

STATE OF MAINE

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

—
S.P. 622 - L.D. 1784

**An Act To Ensure Legislative Review of Rules for Maine's Medical Use of
Marijuana Act**

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

Whereas, Public Law 2021, chapter 387 requires the Department of Administrative and Financial Services' office of marijuana policy to adopt major substantive rules relating to the Maine Medical Use of Marijuana Act; and

Whereas, any rules adopted by the department will have significant effects on Maine's medical marijuana patients and thousands of registered medical marijuana caregivers and associated businesses across the State; and

Whereas, this warrants meaningful legislative oversight and approval; and

Whereas, the department has authority to adopt rules prior to the expiration of the 90-day period; 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. 22 MRSA §2422-A, sub-§2, ¶A is enacted to read:

A. Notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, rules provisionally adopted by the department in accordance with this subsection and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.

This paragraph is repealed on November 1, 2025.

Sec. 2. 22 MRSA §2424, sub-§1-A, as amended by PL 2021, c. 387, §6, is further amended to read:

1-A. Rulemaking. The department may adopt rules to carry out the purposes of this chapter in accordance with section 2422-A, subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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