

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 1281 - L.D. 1920

An Act to Prohibit the Sale of Potentially Intoxicating Hemp Products to a Person Under 21 Years of Age

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

Whereas, there are currently intoxicating hemp products for sale in this State for which there is no legal restriction preventing sale to minor children; and

Whereas, some of those products may be designed or packaged in a manner that a person, including a child, could potentially be led to confuse the intoxicating products for nonintoxicating products typically marketed to children, such as gummies or similar products; and

Whereas, ingestion of intoxicating hemp products by a child can cause harm to the child; and

Whereas, it is in the interest of child safety for the restrictions directed by this legislation to go into effect as soon as possible; 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,

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

Sec. 1. 7 MRSA §2231, sub-§1-A, ¶F is enacted to read:

F. "Nonintoxicating cannabinoid" means:

- (1) Cannabidiol, also known as "CBD";
- (2) Tetrahydrocannabivarin, also known as "THCV";
- (3) Cannabichromene, also known as "CBC";
- (4) Cannabicitran, also known as "CBTC";
- (5) Cannabicyclol, also known as "CBL";

- (6) Cannabielsoin, also known as "CBE";
- (7) Cannabigerol, also known as "CBG";
- (8) Cannabidivarin, also known as "CBDV"; and
- (9) Cannabinol, also known as "CBN."

Sec. 2. 7 MRSA §2231, sub-§1-A, ¶G is enacted to read:

G. "Potentially intoxicating cannabinoids" include the following:

- (1) Delta-10-tetrahydrocannabinol and its isomers;
- (2) Delta-9-tetrahydrocannabinol and its isomers;
- (3) Delta-8-tetrahydrocannabinol and its isomers;
- (4) Delta-7-tetrahydrocannabinol and its isomers;
- (5) Delta-6a,10a-tetrahydrocannabinol and its isomers;
- (6) Exo-tetrahydrocannabinol;
- (7) Metabolites of tetrahydrocannabinol, including 11-hydroxy-tetrahydrocannabinol, 3'-hydroxy-tetrahydrocannabinol and 7-hydroxy-delta-tetrahydrocannabinol;
- (8) Hydrogenated forms of tetrahydrocannabinol, including hexahydrocannabinol, hexahydrocannabiphorol and hexahydrocannabihexol;
- (9) Synthetic forms of tetrahydrocannabinol, including dronabinol;
- (10) Ester forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabinol-O-acetate, delta-9-tetrahydrocannabinol-O-acetate and hexahydrocannabinol-O-acetate;
- (11) Varin forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabivarin but excluding delta-9-tetrahydrocannabivarin; and
- (12) Analogs of tetrahydrocannabinols with an alkyl chain of 4 or more carbon atoms, including tetrahydrocannabiphorols, tetrahydrocannabiocetyls, tetrahydrocannabihexols and tetrahydrocannabutols.

Sec. 3. 7 MRSA §2231, sub-§1-A, ¶H is enacted to read:

H. "Potentially intoxicating hemp product" means any products derived from hemp and ingestible consumer products, including food, food additives, food products and beverages derived from hemp, that in their final forms do not contain:

- (1) A concentration of less than 0.3% potentially intoxicating cannabinoids; and
- (2) A ratio of more than 10:1 of nonintoxicating cannabinoids to potentially intoxicating cannabinoids.

Sec. 4. 7 MRSA §2231, sub-§12 is enacted to read:

12. Potentially intoxicating hemp products; prohibited sales. A potentially intoxicating hemp product may not be sold to a person who has not attained 21 years of age.

Sec. 5. 7 MRSA §2231, sub-§13 is enacted to read:

13. Packaging and labeling requirements. This subsection governs packaging and labeling requirements for hemp products.

A. A potentially intoxicating hemp product that is not a beverage, salve or topical product must be packaged in child-resistant and tamper-evident packaging.

B. A hemp product may not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the item was a different trademarked product.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.