Registered caregiver.** "Registered caregiver" has the same meaning as in Title  
33 22, section 2421-A, subsection 40.

34 **55. Registered dispensary.** "Registered dispensary" has the same meaning as in Title  
35 22, section 2421-A, subsection 41.

36 **56. Sale or sell.** "Sale" or "sell" means a transfer or delivery of cannabis or cannabis  
37 products for consideration.

38 **57. Sample.** "Sample" means:

39 A. An amount of adult use cannabis or an amount of an adult use cannabis product  
40 provided to a testing facility by a cannabis establishment or other person for testing or  
41 research and development purposes pursuant to subchapter 6;

- 1            B. An amount of adult use cannabis or an amount of an adult use cannabis product  
2            collected from a licensee by the office for the purposes of testing the cannabis or  
3            cannabis product for product quality control purposes pursuant to section 512,  
4            subsection 2;
- 5            C. An amount of adult use cannabis provided by a cultivation facility to another  
6            licensee for business or marketing purposes pursuant to section 501, subsection 8;
- 7            D. An amount of adult use cannabis or an amount of an adult use cannabis product  
8            provided to another licensee by a products manufacturing facility for business or  
9            marketing purposes pursuant to section 502, subsection 6;
- 10           E. An amount of adult use cannabis or an amount of an adult use cannabis product  
11           collected by a sample collector licensee and provided to a testing facility for testing  
12           pursuant to section 503-A; or
- 13           F. An amount of adult use cannabis or an amount of an adult use cannabis product  
14           provided to a consumer pursuant to section 504, subsection 12.
- 15           **58. Sample collector.** "Sample collector" means a person licensed under this chapter  
16           to collect samples of cannabis and cannabis products for testing and to transport and deliver  
17           those samples to a testing facility for testing.
- 18           **59. Seedling.** "Seedling" means a cannabis plant or rooted cutting that is:
- 19           A. Not flowering;
- 20           B. Less than 24 inches in height; and
- 21           C. Less than 24 inches in width.
- 22           **60. Specified event.** "Specified event" means an event that occurs outside the licensed  
23           premises of a cannabis store that is not conducted primarily for the benefit or enjoyment of  
24           individuals under 21 years of age and that is not more than 10 consecutive days in duration  
25           or 10 occurrences in duration. For purposes of this subsection, "occurrence" means an  
26           event that is less than 24 hours in duration and that occurs during the same calendar year  
27           as another occurrence.
- 28           **61. Specified event permit.** "Specified event permit" means a temporary  
29           authorization for a cannabis store to conduct sales of adult use cannabis and adult use  
30           cannabis products on the permitted premises for a specified event in accordance with  
31           section 504-A.
- 32           **62. Tamper-evident.** "Tamper-evident" means, with respect to a device or process,  
33           bearing a seal, a label or a marking that makes unauthorized access to or tampering with a  
34           package, product or container easily detectable.
- 35           **63. Testing or test.** "Testing" or "test" means the research and analysis of cannabis,  
36           cannabis products or other substances for contaminants, safety or potency. "Testing" or  
37           "test" includes the collection of samples of cannabis and cannabis products for testing  
38           purposes, but does not include cultivation or manufacturing.
- 39           **64. Testing facility.** "Testing facility" means a facility licensed under this chapter to  
40           develop, research and test cannabis, cannabis products and other substances.
- 41           **65. THC.** "THC" means tetrahydrocannabinol.

1           **66. Universal symbol.** "Universal symbol" means an image developed by the office,  
2 and made available to licensees, that indicates that a container, package or product contains  
3 cannabis or contains or is a cannabis product.

4           **67. Unorganized and deorganized areas.** "Unorganized and deorganized areas" has  
5 the same meaning as in Title 12, section 682, subsection 1.

6           **68. Visibly intoxicated.** "Visibly intoxicated" means in a state of intoxication  
7 accompanied by a perceptible act, a series of acts or the appearance of an individual that  
8 clearly demonstrates the state of intoxication.

9           **Sec. B-4. 28-B MRSA §104,** as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
10 by PL 2021, c. 669, §5, is repealed.

11           **Sec. B-5. 28-B MRSA §104-A** is enacted to read:

12           **§104-A. Office of Cannabis Policy**

13           The Legislature finds cannabis to be an emerging agricultural and manufacturing  
14 industry in the State contributing to the State's overall economy.

15           The Legislature further finds that a well-regulated cannabis industry remains the most  
16 effective tool in diminishing the impact of illicit-market cannabis activity within the State.

17           For these purposes, the Office of Cannabis Policy is established within the Department  
18 of Administrative and Financial Services and is maintained for the administration and  
19 enforcement of this Act and the Maine Medical Use of Cannabis Act.

20           **Sec. B-6. 28-B MRSA §104-B** is enacted to read:

21           **§104-B. Director of the Office of Cannabis Policy**

22           The Director of the Office of Cannabis Policy, referred to in this chapter as "the  
23 director," may employ personnel as necessary to implement, administer and enforce this  
24 chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of  
25 Cannabis Act and the rules adopted pursuant to that Act.

26           **1. Duties.** The director shall:

27           A. Promote the health and well-being of the people of the State and advance policies  
28 that protect public health and safety, emphasizing the health and well-being of minors,  
29 as priority considerations in performing all duties, including those listed in this  
30 subsection;

31           B. Ensure that the administration of the laws of and the rules adopted pursuant to this  
32 Act and the Maine Medical Use of Cannabis Act is consistent, predictable and  
33 equitable;

34           C. Ensure that qualifying patients maintain access to high-quality, effective and  
35 affordable cannabis for medical use under the Maine Medical Use of Cannabis Act;  
36 and

37           D. Develop good faith partnerships between the office and licensees.

38           **Sec. B-7. 28-B MRSA §104-C** is enacted to read:

39           **§104-C. Rulemaking; consultation**

1           The office may adopt rules necessary to implement, administer and enforce this  
2 chapter. Except as otherwise provided in this chapter, all rules adopted pursuant to this  
3 chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.  
4 Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the  
5 office pursuant to this chapter and submitted for legislative review may not be finally  
6 adopted by the office unless legislation authorizing final adoption is enacted into law.

7           The office shall consult with the Department of Agriculture, Conservation and Forestry  
8 prior to the adoption of rules concerning the regulation of the cultivation, manufacture and  
9 testing of adult use cannabis and adult use cannabis products at cultivation facilities,  
10 products manufacturing facilities and testing facilities; the regulation of cannabis clones  
11 and cannabis plants; the use of pesticides, fungicides and herbicides in cultivation; the  
12 imposition of limits on the concentration of THC and other cannabinoids per serving in  
13 adult use cannabis products; odor control standards, sanitary standards, refrigeration  
14 requirements and storage and warehousing standards for licensees; and the regulation of  
15 the preparation, manufacture, testing, labeling and packaging of adult use cannabis and  
16 adult use cannabis products.

17           The office shall consult with the Department of Labor prior to the adoption of rules  
18 concerning workplace, employment or other labor matters involved in the regulation of  
19 adult use cannabis and adult use cannabis products under this chapter.

20           The office shall consult with the Department of Public Safety prior to the adoption of  
21 rules concerning public safety or law enforcement matters involved in the regulation of  
22 adult use cannabis and adult use cannabis products under this chapter.

23           The office shall consult with the Department of Health and Human Services prior to  
24 the adoption of rules concerning public health matters involved in the regulation of adult  
25 use cannabis and adult use cannabis products under this chapter, including rules regarding  
26 testing, labeling and packaging adult use cannabis and adult use cannabis products.

27           **Sec. B-8. 28-B MRSA §105, first ¶**, as amended by PL 2023, c. 396, §1, is further  
28 amended to read:

29           The ~~department~~ office shall implement and administer a system, referred to in this  
30 section as "the tracking system," for the tracking of cannabis plants, adult use cannabis and  
31 adult use cannabis products from immature cannabis plant to the point of retail sale, return,  
32 disposal or destruction. The tracking system must allow for cannabis plants at the stage of  
33 cultivation and upon transfer from the stage of cultivation to another licensee to be tracked  
34 by group. The ~~department~~ office may implement a tracking system that allows adult use  
35 cannabis or adult use cannabis products to be tracked by group.

36           **Sec. B-9. 28-B MRSA §105, 2nd ¶**, as amended by PL 2023, c. 396, §2, is further  
37 amended to read:

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

42           **Sec. B-10. 28-B MRSA §105, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
43 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

1           **1. Data submission requirements.** The tracking system must allow licensees to  
2 submit tracking data for adult use cannabis or adult use cannabis products to the office.  
3 The tracking system must permit licensees to submit all required tracking data through  
4 manual data entry or through the use of software that connects to the tracking system  
5 maintained by the office through an application program interface, including without  
6 limitation point-of-sale system software. Nothing in this subsection may be construed to  
7 permit the submission of required tracking data using an application program interface that  
8 cannot transmit all required data to the tracking system required by the office.

9           **Sec. B-11. 28-B MRSA §105, sub-§1-B**, as enacted by PL 2021, c. 628, §1 and  
10 amended by c. 669, §5, is further amended to read:

11           **1-B. Tagging.** A licensee shall affix a tag containing the identifying information  
12 required by the ~~department~~ by office under this chapter or rule adopted pursuant to this  
13 chapter to each group of cannabis plants tracked under this section. The ~~department~~ office  
14 may not require cannabis plants that are being tracked as a group to be individually affixed  
15 with a tag during cultivation or transfer to another licensee.

16           **Sec. B-12. 28-B MRSA §105, sub-§1-C**, as enacted by PL 2021, c. 628, §1 and  
17 amended by c. 669, §5, is further amended to read:

18           **1-C. Group transfers.** When a group of cannabis plants tracked under this section is  
19 transferred to another licensee, the licensee transferring the group of cannabis plants must  
20 provide a manifest that lists every cannabis plant within the group and any other relevant  
21 information required by the ~~department~~ office by rule.

22           **Sec. B-13. 28-B MRSA §105, sub-§2**, as amended by PL 2021, c. 628, §1 and  
23 amended by c. 669, §5, is further amended to read:

24           **2. Rules.** The ~~department~~ office shall adopt rules regarding the implementation and  
25 administration of the tracking system and tracking requirements for licensees. Rules  
26 adopted under this section must include, but are not limited to, the following:

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

29           B. Record-keeping requirements necessary to ensure the ~~department's~~ office's ability  
30 to implement a recall for reasons related to health and safety when tracking cannabis  
31 plants individually or by group.

32           **Sec. B-14. 28-B MRSA §106**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
33 to read:

34 **§106. Individual identification cards**

35           The ~~department~~ office shall issue individual identification cards to natural persons  
36 licensed under this chapter and, upon the request of a licensee, shall issue individual  
37 identification cards to ~~owners, officers, managers~~ principals, contractors, employees or  
38 other support staff of the licensee who meet the requirements of this section for the issuance  
39 of an individual identification card.

40           **1. Rules.** The ~~department~~ office shall adopt rules regarding the requirements for and  
41 issuance and format of and the information to be included on and use of individual  
42 identification cards issued pursuant to this section.

1 **1-A. Information and format; validity.** An individual identification card issued  
2 pursuant to this section must include:

3 A. The full name and date of birth of the licensee;

4 B. A photograph of the licensee;

5 C. The date of issuance and expiration date of the identification card; and

6 D. A randomly generated unique identification number.

7 An individual identification card is valid for 2 years from the issue date, remains the  
8 property of the office and must be returned to the office upon demand. A person may not  
9 alter, obscure, damage or deface an individual identification card. To be valid, an individual  
10 identification card must be in good condition with all original markings and information  
11 clearly legible.

12 **2. Criminal history record check for principals.** Prior to issuing or renewing an  
13 individual identification card to a natural person pursuant to this section who is a principal,  
14 the department office shall require the person to submit to a criminal history record check  
15 in accordance with section 204 every 2 years. A principal who has been convicted of a  
16 disqualifying drug offense at any time within the 2-year period must report the conviction  
17 to the office within 2 business days of the conviction. The licensee must be provided an  
18 opportunity to remove the principal or transfer the principal's ownership interests pursuant  
19 to section 210.

20 **3. Criminal history record check for employees not required.** A contractor,  
21 employee or other support staff of the licensee is not required to submit to a criminal history  
22 record check pursuant to section 204 prior to the issuance of an individual identification  
23 card by the office.

24 **Sec. B-15. 28-B MRSA §107**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
25 by PL 2021, c. 669, §5, is further amended to read:

26 **§107. Collection and analysis of public health and safety data**

27 The department office shall develop programs or initiatives to facilitate the collection  
28 and analysis of data regarding the effects of the use of cannabis in the State, including, but  
29 not limited to, youth and adult cannabis use; school suspension and discipline relating to  
30 the use of cannabis; poison center calls, emergency department visits and hospitalizations  
31 relating to the use of or exposure to cannabis; operating under the influence citations or  
32 arrests relating to the use of cannabis; motor vehicle accidents, including information on  
33 fatalities, relating to the use of cannabis; ~~violent crime relating to the use of cannabis~~  
34 ~~generally; violent crime and~~ property crime relating to the regulated and unregulated adult  
35 use cannabis markets; and cannabis-related citations or arrests. The department office may  
36 adopt rules to implement this section.

37 **Sec. B-16. 28-B MRSA §108**, as amended by PL 2021, c. 645, §1 and c. 669, §5,  
38 is further amended to read:

39 **§108. Public health and safety programs**

40 The department office shall develop and implement or facilitate the development and  
41 implementation by a public or private entity of: programs, initiatives and campaigns  
42 focused on increasing the awareness and education of the public on health and safety

1 matters and focused on addressing public and behavioral health needs relating to the use of  
2 cannabis and cannabis products, including, but not limited to, programs, initiatives and  
3 campaigns focused on preventing and deterring the use of cannabis and cannabis products  
4 by ~~persons under 21 years of age~~ minors; and public and behavioral health programs and  
5 services related to the use of cannabis and cannabis products, including, but not limited to,  
6 evidence-based substance use disorder prevention and treatment programs, early  
7 intervention services and grants for schools or community-based organizations that provide  
8 programs for youth substance use disorder education and prevention as described under  
9 Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented  
10 pursuant to this section may be funded with revenue from the Adult Use Cannabis Public  
11 Health and Safety and Municipal Opt-in Fund established in section 1101. The ~~department~~  
12 office may adopt rules to implement this section.

13 **Sec. B-17. 28-B MRSA §109**, as amended by PL 2021, c. 645, §2 and c. 669, §5,  
14 is further amended to read:

15 **§109. Enhanced training for criminal justice agencies and municipalities**

16 The ~~department~~ office shall develop and implement or facilitate the development and  
17 implementation by a public or private entity of programs or initiatives providing enhanced  
18 training for criminal justice agencies and municipal officers and employees in the  
19 requirements and enforcement of this chapter and the rules adopted pursuant to this chapter,  
20 including, but not limited to, programs providing grants to regional or local criminal justice  
21 agencies or municipalities to train law enforcement officers and, if applicable, municipal  
22 officers and employees in inspections, investigations, searches, seizures, forfeitures and  
23 personal use and home cultivation allowances under this chapter and chapter 3 and the rules  
24 adopted pursuant to this chapter; in drug recognition procedures and the general  
25 enforcement of the State's motor vehicle laws relating to the use of cannabis; and in  
26 restorative justice, jail diversion, cannabis industry-specific technical assistance and  
27 mentoring for economically disadvantaged persons in communities disproportionately  
28 affected by high rates of arrest and incarceration for cannabis-related offenses. Training  
29 programs or initiatives developed and implemented pursuant to this section may be funded  
30 with revenue from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in  
31 Fund established in section 1101. The ~~department~~ office may adopt rules to implement this  
32 section.

33 **Sec. B-18. 28-B MRSA §111, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
34 amended to read:

35 A state, county or local agency or department, including, but not limited to, the  
36 ~~department~~ office and a criminal justice agency, may not:

37 **Sec. B-19. 28-B MRSA §113, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
38 and amended by PL 2021, c. 669, §5, is further amended to read:

39 **1. Report required.** By February 15, ~~2020~~ 2025, and annually thereafter, the  
40 ~~department~~ office shall submit a report to the joint standing committee of the Legislature  
41 having jurisdiction over adult use cannabis matters as provided in this section.

42 **Sec. B-20. 28-B MRSA §113, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
43 and amended by PL 2021, c. 669, §5, is further amended to read:

1           **2. Report contents.** The report required under subsection 1 must, at a minimum,  
2 include the following information:

3           A. The number of applications for each type of license submitted to the ~~department~~  
4 office pursuant to this chapter during the prior calendar year, including, if applicable,  
5 the number of applications for license renewals, and the number of each type of license  
6 conditionally approved by the ~~department~~ office during the prior calendar year;

7           B. The total number of each type of active license issued by the ~~department~~ office  
8 pursuant to this chapter in the prior calendar year following local authorization of a  
9 conditionally approved licensee;

10           C. The total square footage of plant canopy approved by the ~~department~~ office for  
11 active cultivation facilities licensed in the prior calendar year, the percentage of active  
12 cultivation facility licenses by cultivation tier and, if applicable, the number of  
13 approved increases in the maximum plant canopy allowed under a tier 4 cultivation  
14 facility license in the prior calendar year pursuant to section 304;

15           D. The total amount of application fees and license fees collected pursuant to this  
16 chapter and the total amount of the excise and sales tax revenue collected on the sale  
17 of adult use cannabis and adult use cannabis products during the prior calendar year;

18           E. An overview of current adult use cannabis-related staffing at the ~~department~~ office  
19 and the cost to the ~~department~~ office to regulate the adult use cannabis industry in the  
20 State during the prior fiscal year and cost projections for the upcoming fiscal year;

21           F. The total reported volume and value of adult use cannabis cultivated and sold by all  
22 cultivation facilities in the prior calendar year, when available;

23           G. The total reported volume and value of adult use cannabis and adult use cannabis  
24 products sold by all cannabis stores in the prior calendar year, when available;

25           H. The number of inspections of the licensed premises of licensees performed by the  
26 ~~department~~ office during the prior calendar year and the results of those inspections,  
27 including, but not limited to, the number of inspections resulting in license violations  
28 and the percentage of all licensees inspected during the prior calendar year;

29           I. The number of license violations committed by licensees during the prior calendar  
30 year and a breakdown of those violations into specific categories based on the type of  
31 violation and the outcome of the violation, including, but not limited to, the total  
32 amount of monetary penalties imposed and collected by the ~~department~~ office and the  
33 percentage of total license violations resulting in the imposition of a monetary penalty,  
34 license suspension or license revocation;

35           J. Public health and safety data collected, received or analyzed by the ~~department~~  
36 office pursuant to section 107 in the prior calendar year; ~~and~~

37           K. Recommendations, including any suggested legislation, to address any issues with  
38 the regulation of the adult use cannabis industry in the State encountered by the  
39 ~~department~~ office in the prior calendar year; ~~and~~

40           L. A detailed account of income and expenditures for the Adult Use Cannabis  
41 Regulatory Coordination Fund established in section 1102 and the Adult Use Cannabis  
42 Public Health and Safety and Municipal Opt-in Fund established in section 1101.

1           **Sec. B-21. 28-B MRSA §201**, as amended by PL 2019, c. 676, §5 and PL 2021, c.  
2           669, §5, is further amended to read:

3           **§201. License process; license types**

4           The ~~department~~ office, upon receipt of an application in the prescribed form that meets  
5           all applicable requirements for licensure under this chapter and the rules adopted pursuant  
6           to this chapter, shall issue to the applicant a conditional license to operate one or more of  
7           the following types of cannabis establishments or shall deny the application in accordance  
8           with section 206:

9           **1. Cultivation facility.** Consistent with the requirements and restrictions of section  
10           205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

11           **2. Testing facility.** Consistent with the requirements and restrictions of section 205,  
12           subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

13           **3. Products manufacturing facility.** A products manufacturing facility license;

14           **4. Cannabis store.** Consistent with the restrictions of section 205, subsection 2,  
15           paragraph C, a cannabis store license; or

16           **5. Sample collector.** Consistent with the requirements and restrictions of section 205,  
17           subsection 2, paragraph B and section 503-A, a sample collector license.

18           Except as provided in section 205, the ~~department~~ office may not impose any limitation  
19           on the number of each type of license that it issues to a qualified individual applicant or on  
20           the total number of each type of license that it issues to qualified applicants pursuant to this  
21           chapter.

22           **Sec. B-22. 28-B MRSA §202, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
23           amended by PL 2021, c. 669, §5, is further amended to read:

24           An applicant for a license to operate a cannabis establishment must meet each of the  
25           following requirements, if applicable. Except as otherwise provided in this section, if the  
26           applicant is a business entity, every ~~officer, director, manager and general partner~~ principal  
27           of the business entity must meet each of the requirements of this section. An applicant  
28           shall disclose in or include with its application the names and addresses of the applicant  
29           and all natural persons and business entities having a direct or indirect financial interest in  
30           the applied-for license and the nature and extent of the financial interest held by each person  
31           or entity and, if applicable, the nature and extent of any financial interest the person or  
32           entity has in any other license applied for or issued under this chapter.

33           **Sec. B-23. 28-B MRSA §202, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
34           amended to read:

35           **1. Age.** The applicant must be at least 21 years of age. If the applicant is a business  
36           entity, every ~~officer, director, manager and general partner~~ principal of the business entity  
37           must be at least 21 years of age.

38           **Sec. B-24. 28-B MRSA §202, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
39           repealed.

40           **Sec. B-25. 28-B MRSA §202, sub-§12**, as enacted by PL 2017, c. 409, Pt. A, §6,  
41           is amended to read:

1           **12. Compliance with application process; no false statement of material fact.** The  
2 applicant must have completed all application forms required by the department office fully  
3 and truthfully and complied with all information requests of the department office relating  
4 to the license application. A license may not be issued to an applicant that has knowingly  
5 or recklessly made any false statement of material fact to the department office in applying  
6 for a license under this chapter. The department office shall revoke the license of a licensee  
7 pursuant to subchapter 8 if, subsequent to the issuance of the license, the department office  
8 determines that the licensee knowingly or recklessly made a false statement of material fact  
9 to the department office in applying for the license.

10           **Sec. B-26. 28-B MRSA §203, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
11 amended by PL 2021, c. 669, §5, is further amended to read:

12           An applicant for a license to operate a cannabis establishment shall submit, and the  
13 department office shall consider in determining whether to grant the license, the following  
14 additional information. If the applicant is a business entity, the applicant must submit the  
15 information required by this section for every ~~officer, director, manager and general partner~~  
16 principal of the business entity.

17           **Sec. B-27. 28-B MRSA §203, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
18 repealed.

19           **Sec. B-28. 28-B MRSA §204, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
20 amended to read:

21           The department office shall request a criminal history record check for each applicant  
22 for a an initial license under this chapter ~~and may at any time require a licensee to submit~~  
23 ~~to a criminal history record check in accordance with this section and for each licensee~~  
24 ~~every 2 years thereafter~~. If the applicant ~~or licensee~~ is a business entity, every ~~officer,~~  
25 ~~director, manager and general partner~~ principal of the business entity is required to submit  
26 to a criminal history record check in accordance with this section. A criminal history record  
27 check conducted pursuant to this section must include criminal history record information  
28 obtained from the Maine Criminal Justice Information System established in Title 16,  
29 section 631 and the Federal Bureau of Investigation.

30           **Sec. B-29. 28-B MRSA §204, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
31 amended to read:

32           **4. Fees.** The department office shall by rule set the amount of the fee to be paid by an  
33 individual under subsection 3 for each criminal history record check required to be  
34 performed under this section.

35           **Sec. B-30. 28-B MRSA §204, sub-§6**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
36 amended to read:

37           **6. Use of criminal history record information.** State and national criminal history  
38 record information obtained by the department office under this section may be used only  
39 for the purpose of screening an applicant for a license or a licensee under this chapter or as  
40 necessary for the issuance of an individual identification card under section 106.

41           **Sec. B-31. 28-B MRSA §204, sub-§7**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
42 amended to read:

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

5           **Sec. B-32. 28-B MRSA §204, sub-§8**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
6 amended to read:

7           **8. Rules.** The ~~department office~~, after consultation with the Department of Public  
8 Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to  
9 implement this section.

10          **Sec. B-33. 28-B MRSA §205, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
11 amended to read:

12           **1. Forms; payment of fees.** An applicant shall file an application on forms prepared  
13 and furnished by the ~~department office~~ for the type of license sought along with the  
14 appropriate application fee as determined by the ~~department office~~ pursuant to section 207.  
15 The office may implement and maintain an online portal to receive applications and accept  
16 application fees electronically.

17          **Sec. B-34. 28-B MRSA §205, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6  
18 and amended by PL 2021, c. 669, §5, is further amended to read:

19           **3. Issuance of conditional license.** Within 90 days of receipt of an application for a  
20 license to operate a cannabis establishment or for renewal of an existing license to operate  
21 a cannabis establishment, the ~~department office~~ either shall issue to the applicant a  
22 conditional license to operate the cannabis establishment if the applicant meets all  
23 applicable requirements for licensure under this chapter and the rules adopted pursuant to  
24 this chapter or shall deny the application in accordance with section 206.

25           A. A licensee that has been issued a conditional license by the ~~department office~~ may  
26 not engage in the cultivation, manufacture, testing or sale of adult use cannabis or adult  
27 use cannabis products until the ~~department office~~ has issued an active license to the  
28 licensee pursuant to subsection 4.

29           B. A conditional license issued by the ~~department office~~ pursuant to this subsection is  
30 effective for a period of one year from the date of issuance and may not be renewed.  
31 If a licensee issued a conditional license by the ~~department office~~ fails to obtain an  
32 active license from the ~~department office~~ pursuant to subsection 4 within one year from  
33 the date of issuance of the conditional license, the conditional license expires.

34          **Sec. B-35. 28-B MRSA §205, sub-§4**, as amended by PL 2021, c. 226, §5 and c.  
35 669, §5, is further amended to read:

36           **4. Issuance of active license upon certification of local authorization and payment**  
37 **of applicable license fee.** Except as otherwise provided in this subsection, the ~~department~~  
38 ~~office~~ shall issue an active license to an applicant that has been issued a conditional license  
39 pursuant to subsection 3 and that meets all applicable requirements of this subsection. Prior  
40 to issuance of an active license pursuant to this subsection, the ~~department office~~ shall  
41 require an applicant that has been issued a conditional license to submit information  
42 necessary for the ~~department office~~ to determine that the applicant continues to meet all  
43 applicable requirements for conditional licensure under this subchapter. The ~~department~~

1 office may refuse to issue an active license to an applicant if the ~~department~~ office  
2 determines that the applicant no longer meets all applicable requirements for conditional  
3 licensure under this subchapter.

4 A. Within 10 days of receiving certification of local authorization from a municipality  
5 as required by section 402, subsection 3, paragraph B or, in the case of a cannabis  
6 establishment to be located in the unorganized and deorganized areas, from the Maine  
7 Land Use Planning Commission as required by section 403, subsection 3, paragraphs  
8 B and C, the ~~department~~ office shall notify the applicant that certification of local  
9 authorization has been confirmed and that, in order for the ~~department~~ office to issue  
10 an active license, the applicant must:

11 (1) Pay the applicable license fee required pursuant to section 207;

12 (2) Submit a facility plan that specifies the location, size and layout of the cannabis  
13 establishment within the municipality or, in the case of a cannabis establishment  
14 to be located in the unorganized and deorganized areas, within the town, plantation  
15 or township in which the cannabis establishment will be located;

16 (3) If the application is for a license to operate a cultivation facility, submit updated  
17 operating and cultivation plans as required under section 302 based upon the actual  
18 premises to be licensed, except that, if no changes to the original operating and  
19 cultivation plans submitted by the applicant are necessary based upon the actual  
20 premises to be licensed, then the applicant may satisfy this requirement by  
21 resubmitting the original operating and cultivation plans and noting on those plans  
22 that no changes are necessary;

23 (4) If the application is for any license except a sample collector license or a license  
24 to operate a testing facility, register with the State Tax Assessor pursuant to Title  
25 36, section 1754-B to collect and remit the sales tax on the sale of adult use  
26 cannabis and adult use cannabis products imposed under Title 36, section 1811;  
27 and

28 (5) If the application is for a license to operate a cultivation facility, register with  
29 the State Tax Assessor pursuant to Title 36, section 4922 to collect and remit the  
30 excise tax on the sale of adult use cannabis imposed under Title 36, chapter 723.

31 B. The ~~department~~ office shall prepare and furnish to applicants, municipalities and  
32 the Maine Land Use Planning Commission a certification form by which the  
33 municipality may certify to the ~~department~~ office that the applicant has obtained local  
34 authorization as required by section 402, subsection 3, paragraph B or, in the case of a  
35 cannabis establishment to be located in the unorganized and deorganized areas, the  
36 Maine Land Use Planning Commission may certify to the ~~department~~ office that the  
37 applicant has obtained local authorization as required by section 403, subsection 3,  
38 paragraphs B and C. Notwithstanding any provision of this chapter to the contrary,  
39 applicants for a sample collector license are not required to seek local authorization  
40 prior to issuance of an active license by the ~~department~~ office but must submit all other  
41 information required by the ~~department~~ office under this chapter and the rules adopted  
42 pursuant to this chapter.

43 C. Upon receipt of payment of the applicable license fee and any other documentation  
44 required under paragraph A, the ~~department~~ office shall issue an active license to the

1 applicant. The license must specify the date of issuance of the license, the period of  
2 licensure, the date of expiration of the license, the name of the licensee and the address  
3 of the licensed premises.

4 **Sec. B-36. 28-B MRSA §205, sub-§5**, as enacted by PL 2017, c. 409, Pt. A, §6  
5 and amended by PL 2021, c. 669, §5, is further amended to read:

6 **5. Each license separate.** Each license issued by the ~~department~~ office to an applicant  
7 under this chapter is separate and distinct from any other license issued by the ~~department~~  
8 office to that same applicant under this chapter. A person must obtain a separate license  
9 under this chapter for each proposed geographical location of any type of cannabis  
10 establishment.

11 **Sec. B-37. 28-B MRSA §205, sub-§6**, as enacted by PL 2017, c. 409, Pt. A, §6  
12 and amended by PL 2021, c. 669, §5, is further amended to read:

13 **6. Licensee must maintain possession of premises.** As a condition of licensure, a  
14 licensee must at all times maintain possession of the licensed premises of the cannabis  
15 establishment that the licensee is licensed to operate, whether pursuant to a lease, rental  
16 agreement or other arrangement for possession of the premises or by virtue of ownership  
17 of the premises. If a licensee fails to maintain possession of the licensed premises, the  
18 licensee shall immediately cease all activities relating to the operation of the cannabis  
19 establishment and may apply to the ~~department~~ office for relocation of the licensed  
20 premises pursuant to section 211 or may terminate its license pursuant to section 212.

21 **Sec. B-38. 28-B MRSA §206**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
22 by PL 2021, c. 669, §5, is further amended to read:

23 **§206. Denial of license**

24 **1. Denial for good cause.** The ~~department~~ office, for good cause, may deny an  
25 application for an initial license, a license renewal, a transfer of ownership interests or a  
26 relocation of licensed premises. Denial of an application by the ~~department~~ office pursuant  
27 to this section constitutes a final agency action as defined in Title 5, section 8002,  
28 subsection 4.

29 **2. Good cause defined.** As used in this section, "good cause" means a finding by the  
30 ~~department~~ office that:

31 A. An applicant or licensee has violated, does not meet or has failed to comply with  
32 any of the ~~terms, conditions or~~ provisions of this chapter, the rules adopted pursuant to  
33 this chapter or any other applicable state or local law, rule or regulation; or

34 B. An applicant or licensee has failed to comply with any special terms, consent decree  
35 or conditions placed upon the previously issued license pursuant to an order of the  
36 ~~department~~ office; the municipality in which the licensed premises are located; the  
37 town or plantation in the unorganized and deorganized areas in which the licensed  
38 premises are located; in the case of a township in the unorganized and deorganized  
39 areas in which the licensed premises are located, the county commissioners of the  
40 county in which the township is located; or, in the case of a cannabis establishment  
41 located in the unorganized and deorganized areas, the Maine Land Use Planning  
42 Commission.

1           **3. Notification of denial and right to appeal.** Upon the ~~department's~~ office's  
2 determination to deny a license application, the ~~department~~ office shall notify the applicant  
3 in writing of the denial, the basis for the denial and the applicant's right to appeal the denial  
4 to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

5           **Sec. B-39. 28-B MRSA §207**, as amended by PL 2019, c. 676, §8 and PL 2021, c.  
6 669, §5, is further amended to read:

7           **§207. Application fees; license fees**

8           The ~~department~~ office, in accordance with the provisions of this section, shall adopt by  
9 rule a licensing fee schedule establishing fees that are designed to meet, but not to exceed,  
10 the estimated licensing, enforcement and administrative costs of the ~~department~~ office  
11 under this chapter.

12           **1. Fees for cultivation facilities.** For a cultivation facility license, the ~~department~~  
13 office shall require payment of an application fee and a license fee as follows:

14           A. For a tier 1 cultivation facility license, as described in section 301, subsection 1, an  
15 application fee of \$100 and a license fee as follows:

16                   (1) If the applicant has applied for a plant-count-based tier 1 cultivation facility  
17 license as described in section 301, subsection 1, paragraph A, a license fee of not  
18 more than \$9 per mature cannabis plant for an outdoor cultivation facility and not  
19 more than \$17 per mature cannabis plant for an indoor cultivation facility or a  
20 cultivation facility with both indoor and outdoor cultivation areas; or

21                   (2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility  
22 license as described in section 301, subsection 1, paragraph B, a license fee of not  
23 more than \$250 for an outdoor cultivation facility and not more than \$500 for an  
24 indoor cultivation facility or a cultivation facility with both indoor and outdoor  
25 cultivation areas;

26           B. For a tier 2 cultivation facility license, as described in section 301, subsection 2, an  
27 application fee of \$500 and a license fee of not more than \$1,500 for an outdoor  
28 cultivation facility and not more than \$3,000 for an indoor cultivation facility or a  
29 cultivation facility with both indoor and outdoor cultivation areas;

30           C. For a tier 3 cultivation facility license, as described in section 301, subsection 3, an  
31 application fee of \$500 and a license fee of not more than \$5,000 for an outdoor  
32 cultivation facility and not more than \$10,000 for an indoor cultivation facility or a  
33 cultivation facility with both indoor and outdoor cultivation areas;

34           D. For a tier 4 cultivation facility license, as described in section 301, subsection 4, an  
35 application fee of \$500 and a license fee of not more than \$15,000 for an outdoor  
36 cultivation facility and not more than \$30,000 for an indoor cultivation facility or a  
37 cultivation facility with both indoor and outdoor cultivation areas, except that, for a tier  
38 4 cultivation facility license for which an increased amount of licensed plant canopy  
39 has been approved by the ~~department~~ office pursuant to section 304, for each approved  
40 increase in the amount of licensed plant canopy, the ~~department~~ office may increase  
41 the maximum license fee by not more than \$5,000 for an outdoor cultivation facility  
42 and by not more than \$10,000 for an indoor cultivation facility or a cultivation facility  
43 with both indoor and outdoor cultivation areas; and

1 E. For a nursery cultivation facility license, as described in section 301, subsection 5,  
2 an application fee of \$60 and a license fee of \$350.

3 **2. Fees for products manufacturing facilities and cannabis stores.** For a products  
4 manufacturing facility license or a cannabis store license, the department office shall  
5 require payment of an application fee of \$250 and a license fee of not more than \$2,500.

6 **3. Fees for testing facilities.** For a testing facility license, the department office shall  
7 require payment of an application fee of \$250 and a license fee of not more than \$1,000.

8 **3-A. Fees for sample collectors.** For a sample collector license, the department office  
9 shall require payment of an application fee of \$100 and a license fee of not more than \$250.

10 **4. Payment of fees; fees to be deposited into Adult Use Cannabis Regulatory**  
11 **Coordination Fund.** An applicant shall pay the application fee required by the department  
12 office at the time that the applicant submits an application for licensure to the department  
13 office for processing. An applicant shall pay the license fee required by the department  
14 office in accordance with section 205, subsection 4. All fees collected by the department  
15 office pursuant to this section must be deposited into the Adult Use Cannabis Regulatory  
16 Coordination Fund established in section 1102.

17 **5. Return of fees prohibited.** The department office may not return to an applicant  
18 or licensee or reimburse an applicant or licensee for any portion of an application or license  
19 fee paid by the applicant or licensee, regardless of whether the applicant withdraws its  
20 application prior to a final decision of the department office on the application, the licensee  
21 voluntarily terminates its license pursuant to section 212 or the department office suspends  
22 or revokes the licensee's license in accordance with the provisions of subchapter 8.

23 **Sec. B-40. 28-B MRSA §208**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
24 to read:

25 **§208. License term**

26 An active license issued by the department office pursuant to section 205, subsection  
27 4 is effective for a period of one year from the date of issuance and may be renewed  
28 pursuant to section 209.

29 **Sec. B-41. 28-B MRSA §209**, as amended by PL 2019, c. 676, §9 and PL 2021, c.  
30 669, §5, is further amended to read:

31 **§209. License renewal**

32 **1. Notification of expiration date.** Ninety days prior to the expiration of an existing  
33 license issued under section 205, subsection 4, the department office shall notify the  
34 licensee of the expiration date and the opportunity for renewal. Except as otherwise  
35 provided in this section, a licensee seeking to renew an existing license must file an  
36 application for renewal with the department office, on forms prepared and furnished by the  
37 department office, not less than 30 days prior to the date of expiration of the license.

38 **2. Extension for good cause shown; late applications.** Notwithstanding subsection  
39 1, the department office may for good cause shown accept an application for renewal of an  
40 existing license less than 30 days prior to the date of expiration of the license upon the  
41 payment of a late application fee to the department office. The department office may not  
42 accept an application for renewal of a license after the date of expiration of that license.

1           **3. Operation under expired license.** A licensee that files an application for renewal  
2 of its existing license and pays all required fees under this section prior to the expiration of  
3 the license may continue to operate the cannabis establishment under that license  
4 notwithstanding its expiration until such time as the department office takes final action on  
5 the renewal application, except when the department office suspends or revokes the license  
6 in accordance with the provisions of subchapter 8 prior to taking final action on the renewal  
7 application.

8           **4. Expired license; cessation of activity and forfeiture of cannabis and cannabis**  
9 **products.** Except as provided in subsection 3, a person whose license has expired shall  
10 immediately cease all activities relating to the operation of the cannabis establishment  
11 previously authorized under that license and ensure that all adult use cannabis and adult  
12 use cannabis products cultivated, manufactured or otherwise in the possession of the person  
13 pursuant to that license are forfeited to the department office for destruction in accordance  
14 with section 803.

15           **5. Renewal application process; fees; rules.** An applicant seeking renewal of a  
16 license to operate a cannabis establishment ~~must~~ shall pay to the department office a  
17 renewal application fee or, if applicable, a late renewal application fee, and ~~must~~ shall  
18 demonstrate continued compliance with all applicable licensing criteria under this chapter,  
19 including, but not limited to, obtaining local authorization as required by section 402,  
20 subsection 3, paragraph B or, in the case of a cannabis establishment located in the  
21 unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B  
22 and C, except that an applicant seeking renewal of a license is not required to submit to a  
23 criminal history record check under section 204 unless specifically required to do so by the  
24 department office.

25           A. The department office may not issue an active license to a licensee seeking renewal  
26 of a license until the licensee obtains local authorization as required by section 402,  
27 subsection 3, paragraph B or, in the case of a cannabis establishment located in the  
28 unorganized and deorganized areas, as required by section 403, subsection 3,  
29 paragraphs B and C, pays the applicable license fee required under section 207 and  
30 meets all other applicable requirements for the issuance of an active license under  
31 section 205, subsection 4. Notwithstanding any provision of this chapter to the  
32 contrary, a sample collector licensee is not required to seek local authorization as a  
33 condition for renewal of that license by the department office but must submit all other  
34 information required by the department office under this chapter and the rules adopted  
35 pursuant to this chapter.

36           B. The department office shall by rule set forth requirements for the submission,  
37 processing and approval of a renewal application, which must include, but are not  
38 limited to, setting of a reasonable renewal application fee and a reasonable late renewal  
39 application fee.

40           **Sec. B-42. 28-B MRS §210**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
41 to read:

42           **§210. Transfer of ownership interests**

43           **1. Transfer application.** A licensee may apply to the department office, on forms  
44 prepared and furnished by the department office, for approval to transfer ownership

1 interests in the license, including, but not limited to, a transfer of only a portion of the  
2 ownership interests in the license.

3 **1-A. Prior notice and approval not required.** If a transfer of ownership interest in  
4 a license does not result in a new person obtaining, or an existing person increasing an  
5 ownership interest in the license equal to or greater than 5%, the licensee is not required to  
6 obtain prior approval for the transfer from the office and the licensee may report the transfer  
7 of ownership interest at the time the license is renewed. Nothing in this subsection may be  
8 construed to allow a licensee to add an owner or increase ownership interest in violation of  
9 this chapter.

10 **2. Compliance with licensure requirements; rules.** A person seeking to assume an  
11 ownership interest in a license pursuant to this section must demonstrate to the ~~department~~  
12 office compliance with all applicable requirements for licensure under this chapter and the  
13 rules adopted under this chapter. The ~~department~~ office shall by rule adopt requirements  
14 for the submission of a license transfer application and standards for the approval of a  
15 license transfer application, including, but not limited to, provisions relating to local  
16 authorization of a transfer of ownership interests in a license.

17 **3. Temporary appointee.** Notwithstanding any other provision of this chapter to the  
18 contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional  
19 circumstances, unless a court appoints a temporary appointee, the office may approve a  
20 temporary appointee to take possession of, operate, manage, control or wind down a  
21 licensee's operations. Under such circumstances:

22 A. A temporary appointee must be otherwise qualified under the provisions of this  
23 chapter to be a licensee;

24 B. A temporary appointee may not transfer adult use cannabis or adult use cannabis  
25 products unless authorized as a licensee under this chapter; and

26 C. The licensee shall submit a plan of temporary appointment, on forms made available  
27 by the office, as soon as practicable but no later than 60 days after a qualifying event.

28 For purposes of this subsection, "temporary appointee" means a court-appointed receiver,  
29 personal representative, executor, administrator, guardian, conservator, trustee or similarly  
30 situated person or person approved by the office pursuant to this section.

31 **Sec. B-43. 28-B MRSA §211**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
32 by PL 2021, c. 669, §5, is further amended to read:

33 **§211. Relocation of licensed premises**

34 **1. Relocation application.** A licensee may apply to the ~~department~~ office, on forms  
35 prepared and furnished by the ~~department~~ office, for approval to relocate the licensed  
36 premises of the cannabis establishment that the licensee is licensed to operate.

37 **2. Local authorization required.** The ~~department~~ office shall, within 10 days of  
38 receiving certification of local authorization pursuant to section 402, subsection 3,  
39 paragraph B from the municipality in which the relocated licensed premises are to be  
40 located or pursuant to section 403, subsection 3, paragraphs B and C from the Maine Land  
41 Use Planning Commission if the relocated licensed premises are to be located in the  
42 unorganized and deorganized areas, notify the licensee that local authorization has been  
43 confirmed for the relocation and that the licensee may proceed with relocation, and the

1 department office shall issue to the licensee an updated license specifying the address of  
2 the new premises.

3 **3. Effect on license term.** A relocation of licensed premises pursuant to this section  
4 does not extend or otherwise modify the license term of the license subject to relocation.

5 **4. Rules.** The department office shall by rule adopt requirements for the submission  
6 of a license relocation application and standards for the approval of a relocation application.

7 **Sec. B-44. 28-B MRSA §212**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
8 by PL 2021, c. 669, §5, is further amended to read:

9 **§212. Termination ~~Abandonment or cessation~~ of license**

10 **1. Notification of ~~termination~~ abandonment or cessation required.** A licensee may  
11 not permanently abandon the licensed premises of the licensee or otherwise permanently  
12 cease all activities relating to the operation of the cannabis establishment under its license,  
13 whether voluntarily or pursuant to a license revocation in accordance with subchapter 8,  
14 without notifying the department and the municipality in which the licensed premises are  
15 located that voluntarily abandons the licensed premises or otherwise permanently ceases  
16 all activities relating to the operation of a cannabis establishment under its license shall  
17 notify the office and the municipality in which the licensed premises are located at least 48  
18 hours in advance of the abandonment or ~~termination~~ cessation.

19 **2. Forfeiture and destruction of cannabis and cannabis products.** Prior to  
20 abandoning the licensed premises of the licensee or ~~terminating~~ ceasing operations, a  
21 licensee shall provide the department office and the municipality in which the licensed  
22 premises are located with a full accounting of all adult use cannabis and adult use cannabis  
23 products located within the licensed premises and forfeit the cannabis and cannabis  
24 products to the department office for destruction in accordance with section 803.

25 For the purposes of this section, "municipality" means, in the case of a cannabis  
26 establishment not located in the unorganized and deorganized areas, the city, town or  
27 plantation in which the cannabis establishment is located; or, in the case of a cannabis  
28 establishment located in the unorganized and deorganized areas, the Maine Land Use  
29 Planning Commission and the town or plantation in which the cannabis establishment is  
30 located or, in the case of a cannabis establishment located in a township, the county  
31 commissioners of the county in which the township is located.

32 **Sec. B-45. 28-B MRSA §213**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
33 to read:

34 **§213. Notice of new ~~owner, officer, manager or employee~~ principal**

35 Before any proposed new ~~owner, officer, manager or employee~~ principal may own,  
36 manage, work for or otherwise associate with a licensee, the licensee shall notify the  
37 department office in writing of the name, address and date of birth of the proposed new  
38 ~~owner, officer, manager or employee~~ and the principal. The proposed new ~~owner, officer,~~  
39 ~~manager or employee~~ principal shall submit to a criminal history record check pursuant to  
40 section 204, obtain an individual identification card pursuant to section 106 and, in the case  
41 of a new ~~owner~~ principal or other person assuming an equity ownership interest or a partial  
42 equity ownership interest in the license, obtain approval for the transfer of ownership

1 interests pursuant to section 210, unless the transfer of ownership interests is otherwise  
2 exempt from prior approval under section 210, subsection 1-A.

3 **Sec. B-46. 28-B MRSA §214**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
4 to read:

5 **§214. Inactive licenses**

6 The ~~department~~ office may revoke or refuse to renew any license if it determines that  
7 the licensed premises have been inactive without reasonable justification for a period of  
8 one year or more.

9 **Sec. B-47. 28-B MRSA §215**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
10 by PL 2021, c. 669, §5, is further amended to read:

11 **§215. Notification to municipality; sharing of information with Bureau of Revenue**  
12 **Services**

13 The ~~department~~ office shall notify a municipality within 14 days of the date the  
14 ~~department~~ office approves, renews, denies, suspends or revokes the license of a licensee  
15 whose licensed premises are located or proposed to be located in the municipality; imposes  
16 a monetary penalty on a licensee located within the municipality; approves relocation of  
17 the licensed premises of a cannabis establishment to or from the municipality; or approves  
18 a transfer of ownership interest in a license with respect to which the licensed premises are  
19 located within the municipality.

20 The ~~department~~ office shall provide the department's Bureau of Revenue Services with  
21 the same information provided to a municipality under this section at the time that the  
22 ~~department~~ office notifies the municipality.

23 For the purposes of this section, "municipality" has the same meaning as in section  
24 212.

25 **Sec. B-48. 28-B MRSA §301, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
26 further amended to read:

27 Subject to the requirements and restrictions of this subchapter and the requirements of  
28 subchapter 2, the ~~department~~ office may issue to an applicant any of the following types of  
29 cultivation facility licenses:

30 **Sec. B-49. 28-B MRSA §302, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
31 further amended to read:

32 In addition to the information required to be submitted to the ~~department~~ office  
33 pursuant to subchapter 2 and the rules relating to licensure of a cultivation facility adopted  
34 pursuant to this chapter, an applicant for a cultivation facility license shall submit to the  
35 ~~department~~ office the following information.

36 **Sec. B-50. 28-B MRSA §303**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
37 by PL 2021, c. 669, §5, is further amended to read:

38 **§303. Increase in cultivation tier upon renewal**

39 A licensee seeking renewal of a cultivation facility license may, if applicable and in  
40 accordance with this section, apply for a tier of cultivation facility license with a greater

1 area of authorized plant canopy than is authorized under the licensee's current cultivation  
2 facility license.

3 **1. Approval criteria.** The department office may issue the applied-for tier of  
4 cultivation facility license if the licensee otherwise meets all applicable requirements for  
5 continued licensure under this chapter and the rules adopted pursuant to this chapter and  
6 the licensee has demonstrated to the department's office's satisfaction that:

7 A. The licensee has over the current period of licensure sold at least 85% of the adult  
8 use cannabis cultivated by the licensee at its cultivation facility; and

9 B. The approval of the applied-for tier of cultivation facility license will not cause the  
10 licensee to exceed the combined plant canopy limitation in section 205, subsection 2,  
11 paragraph A.

12 **2. Consideration of renewal of current license tier if approval criteria not met.** If  
13 the department office determines that the licensee has failed to satisfy the requirements of  
14 this section for the applied-for tier of cultivation facility license, the department office shall  
15 consider renewing the licensee's license at the current tier.

16 This section does not apply to a nursery cultivation facility licensee.

17 **Sec. B-51. 28-B MRSA §304, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
18 and amended by PL 2021, c. 669, §5, is further amended to read:

19 **1. Approval criteria.** The department office may approve the requested increase if  
20 the licensee otherwise meets all applicable requirements for continued licensure under this  
21 chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated to  
22 the department's office's satisfaction that the licensee has over the past 2-year period of  
23 licensure sold at least 85% of the adult use cannabis cultivated by the licensee at its  
24 cultivation facility.

25 **Sec. B-52. 28-B MRSA §304, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
26 further amended to read:

27 **2. Consideration of renewal of current licensed amount of plant canopy if**  
28 **approval criteria not met.** If the department office determines that the licensee has failed  
29 to satisfy the requirements of this section for the requested increase, the department office  
30 shall consider renewing the licensee's license at the current tier and currently authorized  
31 maximum area of plant canopy.

32 **Sec. B-53. 28-B MRSA §402, sub-§1, ¶B**, as enacted by PL 2017, c. 409, Pt. A,  
33 §6 and amended by PL 2021, c. 669, §5, is further amended to read:

34 B. The person has been issued by the department office a conditional license to operate  
35 the cannabis establishment pursuant to section 205, subsection 3.

36 **Sec. B-54. 28-B MRSA §402, sub-§3, ¶C**, as enacted by PL 2017, c. 409, Pt. A,  
37 §6 and amended by PL 2021, c. 669, §5, is further amended to read:

38 C. The person has been issued by the department office an active license to operate  
39 the cannabis establishment pursuant to section 205, subsection 4.

40 **Sec. B-55. 28-B MRSA §402, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6  
41 and amended by PL 2021, c. 669, §5, is further amended by amending the first blocked  
42 paragraph to read:

1 A municipality may certify to the ~~department~~ office a person's compliance with the  
2 requirements of paragraph B on the form prepared and furnished by the ~~department~~ office  
3 pursuant to section 205, subsection 4, paragraph B.

4 **Sec. B-56. 28-B MRSA §403, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
5 and amended by PL 2021, c. 669, §5, is further amended to read:

6 **1. Request for local authorization to operate cannabis establishment in town,**  
7 **plantation or township in unorganized and deorganized areas prohibited unless**  
8 **generally allowed by town or plantation or by county commissioners on behalf of**  
9 **township.** A person seeking to operate a cannabis establishment within a town, plantation  
10 or township located within the unorganized and deorganized areas may not request local  
11 authorization pursuant to subsection 3 to operate the cannabis establishment and the town,  
12 plantation or, in the case of a township, the county commissioners of the county in which  
13 the township is located may not accept as complete the person's request for local  
14 authorization unless:

15 A. In the case of a town or plantation, the legislative body of the town or plantation  
16 has voted to allow some or all types of cannabis establishments within the town or  
17 plantation, including the type of cannabis establishment the person seeks to operate and  
18 the person has been issued by the ~~department~~ office a conditional license to operate the  
19 cannabis establishment pursuant to section 205, subsection 3; or

20 B. In the case of a township, the county commissioners of the county in which the  
21 township is located have voted to allow some or all types of cannabis establishments  
22 within the township, including the type of cannabis establishment the person seeks to  
23 operate and the person has been issued by the ~~department~~ office a conditional license  
24 to operate the cannabis establishment pursuant to section 205, subsection 3.

25 **Sec. B-57. 28-B MRSA §403, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
26 and amended by PL 2021, c. 669, §5, is further amended to read:

27 **2. Minimum authorization criteria.** The Maine Land Use Planning Commission  
28 may not certify to the ~~department~~ office local authorization of a cannabis establishment  
29 within a town, plantation or township located within the unorganized and deorganized areas  
30 pursuant to subsection 3 if:

31 A. The cannabis establishment is proposed to be located within 1,000 feet of the  
32 property line of a preexisting public or private school, except that, if the Maine Land  
33 Use Planning Commission prohibits the location of cannabis establishments within a  
34 town, plantation or township at distances less than 1,000 feet but not less than 500 feet  
35 from the property line of a preexisting public or private school, that lesser distance  
36 applies. For the purposes of this paragraph, "school" has the same meaning as in section  
37 402, subsection 2, paragraph A; or

38 B. The person requesting local authorization to operate the cannabis establishment  
39 fails to demonstrate possession or entitlement to possession of the proposed licensed  
40 premises of the cannabis establishment pursuant to a lease, rental agreement or other  
41 arrangement for possession of the premises or by virtue of ownership of the premises.

42 **Sec. B-58. 28-B MRSA §403, sub-§3, ¶D**, as enacted by PL 2017, c. 409, Pt. A,  
43 §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1 D. The person has been issued by the ~~department~~ office an active license to operate  
2 the cannabis establishment pursuant to section 205, subsection 4.

3 **Sec. B-59. 28-B MRSA §403, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6  
4 and amended by PL 2021, c. 669, §5, is further amended by amending the first blocked  
5 paragraph to read:

6 The town, plantation or, in the case of a township, the county commissioners of the county  
7 in which the township is located, shall certify to the Maine Land Use Planning Commission  
8 that the person has obtained all applicable local approvals, permits or licenses not relating  
9 to land use planning and development as required under paragraph B. The Maine Land  
10 Use Planning Commission may certify to the ~~department~~ office a person's compliance with  
11 the requirements of paragraphs B and C on the form prepared and furnished by the  
12 ~~department~~ office pursuant to section 205, subsection 4, paragraph B.

13 **Sec. B-60. 28-B MRSA §405**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended  
14 by PL 2021, c. 669, §5, is further amended to read:

15 **§405. Information requests**

16 A municipality may request that the ~~department~~ office provide any information  
17 obtained by the ~~department~~ office pursuant to the provisions of subchapter 2 or 3 that the  
18 municipality determines necessary for the administration of its local authorization process  
19 for cannabis establishments under this subchapter. Unless the information is confidential  
20 pursuant to law or rule, the ~~department~~ office, in a timely manner, shall provide the  
21 information requested pursuant to this section. For the purposes of this section,  
22 "municipality" has the same meaning as in section 212.

23 **Sec. B-61. 28-B MRSA §501, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
24 and amended by PL 2021, c. 669, §5, is further amended to read:

25 **2. Retail sale of adult use cannabis without separate cannabis store license**  
26 **prohibited.** Except as provided in subsection 3, a cultivation facility may not sell or offer  
27 to sell adult use cannabis, immature cannabis plants or seedlings to consumers unless the  
28 cultivation facility licensee obtains from the ~~department~~ office a separate license to operate  
29 a cannabis store and otherwise complies with all applicable requirements under this chapter  
30 and the rules adopted pursuant to this chapter concerning the operation of cannabis stores.  
31 A cultivation facility may not give away adult use cannabis, adult use cannabis products or  
32 cannabis plants to a consumer.

33 **Sec. B-62. 28-B MRSA §501, sub-§3, ¶E**, as enacted by PL 2017, c. 409, Pt. A,  
34 §6, is amended to read:

35 E. The ~~department~~ office shall ~~shall~~ may adopt rules regulating the operation of nursery  
36 cultivation facilities.

37 **Sec. B-63. 28-B MRSA §501, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6  
38 and amended by PL 2021, c. 669, §5, is further amended to read:

39 **4. Cannabis extraction without separate products manufacturing facility license**  
40 **prohibited.** A cultivation facility may not engage in the manufacture of cannabis  
41 concentrate by cannabis extraction unless the cultivation facility licensee has obtained from  
42 the ~~department~~ office a separate license to operate a products manufacturing facility and  
43 otherwise meets the requirements under this chapter and the rules adopted pursuant to this

1 chapter concerning the operation of a products manufacturing facility and concerning  
2 cannabis extraction. A cultivation facility licensee with a separate license to operate a  
3 products manufacturing facility may share hallways or other common areas with the  
4 products manufacturing facility.

5 **Sec. B-64. 28-B MRSA §501, sub-§5**, as enacted by PL 2017, c. 409, Pt. A, §6  
6 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended to read:

7 **5. Use of shared facility for cultivation of adult use cannabis and cannabis for**  
8 **medical use.** Subject to the requirements of this subsection and the rules adopted pursuant  
9 to this subsection, a cultivation facility licensee that is also a registered caregiver or a  
10 registered dispensary may cultivate adult use cannabis pursuant to this chapter within the  
11 same facility in which the licensee also cultivates cannabis for medical use pursuant to the  
12 Maine Medical Use of Cannabis Act. A cultivation facility licensee may share a facility  
13 for cultivation with a registered caregiver or registered dispensary pursuant to this  
14 subsection as long as at least one owner of the cultivation facility is also the registered  
15 caregiver or an owner of the registered dispensary.

16 A. A cultivation facility licensee that cultivates cannabis under this subsection must  
17 comply with all applicable requirements of this chapter and the rules adopted pursuant  
18 to this chapter concerning the operation of cultivation facilities.

19 B. Except as provided in paragraph C, the areas of the shared facility in which adult  
20 use cannabis is cultivated must be separated from the areas of the shared facility in  
21 which cannabis for medical use is cultivated in a manner that provides for a visually  
22 conspicuous delineation of the physical space between the cultivation area for adult use  
23 cannabis and the cultivation area for cannabis for medical use. For the purposes of this  
24 paragraph, "visually conspicuous delineation" means a permanently constructed  
25 physical barrier including, but not limited to, a wall or fencing.

26 C. The following items or areas within the shared facility may be shared for both the  
27 cultivation of adult use cannabis and the cultivation of cannabis for medical use:

- 28 (1) Cultivation-related and noncultivation-related equipment, except that  
29 cultivation-related equipment may not be simultaneously used for the cultivation  
30 of adult use cannabis and the cultivation of cannabis for medical use;
- 31 (2) Cultivation-related and noncultivation-related supplies or products not  
32 containing cannabis or cannabis products and the storage areas for those supplies  
33 or products; and
- 34 (3) General office space, bathrooms, entryways and walkways.

35 D. Each cannabis plant within the shared facility must be tagged or otherwise identified  
36 as an adult use cannabis plant or a cannabis plant for medical use.

37 ~~E. The department shall adopt rules governing the use of a shared facility by a~~  
38 ~~cultivation facility licensee that is also a registered caregiver or a registered dispensary,~~  
39 ~~which must include, but are not limited to, requirements for the maintenance of a log~~  
40 ~~or other record relating to the use of the shared facility space, shared equipment and~~  
41 ~~shared supplies or products to ensure compliance with the requirements of this chapter~~  
42 ~~and the rules adopted pursuant to this chapter and the requirements of the Maine~~  
43 ~~Medical Use of Cannabis Act.~~

1           F. The office may require a cultivation facility licensee to provide a colocation plan  
2           describing how the licensee will ensure that cultivation-related equipment will not be  
3           simultaneously used for the cultivation of adult use cannabis and cannabis for medical  
4           use and how the licensee will ensure that adult use cannabis will be kept separate from  
5           cannabis for medical use pursuant to the requirements of this chapter and the rules  
6           adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act.

7           **Sec. B-65. 28-B MRSA §501, sub-§6**, as amended by PL 2019, c. 231, Pt. B, §3  
8           and PL 2021, c. 669, §5, is repealed.

9           **Sec. B-66. 28-B MRSA §501, sub-§7, ¶C**, as enacted by PL 2017, c. 409, Pt. A,  
10          §6 and amended by PL 2021, c. 669, §5, is further amended to read:

11          C. ~~The department shall~~ office may adopt rules regarding the outdoor cultivation of  
12          adult use cannabis by a cultivation facility licensee, including, but not limited to,  
13          security requirements specific to outdoor cultivation operations and requirements for  
14          shielding outdoor cultivation operations from public view.

15          **Sec. B-67. 28-B MRSA §501, sub-§12** is enacted to read:

16          **12. Acquisition of seeds and seedlings.** Notwithstanding any provision of law to the  
17          contrary, a cultivation facility licensee or nursery cultivation facility licensee may acquire  
18          seeds or seedlings as follows:

19          A. By lawful purchase from another cultivation facility licensee, including a nursery  
20          cultivation facility licensee; or

21          B. By gift from an individual, who must be at least 21 years of age and a resident of  
22          the State:

23                 (1) A licensee may not accept, during a 90-day period, more than one transfer of  
24                 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each  
25                 individual gifting seeds or seedlings to that licensee during that 90-day period;

26                 (2) Before accepting a gift of seeds or seedlings from an individual, the licensee  
27                 must receive approval from the office, in writing, to accept the gift of seeds or  
28                 seedlings. A licensee that receives seeds or seedlings as a gift from an individual  
29                 shall record on forms made available by the office the full name, contact telephone  
30                 number and the identification number of a valid state identification belonging to  
31                 each individual;

32                 (3) The individual gifting the seeds or seedlings to the licensee may not receive  
33                 remuneration of any kind in return; and

34                 (4) The gift of the seeds or seedlings must not be conditional or contingent upon  
35                 any other terms or requirements of the licensee.

36          Any seeds or seedlings acquired pursuant to this subsection must be tracked pursuant to  
37          section 105.

38          **Sec. B-68. 28-B MRSA §502, sub-§1-A** is enacted to read:

39          **1-A. Manufacture of products not containing cannabis.** Notwithstanding  
40          subsection 1, a products manufacturing facility licensee that also has a license issued from  
41          the Department of Agriculture, Conservation and Forestry pursuant to subsection 10 may  
42          manufacture for sale or distribution any products that the facility is authorized to

1 manufacture or distribute pursuant to the provisions of that license, including products that  
2 do not contain cannabis, except that a products manufacturing facility licensee is prohibited  
3 from extracting hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or  
4 manufacturing products that contain hemp or ingredients derived from hemp that do not  
5 also contain cannabis. Nothing in this subsection may be construed to prohibit a products  
6 manufacturing facility licensee from using ingredients derived from hemp in the  
7 manufacture of cannabis products.

8 A. A products manufacturing facility licensee that manufactures adult use cannabis and  
9 adult use cannabis products within the same facility in which the licensee also  
10 manufactures products that do not contain cannabis must comply with all applicable  
11 requirements of this chapter and the rules adopted pursuant to this chapter concerning  
12 the operation of products manufacturing facilities.

13 B. The following items or areas within the facility may be shared for both the  
14 manufacturing of adult use cannabis and adult use cannabis products and the  
15 manufacturing of products that do not contain cannabis:

16 (1) Manufacturing-related and nonmanufacturing-related equipment and supplies,  
17 except that manufacturing-related equipment and supplies may not be  
18 simultaneously used for the manufacturing of adult use cannabis and adult use  
19 cannabis products and the manufacturing of products that do not contain cannabis;

20 (2) Manufacturing-related and nonmanufacturing-related supplies or products that  
21 do not contain cannabis or cannabis products and the storage areas for those  
22 supplies or products; and

23 (3) General office space, bathrooms, entryways and walkways.

24 C. A products manufacturing facility licensee must ensure that:

25 (1) Manufacturing-related equipment and supplies are not simultaneously used for  
26 the manufacturing of cannabis and cannabis products and the manufacturing of  
27 products that do not contain cannabis;

28 (2) Manufacturing-related equipment is sanitized between the manufacturing of  
29 cannabis and cannabis products and the manufacturing of products that do not  
30 contain cannabis;

31 (3) Cannabis and cannabis products are kept separate from products that do not  
32 contain cannabis;

33 (4) Cannabis and cannabis products are packaged and labeled accurately pursuant  
34 to the requirements of this chapter and the rules adopted pursuant to this chapter;

35 (5) Products that do not contain cannabis are packaged and labeled accurately  
36 pursuant to the provisions of the license issued by another department to  
37 manufacture products that do not contain cannabis; and

38 (6) Any person manufacturing products that do not contain cannabis in a licensed  
39 manufacturing facility obtains an individual identification card from the office  
40 pursuant to section 106, except that the person is not required to submit to a  
41 criminal history record check.

1           **Sec. B-69. 28-B MRSA §502, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
2 and amended by PL 2021, c. 669, §5, is further amended to read:

3           **2. Retail sale of adult use cannabis or adult use cannabis products without**  
4 **separate cannabis store license prohibited.** A products manufacturing facility may not  
5 sell or offer to sell adult use cannabis or adult use cannabis products to consumers unless  
6 the products manufacturing facility licensee obtains from the ~~department~~ office a separate  
7 license to operate a cannabis store and otherwise complies with all applicable requirements  
8 under this chapter and the rules adopted pursuant to this chapter concerning the operation  
9 of cannabis stores. A products manufacturing facility may not give away adult use  
10 cannabis, adult use cannabis products or cannabis plants to a consumer.

11           **Sec. B-70. 28-B MRSA §502, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6  
12 and amended by PL 2021, c. 669, §5, is further amended to read:

13           **3. Cultivation of cannabis without separate cultivation facility license prohibited.**  
14 A products manufacturing facility shall purchase all cannabis necessary for its  
15 manufacturing processes from a cultivation facility and may not engage in the cultivation  
16 of cannabis unless the products manufacturing facility licensee obtains from the ~~department~~  
17 office a separate license to operate a cultivation facility and otherwise meets all applicable  
18 requirements under this chapter and under the rules adopted pursuant to this chapter  
19 concerning the operation of cultivation facilities. A products manufacturing facility  
20 licensee with a separate license to operate a cultivation facility may share hallways or other  
21 common areas with the cultivation facility.

22           **Sec. B-71. 28-B MRSA §502, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6  
23 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended to read:

24           **4. Use of shared facility for manufacture of adult use cannabis products and**  
25 **cannabis products for medical use.** Subject to the requirements of this subsection and  
26 the rules adopted pursuant to this subsection, a products manufacturing facility licensee  
27 that is also a registered caregiver or a registered dispensary may manufacture adult use  
28 cannabis and adult use cannabis products pursuant to this chapter within the same facility  
29 in which the licensee also manufactures cannabis concentrate and cannabis products for  
30 medical use pursuant to the Maine Medical Use of Cannabis Act. A products  
31 manufacturing facility licensee that shares a facility for products manufacturing with a  
32 registered caregiver or registered dispensary pursuant to this subsection must have at least  
33 one owner that is the registered caregiver or an owner of the registered dispensary but is  
34 not required to have identical ownership.

35           A. A products manufacturing facility licensee that manufactures adult use cannabis  
36 and adult use cannabis products within the same facility in which the licensee also  
37 manufactures cannabis concentrate and cannabis products for medical use must comply  
38 with all applicable requirements of this chapter and the rules adopted pursuant to this  
39 chapter concerning the operation of products manufacturing facilities.

40           B. The following items or areas within the shared facility may be shared for both the  
41 manufacturing of adult use cannabis and adult use cannabis products and the  
42 manufacturing of cannabis concentrate and cannabis products for medical use:

- 43           (1) Manufacturing-related and nonmanufacturing-related equipment, except that  
44 manufacturing-related equipment may not be simultaneously used for the

- 1 manufacturing of adult use cannabis and adult use cannabis products and the  
2 manufacturing of cannabis concentrate and cannabis products for medical use;
- 3 (2) Manufacturing-related and nonmanufacturing-related supplies or products not  
4 containing cannabis or cannabis products and the storage areas for those supplies  
5 or products; and
- 6 (3) General office space, bathrooms, entryways and walkways.

7 ~~C. The department shall adopt rules governing the use of a shared facility by a products~~  
8 ~~manufacturing facility licensee that is also a registered caregiver or a registered~~  
9 ~~dispensary, including, but not limited to, requirements for the maintenance of a log or~~  
10 ~~other record relating to the use of the shared facility space, shared equipment and~~  
11 ~~shared supplies or products to ensure compliance with the requirements of this chapter~~  
12 ~~and the rules adopted pursuant to this chapter and the requirements of the Maine~~  
13 ~~Medical Use of Cannabis Act.~~

14 D. A manufacturing facility licensee must ensure that:

- 15 (1) Manufacturing-related equipment is not simultaneously used for the  
16 manufacturing of adult use cannabis and adult use cannabis products and the  
17 manufacturing of cannabis concentrate and cannabis products for medical use;
- 18 (2) Adult use cannabis and adult use cannabis products are kept separate from  
19 cannabis concentrate and cannabis products for medical use; and
- 20 (3) Cannabis and cannabis products are packaged and labeled accurately pursuant  
21 to the requirements of this chapter and the rules adopted pursuant to this chapter  
22 and the Maine Medical Use of Cannabis Act.

23 **Sec. B-72. 28-B MRSA §502, sub-§7**, as enacted by PL 2017, c. 409, Pt. A, §6  
24 and amended by PL 2021, c. 669, §5, is further amended to read:

25 **7. Cannabis extraction.** Subject to the requirements and restrictions of this  
26 subsection, a products manufacturing facility licensee may manufacture cannabis  
27 concentrate by cannabis extraction using water, lipids, gases, solvents or other chemicals  
28 or chemical processes.

29 A. A products manufacturing facility licensee may engage in cannabis extraction using  
30 a solvent or other chemical or chemical process that is not and does not involve an  
31 inherently hazardous substance if:

- 32 (1) The solvent or other chemical or chemical process is listed by the ~~department~~  
33 office by rule as approved for use in cannabis extraction; or
- 34 (2) The products manufacturing facility licensee requests and obtains from the  
35 ~~department~~ office written approval to engage in cannabis extraction using a solvent  
36 or other chemical or chemical process that is not and does not involve an inherently  
37 hazardous substance and that is not listed by the ~~department~~ office by rule as  
38 approved for use in cannabis extraction.

39 The ~~department~~ office shall adopt by rule a list of those solvents or other chemicals or  
40 chemical processes that are not and do not contain an inherently hazardous substance  
41 that the ~~department~~ office approves for use in cannabis extraction by products  
42 manufacturing facilities.

1 B. A products manufacturing facility licensee may not engage in cannabis extraction  
2 involving the use of any inherently hazardous substance unless:

3 (1) The licensee submits to the ~~department~~ office a request for approval of the  
4 cannabis extraction method the facility plans to engage in that includes a  
5 description of the proposed cannabis extraction method and a certification from an  
6 industrial hygienist or professional engineer following a review of the facility's  
7 storage, preparation, electrical, gas monitoring, fire suppression and exhaust  
8 systems; and

9 (2) The ~~department~~ office approves in writing the proposed cannabis extraction  
10 method.

11 The ~~department~~ office, within 14 days of receipt of a request for approval under this  
12 paragraph, shall notify the products manufacturing facility licensee in writing whether  
13 the request is approved or denied.

14 **Sec. B-73. 28-B MRSA §502, sub-§9**, as enacted by PL 2017, c. 409, Pt. A, §6  
15 and amended by PL 2021, c. 669, §5, is further amended to read:

16 **9. Compliance with sanitary standards.** All areas within the licensed premises of a  
17 products manufacturing facility in which adult use cannabis and adult use cannabis  
18 products are manufactured must meet all sanitary standards specified in rules adopted by  
19 the ~~department~~ office.

20 **Sec. B-74. 28-B MRSA §502, sub-§10**, as enacted by PL 2017, c. 409, Pt. A, §6  
21 and amended by PL 2021, c. 669, §5, is further amended to read:

22 **10. ~~Commercial-kitchen~~ Food establishment license.** A products manufacturing  
23 facility licensee must obtain a ~~commercial-kitchen~~ food establishment license from the  
24 Department of Agriculture, Conservation and Forestry pursuant to Title 22, chapter 551 for  
25 any area within the licensed premises of the products manufacturing facility in which adult  
26 use cannabis and adult use cannabis products are manufactured and for which the  
27 ~~department~~ office requires a products manufacturing facility licensee to obtain a  
28 ~~commercial-kitchen~~ food establishment license. The ~~department~~ office shall adopt rules  
29 requiring certain areas within the licensed premises of a products manufacturing facility to  
30 be licensed as ~~commercial-kitchens~~ food establishments based upon the types of  
31 manufacturing processes conducted within those areas.

32 **Sec. B-75. 28-B MRSA §502, sub-§11**, as enacted by PL 2017, c. 409, Pt. A, §6  
33 and amended by PL 2021, c. 669, §5, is further amended to read:

34 **11. Refrigeration.** A products manufacturing facility licensee shall store and transport  
35 in a refrigerated environment all adult use cannabis and adult use cannabis products that  
36 require refrigeration to prevent spoilage. The ~~department~~ office shall adopt rules regarding  
37 the storage and transportation of adult use cannabis and adult use cannabis products that  
38 require refrigeration to prevent spoilage.

39 **Sec. B-76. 28-B MRSA §503, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
40 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended by amending the  
41 first blocked paragraph to read:

1 Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing facility  
2 from developing, researching or testing substances or products that are not cannabis or  
3 cannabis products for that facility or for another person.

4 **Sec. B-77. 28-B MRSA §503, sub-§2**, as amended by PL 2019, c. 354, §8, is  
5 further amended to read:

6 **2. Certification; accreditation and provisional licensure; compliance with**  
7 **operational and technical requirements.** A testing facility may not commence or  
8 continue operation unless the testing facility:

9 A. Is certified for operation under the certification program within the Department of  
10 Health and Human Services, Maine Center for Disease Control and Prevention  
11 established pursuant to Title 22, section 569 and, in accordance with rules adopted by  
12 the ~~department~~ office after consultation with the Department of Health and Human  
13 Services, Maine Center for Disease Control and Prevention, which must allow for  
14 inspection of the proposed or operational testing facility by the ~~department~~ office and  
15 the Department of Health and Human Services, Maine Center for Disease Control and  
16 Prevention;

17 B. Except as otherwise provided in this paragraph, is accredited pursuant to standard  
18 ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party  
19 accrediting body or is certified, registered or accredited by an organization approved  
20 by the ~~department~~ office. The ~~department~~ office shall adopt rules regarding the scope  
21 of certification, registration or accreditation required for licensure of a testing facility.

22 (1) The ~~department~~ office may issue a full testing facility license to an applicant  
23 that meets all applicable requirements of this chapter and rules adopted pursuant to  
24 this chapter and that has obtained accreditation pursuant to standard ISO/IEC  
25 17025 of the International Organization for Standardization from a 3rd-party  
26 accrediting body or that is certified, registered or accredited by an approved  
27 organization.

28 (2) The ~~department~~ office may issue a provisional testing facility license to an  
29 applicant that otherwise meets all applicable requirements of this chapter and rules  
30 adopted pursuant to this chapter and that has applied for but not yet obtained  
31 accreditation from a 3rd-party accrediting body or that has applied for but not yet  
32 obtained certification, registration or accreditation from an approved organization.  
33 The ~~department~~ office may not renew a provisional testing facility license more  
34 than once.

35 An active full or provisional testing facility license may not be issued by the ~~department~~  
36 office to an applicant until the applicant satisfies all applicable requirements of section  
37 205, subsection 4; and

38 C. Is determined by the ~~department~~ office to meet all operational and technical  
39 requirements for testing facilities under this chapter and the rules adopted under this  
40 chapter.

41 **Sec. B-78. 28-B MRSA §503, sub-§3**, as amended by PL 2019, c. 676, §11 and  
42 PL 2021, c. 669, §5, is further amended to read:

1           **3. Compliance with testing protocols, standards and criteria.** A testing facility  
2 shall follow all testing protocols, standards and criteria adopted by rule by the department  
3 for the testing of different forms of cannabis and cannabis products; determining batch size;  
4 sampling; testing validity; and approval and disapproval of tested cannabis and cannabis  
5 products. A testing facility may use a sample collector for the collection of samples for  
6 mandatory testing as long as the testing facility's operating plan and standard operating  
7 procedures indicate the use of a sample collector for that purpose.

8           **Sec. B-79. 28-B MRSA §503, sub-§4,** as enacted by PL 2017, c. 409, Pt. A, §6  
9 and amended by PL 2021, c. 669, §5, is further amended to read:

10           **4. Remediation and retesting.** If a testing facility determines that a sample of adult  
11 use cannabis or an adult use cannabis product has failed a mandatory test required under  
12 section 602, the testing facility shall offer to the owner of that sample an opportunity for  
13 remediation and retesting in accordance with rules adopted by the department office.

14           **Sec. B-80. 28-B MRSA §503, sub-§4-A** is enacted to read:

15           **4-A. Retesting for potency.** If requested by the licensee, a testing facility may retest  
16 for potency a sample of adult use cannabis or an adult use cannabis product from the same  
17 batch the testing facility initially tested. The retest for potency may be completed only once  
18 after the initial test, and the sample must be from the remaining representative sample of  
19 the same batch that was initially received by the testing facility. The results of the initial  
20 test and the retest must be reported by the testing facility in accordance with subchapter 6  
21 and the rules governing testing facilities. A licensee that chooses to retest for potency shall  
22 include the potency values reported for the retest instead of the initial potency value  
23 reported by the testing facility.

24           **Sec. B-81. 28-B MRSA §503, sub-§5,** as enacted by PL 2017, c. 409, Pt. A, §6, is  
25 further amended to read:

26           **5. Record keeping.** A testing facility shall maintain records of all business  
27 transactions and testing results in accordance with the record-keeping requirements of  
28 section 511 and section 602, subsection 2 and in accordance with applicable standards for  
29 licensing and accreditation under subsection 2 and testing protocols, standards and criteria  
30 adopted by the department office under subsection 3.

31           **Sec. B-82. 28-B MRSA §503, sub-§6,** as enacted by PL 2017, c. 409, Pt. A, §6  
32 and amended by PL 2021, c. 669, §5, is further amended to read:

33           **6. Disposal of cannabis and cannabis products.** A testing facility shall dispose of  
34 or destroy used, unused and waste cannabis and cannabis products in accordance with rules  
35 adopted by the department office.

36           **Sec. B-83. 28-B MRSA §503, sub-§7,** as enacted by PL 2017, c. 409, Pt. A, §6, is  
37 further amended to read:

38           **7. Notification of test results.** A testing facility shall notify the department office of  
39 test results in accordance with section 603.

40           **Sec. B-84. 28-B MRSA §503, sub-§10,** as amended by PL 2019, c. 491, §3 and  
41 PL 2021, c. 669, §5, is further amended to read:

1           **10. Rules.** The department office shall adopt rules regarding the provisional licensure,  
2 licensure, certification and accreditation of testing facilities and the testing of cannabis and  
3 cannabis products by testing facilities pursuant to this chapter, including, but not limited  
4 to, rules establishing acceptable testing and research practices for testing facilities,  
5 including, but not limited to, provisions relating to testing practices, methods and standards;  
6 remediation and retesting procedures; quality control analysis; equipment certification and  
7 calibration; chemical identification; testing facility record-keeping, documentation and  
8 business practices; disposal of used, unused and waste cannabis and cannabis products; and  
9 reporting of test results. Rules adopted pursuant to this section are routine technical rules  
10 as defined in Title 5, chapter 375, subchapter 2-A.

11           **Sec. B-85. 28-B MRSA §503-A, sub-§1**, as enacted by PL 2019, c. 676, §13 and  
12 amended by PL 2021, c. 669, §5, is further amended to read:

13           **1. Authorized operation.** A sample collector is authorized to collect samples of  
14 cannabis and cannabis products from a cannabis establishment for mandatory and other  
15 testing by a testing facility and to transport and deliver those samples to the testing facility  
16 for those purposes. A sample collector may operate as an independent contractor or  
17 employee of a testing facility or as an employee of a business entity that employs 2 or more  
18 sample collectors and that is not a cultivation facility, a products manufacturing facility, a  
19 cannabis store, a registered caregiver, a registered dispensary or a manufacturing facility  
20 as defined in Title 22, section ~~2422~~ 2421-A, subsection ~~4-R~~ 27.

21           **Sec. B-86. 28-B MRSA §503-A, sub-§2**, as enacted by PL 2019, c. 676, §13 and  
22 amended by PL 2021, c. 669, §5, is further amended to read:

23           **2. Compliance with sampling protocols, standards and criteria.** A sample collector  
24 shall follow all sampling protocols, standards and criteria adopted by rule or otherwise  
25 approved by the department office for the sampling of different forms of cannabis and  
26 cannabis products.

27           **Sec. B-87. 28-B MRSA §503-A, sub-§4**, as enacted by PL 2019, c. 676, §13 and  
28 amended by PL 2021, c. 669, §5, is further amended to read:

29           **4. Disposal of cannabis and cannabis products.** A sample collector shall dispose of  
30 or destroy used, unused and waste cannabis and cannabis products in accordance with rules  
31 adopted by the department office.

32           **Sec. B-88. 28-B MRSA §503-A, sub-§7**, as enacted by PL 2019, c. 676, §13 and  
33 amended by PL 2021, c. 669, §5, is further amended to read:

34           **7. Rules.** The department office shall adopt rules regarding the licensing and operation  
35 of sample collectors pursuant to this chapter, including, but not limited to, rules establishing  
36 licensing requirements, acceptable sample collection methods, sample collector record  
37 keeping, documentation and business practices; and standards for the disposal of used,  
38 unused and waste cannabis and cannabis products. Rules adopted pursuant to this  
39 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

40           **Sec. B-89. 28-B MRSA §504, sub-§2, ¶A**, as enacted by PL 2017, c. 409, Pt. A,  
41 §6 and amended by PL 2021, c. 669, §5, is further amended to read:

42           A. ~~Give Except as otherwise provided in subsection 12, give~~ away adult use cannabis,  
43 adult use cannabis products or cannabis plants or sell or give away mature cannabis

1 plants or consumable products containing tobacco or alcohol that do not contain  
2 cannabis;

3 **Sec. B-90. 28-B MRSA §504, sub-§4**, as amended by PL 2021, c. 667, §2 and c.  
4 669, §5, is further amended to read:

5 **4. Verification of purchaser's age.** A person must be 21 years of age or older to  
6 make a purchase from a cannabis store. A cannabis store may not sell any item to a ~~person~~  
7 ~~under 21 years of age~~ minor.

8 A. Prior to initiating a sale in a cannabis store, an employee of the cannabis store  
9 licensee shall verify that the purchaser has a valid government-issued photographic  
10 identification card, or other acceptable photographic identification, demonstrating that  
11 the purchaser is 21 years of age or older.

12 A-1. Prior to concluding a sale by delivery under subsection 9 or curbside pickup under  
13 subsection 10, an employee of the cannabis store licensee shall verify that the purchaser  
14 has a valid government-issued photographic identification card, or other acceptable  
15 photographic identification, demonstrating that the purchaser is 21 years of age or  
16 older.

17 B. The department shall by rule determine the forms of photographic identification  
18 that a cannabis store licensee may accept when verifying a purchaser's age.

19 **Sec. B-91. 28-B MRSA §504, sub-§4-A**, as enacted by PL 2021, c. 314, §1 and  
20 amended by c. 669, §5, is repealed.

21 **Sec. B-92. 28-B MRSA §504, sub-§9**, as amended by PL 2023, c. 396, §10, is  
22 further amended to read:

23 **9. Limited delivery service.** A cannabis store, cultivation facility or products  
24 manufacturing facility may operate a limited delivery service for the delivery of immature  
25 cannabis plants, seedlings, adult use cannabis and adult use cannabis products in  
26 accordance with the requirements of this subsection. A cannabis store may not deliver  
27 adult use cannabis or an immature cannabis plant, seedling or adult use cannabis product  
28 to a ~~person under 21 years of age~~ minor. A municipality may not prohibit delivery of adult  
29 use cannabis and adult use cannabis products authorized under this subsection.

30 A. A cannabis store, cultivation facility or products manufacturing facility operating a  
31 limited delivery service shall ensure that cannabis store employees engaging in  
32 delivery have received training, prescribed by the ~~department~~ office by rule, on how to  
33 properly verify the age of a person making a purchase for delivery and how to ensure  
34 that no deliveries are made to a person under 21 years of age.

35 B. A cannabis store, cultivation facility or products manufacturing facility operating a  
36 limited delivery service may deliver to any location in a municipality, except locations  
37 within a safe zone designated by a municipality under Title 30-A, section 3253.

38 C. A cannabis store, cultivation facility or products manufacturing facility operating a  
39 limited delivery service may deliver to a hotel or business as long as the cannabis store,  
40 cultivation facility or products manufacturing facility has received written consent for  
41 delivery to the hotel or business from an authorized employee of the hotel or business  
42 and the cannabis store, cultivation facility or products manufacturing facility retains a

1 copy of the written consent. The written consent must be maintained and open to  
2 inspection by the ~~department~~ office in accordance with section 511.

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

6 **Sec. B-93. 28-B MRSA §504, sub-§10**, as enacted by PL 2021, c. 667, §4 and  
7 amended by c. 669, §5, is further amended to read:

8 **10. Curbside pickup.** A cannabis store may allow curbside pickup of immature  
9 cannabis plants, seedlings, adult use cannabis and adult use cannabis products at a  
10 designated location outside of the cannabis store in accordance with the requirements of  
11 this subsection and any additional requirements imposed by the ~~department~~ office by rule.

12 A. A cannabis store that allows curbside pickup of immature cannabis plants,  
13 seedlings, adult use cannabis or adult use cannabis products shall designate a curbside  
14 pickup location outside of the cannabis store and near the entrance to the cannabis store  
15 and mark the location in a manner designated by the ~~department~~ office by rule.

16 B. A cannabis store that allows curbside pickup of immature cannabis plants,  
17 seedlings, adult use cannabis or adult use cannabis products shall implement security  
18 and record-keeping requirements for all sales concluded by curbside pickup as  
19 established by the ~~department~~ office by rule.

20 The ~~department~~ shall office may adopt rules to implement this subsection, including, but  
21 not limited to, rules establishing security and record-keeping requirements for sales  
22 concluded by curbside pickup. Rules adopted pursuant to this subsection are routine  
23 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **Sec. B-94. 28-B MRSA §504, sub-§12** is enacted to read:

25 **12. Samples for consumers.** Notwithstanding subsection 2, paragraph A, and in  
26 accordance with all other provisions of this chapter applicable to the sale by a cannabis  
27 store of adult use cannabis or adult use cannabis products, a cannabis store may give away  
28 samples of adult use cannabis or adult use cannabis products to persons at least 21 years of  
29 age as follows:

30 A. No more than 1/2 gram of flower;

31 B. No more than 10 milligrams of an edible;

32 C. No more than one 1/2 gram vape cartridge; and

33 D. No more than 2 samples in any combination per person per day.

34 A cannabis store shall package and label samples in accordance with the applicable  
35 provisions of this chapter and the rules adopted pursuant to this chapter. A cannabis store  
36 may not provide samples to a person who is visibly intoxicated. The total amount of  
37 samples, adult use cannabis and adult use cannabis products given or sold to a person in  
38 any one 24-hour period may not exceed the maximum amount of adult use cannabis or  
39 adult use cannabis products allowed under section 1501, subsection 1, paragraph F.

40 **Sec. B-95. 28-B MRSA §504, sub-§13** is enacted to read:

1           **13. Special retail sales prices.** A cannabis store may establish special retail sales  
2 prices on adult use cannabis or adult use cannabis products, except that products may not  
3 be sold at a retail price that is significantly less than the wholesale price or the price paid  
4 by the cannabis store.

5           **Sec. B-96. 28-B MRSA §504-A, first ¶**, as amended by PL 2023, c. 408, §6, is  
6 further amended to read:

7           Notwithstanding any provision of law to the contrary, the ~~department~~ office shall issue  
8 a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis  
9 products on the permitted premises for a specified event in accordance with the  
10 requirements of this section. Transportation of adult use cannabis and adult use cannabis  
11 products between the licensed premises and the permitted premises for a specified event is  
12 subject to the requirements of section 505. A cannabis store authorized to sell adult use  
13 cannabis and adult use cannabis products under this section is subject to the provisions of  
14 section 504.

15           **Sec. B-97. 28-B MRSA §504-A, sub-§1**, as amended by PL 2023, c. 408, §7, is  
16 further amended to read:

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

22           A. Proof of approval, in accordance with subsection 2, from the municipality where  
23 the specified event will occur to sell adult use cannabis or adult use cannabis products  
24 at the specified event;

25           B. The location and description of the specified event, including the date of the event,  
26 the date the cannabis store intends to sell adult use cannabis and adult use cannabis  
27 products and the name and description of the organization sponsoring the event;

28           C. If the specified event is held on private property, the written permission of the  
29 property owner for the cannabis store to sell adult use cannabis and adult use cannabis  
30 products on the property;

31           D. A description of the adult use cannabis and adult use cannabis products the cannabis  
32 store intends to sell at the specified event;

33           E. The number of cannabis store employees required to work at the specified event;

34           F. A diagram and description of the permitted premises for the specified event; and

35           G. As applicable, a diagram and description of the security measures the cannabis store  
36 intends to implement on the permitted premises for the specified event to prevent  
37 unauthorized access to adult use cannabis and adult use cannabis products, including  
38 access by persons under 21 years of age.

39           **Sec. B-98. 28-B MRSA §504-A, sub-§1-A**, as enacted by PL 2023, c. 408, §8, is  
40 amended to read:

41           **1-A. Permit issuance.** Within 14 calendar days of receipt of a permit application that  
42 meets the requirements of subsection 1, the ~~department~~ office shall review the application

1 and issue a specified event permit to the cannabis store or deny the application for good  
2 cause in accordance with section 206, subsection 2.

3 **Sec. B-99. 28-B MRSA §504-A, sub-§3**, as amended by PL 2023, c. 408, §10, is  
4 further amended to read:

5 **3. Limitations.** A cannabis store issued a specified event permit under this section  
6 may sell adult use cannabis and adult use cannabis products at a specified event only as  
7 authorized under the permit. A specified event permit issued by the ~~department~~ office under  
8 this section for a specified event may not authorize:

- 9 A. Sales at the specified event for a period greater than the duration of the event;  
10 B. Sales anywhere other than on the permitted premises for the specified event; or  
11 C. The consumption of adult use cannabis or adult use cannabis products on the  
12 permitted premises for the specified event.

13 **Sec. B-100. 28-B MRSA §504-A, sub-§4, ¶E**, as amended by PL 2023, c. 408,  
14 §11, is further amended to read:

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

20 **Sec. B-101. 28-B MRSA §504-A, sub-§5**, as amended by PL 2023, c. 408, §12,  
21 is further amended to read:

22 **5. Guidance.** The ~~department~~ office shall develop and publish on a publicly accessible  
23 website guidance documents to assist cannabis stores in applying for a specified event  
24 permit under this section and to establish best practices for conducting sales of adult use  
25 cannabis and adult use cannabis products at a specified event.

26 **Sec. B-102. 28-B MRSA §504-A, sub-§5-A**, as enacted by PL 2023, c. 408, §13,  
27 is amended to read:

28 **5-A. Suspension or revocation.** On the ~~department's~~ office's own initiative or upon  
29 complaint and after investigation, the ~~department~~ office, by written order, may for good  
30 cause as described in section 206, subsection 2 suspend or revoke a specified event permit  
31 issued to a cannabis store. The ~~department~~ office shall revoke a specified event permit if:

- 32 A. Municipal approval granted in accordance with subsection 2 is revoked by the  
33 municipality; or  
34 B. As applicable, the owner of the property where the specified event will occur  
35 revokes the property owner's written permission required under subsection 1,  
36 paragraph C.

37 **Sec. B-103. 28-B MRSA §505, last ¶**, as enacted by PL 2023, c. 408, §16, is  
38 amended to read:

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

1           **Sec. B-104. 28-B MRSA §506**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended  
2 to read:

3           **§506. Employment of persons under 21 years of age prohibited minors**

4           A licensee may not employ ~~any person under 21 years of age~~ minors.

5           **Sec. B-105. 28-B MRSA §507**, as amended by PL 2021, c. 314, §2 and c. 669, §5,  
6 is repealed and the following enacted in its place:

7           **§507. Entry into cannabis establishment by minors**

8           A minor may not enter the licensed premises of a cannabis store unless accompanied  
9 by the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002,  
10 subsection 5. An individual identification card holder who is the parent, legal guardian or  
11 custodian of a minor may bring that minor into the licensed premises of a cultivation  
12 facility, products manufacturing facility or cannabis testing facility in an emergency.

13           **Sec. B-106. 28-B MRSA §508**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
14 amended by PL 2021, c. 669, §5, is further amended by amending the section headnote to  
15 read:

16           **§508. Use of ~~adult-use~~ cannabis and ~~adult-use~~ cannabis products within licensed**  
17 **premises**

18           **Sec. B-107. 28-B MRSA §508, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6  
19 and amended by PL 2021, c. 669, §5, is further amended to read:

20           **1. Employee use of cannabis or cannabis products for medical use.** A licensee  
21 may allow an employee who is a qualifying patient pursuant to the Maine Medical Use of  
22 Cannabis Act to privately consume cannabis and cannabis products for medical use within  
23 its licensed premises.

24           **Sec. B-108. 28-B MRSA §510**, as amended by PL 2019, c. 491, §4 and PL 2021,  
25 c. 669, §5, is further amended to read:

26           **§510. Limited access areas**

27           Except as provided in subsection 1, a person may not enter or remain in any limited  
28 access area unless the person displays an individual identification card issued by the  
29 ~~department~~ office pursuant to section 106.

30           **1. Contractors.** A licensee may allow a person to enter or remain in any limited  
31 access area without displaying an individual identification card if the person is a contractor  
32 of the licensee, including, but not limited to, an electrician, a plumber, an engineer or an  
33 alarm technician, whose scope of work will not involve the handling of cannabis or  
34 cannabis products; and the person signs a visitor entry log provided and maintained by the  
35 licensee and is issued a visitor identification badge by the licensee; ~~and, if the person is~~  
36 ~~working in a limited access area with immediate access to cannabis or cannabis products,~~  
37 ~~the person is supervised at all times by the licensee or an employee of the licensee.~~

38           **1-A. Visitors.** A licensee may allow a visitor who is not a minor to enter or remain in  
39 any limited access area without displaying an individual identification card if the visitor  
40 signs a visitor entry log provided and maintained by the licensee, the visitor is issued a  
41 visitor identification badge by the licensee and, if the visitor is visiting in a limited access

1 area with immediate access to cannabis or cannabis products, the visitor is accompanied at  
2 all times by the licensee or an employee of the licensee.

3 **2. Licensee compliance.** A licensee shall ensure that all areas of ingress to and egress  
4 from limited access areas within its licensed premises are conspicuously marked and that a  
5 person is not allowed to enter or remain in any limited access area without displaying the  
6 person's individual identification card issued by the ~~department~~ office pursuant to section  
7 106.

8 **Sec. B-109. 28-B MRSA §511**, as amended by PL 2019, c. 231, Pt. A, §1, is further  
9 amended to read:

10 **§511. Record keeping and inspection of records; audits**

11 **1. Record keeping; inspection of records.** A licensee shall maintain a complete set  
12 of all records of the licensee's business transactions, which ~~must be open to inspection and~~  
13 ~~examination by the department upon demand and without notice during all business hours~~  
14 may be stored electronically. Upon providing at least 24 hours' notice, the office may  
15 inspect or audit the licensee's records during regular business hours. The office may not  
16 conduct an audit of a licensee's records more than twice in any 6-month period. The cost  
17 of any audit must be paid by the office from the Adult Use Cannabis Regulatory  
18 Coordination Fund under section 1102. Nothing in this subsection may be construed to  
19 prevent the office from reviewing at any time business records submitted through the  
20 tracking system in accordance with section 105. Records must be maintained by a licensee  
21 at a minimum for a period comprising the current tax year and the ~~5~~ 6 immediately  
22 preceding tax years in accordance with Title 36, section 135.

23 ~~**2. Additional information may be required.** The department may require a licensee~~  
24 ~~to furnish any additional information necessary for the proper administration of this~~  
25 ~~chapter.~~

26 **3. Audit.** The ~~department~~ office may require a licensee to submit to an audit of the  
27 licensee's business records. If the ~~department~~ office requires a licensee to submit to an  
28 audit, the licensee shall provide the auditor selected by the ~~department~~ office with access  
29 to all business records of the licensee and the cost of the audit must be paid by the ~~licensee~~  
30 office from the Adult Use Cannabis Regulatory Coordination Fund under section 1102.

31 **4. Confidentiality.** This subsection governs the confidentiality of records under this  
32 section.

33 A. Documents of a licensee inspected or examined by the ~~department~~ office pursuant  
34 to this section are confidential and may not be disclosed except as needed in a civil or  
35 criminal proceeding to enforce any provision of this chapter and the rules adopted  
36 pursuant to this chapter or any criminal law.

37 B. Audit working papers are confidential and may not be disclosed to any person  
38 outside the ~~department~~ office, except that audit working papers may be disclosed to the  
39 licensee subject to the audit. A final audit report is a public record for the purposes of  
40 Title 1, chapter 13, subchapter 1. For the purposes of this paragraph, "audit working  
41 papers" means all documentation and other information acquired, prepared or  
42 maintained by the ~~department~~ office and the auditor selected by the ~~department~~ office  
43 during the conduct of the audit, including, but not limited to, draft reports and portions  
44 of draft reports.

1           **Sec. B-110. 28-B MRSA §512**, as enacted by PL 2017, c. 409, Pt. A, §6 and PL  
2 2021, c. 669, §5, is further amended to read:

3           **§512. Inspection of licensed premises; testing and sampling for product quality**  
4           **control**

5           **1. Inspections.** A licensee shall submit to an inspection of its licensed premises,  
6 including, but not limited to, any places of storage and any locked areas, upon demand and  
7 without notice during ~~all the licensee's business hours and other times of apparent activity~~  
8 by the ~~department~~ office, a criminal justice agency or an official authorized by the  
9 municipality in which the licensed premises are located.

10 For the purposes of this subsection, "municipality" has the same meaning as in section 212.

11           **2. Testing and sampling for product quality control.** A licensee shall submit to the  
12 sampling and testing of adult use cannabis or adult use cannabis products within its  
13 possession, upon demand and without notice during all business hours by the ~~department~~  
14 office for the purposes of product quality control. The office may not collect more than a  
15 random, representative sample necessary to test the batch of cannabis or cannabis products  
16 cultivated, manufactured or sold to consumers by a licensee. The office may not sample  
17 more than 3 samples of adult use cannabis or adult use cannabis products per 60-day period  
18 unless the cannabis or cannabis products sampled continue to fail tests or such samples are  
19 taken as part of an investigation by the office in response to a complaint. The ~~department~~  
20 office shall adopt rules governing the sampling and testing of adult use cannabis and adult  
21 use cannabis products under this subsection, consistent with the requirements of subchapter  
22 6. Rules adopted pursuant to this subsection are routine technical rules as defined in Title  
23 5, chapter 375, subchapter 2-A.

24           **Sec. B-111. 28-B MRSA §513**, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

25           **Sec. B-112. 28-B MRSA §601**, as amended by PL 2021, c. 612, §1 and c. 669, §5,  
26 is further amended to read:

27           **§601. Testing program established**

28           The ~~department~~ office shall establish a testing program for adult use cannabis and adult  
29 use cannabis products. Except as otherwise provided in this subchapter, the program must  
30 require a licensee, prior to selling or distributing adult use cannabis or an adult use cannabis  
31 product to a consumer, 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~~ office 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 subchapter and rules regarding the maximum level of allowable  
38 contamination for each contaminant. Rules adopted pursuant to this subchapter are routine  
39 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

40           **Sec. B-113. 28-B MRSA §602, sub-§1, ¶C**, as amended by PL 2023, c. 396, §12,  
41 is further amended to read:

42           C. Dangerous yeasts, molds and mildew as specified in rules adopted by the  
43 ~~department~~ office;

1           **Sec. B-114. 28-B MRSA §602, sub-§1**, as amended by PL 2023, c. 396, §12, is  
2 further amended by amending the first blocked paragraph to read:

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

7           **Sec. B-115. 28-B MRSA §602, sub-§1-A**, as enacted by PL 2023, c. 396, §13, is  
8 amended to read:

9           **1-A. Testing of returns.** Cannabis and cannabis products returned pursuant to section  
10 502, subsection 14 or section ~~502~~ 504, subsection 11 ~~must be tested prior to being~~ may be  
11 resold or redistributed. ~~The department may limit the mandatory testing required for~~  
12 returned cannabis and cannabis products by rule. Rules adopted pursuant to this subsection  
13 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A without  
14 retesting if the tamper-evident packaging indicates that the cannabis or cannabis products  
15 have not been tampered with. Cannabis and cannabis products returned by a consumer to  
16 any licensee may not be resold.

17           **Sec. B-116. 28-B MRSA §602, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
18 and amended by PL 2021, c. 669, §5, is further amended to read:

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

25           **Sec. B-117. 28-B MRSA §602, sub-§3**, as amended by PL 2021, c. 558, §1 and c.  
26 669, §5, is further amended to read:

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

32           **Sec. B-118. 28-B MRSA §603**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
33 amended by PL 2021, c. 669, §5, is further amended to read:

34           **§603. Notification requirements**

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

1           **1-A. Notification of retesting results required.** If a licensee chooses to retest any  
2 cannabis or cannabis product for potency in accordance with section 503, subsection 4-A,  
3 the testing facility shall provide to the office and the licensee the results of the initial test  
4 for potency as well as the results of the retest for potency.

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

7           A. Conducted on adult use cannabis or an adult use cannabis product at the direction  
8 of a licensee pursuant to section 602 that demonstrates that the cannabis or cannabis  
9 product does not exceed the maximum level of allowable contamination for any  
10 contaminant that is injurious to health and for which testing is required;

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

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

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

18           **Sec. B-119. 28-B MRSA §604-A**, as amended by PL 2021, c. 226, §6 and c. 669,  
19 §5, is further amended to read:

20           **§604-A. Sample collecting for mandatory testing by licensee**

21           **1. Sample collecting by licensee authorized; rules.** Notwithstanding any provision  
22 of this chapter to the contrary, a cultivation facility licensee, products manufacturing  
23 facility licensee or cannabis store licensee, or an employee of such licensee, may collect  
24 samples of the licensee's adult use cannabis or adult use cannabis products for mandatory  
25 testing under section 602 and may deliver those samples to a testing facility for testing.  
26 The department office shall adopt rules regarding the collection of representative samples  
27 of adult use cannabis and adult use cannabis products for mandatory testing by a licensee  
28 or an employee of a licensee as authorized under this section, which must include, but are  
29 not limited to:

30           A. The establishment of sample collecting processes, protocols and standards, which  
31 must be complied with by the licensee and its employees in collecting samples of adult  
32 use cannabis and adult use cannabis products for testing purposes;

33           B. Requirements for the licensee to provide video, onsite or other demonstration of its  
34 sample collecting practices to ensure compliance with paragraph A;

35           C. Provisions authorizing the department office to conduct audits of adult use cannabis  
36 or adult use cannabis products that were tested using samples collected by the licensee  
37 or its employees pursuant to this section, with all costs of the audits to be paid for by  
38 the licensee. The licensee may not be required to submit more than 3 representative  
39 samples of adult use cannabis or adult use cannabis products per 60-day period unless  
40 the cannabis or cannabis products continue to fail tests or pursuant to a complaint;

41           D. Requirements for the transportation, delivery and transfer of samples of adult use  
42 cannabis and adult use cannabis products collected by the licensee or an employee of  
43 the licensee to a testing facility, which must require the in-person transfer of the

1 samples by the licensee or an employee of the licensee to the testing facility licensee  
2 or an employee of the testing facility licensee;

3 E. A prohibition on the intentional tampering with or interference in the mandatory  
4 testing process or auditing process by a licensee or an employee of the licensee, which,  
5 notwithstanding any provision of this chapter to the contrary, may be treated by the  
6 ~~department~~ office as constituting a major license violation affecting public safety and  
7 as a basis for imposition of a ~~license suspension or revocation~~ administrative penalties  
8 pursuant to section ~~802~~ 802-A; and

9 F. Authorization for the ~~department~~ office to suspend or revoke the licensee's license  
10 following 2 or more failed sample collecting audits conducted by the ~~department~~ office  
11 pursuant to this section.

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

14 **Sec. B-120. 28-B MRSA §605, sub-§4**, as amended by PL 2021, c. 612, §4 and c.  
15 669, §5, is further amended to read:

16 **4. No subsequent processing, manufacturing or alteration.** Since the performance  
17 of the prior testing under subsection 1, the cannabis or cannabis product has not undergone  
18 any further processing, manufacturing or alteration that would result in an increase in the  
19 concentration of any contaminants or factors identified in section 602, subsection 1 or in  
20 any rules adopted by the ~~department~~ office pursuant to that section.

21 **Sec. B-121. 28-B MRSA §606**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
22 amended by PL 2021, c. 669, §5, is further amended to read:

23 **§606. Coordination with testing program and rules for cannabis and cannabis**  
24 **products for medical use**

25 In adopting rules and regulating the testing of adult use cannabis and adult use cannabis  
26 products under this subchapter, the ~~department~~ office shall ensure that, when necessary and  
27 practicable, the regulation of the testing of adult use cannabis and adult use cannabis  
28 products under this subchapter is consistent with the regulation of the testing of cannabis  
29 and cannabis products for medical use under the Maine Medical Use of Cannabis Act.

30 **Sec. B-122. 28-B MRSA §701**, as amended by PL 2021, c. 558, §§2 and 3 and  
31 amended by c. 669, §5, is further amended to read:

32 **§701. Labeling and packaging**

33 **1. Labeling requirements.** Adult use cannabis and adult use cannabis products to be  
34 sold or offered for sale by a licensee to a consumer in accordance with this chapter must be  
35 labeled with the following information, as applicable based on the cannabis or cannabis  
36 product to be sold:

37 A. The license numbers of the cultivation facility, the products manufacturing facility  
38 and the cannabis store where the adult use cannabis or adult use cannabis product was  
39 cultivated, manufactured and offered for sale;

40 B. An identity statement and universal symbol;

- 1 C. Health and safety warning labels as required by rules adopted by the ~~department~~  
2 office after consultation with the Department of Health and Human Services, Maine  
3 Center for Disease Control and Prevention;
- 4 D. The batch number;
- 5 E. A net weight statement;
- 6 F. Information on the THC potency of the cannabis or cannabis product and the  
7 potency of such other cannabinoids or other chemicals in the cannabis or cannabis  
8 product, including, but not limited to, cannabidiol. If a licensee chooses to retest any  
9 cannabis or cannabis product for potency in accordance with section 503, subsection  
10 4-A, the licensee shall include the THC potency information of the cannabis or  
11 cannabis product from the retest results. For edible cannabis products, the information  
12 required pursuant to this paragraph must be consistent with section 703, subsection 1,  
13 paragraphs F and F-1;
- 14 G. Information on the amount of THC and cannabidiol per serving of the ~~cannabis or~~  
15 edible cannabis product. ~~For edible cannabis products, the~~ The information required  
16 pursuant to this paragraph must be consistent with section 703, subsection 1,  
17 paragraphs F and F-1 and contain the number of servings per package;
- 18 H. Information on gases, solvents and chemicals used in cannabis extraction;
- 19 I. Instructions on usage route of administration;
- 20 J. For adult use cannabis products:
- 21 (1) The amount of cannabis concentrate per serving of the product, as measured  
22 in grams or milligrams, and the amount of cannabis concentrate per package of the  
23 product, as measured in grams or milligrams;
- 24 (2) A list of ingredients and possible allergens; and
- 25 (3) A recommended use date or expiration date;
- 26 K. For edible cannabis products, a nutritional fact panel; and
- 27 L. Any other information required by rule by the ~~department~~ office.
- 28 **2. Packaging requirements.** Adult use cannabis and adult use cannabis products to  
29 be sold or offered for sale by a licensee to a consumer in accordance with this chapter must  
30 be packaged in the following manner, as applicable based on the cannabis or cannabis  
31 product to be sold:
- 32 A. Adult use cannabis and adult use cannabis products must be prepackaged in child-  
33 resistant and tamper-evident packaging or must be placed in child-resistant and tamper-  
34 evident packaging at the final point of sale to a consumer;
- 35 ~~B. Adult use cannabis and adult use cannabis products must be prepackaged in opaque~~  
36 ~~packaging or an opaque container or must be placed in opaque packaging or an opaque~~  
37 ~~container at the final point of sale to a consumer;~~
- 38 C. Packaging for ~~multiserving~~ liquid adult use cannabis products that contain more  
39 than one serving must include an integral measurement component that measures one  
40 serving of the adult use cannabis product and a child-resistant cap; ~~and~~ or closure.

1 ~~D. Packaging must conform to all other applicable requirements and restrictions~~  
2 ~~imposed by rule by the department.~~

3 **3. Other approved labeling and packaging.** Adult use cannabis and adult use  
4 cannabis products to be sold or offered for sale by a licensee to a consumer in accordance  
5 with this chapter may include on the label or the packaging of the cannabis or cannabis  
6 product:

7 A. A statement of compatibility with dietary practices;

8 B. Depictions of geometric shapes or cannabis leaves;

9 C. Use of the terms "organic," "organically cultivated" or "organically grown" in  
10 accordance with requirements regarding the use of such terms as adopted by rule by  
11 the ~~department~~ office; and

12 D. Any other information that has been preapproved by the ~~department~~ office pursuant  
13 to subsection 5 or information that is not prohibited.

14 **4. Labeling and packaging prohibitions.** Adult use cannabis and adult use cannabis  
15 products to be sold or offered for sale by a licensee to a consumer in accordance with this  
16 chapter:

17 A. May not be labeled or packaged in violation of a federal trademark law or regulation  
18 or in a manner that would cause a reasonable consumer confusion as to whether the  
19 cannabis or cannabis product was a trademarked product;

20 B. May not be labeled or packaged in a manner ~~that is specifically designed to appeal~~  
21 ~~particularly to a person under 21 years of age~~ that targets minors or contains subject  
22 matter or an illustration that targets minors;

23 C. May not be labeled or packaged in a manner that obscures identifying information  
24 on the label or uses a false or deceptive label;

25 D. May not be sold or offered for sale using a label or packaging that depicts a human,  
26 animal or fruit; and

27 E. May not be labeled or packaged in violation of any other labeling or packaging  
28 requirement or restriction imposed by rule by the ~~department~~ office.

29 **5. Voluntary labeling and packaging approval.** A licensee may submit to the office  
30 a request for approval of any labeling or packaging the licensee intends to use. The request  
31 must include the following information as applicable:

32 A. A digital or physical sample of the label for which approval is requested or a  
33 physical sample of any package for which approval is requested;

34 B. A description of any additional labels that will be affixed to the label or package  
35 and the information contained on these additional labels; and

36 C. Any additional information required on an approval request form provided by the  
37 office and available on the office’s publicly accessible website.

38 The office may not refuse to review any voluntary request for approval. The office may  
39 deny any label or package it determines does not comply with this chapter or the rules  
40 adopted pursuant to this chapter. Within 30 days of submission of the request, the office  
41 shall issue a written decision either approving or denying the request, including the reason

1 for denial, if applicable. If the request is approved, the office may not take any enforcement  
2 action of any kind against the licensee solely for using the approved labeling or packaging.

3 **Sec. B-123. 28-B MRSA §702, sub-§1, ¶D**, as enacted by PL 2017, c. 409, Pt. A,  
4 §6, is amended to read:

5 D. May not violate any other requirement or restriction on signs, advertising and  
6 marketing imposed by the ~~department~~ office by rule pursuant to subsection 2.

7 **Sec. B-124. 28-B MRSA §702, sub-§2**, as amended by PL 2023, c. 396, §§15 to  
8 17, is further amended to read:

9 **2. Rules on signs, advertising and marketing.** ~~The department shall~~ office may  
10 adopt rules regarding the placement and use of signs, advertising and marketing by or on  
11 behalf of a licensee, which may include, but are not limited to:

12 A. A prohibition on health or physical benefit claims in advertising or marketing,  
13 including, but not limited to, health or physical benefit claims on the label or packaging  
14 of adult use cannabis or an adult use cannabis product;

15 B. A prohibition on unsolicited advertising or marketing on the Internet, including, but  
16 not limited to, banner advertisements on mass-market websites;

17 C. A prohibition on opt-in advertising or marketing that does not permit an easy and  
18 permanent opt-out feature;

19 D. A prohibition on advertising or marketing directed toward location-based devices,  
20 including, but not limited to, cellular telephones, unless the marketing is a mobile  
21 device application installed on the device by the owner of the device who is 21 years  
22 of age or older and includes a permanent and easy opt-out feature; and

23 E. ~~Specific limitations~~ Limitations on signs, advertising and marketing ~~to minimize~~  
24 ~~the appeal of~~ specifically designed to target minors regarding adult use cannabis and  
25 ~~adult use cannabis products to persons under 21 years of age.~~

26 **Sec. B-125. 28-B MRSA §702, sub-§4** is enacted to read:

27 **4. Voluntary sign, advertising and marketing approval.** A licensee may submit to  
28 the office a request for approval of any sign, advertisement or marketing materials the  
29 licensee intends to use. The request must include the following information as applicable:

30 A. A digital or physical sample of the sign, advertisement or marketing materials for  
31 which approval is requested; and

32 B. Any additional information required on the sign, advertisement or marketing  
33 materials approval request form provided by the office and available on the office's  
34 publicly accessible website.

35 The office may not refuse to review any voluntary request for approval. The office may  
36 deny any sign, advertisement or marketing materials it determines do not comply with this  
37 chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of the  
38 request, the office shall issue a written decision either approving or denying the request,  
39 including the reason for denial, if applicable. If the request is approved, the office may not  
40 take any enforcement action of any kind against the licensee solely for using the approved  
41 sign, advertisement or marketing materials.

1           **Sec. B-126. 28-B MRSA §703, sub-§1, ¶A**, as enacted by PL 2017, c. 409, Pt. A,  
2 §6 and amended by PL 2021, c. 669, §5, is repealed.

3           **Sec. B-127. 28-B MRSA §703, sub-§1, ¶D**, as amended by PL 2019, c. 491, §5,  
4 is repealed and the following enacted in its place:

5           D. Unless determined impracticable by the office by rule, must be stamped or  
6 embossed with a universal symbol on each serving of the edible cannabis product or  
7 each serving must be individually wrapped or blister packaged with a universal symbol  
8 clearly included on the wrapping or packaging. In the event the office determines by  
9 rule that stamping, embossing, individual wrapping or blister packaging for a particular  
10 type of edible cannabis product is impracticable, each serving of the product must be  
11 packaged together with the universal symbol affixed to the packaging. For purposes  
12 of this chapter, edible cannabis products that are determined to be impracticable to  
13 stamp, emboss, individually wrap or blister package include but are not limited to:

14           (1) Potato or corn chips;

15           (2) Popcorn;

16           (3) Pretzels;

17           (4) Loose granola; and

18           (5) Gummies;

19           **Sec. B-128. 28-B MRSA §703, sub-§1, ¶G**, as enacted by PL 2017, c. 409, Pt. A,  
20 §6, is repealed.

21           **Sec. B-129. 28-B MRSA §703, sub-§1, ¶G-1** is enacted to read:

22           G-1. May not be adulterated or misbranded as described in Title 22, sections 2156 and  
23 2157, respectively, or contain additives specifically formulated to increase the  
24 addictiveness of the edible cannabis product; and

25           **Sec. B-130. 28-B MRSA §703, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6  
26 and amended by PL 2021, c. 669, §5, is further amended to read:

27           **2. Health and safety rules.** The ~~department~~ office shall adopt labeling, packaging  
28 and other necessary health and safety rules for adult use cannabis and adult use cannabis  
29 products to be sold or offered for sale by a licensee to a consumer in accordance with this  
30 chapter. Rules adopted pursuant to this subsection must establish mandatory health and  
31 safety standards applicable to the cultivation of adult use cannabis, the manufacture of adult  
32 use cannabis products and the ~~packaging and labeling and packaging~~ of adult use cannabis  
33 and adult use cannabis products sold by a licensee to a consumer. Such rules must address,  
34 but are not limited to:

35           A. Requirements for the storage, warehousing and transportation of adult use cannabis  
36 and adult use cannabis products by licensees;

37           B. Sanitary standards for cannabis establishments, including, but not limited to,  
38 sanitary standards for the manufacture of adult use cannabis and adult use cannabis  
39 products; and

40           C. Limitations on the display of adult use cannabis and adult use cannabis products at  
41 cannabis stores.

1           **Sec. B-131. 28-B MRSA §704**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
2 amended by PL 2021, c. 669, §5, is further amended to read:

3           **§704. Coordination with labeling and packaging rules for cannabis and cannabis**  
4           **products for medical use**

5           In adopting rules and regulating the labeling and packaging of adult use cannabis and  
6 adult use cannabis products under this subchapter, the ~~department~~ office shall ensure that,  
7 when necessary and practicable, the regulation of the labeling and packaging of adult use  
8 cannabis and adult use cannabis products under this subchapter is consistent with the  
9 regulation of the labeling and packaging of cannabis and cannabis products for medical use  
10 under the Maine Medical Use of Cannabis Act.

11           **Sec. B-132. 28-B MRSA §801**, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

12           **Sec. B-133. 28-B MRSA §802**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
13 amended by PL 2021, c. 669, §5, is repealed.

14           **Sec. B-134. 28-B MRSA §802-A** is enacted to read:

15           **§802-A. Administrative or monetary penalties; appeals**

16           **1. Penalties.** The office, in accordance with this section, on its own initiative or on  
17 complaint and after investigation, notification and the opportunity for a public hearing,  
18 may, by written order:

19           A. Impose an administrative penalty in accordance with this section for a license  
20 violation;

21           B. Seize and destroy cannabis or cannabis products; and

22           C. Suspend or revoke a license issued under this chapter for a license violation.

23           For a first violation of any minor license violation as defined in subsection 2, paragraph C  
24 or for a first violation of this chapter or rules adopted pursuant to this chapter, the office  
25 may only provide technical assistance to the licensee and may not impose a penalty,  
26 suspend or revoke a license or seize and destroy cannabis or cannabis products.

27           **2. License violation types.** The following license violation types are established.

28           A. "Major license violation affecting public safety" means an intentional or knowing  
29 violation that imminently jeopardizes public health and safety or conduct that indicates  
30 a willful or reckless disregard for public health and safety. "Major license violation  
31 affecting public safety" is limited to:

32           (1) Intentionally or recklessly selling cannabis or cannabis products containing any  
33 scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for  
34 any compounds naturally occurring in the cannabis plant;

35           (2) Intentionally or recklessly using prohibited agricultural chemicals that pose a  
36 threat to public health and concealing their use from the office, other licensees or  
37 consumers;

38           (3) Intentionally or knowingly treating or otherwise adulterating cannabis or  
39 cannabis products with a scheduled drug as defined in Title 17-A, section 1101,  
40 subsection 11, except for any compounds naturally occurring in the cannabis plant;

- 1                   (4) Intentionally or knowingly destroying, damaging, altering, removing or  
2                   concealing potential evidence of a violation under this paragraph or asking or  
3                   encouraging another person to do so;
- 4                   (5) Intentionally or knowingly purchasing cannabis plants, cannabis or cannabis  
5                   products from outside the State, from a person not authorized pursuant to this  
6                   chapter or from the illicit market;
- 7                   (6) Three or more instances of a licensee failing to have on the premises at all times  
8                   during business hours an individual identification card holder who is authorized to  
9                   allow and cooperate with the office requests to inspect the premises;
- 10                  (7) Intentionally or knowingly tampering with or interfering with mandatory  
11                  testing processes, including sample collection or the auditing of test results; or
- 12                  (8) Other intentional or knowing egregious conduct that imminently threatens  
13                  public health and safety or conduct that shows a willful or reckless disregard for  
14                  public health and safety that poses an imminent risk to public health and safety.
- 15                  B. "Major license violation" means a serious violation that does not imminently  
16                  jeopardize public safety. "Major license violation" is limited to:
- 17                         (1) Intentionally or recklessly misleading the office for the purposes of involving  
18                         a person with a disqualifying drug offense in the operation of a cannabis  
19                         establishment;
- 20                         (2) Intentionally or knowingly diverting cannabis or cannabis products to the illicit  
21                         market;
- 22                         (3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or  
23                         otherwise adulterating cannabis or cannabis products with any chemical that alters  
24                         the color, appearance, weight or smell of the cannabis or cannabis product or that  
25                         increases its potency, toxicity or addictiveness in a manner not authorized under  
26                         this chapter;
- 27                         (4) Selling cannabis plants, cannabis or cannabis products to a person under 21  
28                         years of age by failing to take all necessary steps to verify age;
- 29                         (5) Intentionally or knowingly making deliveries of adult use cannabis or adult  
30                         use cannabis products to safe zones designated by a municipality pursuant to Title  
31                         30-A, section 3253;
- 32                         (6) Allowing any individual under 21 years of age to engage in any cannabis-  
33                         related activity;
- 34                         (7) Cultivating cannabis plants for adult use in an amount that is equal to or greater  
35                         than 150% of the total number of cannabis plants or plant canopy the licensee is  
36                         authorized to cultivate under this chapter;
- 37                         (8) Intentionally or knowingly misrepresenting any cannabis product to a  
38                         consumer, licensee or the public, including:
  - 39                                 (a) Its contents;
  - 40                                 (b) Its testing results; or
  - 41                                 (c) Its potency;

- 1                   (9) Two or more instances of refusing to permit the office to inspect the licensed  
2                   premises during the licensee's business hours;
- 3                   (10) Intentionally or knowingly destroying, damaging, altering, removing or  
4                   concealing potential evidence of a violation under this paragraph or asking or  
5                   encouraging another person to do so;
- 6                   (11) Selling or transferring cannabis plants, cannabis or cannabis products outside  
7                   of the tracking system;
- 8                   (12) Conduct that demonstrates a pattern of willful or reckless disregard for the  
9                   tracking system requirements, sales tax obligations, excise tax obligations,  
10                  mandatory testing obligations or facility requirements;
- 11                  (13) Intentionally making false statements to the office in order to obtain or  
12                  maintain a license; or
- 13                  (14) Any violation in paragraph C that is a knowing violation that the licensee has  
14                  committed 3 or more times.
- 15                  C. "Minor license violation" means a negligent violation. "Minor license violation" is  
16                  limited to:
- 17                   (1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or  
18                   delivering cannabis or cannabis products for or to a minor;
- 19                   (2) Cultivating more cannabis plants for adult use than the licensee is authorized  
20                   to cultivate under this chapter, but less than 150% of the total number of cannabis  
21                   plants or plant canopy authorized;
- 22                   (3) Supplying adulterated or misbranded cannabis or cannabis products;
- 23                   (4) Intentionally or knowingly purchasing, receiving, selling or transferring any  
24                   cannabis, cannabis plant or cannabis product that was fraudulently entered into the  
25                   tracking system;
- 26                   (5) Failing to request and obtain from the office an approval for a change in  
27                   ownership or principals prior to making the change in ownership or principals;
- 28                   (6) Subletting any portion of the licensed premises;
- 29                   (7) Making representations or claims that the cannabis or cannabis product has  
30                   curative or therapeutic effects;
- 31                   (8) Not operating in accordance with operations, cultivation or facility plans of  
32                   record filed with the office;
- 33                   (9) Failing to have on the licensed premises at all times during business hours an  
34                   individual identification card holder who is authorized to allow inspection and  
35                   cooperate when the office requests to inspect the premises;
- 36                   (10) Allowing consumption of cannabis on the licensed premises of a cannabis  
37                   establishment, except as otherwise provided in this chapter; or
- 38                   (11) A 2nd violation of any other requirement of this chapter or the rules adopted  
39                   pursuant to this chapter that is not expressly listed in this subsection.

1           **3. Monetary penalties.** The office may impose monetary penalties for a license  
2 violation of this chapter as follows:

3           A. Not more than \$2,500 for each minor license violation;

4           B. Not more than \$10,000 for each major license violation; or

5           C. Not more than \$20,000 for each major license violation affecting public safety.

6 Monetary penalties collected pursuant to this subsection must be credited to the General  
7 Fund.

8           **4. Notification of violation.** If, after an inspection or investigation by the office or a  
9 criminal justice agency, the office identifies a violation of this chapter or the rules adopted  
10 pursuant to this chapter, the office shall, within 5 business days of identifying the violation,  
11 provide written notification of the violation to the licensee. The licensee, within 5 days of  
12 receiving notification, shall provide the office with a plan of correction, if applicable, for  
13 the identified violation, including a time frame for correction. If, after a follow-up  
14 inspection, the office decides to impose a monetary penalty on the licensee, the office shall  
15 notify the licensee of the monetary penalty in a timely manner after the follow-up  
16 inspection. Notice under this subsection does not constitute final agency action.

17           **5. Suspension.** The office may suspend a license in accordance with this subsection.

18           A. The office may suspend a cannabis establishment license, for a period of up to one  
19 year, upon a finding of:

20                   (1) A major license violation affecting public safety;

21                   (2) A pattern of major license violations in a 30-month period; or

22                   (3) A violation of subsection 2, paragraph B, subparagraph (7).

23           B. A licensee whose license has been suspended pursuant to this subsection may not,  
24 for the duration of the period of suspension, engage in any activities relating to the  
25 operation of the cannabis establishment the licensee is licensed to operate, except that  
26 a cultivation facility licensee may harvest any plants currently growing but may not  
27 start any new plants.

28           C. The office may allow a transfer of license for a suspended license and may allow  
29 new owners to begin some or all operations prior to the end of the suspension.

30           **6. Revocation.** The office may revoke a license in accordance with this subsection.

31           A. Upon a finding of any major license violation affecting public safety or upon a  
32 finding of a pattern of major license violations in a 60-month period, the office may  
33 permanently revoke the cannabis establishment license of the licensee found in  
34 violation.

35           B. A licensee whose license has been revoked pursuant to this subsection shall cease  
36 all activities relating to the operation of the cannabis establishment.

37           C. A license that is permanently revoked may not be transferred or renewed.

38           **7. Maine Administrative Procedure Act; final agency action; appeals.** Except as  
39 otherwise provided in this chapter or in the rules adopted pursuant to this chapter, the  
40 imposition of a monetary penalty, suspension or revocation on a licensee by the office,  
41 including, but not limited to, the provision of notice and the conduct of hearings, is

1 governed by the Maine Administrative Procedure Act. A final order of the office imposing  
2 a monetary penalty on a licensee or suspension or revocation of a license is a final agency  
3 action, as defined in Title 5, section 8002, subsection 4, and the licensee may appeal that  
4 final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil  
5 Procedure.

6 **Sec. B-135. 28-B MRSA §803**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
7 amended by PL 2021, c. 669, §5, is further amended to read:

8 **§803. Disposition of unauthorized cannabis or cannabis products of licensee**

9 **1. Order; destruction of cannabis or cannabis products.** If the ~~department~~ office  
10 issues a final order imposing a monetary penalty on or a license suspension or revocation  
11 against a licensee pursuant to this subchapter, the ~~department~~ office may specify in the  
12 order, in addition to any other penalties imposed in the order, that all or a portion of the  
13 cannabis or cannabis products in the possession of the licensee are not authorized under  
14 this chapter and are subject to destruction. A licensee subject to a final order directing the  
15 destruction of cannabis or cannabis products in the possession of the licensee shall forfeit  
16 the cannabis and cannabis products described in the order to the ~~department~~ office for  
17 destruction.

18 **2. Investigation.** If the ~~department~~ office is notified by a criminal justice agency that  
19 there is a pending investigation of a licensee subject to an order imposed under subsection  
20 1, the ~~department~~ office may not destroy any cannabis or cannabis products of that licensee  
21 until the destruction is approved by the criminal justice agency.

22 **Sec. B-136. 28-B MRSA §803-A**, as enacted by PL 2019, c. 491, §6 and amended  
23 by PL 2021, c. 669, §5, is further amended to read:

24 **§803-A. Administrative holds**

25 In accordance with the provisions of this section, the ~~department~~ office may impose an  
26 administrative hold on a ~~licensee~~ licensee's cannabis plants, cannabis or cannabis products  
27 if, as a result of an inspection or investigation of the licensee by the ~~department~~ office or a  
28 criminal justice agency, the ~~department~~ office determines there are reasonable grounds to  
29 believe the licensee or an agent or employee of the licensee has committed or is committing  
30 a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or  
31 the terms, conditions or provisions of the licensee's license regarding labeling and  
32 packaging, testing results, contamination of cannabis plants and cannabis or cannabis  
33 products or cannabis plants or cannabis products tracking that is not in compliance with the  
34 tracking system.

35 **1. Notice.** The ~~department~~ office shall provide to a licensee subject to an  
36 administrative hold notice of the imposition of that hold, which must:

- 37 A. Include a concise statement of the basis for the administrative hold;
- 38 B. Detail the cannabis, cannabis products or cannabis plants subject to the  
39 administrative hold;
- 40 C. Describe any operational restrictions to be placed on the licensee's license during  
41 the duration of the administrative hold; and
- 42 D. Indicate actions that must be taken by the licensee as a result of the administrative  
43 hold.

1 An administrative hold takes effect at the time that the notice under this subsection is  
2 provided by the department office to the licensee.

3 ~~2. Licensee actions.~~ A licensee subject to an administrative hold must physically  
4 segregate in a limited access area any cannabis, cannabis products or cannabis plants  
5 subject to the hold, as detailed in the notice under subsection 1, from any other cannabis,  
6 cannabis products or cannabis plants not subject to the hold. For the duration of the  
7 administrative hold, the licensee may not sell, give away, transfer, transport, dispose of or  
8 destroy any cannabis, cannabis products or cannabis plants subject to the hold, but may, as  
9 applicable, cultivate, harvest, manufacture or otherwise maintain the cannabis, cannabis  
10 products or cannabis plants subject to the hold unless specifically restricted by the  
11 department from engaging in such activities pursuant to subsection 1, paragraph C.

12 ~~3. Operational responsibilities and restrictions.~~ A licensee subject to an  
13 administrative hold shall, for the duration of the hold, maintain the licensee's licensed  
14 premises and otherwise continue to operate the licensee's licensed cannabis establishment  
15 in accordance with the provisions of this chapter, the rules adopted pursuant to this chapter  
16 and the terms, conditions or provisions of the licensee's license and the provisions of the  
17 administrative hold. Except as specifically restricted by the department pursuant to a notice  
18 under subsection 1, the licensee may, for the duration of the administrative hold and as  
19 applicable to the licensee's license type, cultivate, manufacture, test or sell any cannabis,  
20 cannabis products or cannabis plants not subject to the administrative hold.

21 **3-A. Required, permitted or prohibited conduct during administrative holds.** For  
22 the duration of an administrative hold, a licensee:

23 A. Shall physically segregate any cannabis, cannabis products or cannabis plants  
24 subject to the hold from any other cannabis, cannabis products or cannabis plants not  
25 subject to the hold;

26 B. Shall maintain the licensed premises and otherwise continue to operate the cannabis  
27 establishment pursuant to the provisions of this chapter, the rules adopted pursuant to  
28 this chapter and the terms, conditions or provisions of the licensee's license and the  
29 provisions of the administrative hold;

30 C. May, as applicable to the license type, cultivate, harvest, manufacture or otherwise  
31 maintain the cannabis, cannabis products or cannabis plants subject to the hold, unless  
32 specifically restricted by the office pursuant to subsection 1, paragraph C;

33 D. May cultivate, manufacture, test or sell any cannabis, cannabis products or cannabis  
34 plants not subject to the administrative hold; and

35 E. May not sell, give away, transfer, transport, dispose of or destroy any cannabis,  
36 cannabis products or cannabis plants subject to the hold.

37 **4. Termination; duration.** The department office may terminate an administrative  
38 hold at any time following the imposition of the hold, except that a hold under this section  
39 may not be imposed for a period exceeding 30 consecutive days from the date notice is  
40 provided to the licensee in accordance with subsection 1. Notice of termination of an  
41 administrative hold must be provided by the department office to the licensee subject to the  
42 hold.

43 ~~5. Department action; administrative hold not required prior to imposition of~~  
44 ~~penalty.~~ Subsequent to the termination of an administrative hold under subsection 4, the

1 department, in accordance with the applicable provisions of this subchapter and the rules  
2 adopted pursuant to this subchapter, may impose a monetary penalty on the licensee that  
3 was subject to the hold or suspend or revoke the licensee's license for a violation of the  
4 provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions  
5 or provisions of the licensee's license.

6 The department is not required to impose an administrative hold on a licensee prior to  
7 imposing a monetary penalty on a licensee or suspending or revoking the licensee's license  
8 in accordance with the applicable provisions of this subchapter and the rules adopted  
9 pursuant to this subchapter for a violation of the provisions of this chapter, the rules adopted  
10 pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

11 **6. Administrative hold not required prior to imposition of penalty.** The office is  
12 not required to impose an administrative hold on a licensee prior to imposing any penalty  
13 for any violation of the provisions of this chapter, the rules adopted pursuant to this chapter  
14 or the terms, conditions or provisions of the licensee's license.

15 **Sec. B-137. 28-B MRSA §804**, as amended by PL 2019, c. 491, §7 and PL 2021,  
16 c. 669, §5, is repealed.

17 **Sec. B-138. 28-B MRSA §1101, first ¶**, as amended by PL 2021, c. 645, §4 and  
18 c. 669, §5, is further amended to read:

19 The Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund, referred  
20 to in this section as "the fund," is established as a dedicated, nonlapsing fund within the  
21 department office for the purposes specified in this section.

22 **Sec. B-139. 28-B MRSA §1101, sub-§2**, as amended by PL 2023, c. 444, §1, is  
23 further amended to read:

24 **2. Uses of fund.** Money credited to the fund pursuant to subsection 1 may be used by  
25 the department office as provided in this subsection.

26 A. Money credited to the fund may be expended by the department office to fund  
27 public health and safety awareness and education programs, initiatives, campaigns and  
28 activities relating to the sale and use of adult use cannabis and adult use cannabis  
29 products conducted in accordance with section 108 by the department office, another  
30 state agency or department or any other public or private entity. The office may give  
31 priority consideration to funding public health and safety awareness and education  
32 programs, initiatives and campaigns designed specifically for minors.

33 B. Money credited to the fund may be expended by the department office to fund  
34 enhanced law enforcement training programs relating to the sale and use of adult use  
35 cannabis and adult use cannabis products for local, county and state law enforcement  
36 officers conducted in accordance with section 109 by the department office, the Maine  
37 Criminal Justice Academy, another state agency or department or any other public or  
38 private entity.

39 C. Money credited to the fund may be expended by the department office to provide  
40 reimbursement to a municipality for qualifying expenses incurred as a result of the  
41 municipality's opting to permit the operation of some or all adult use cannabis  
42 establishments within the municipality. For the purposes of this paragraph, "qualifying  
43 expenses" means legal fees and costs associated with the drafting and adoption of a

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

17 D. Any funds remaining in the fund after expenditures made in accordance with  
18 paragraphs A to C must be used to fund:

19 (1) The cost of the tax deductions for business expenses related to carrying on a  
20 business as a cannabis establishment or a testing facility provided pursuant to Title  
21 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A,  
22 subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall  
23 determine the cost of those deductions during the prior calendar year and report  
24 that amount to the State Controller, who shall transfer that amount from the  
25 remaining funds in the fund to the General Fund; and

26 (2) The cost of the position in the Bureau of Revenue Services within the  
27 department to administer the tax deductions provided pursuant to Title 36, section  
28 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2,  
29 paragraph BB. By June 1st annually, the commissioner shall determine the cost of  
30 the position in the bureau to administer those deductions during the prior calendar  
31 year and report that amount to the State Controller, who shall transfer that amount  
32 from the remaining funds in the fund to the General Fund.

33 **Sec. B-140. 28-B MRSAs §1101, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6,  
34 is amended to read:

35 **3. Application of fund to ~~departmental~~ office expenses prohibited.** Money in the  
36 fund may not be applied to any expenses incurred by the ~~department~~ office in  
37 implementing, administering or enforcing this chapter.

38 **Sec. B-141. 28-B MRSAs §1102**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
39 amended by PL 2021, c. 669, §5, is further amended to read:

40 **§1102. Adult Use Cannabis Regulatory Coordination Fund**

41 The Adult Use Cannabis Regulatory Coordination Fund, referred to in this section as  
42 "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account  
43 in the ~~department~~ office. The fund is administered and used by the ~~commissioner~~ director  
44 for the purposes of adopting rules under this chapter and for the purposes of implementing,

1 administering and enforcing this chapter. The ~~commissioner~~ director may expend money  
2 in the fund to enter into contracts with consultants and employ staff, as determined  
3 necessary by the ~~commissioner~~ director, conduct meetings with stakeholders and conduct  
4 any other activities related to the implementation, administration and enforcement of this  
5 chapter.

6 **Sec. B-142. 28-B MRSA §1505** is enacted to read:

7 **§1505. Limitation**

8 Notwithstanding any provision of law to the contrary, the Office of Cannabis Policy,  
9 established in section 104-A, may not enforce any provision of this chapter.

10 **Sec. B-143. Appropriations and allocations.** The following appropriations and  
11 allocations are made.

12 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**  
13 **Adult Use Cannabis Regulatory Coordination Fund Z264**

14 Initiative: Provides funding for one OCP Compliance Inspector position and associated  
15 costs.

16	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
17	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
18	Personal Services	\$0	\$121,154
19	All Other	\$0	\$16,451
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$137,605</u>

22 **PART C**

23 **Sec. C-1. 22 MRSA §2142, sub-§1-A,** as enacted by PL 2023, c. 267, §1, is  
24 amended to read:

25 **1-A. Certified nurse practitioner.** "Certified nurse practitioner" has the same  
26 meaning as in section ~~2422, subsection 1-B~~ 2421-A, subsection 13.

27 **Sec. C-2. 22 MRSA §2152, sub-§4-A,** as amended by PL 2017, c. 452, §1 and PL  
28 2021, c. 669, §5, is further amended to read:

29 **4-A. Food establishment.** "Food establishment" means a factory, plant, warehouse  
30 or store in which food and food products are manufactured, processed, packed, held for  
31 introduction into commerce or sold. "Food establishment" includes a caregiver, as defined  
32 in section ~~2422~~ 2421-A, subsection ~~8-A~~ 11, and a registered dispensary, as defined in  
33 section ~~2422~~ 2421-A, subsection ~~6~~ 41, that prepare food containing cannabis for medical  
34 use by a qualifying patient pursuant to chapter 558-C. The following establishments are not  
35 considered food establishments required to be licensed under section 2167:

- 36 A. Eating establishments, as defined in section 2491, subsection 7;
- 37 B. Fish and shellfish processing establishments inspected under Title 12, section 6101,  
38 6102 or 6856;
- 39 C. Storage facilities for native produce;

1 D. Establishments such as farm stands and farmers' markets primarily selling fresh  
2 produce not including dairy and meat products;

3 E. Establishments engaged in the washing, cleaning or sorting of whole produce,  
4 ~~provided as long as~~ the produce remains in essentially the same condition as when  
5 harvested. The whole produce may be packaged for sale, ~~provided that as long as~~  
6 packaging is not by a vacuum packaging process or a modified atmosphere packaging  
7 process;

8 F. Establishments that are engaged in the drying of single herbs that are generally  
9 recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The  
10 single herbs may be packaged for sale, ~~provided that as long as~~ packaging is not by a  
11 vacuum packaging process or a modified atmosphere packaging process; and

12 G. A caregiver, as defined in section ~~2422~~ 2421-A, subsection ~~8-A~~ 11, conducting an  
13 activity allowed in section 2423-A for a qualifying patient who is a member of the  
14 family, as defined in section ~~2422~~ 2421-A, subsection ~~5-A~~ 32, or member of the same  
15 household, as defined in section ~~2422~~ 2421-A, subsection ~~5-B~~ 33, of the caregiver.

16 **Sec. C-3. 22 MRSA §2158-B**, as enacted by PL 2019, c. 491, §1 and amended by  
17 PL 2021, c. 669, §5, is further amended to read:

18 **§2158-B. Food, food additives and food products containing adult use cannabis not**  
19 **adulterated**

20 Notwithstanding any provision of law to the contrary, food, food additives or food  
21 products that contain adult use cannabis are not considered to be adulterated under this  
22 subchapter based solely on the inclusion of adult use cannabis. For the purposes of this  
23 section, "adult use cannabis" has the same meaning as in Title 28-B, section ~~402~~ 102-A,  
24 subsection 1.

25 **Sec. C-4. 22 MRSA §3763, sub-§11, ¶J**, as amended by PL 2017, c. 409, Pt. A,  
26 §4 and PL 2021, c. 669, §5, is further amended to read:

27 J. Adult use cannabis and adult use cannabis products, as defined by Title 28-B, section  
28 ~~402~~ 102-A.

29 **Sec. C-5. 36 MRSA §172, sub-§3**, as enacted by PL 2019, c. 231, Pt. A, §4 and  
30 amended by PL 2021, c. 669, §5, is further amended to read:

31 **3. Adult use cannabis licensed establishment.** If the taxpayer is a cannabis  
32 establishment, as defined in Title 28-B, section ~~402~~ 102-A, subsection ~~29~~ 10, to the  
33 Department of Administrative and Financial Services, which shall construe that liability  
34 and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's  
35 cannabis establishment license in accordance with Title 28-B, chapter 1, subchapter 8.

36 **Sec. C-6. 36 MRSA §1752, sub-§1-I**, as enacted by PL 2017, c. 409, Pt. D, §1 and  
37 amended by PL 2021, c. 669, §5, is further amended to read:

38 **1-I. Adult use cannabis.** "Adult use cannabis" has the same meaning as in Title 28-B,  
39 section ~~402~~ 102-A, subsection 1.

40 **Sec. C-7. 36 MRSA §1752, sub-§1-J**, as enacted by PL 2017, c. 409, Pt. D, §1  
41 and amended by PL 2021, c. 669, §5, is further amended to read:

1           **1-J. Adult use cannabis product.** "Adult use cannabis product" has the same  
2 meaning as in Title 28-B, section ~~402 102-A~~, subsection 2.

3           **Sec. C-8. 36 MRSA §1752, sub-§6-D**, as enacted by PL 2017, c. 409, Pt. D, §1  
4 and amended by PL 2021, c. 669, §5, is further amended to read:

5           **6-D. Cannabis establishment.** "Cannabis establishment" has the same meaning as in  
6 Title 28-B, section ~~402 102-A~~, subsection ~~29 10~~.

7           **Sec. C-9. 36 MRSA §1752, sub-§6-H**, as enacted by PL 2019, c. 231, Pt. A, §7  
8 and reallocated by RR 2019, c. 1, Pt. A, §57 and amended by PL 2021, c. 669, §5, is further  
9 amended to read:

10           **6-H. Cannabis.** "Cannabis" has the same meaning as in Title 28-B, section ~~402~~  
11 ~~102-A~~, subsection ~~27 8~~.

12           **Sec. C-10. 36 MRSA §1752, sub-§6-I**, as enacted by PL 2019, c. 231, Pt. A, §8  
13 and reallocated by RR 2019, c. 1, Pt. A, §58 and amended by PL 2021, c. 669, §5, is further  
14 amended to read:

15           **6-I. Cannabis product.** "Cannabis product" has the same meaning as in Title 28-B,  
16 section ~~402 102-A~~, subsection ~~33 15~~.

17           **Sec. C-11. 36 MRSA §1752, sub-§9-G**, as enacted by PL 2019, c. 231, Pt. A, §9,  
18 is amended to read:

19           **9-G. Qualifying patient.** "Qualifying patient" has the same meaning as in Title 22,  
20 section ~~2422 2421-A~~, subsection ~~9 39~~.

21           **Sec. C-12. 36 MRSA §4921**, as amended by PL 2021, c. 323, §§1 and 2 and c. 669,  
22 §5, is further amended to read:

23           **§4921. Definitions**

24           As used in this chapter, unless the context otherwise indicates, the following terms  
25 have the following meanings.

26           **1. Adult use cannabis.** "Adult use cannabis" has the same meaning as in Title 28-B,  
27 section ~~402 102-A~~, subsection 1.

28           **2. Cultivation facility.** "Cultivation facility" has the same meaning as in Title 28-B,  
29 section ~~402 102-A~~, subsection ~~43 25~~.

30           **3. Immature cannabis plant.** "Immature cannabis plant" has the same meaning as  
31 in Title 28-B, section ~~402 102-A~~, subsection ~~49 32~~.

32           **4. Licensee.** "Licensee" has the same meaning as in Title 28-B, section ~~402 102-A~~,  
33 subsection ~~24 37~~.

34           **5. Cannabis establishment.** "Cannabis establishment" has the same meaning as in  
35 Title 28-B, section ~~402 102-A~~, subsection ~~29 10~~.

36           **6. Cannabis flower.** "Cannabis flower" has the same meaning as in Title 28-B,  
37 section ~~402 102-A~~, subsection ~~34 12~~.

38           **7. Cannabis plant.** "Cannabis plant" has the same meaning as in Title 28-B, section  
39 ~~402 102-A~~, subsection ~~32 14~~.

1           **8. Cannabis trim.** "Cannabis trim" has the same meaning as in Title 28-B, section  
2 ~~102~~ 102-A, subsection ~~35~~ 17.

3           **9. Mature cannabis plant.** "Mature cannabis plant" has the same meaning as in Title  
4 28-B, section ~~102~~ 102-A, subsection ~~36~~ 41.

5           **10. Registered caregiver.** "Registered caregiver" has the same meaning as in Title  
6 22, section ~~2422~~ 2421-A, subsection ~~44~~ 40.

7           **11. Registered dispensary.** "Registered dispensary" has the same meaning as in Title  
8 22, section ~~2422~~ 2421-A, subsection ~~6~~ 41.

9           **12. Seedling.** "Seedling" has the same meaning as in Title 28-B, section ~~102~~ 102-A,  
10 subsection ~~54~~ 59.

11           **13. Wet cannabis flower.** "Wet cannabis flower" means cannabis flower that is not  
12 dried, cured or otherwise prepared in any manner to reduce or eliminate any water weight.

13           **14. Wet cannabis trim.** "Wet cannabis trim" means cannabis trim that is not dried,  
14 cured or otherwise prepared in any manner to reduce or eliminate any water weight.

15           **Sec. C-13. 36 MRSA §4923, sub-§5**, as enacted by PL 2019, c. 231, Pt. B, §7 and  
16 amended by PL 2021, c. 669, §5, is further amended to read:

17           **5. Excise tax on purchases from registered caregivers and registered dispensaries.**  
18 A cultivation facility licensee authorized pursuant to Title 28-B, ~~section 501, subsection 6,~~  
19 ~~paragraph A~~ to purchase cannabis plants and cannabis seeds from registered caregivers and  
20 registered dispensaries that transacts such a purchase shall pay to the assessor the excise  
21 taxes that would have been imposed under subsections 1 to 4 on the sale of the cannabis  
22 plants and cannabis seeds if the cannabis plants and cannabis seeds had been sold by a  
23 cultivation facility licensee to another licensee.

24           **Sec. C-14. 36 MRSA §5122, sub-§2, ¶PP**, as amended by PL 2023, c. 444, §2, is  
25 further amended to read:

26           PP. For taxable years beginning on or after January 1, 2018, for business expenses  
27 related to carrying on a trade or business as a registered caregiver or a registered  
28 dispensary, as defined in Title 22, section ~~2422~~ 2421-A, an amount equal to the  
29 deduction that would otherwise be allowable under this Part to the extent that the  
30 deduction is disallowed under the Code, Section 280E. For taxable years beginning on  
31 or after January 1, 2023, for business expenses related to carrying on a trade or business  
32 as a registered caregiver, a registered dispensary or a manufacturing facility, as defined  
33 in Title 22, section ~~2422~~ 2421-A, or a cannabis establishment or testing facility, as  
34 defined in Title 28-B, section ~~102~~ 102-A, an amount equal to the deduction that would  
35 otherwise be allowable under this Part to the extent that the deduction is disallowed  
36 under the Code, Section 280E.

37           **Sec. C-15. 36 MRSA §5200-A, sub-§2, ¶BB**, as amended by PL 2023, c. 444,  
38 §3, is further amended to read:

39           BB. For taxable years beginning on or after January 1, 2018, for business expenses  
40 related to carrying on a trade or business as a registered caregiver or a registered  
41 dispensary, as defined in Title 22, section ~~2422~~ 2421-A, an amount equal to the  
42 deduction that would otherwise be allowable under this chapter to the extent that the  
43 deduction is disallowed under the Code, Section 280E. For taxable years beginning on

1 or after January 1, 2023, for business expenses related to carrying on a trade or business  
2 as a registered caregiver, a registered dispensary or a manufacturing facility, as defined  
3 in Title 22, section ~~2422~~ 2421-A, or a cannabis establishment or testing facility, as  
4 defined in Title 28-B, section ~~102~~ 102-A, an amount equal to the deduction that would  
5 otherwise be allowable under this chapter to the extent that the deduction is disallowed  
6 under the Code, Section 280E.

7 **PART D**

8 **Sec. D-1. Cannabis hospitality task force.** The Department of Administrative  
9 and Financial Services, Office of Cannabis Policy shall convene a task force to review how  
10 other states regulate cannabis hospitality establishments and draft recommendations for a  
11 bill to regulate cannabis hospitality establishments in this State. The task force shall  
12 consider, at a minimum:

- 13 1. Whether the office should issue a single type of cannabis hospitality establishment  
14 license or various license types for different business models;
- 15 2. How different methods of consumption are to be regulated;
- 16 3. What other products or services, including food or entertainment, may be offered at  
17 cannabis hospitality establishments;
- 18 4. Exemptions from the laws relating to clean indoor air;
- 19 5. Training for cannabis hospitality establishment employees; and
- 20 6. Local control, including whether municipalities need to opt in or opt out of allowing  
21 cannabis hospitality establishments and how municipalities may or may not regulate an  
22 establishment.

23 The office shall appoint members to the task force that include a supporter of the 2016  
24 cannabis legalization ballot measure; an expert on cannabis policy; an expert on cannabis  
25 culinary arts; an individual representing the interests of adult use cannabis consumers; an  
26 individual representing the interests of municipal governments; an individual representing  
27 the interests of adult use cannabis licensees; an individual representing the interests of the  
28 hospitality industry; an individual representing public health; and any other stakeholder the  
29 office determines necessary.

30 No later than February 1, 2025, the office shall submit a report to the joint standing  
31 committee of the Legislature having jurisdiction over cannabis matters that includes the  
32 task force's findings and recommendations, including suggested legislation. The  
33 committee may report out legislation to any regular or special session of the 132nd  
34 Legislature based upon the task force's recommendations.

35 **Sec. D-2. Self-populating online license renewal application.**  
36 Notwithstanding any provision of law to the contrary, the Department of Administrative  
37 and Financial Services, Office of Cannabis Policy shall develop an online license renewal  
38 application that self-populates all of the active licensee's information on file as previously  
39 submitted to the office for approval, including, but not limited to, information pertaining  
40 to principals and plans of record. The online license renewal application must provide a  
41 licensee the opportunity to verify with a single action that information on file with the office  
42 has not changed or to make edits, as applicable, to information on file.



1           9. It adds a requirement that if the Department of Administrative and Financial  
2 Services, Office of Cannabis Policy decides to impose a monetary penalty for a violation,  
3 the office must provide timely notice to the registrant.

4           10. It clarifies that the Maine Administrative Procedure Act applies to actions of the  
5 office taken pursuant to the Maine Medical Use of Cannabis Act.

6           Part B of the amendment makes changes to the Cannabis Legalization Act and Title  
7 28-B, chapter 3, which governs personal adult use of cannabis and cannabis products and  
8 home cultivation of cannabis for personal adult use, including, but not limited to, the  
9 following.

10           1. It reorganizes the definitions in alphabetical order.

11           2. It amends certain definitions to better conform the definitions with the Legislature's  
12 intent for the adult use of cannabis program.

13           3. It adds a definition of "principal" to clarify the natural persons subject to the  
14 provisions of the chapter when the principal is an entity and not a natural person.

15           4. It establishes the Office of Cannabis Policy within the Department of Administrative  
16 and Financial Services and replaces the word "department" with the word "office"  
17 throughout the Cannabis Legalization Act.

18           5. It moves the provisions related to rule-making authority into a new section.

19           6. It allows a licensee to submit the required tracking data through the use of software  
20 that connects to the tracking system maintained by the Office of Cannabis Policy through  
21 an application program interface.

22           7. It includes in statute the requirements for an individual identification card.

23           8. It removes the requirement that an employee or other support staff submit to a  
24 criminal history record check.

25           9. It adds a requirement that the Office of Cannabis Policy include in its annual report  
26 a detailed account of the income and expenditures of the Adult Use Cannabis Regulatory  
27 Coordination Fund and the Adult Use Cannabis Public Health and Safety and Municipal  
28 Opt-in Fund in Title 28-B, chapter 1, subchapter 11.

29           10. It removes the requirement that a licensee be a resident of the State, a provision  
30 that has not been enforced by the Office of Cannabis Policy since being found  
31 unconstitutional by the Maine Supreme Judicial Court in 2021.

32           11. It establishes a process for appointing or approving a person to operate, manage,  
33 control or wind down a cannabis business in cases of death, disability, bankruptcy, judicial  
34 dissolution or other exceptional circumstances.

35           12. It clarifies that the colocation of certain adult use cannabis operations and medical  
36 use cannabis operations may occur in a shared facility as long as there is an owner in  
37 common licensed under the adult use of cannabis program and registered under the medical  
38 use of cannabis program.

39           13. It establishes a process for a cultivation facility or nursery cultivation facility to  
40 acquire seeds or seedlings by purchase or gift.

1 14. It clarifies that a manufacturing facility licensee may, under certain conditions,  
2 also manufacture certain other products if authorized pursuant to Title 7, section 2231,  
3 except that the licensee may not manufacture hemp that does not also contain cannabis.

4 15. It clarifies that a licensee may retest its adult use cannabis and adult use cannabis  
5 products for potency but must report the potency values for both the initial and retest to the  
6 Office of Cannabis Policy.

7 16. It establishes a process for a licensee to provide samples of adult use cannabis and  
8 adult use cannabis products to a consumer.

9 17. It allows a cannabis store to establish special retail sales prices.

10 18. It allows for a minor to enter a cannabis store when accompanied by a parent, legal  
11 guardian or custodian and allows an individual identification card holder who is a parent,  
12 legal guardian or custodian of a minor to bring the minor on the licensed premises in  
13 emergency circumstances.

14 19. It establishes a process for a licensee to allow visitors who are not minors in a  
15 limited access area of the cannabis establishment.

16 20. It limits the amount of samples the Office of Cannabis Policy may collect and test  
17 for both product quality control and for audit testing purposes.

18 21. It clarifies that returned adult use cannabis and adult use cannabis products, except  
19 cannabis and cannabis products returned by a consumer to a cannabis store, do not need to  
20 be retested if the tamper-evident packaging indicates that the cannabis or cannabis products  
21 have not been tampered with.

22 22. It requires the Office of Cannabis Policy to submit a written decision on a request  
23 for approval of any labeling, packaging, advertising and marketing voluntarily submitted  
24 by a licensee within 30 days of the request.

25 23. It amends the requirement that all edible cannabis products be stamped or  
26 embossed with a universal symbol by allowing an edible cannabis product serving to be  
27 individually wrapped or blister packaged with the universal symbol clearly included on the  
28 wrapping or packaging.

29 24. It identifies the following edible cannabis products as impracticable to stamp,  
30 emboss, individually wrap or blister package: potato or corn chips, popcorn, pretzels, loose  
31 granola and gummies.

32 25. It enumerates the types of violations the office may enforce and the enforcement  
33 actions authorized.

34 26. It decreases the monetary penalties imposed by the Office of Cannabis Policy as  
35 follows: the penalty for a major violation affecting public safety is decreased from not more  
36 than \$100,000 to not more than \$20,000 per violation; the penalty for a major violation is  
37 decreased from not more than \$50,000 per violation to not more than \$10,000 per violation;  
38 and the penalty for a minor violation is decreased from not more than \$10,000 per violation  
39 to not more than \$2,500 per violation.

40 27. It adds a requirement that the Department of Administrative and Financial  
41 Services, Office of Cannabis Policy provide written notice to a licensee within 5 business  
42 days of identifying a violation of the Maine Medical Use of Cannabis Act and requires the

1 licensee to provide the office with a plan of correction, if applicable, within 5 days of  
2 receiving the notice.

3 28. It repeals and replaces the provision on suspension of a license to specify the  
4 circumstances that warrant a suspension and to limit the suspension to one year.

5 29. It provides for the revocation of a license by the Office of Cannabis Policy under  
6 certain circumstances.

7 30. It provides for timely notice to the licensee when the Office of Cannabis Policy  
8 identifies a violation.

9 31. It clarifies that the Maine Administrative Procedure Act applies to actions of the  
10 office taken pursuant to the Cannabis Legalization Act.

11 32. It clarifies conduct required and prohibited during an administrative hold imposed  
12 by the Office of Cannabis Policy.

13 33. It clarifies that the Office of Cannabis Policy does not enforce the provisions of  
14 Title 28-B, chapter 3, which governs personal adult use of cannabis and cannabis products  
15 and home cultivation of cannabis for personal adult use.

16 Part C of the amendment makes necessary corrections throughout the Maine Revised  
17 Statutes, other than in Title 28-B or Title 22, chapter 558-C, when a provision in statute  
18 cross-references a portion of Title 28-B or Title 22, chapter 558-C that was amended or  
19 repealed in this legislation.

20 Part D of the amendment creates the cannabis hospitality task force to review how other  
21 states regulate cannabis hospitality establishments and to draft recommendations for a bill  
22 to regulate these establishments in the State. It requires the Office of Cannabis Policy to  
23 develop a self-populating online license renewal application process. It staggers  
24 implementation of the change from an annual renewal of registry identification cards  
25 required under Title 28-B, chapter 1 to a 2-year renewal requirement.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**