

Committee: HHS

Drafter: EED

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LR (item)#: 300002

New Title?:

Add Emergency?:

Date: 7/14/2020

Committee Amendment “ ” to LD 2099, An Act To Amend Provisions of the Maine Medical Use of Marijuana Act

Amend the bill as follows (*changes highlighted*):

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

PART A

Sec. A-1. 22 MRSA §2422, sub-§1-G is enacted to read:

1-G. Batch. "Batch" means:

A. A specific quantity of harvested marijuana for medical use harvested during a specified period of time from a specified cultivation area maintained by a registered caregiver when applicable or dispensary; or

B. A specific quantity of harvested marijuana, ~~marijuana products or marijuana concentrate~~ for medical use produced during a specified period of time in a specified manufacturing area maintained by a registered caregiver when applicable, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances.

Sec. A-2. 22 MRSA §2422, sub-§1-H is enacted to read:

1-H. Batch number. "Batch number" means a distinct group of numbers, letters or symbols, or any combination thereof, assigned to a specific batch of harvested marijuana; ~~marijuana products or marijuana concentrate~~ for medical use by a registered caregiver, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances.

Sec. A-3. 22 MRSA §2422, sub-§3, as amended by PL 2017, c. 452, §3, is further amended to read:

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation in accordance with this chapter that is enclosed in such a manner that it obscures the area from public viewing by any person who has not attained 21 years of age and is equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

~~Sec. A 4. 22 MRSA §2422, sub §4 N~~, as enacted by PL 2019, c. 331, §2 and c. 528, §16, is repealed and the following enacted in its place:

~~4 N. Immature marijuana plant.—"Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1 A, paragraph D.~~

~~Sec. A 5. 22 MRSA §2422, sub §4 O~~, as enacted by PL 2019, c. 331, §2 and c. 528, §16, is amended to read:

~~4 O. Inherently hazardous substance.—"Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not includeincludes any form of alcohol or ethanol.~~

~~Sec. A 6. 22 MRSA §2422, sub §11~~, as amended by PL 2017, c. 452, §3, is further amended to read:

~~11. Registered caregiver.—"Registered caregiver" means a natural person who is a caregiver who is registered by the department pursuant to section 2425 A.~~

~~Sec. A 7. 22 MRSA §2422, sub §14 B~~, as enacted by PL 2017, c. 452, §3, is amended to read:

~~14 B. Seedling.—"Seedling" means a nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.that is:~~

~~A. Not flowering;~~

~~B. Less than 12 inches in height; and~~

~~C. Less than 12 inches in width.~~

PART B

~~Sec. B-1. 22 MRSA §2429-A, sub §3~~, as enacted by PL 2017, c. 452, §18, is amended to read:

~~3. Labels. If a registered caregiver, caregiver retail store, dispensary or manufacturing facility affixesshall affix a label on the packaging of any harvested marijuana, marijuana product or marijuana concentrate provided to a qualifying patient and. If that label includes information about contaminants, the cannabinoid profile or potency of the harvested marijuana, the label must be marijuana product or marijuana concentrate, such information must be verified by a marijuana testing facility. This subsection does not apply if there is no marijuana testing facility operating in accordance with section 2423 A, subsection 10 or Title 28-B, chapter 1 that is authorized to test marijuana for medical use until such time that the department determines there is sufficient capacity among marijuana testing facilities operating in accordance with section 2423-A.~~

subsection 10 or Title 28-B, chapter 1 that are authorized to test marijuana for medical use to promptly, reliably and accurately conduct such testing. The department shall post on its publicly accessible website the date on which the department has determined that sufficient capacity among marijuana testing facilities exists. Harvested marijuana, marijuana products and marijuana concentrate to be provided to a patient in accordance with this chapter must be labeled with the following information, as applicable, based on the harvested marijuana, marijuana product or marijuana concentrate to be sold:

A. The registry identification card number, if applicable, and registration certificate numbers of the registered caregiver, caregiver retail store, dispensary and manufacturing facility where the harvested marijuana, marijuana product or marijuana concentrate was cultivated, manufactured and offered for sale;

A. An identity statement and universal symbol;

B. Health and safety warning labels as required by rules adopted by the department after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention;

C. The batch number;

D. A net weight statement;

E. Information on the amount of tetrahydrocannabinol and cannabidiol per serving of the harvested marijuana, marijuana product or marijuana concentrate and, in addition, for edible marijuana products, the number of servings per package;

F. Information on gases, solvents and chemicals used in marijuana extraction;

G. ~~Instructions on usage~~ Route of administration;

H. For marijuana products:

(1) The amount of marijuana concentrate per serving of the product, as measured in grams, and the amount of marijuana concentrate per package of the product, as measured in grams;

(2) A list of ingredients and possible allergens; and

(3) A recommended use date or expiration date;

I. For edible marijuana products, a nutritional fact panel; and

J. Any other information required by rule by the department.

Sec. B-2. 22 MRSA §2429-A, sub-§5 is enacted to read:

5. Health and safety rules. The department shall adopt labeling, packaging and other necessary health and safety rules for harvested marijuana, marijuana products and marijuana concentrate for medical use. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART C

Sec. C-1. 22 MRSA §2422, sub-§5-D is enacted to read:

5-D. Municipality. "Municipality" means a city, or town or plantation in this State that is not located within the unorganized and deorganized areas.

Sec. C-2. 22 MRSA §2422, sub-§14-C is enacted to read:

14-C. Unorganized and deorganized areas. "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1.

Sec. C-3. 22 MRSA §2429-D, as amended by PL 2019, c. 217, §5, is further amended to read:

§ 2429-D. Local regulation in municipalities

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to ~~the effective date of this section~~ ~~September 19, 2019-December 13, 2018~~. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the ~~effective date of this section~~ ~~or before September 19, 2019-December 13, 2018~~ to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001,

subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

Sec. C-4. 22 MRSA §2429-E is enacted to read:

§ 2429-E. Local regulation in towns, plantations and townships in unorganized and deorganized areas

In unorganized and deorganized areas, pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001 and the principles of sound planning, zoning and development recognized in Title I2, chapter 206-A, the legislative body of a town or plantation or, in the case of a township, the county commissioners of the county where the township is located and the Maine Land Use Planning Commission may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

1. Registered caregivers. The legislative body of a town or plantation or, in the case of a township, the county commissioners of the county where the township is located and the Maine Land Use Planning Commission may not prohibit or limit the number of registered caregivers in a town, plantation or township.

2. Local authorization required. A person may not operate a caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility that is not operating on or before January 1, 2021 the effective date of this section within a town, plantation or township located within the unorganized and deorganized areas unless:

A. The legislative body of the town or plantation or, in the case of a township, the county commissioners of the county where the township is located has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the town, plantation or township;

B. The caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility has obtained all applicable local approvals, permits and licenses not relating to land use planning and development that are required for the operation of the caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility, as applicable, by the town or plantation or, in the case of a township, the county commissioners of the county where the township is located; and

C. The caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility has obtained all applicable approvals, permits and licenses relating to land use planning and development that are required by the Maine Land Use Planning Commission for the development and operation of the caregiver retail store, registered dispensary, marijuana testing facility or manufacturing facility.

Sec. C-5. 22 MRSA §2429-F is enacted to read:

§ 2429-F. Authority of Maine Land Use Planning Commission

Except as provided in section 2429-E, subsection 1, nothing in this chapter or the rules adopted pursuant to this chapter may be construed to limit the authority of the Maine Land Use Planning Commission to regulate land use planning and development activities within the unorganized and deorganized areas of the State pursuant to Title 12, chapter 206-A.

Sec. C-6. 30-A MRSA §4452, sub-§5, ¶X is enacted to read:

X. Local land use and business licensing ordinances adopted pursuant to Title 22, section 2429-D.

Sec. C-7. 30-A MRSA §7064 is enacted to read:

§7064. Medical marijuana

A plantation has the same powers and duties, and is subject to the same restrictions and requirements, as a municipality under section 4452, subsection 5, paragraph X and under Title 22, section 2429-D, except that a plantation in an unorganized and deorganized area is subject to Title 22, section 2429-E.

PART D

Sec. D-1. 22 MRSA §2430-H, as enacted by PL 2017, c. 452, §24, is amended to read:

§ 2430-H. Fines collected authorized; Maine Administrative Procedure Act applies

In addition to any other administrative action to suspend or revoke a registry identification card or registration certificate, the department, on its own initiative or on complaint and after investigation, notice and the opportunity for a public hearing, by written order may impose a fine on a registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances operating under this chapter for any violation by the registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances or an assistant or other authorized agent of a registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances of the provisions of this chapter, the rules adopted pursuant to this chapter or any other terms, conditions or provisions imposed pursuant to the issuance of a registry identification card or registration certificate. Fines collected pursuant to this chapter and rules adopted by the department must be credited to the Medical Use of Marijuana Fund pursuant to section 2430.

1. Fines in addition to other penalties.— Any fines imposed by the department pursuant to this section are in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules.

2. Limits. A fine imposed by the department for a violation of this chapter may not exceed \$100,000 per violation for a caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances. A fine imposed by the department for a violation of this chapter may not exceed \$10,000 per violation for a registered caregiver or an assistant or other authorized agent of a registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances.

A. The department shall adopt rules setting forth potential amounts of fines to be imposed for violations of this chapter based upon the following specific categories of unauthorized conduct by a caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances:

(1) Not more than \$25,000 per minor registration violation;

(2) Except as provided in subparagraph (3), not more than \$50,000 per major registration violation; and

(3) Not more than \$100,000 per major registration violation affecting public safety.

B. The department shall adopt rules setting forth potential amounts of fines to be imposed for violations of this chapter based upon the following specific categories of unauthorized conduct by a registered caregiver or an assistant or other authorized agent of a registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances:

(1) Not more than \$1,000 per minor registration violation;

(2) Except as provided in subparagraph (3), not more than \$5,000 per major registration violation; and

(3) Not more than \$10,000 per major registration violation affecting public safety.

3. Form of payment. All fines imposed pursuant to this section must be paid by the registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances to the department in the form of cash or in the form of a certified check or cashier's check payable to the department.

4. Maine Administrative Procedure Act applies. Except as otherwise provided in this chapter or in rules adopted pursuant to this chapter, the imposition of a fine or the suspension or revocation of a registry identification card or registration certificate by the department, including, but not limited to, the provision of notice and the conduct of hearings, is governed by the Maine Administrative Procedure Act. A final order of the department imposing a fine or suspending or

revoking a registry identification card or registration certificate is a final agency action, as defined in Title 5, section 8002, subsection 4, and the registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances may appeal that final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

5. Rules. The department shall adopt rules governing the imposition of fines under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART E

Sec. E-1. 22 MRSA §2423-A, sub-§10, ¶A-1 is enacted to read:

A-1. The department shall issue a registry identification card to an officer or director or assistant of a registered marijuana testing facility within 5 business days of approving an application or renewal under this subsection.

(1) A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

(a) The name of the cardholder;

(b) The date of issuance and expiration date of the registry identification card; and

(c) A random identification number that is unique to the cardholder.

(2) The department may not issue a registry identification card to an officer or director or assistant of a registered marijuana testing facility who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each officer or director or assistant subject to this paragraph on an annual basis. The criminal history record check required under this subparagraph must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

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

(b) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(c) A person subject to a criminal history record check under this subparagraph shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this division must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(d) A person subject to a Federal Bureau of Investigation criminal history record check under this subparagraph may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. A person subject to a state criminal history record check under this subparagraph may inspect and review the criminal history record information pursuant to Title 16, section 709.

(e) State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter.

(f) Information obtained pursuant to this subparagraph is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person or entity.

(g) If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.

(3) If the department determines not to issue a registry identification card to an officer or director or assistant of a marijuana testing facility, the department shall notify the marijuana testing facility in writing of the reason for denying the registry identification card.

~~The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.~~

~~Sec. E-2. 22 MRSA §2423-F, sub-§8, ¶B, as repealed and replaced by PL 2019, c. 331, §17, is repealed and the following enacted in its place:~~

~~B. In accordance with rules adopted under subsection 10, the department shall issue a registry identification card to the officer or director or assistant of a registered manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection.~~

~~(1) A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:~~

~~(a) The name of the cardholder;~~

~~(b) The date of issuance and expiration date of the registry identification card; and~~

~~(c) A random identification number that is unique to the cardholder.~~

~~(2) The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this paragraph on an annual basis. The criminal history record check requested under this subparagraph must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply:~~

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

~~(b) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.~~

(c) A person subject to a criminal history record check under this subparagraph shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this division must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(d) A person subject to a Federal Bureau of Investigation criminal history record check under this subparagraph may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. A person subject to a state criminal history record check under this subparagraph may inspect and review the criminal history record information pursuant to Title 16, section 709.

(e) State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter.

(f) Information obtained pursuant to this subparagraph is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person or entity.

(g) If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.

(3) If the department determines not to issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances, the department shall notify the registered manufacturing facility or person in writing of the reason for denying the registry identification card.

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.

Sec. E-3. 22 MRSA §2425-A, sub §3-A, as amended by PL 2019, c. 331, §19, is further amended to read:

~~3 A. Criminal history record check for registered caregivers, registered dispensaries and caregivers administering medical marijuana on school grounds. The department shall request a criminal history record check for a caregiver required to register with the department under subsection 2 and an assistant of a caregiver and an officer or director or assistant of a dispensary as well as a caregiver designated under section 2423-A, subsection 1, paragraph F 1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.~~

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

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

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

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

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

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

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

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

~~The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

PART F

~~Sec. F-1. 22 MRSA §2423-A, sub-§2, ¶P, as amended by PL 2019, c. 217, §2, is further amended to read:~~

~~P. OperateObtain a registration certificate from the department pursuant to section 2425-A, subsection 6 to operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and~~

~~Sec. F-2. 22 MRSA §2423-A, sub-§2, ¶Q, as enacted by PL 2017, c. 452, §4, is amended to read:~~

~~Q. Be organizedOrganize the caregiver's business activities as any type of legal business entity recognized under the laws of the State.~~

~~Sec. F-3. 22 MRSA §2425-A, sub-§2, as enacted by PL 2017, c. 452, §12, is amended to read:~~

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2), a caregiver retail store and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

~~Sec. F-4. 22 MRSA §2425-A, sub-§5, ¶B, as enacted by PL 2017, c. 452, §12, is amended to read:~~

~~B. If a caregiver is~~caregiver's business activities are organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State.

~~Sec. F-5. 22 MRSA §2425-A, sub-§6, as enacted by PL 2017, c. 452, §12, is amended to read:~~

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

- A. The annual fee required pursuant to subsection 10;
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and
- C. The name, address and date of birth of each officer or director of the applicant;
- D. If the applicant is a registered caregiver applying for a registration certificate for a caregiver retail store, the physical address of the caregiver retail store; and
- E. Evidence of compliance with all local regulations in accordance with section 2429-D or 2429-E, as applicable.

~~Sec. F-6. 22 MRSA §2425-A, sub-§8, as amended by PL 2019, c. 331, §20, is further amended to read:~~

~~**8. Requirements for issuance of registration certificates.** A registration certificate expires one year after the date of issuance. The certificate must contain, as applicable:~~

- A. ~~The name of the certificate holder;~~
- B. ~~The date of issuance and expiration date of the registration certificate;~~
- C. ~~A random identification number that is unique to the certificate holder;~~
- D. ~~The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana plants will be cultivated; and~~
- E. ~~A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants.~~

~~Sec. F-7. 22 MRSA §2425-A, sub-§10, ¶B, as enacted by PL 2017, c. 452, §12, is repealed and the following enacted in its place:~~

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver cultivating based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

(2) For a caregiver cultivating based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.

Sec. F-8. 22 MRSA §2425-A, sub-§10, ¶B-1 is enacted to read:

B-1. There is an annual registration fee for a caregiver retail store, which may not be less than \$50 or more than \$500 \$240. The caregiver shall notify the department of the physical address of the caregiver retail store.

Sec. F-9. 22 MRSA §2425-A, sub-§10, ¶J, as enacted by PL 2017, c. 452, §12, is amended to read:

~~J. There is an annual fee for a criminal history record check for a caregiver or person authorized to engage in marijuana extraction using inherently hazardous substances or an officer or director or assistant of a registered dispensary, marijuana testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or person authorized to engage in marijuana extraction using inherently hazardous substances or by the registered dispensary, marijuana testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, marijuana testing facility or manufacturing facility.~~

Sec. F-10. 22 MRSA §2425-A, sub-§11, ¶E is enacted to read:

E. A caregiver retail store shall notify the department in writing if the physical location address of the caregiver retail store changes.

Sec. F-11. 22 MRSA §2430-F, sub-§1 is amended to read:

1. Department suspension or revocation. The department may suspend or revoke a registry identification card for violation of this chapter and the rules adopted under this chapter. Revocation in accordance with section 2430-E, subsection 2 is considered a final agency action, subject to judicial review under Title 5, chapter 375, subchapter 7. Unless otherwise specified as final agency action, a person who has had authorization for conduct under this chapter revoked due to failure to comply with this chapter and rules adopted by the department may request an informal hearing. The department shall adopt rules to specify the period of time, ~~which may not exceed one year~~, that the person whose registry identification card was revoked is ineligible for reauthorization under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The department shall immediately revoke the registry identification card of an officer or director or assistant of a dispensary who is found to have violated section 2428, subsection 9, paragraph B, and that person is disqualified from serving as an officer or director or assistant of a dispensary.

SUMMARY

This amendment, which is the majority report of the committee, accomplishes the following. It:

1. Removes the provision in the bill relating to cultivation areas.
2. Amends the definitions and provisions related to labeling to remove reference to marijuana products or marijuana concentrate because those products are already included in the definition of “harvested marijuana.”
3. Provides that testing for cannabinoid profile or potency will be required when the Department of Administrative and Financial Services determines there is sufficient testing capacity.
4. Removes the labeling requirement that tracks the chain of custody of the harvested marijuana and changes the labeling requirement providing instructions on usage to route of administration.
5. Removes the provisions in the bill relating to seedling size.
6. Removes the provisions in the bill related to inherently hazardous substances.
7. Amends the provisions relating to local regulation to identify the effective date of the municipality regulation, to clarify the provisions around home rule authority, to expressly provide authority for plantations that are not in the unorganized and deorganized areas and to clarify the authority of the Maine Land Use Planning Commission.
8. Removes the provisions in the bill related to fines.
9. Removes the provisions in the bill related to the registration of marijuana testing facilities and marijuana manufacturing facilities.
10. Removes the provisions in the bill regarding fingerprint-based criminal history background checks.
11. Requires caregiver retail stores to obtain a registration certificate and notify the Department of Administrative and Financial Services if the physical address of the caregiver retail store changes.
12. Removes the one-year limitation on the authority of the Department of Administrative and Financial Services to revoke a registry identification card.



129th MAINE LEGISLATURE

LD 2099

LR 3000(02)

An Act To Amend Provisions of the Maine Medical Use of Marijuana Act

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$100,000	\$100,000	\$100,000
Revenue				
Other Special Revenue Funds	\$0	\$100,000	\$100,000	\$100,000

Fiscal Detail and Notes

The bill includes Other Special Revenue Funds allocations to the Department of Administrative and Financial Services of \$100,000 beginning in fiscal year 2020-21 for additional revenue from the registration of caregiver retail stores, both physical and online, with an expectation that there are more than 400 statewide.

Additional costs to the Office of Marijuana Policy within the Department of Administrative and Financial Services as a result of the provisions of this legislation are anticipated to be minor and can be absorbed within existing budgeted resources.

Sec. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Medical Use of Marijuana Fund Z265

Initiative: Provides allocation of additional revenue from the registration of more than 400 caregiver retail stores statewide, both physical and online.

	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS		
All Other	\$0	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$100,000</u>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
DEPARTMENT TOTALS**

	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	<u>\$0</u>	<u>\$100,000</u>
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$100,000</u>