

STATE OF MAINE

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

—
H.P. 1471 - L.D. 1985

An Act To Improve Testing Requirements for Adult Use Marijuana

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

Sec. 1. 28-B MRSA §601, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§601. Testing program established

The department shall establish a testing program for adult use marijuana and adult use marijuana products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use marijuana or an adult use marijuana product to a consumer ~~or to another licensee~~, to submit the marijuana or marijuana product to a testing facility for testing to ensure that the marijuana or marijuana product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and to ensure correct labeling. The department shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that are injurious to health for which marijuana and marijuana products must be tested under this subchapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-B MRSA §602, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A licensee may not sell or distribute adult use marijuana or an adult use marijuana product to a consumer ~~or to another licensee~~ under this chapter unless the marijuana or marijuana product has been tested pursuant to this subchapter and the rules adopted pursuant to this subchapter and that mandatory testing has demonstrated that the marijuana or marijuana product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required.

Sec. 3. 28-B MRSA §605, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

Notwithstanding section 602, a licensee may sell or furnish to a consumer ~~or to another licensee~~ adult use marijuana or an adult use marijuana product that the licensee has not submitted for testing in accordance with this subchapter and rules adopted pursuant to this subchapter if:

Sec. 4. 28-B MRSA §605, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

4. No subsequent processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the marijuana or marijuana product has not undergone any further processing, manufacturing or alteration, ~~other than the packaging and labeling of the marijuana or marijuana product for sale~~ that would result in an increase in the concentration of any contaminants or factors identified in section 602, subsection 1 or in any rules adopted by the department pursuant to that section.