

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Regarding Medical Marijuana Registered Testing Laboratories**

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

**Sec. 1. 22 MRSA §2422, sub-§1**, as amended by PL 2009, c. 631, §8 and affected by §51, is further amended to read:

**1. Cardholder.** "Cardholder" means a registered patient, a registered primary caregiver or a principal officer, board member, agent or employee of a registered dispensary or registered testing laboratory who has been issued and possesses a valid registry identification card.

**Sec. 2. 22 MRSA §2422, sub-§12-A** is enacted to read:

**12-A. Registered testing laboratory.** "Registered testing laboratory" means a testing laboratory that is registered with the department pursuant to section 2425, subsection 4-A and meets the following requirements:

A. The testing laboratory is accredited to standard ISO/IEC 17025 of the International Organization for Standardization by a nationally known 3rd-party accrediting body;

B. The testing laboratory adheres to federally recognized public standards for pathology testing for nonsterile supplements published in a pharmacopeia by a national nonprofit organization approved by the department, when applicable; and

C. The testing laboratory is located in the State and all tests are processed and completed in the State.

**Sec. 3. 22 MRSA §2423-F** is enacted to read:

### **§ 2423-F. Authorized conduct by a registered testing laboratory**

A registered testing laboratory may possess marijuana for the purposes of testing for the cannabinoid profile and for contaminants, including, but not limited to, mold, mildew, heavy metals, toxins, plant growth regulators and nonorganic pesticides.

**1. Allowable amounts.** A registered testing laboratory may possess up to 8 pounds of prepared marijuana and unlimited amounts of testing samples.

**2. Storage.** Marijuana in the possession of a registered testing laboratory or in the process of testing, transport or analysis must be housed and stored in a manner to prevent diversion, theft and loss.

**3. Excess marijuana.** All excess marijuana possessed by a registered testing laboratory must be returned to the source or destroyed. The registered testing laboratory shall create and maintain records of the disposal of marijuana and of any hazardous chemicals used by the registered testing laboratory. Other registered testing laboratory materials must be disposed of in accordance with hazardous waste management rules pursuant to Title 38, chapter 13, subchapter 5.

**4. Labeling.** Marijuana being transported to and from a registered testing laboratory must be labeled "For Testing Purposes Only."

**5. Immunity.** The immunity provisions in this subsection apply to a registered testing laboratory's principal officers, board members, agents and employees.

A. A registered testing laboratory is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist qualifying patients with the medical use of marijuana in accordance with this chapter.

B. A principal officer, board member, agent or employee of a registered testing laboratory is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a registered testing laboratory to test prepared marijuana provided by a qualifying patient, primary caregiver, registered primary caregiver or registered dispensary.

**6. Interest.** A principal officer, board member, agent or employee of a registered dispensary may not have a financial or other interest in a registered testing laboratory providing services for that dispensary.

**Sec. 4. 22 MRSA §2425, sub-§1-A,** as enacted by PL 2013, c. 394, §3, is amended to read:

**1-A. Criminal history record check.** An applicant for a registry identification card who is a primary caregiver or who is a principal officer, board member, agent or employee of a registered dispensary or registered testing laboratory must undergo a criminal history record check annually.

**Sec. 5. 22 MRSA §2425, sub-§4-A** is enacted to read:

**4-A. Registered testing laboratory identification card.** The department shall issue registry identification cards to principal officers, board members, agents and employees of a registered testing laboratory within 5 days of approving an application or renewal under this section in accordance with department rules. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain:

- A. The name of the cardholder;
- B. The date of issuance and expiration date; and
- C. A random identification number that is unique to the cardholder.

**Sec. 6. 22 MRSA §2425, sub-§12, ¶¶H and I** are enacted to read:

H. There is an annual fee to register a testing laboratory of not less than \$100 and not more than \$500.

I. There is an annual fee to register a principal officer, board member, agent or employee of a registered testing laboratory of not less than \$25 and not more than \$50. The fee must be paid by the registered testing laboratory.

**Sec. 7. Rules.** By December 15, 2015, the Department of Health and Human Services shall adopt rules to establish an application form and fees for the registration of medical marijuana testing laboratories and principal officers, board members, agents and employees of medical marijuana testing laboratories under the Maine Revised Statutes, Title 22, chapter 558-C. Rules adopted pursuant to this section are routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill establishes in the medical use of marijuana laws the registration of testing laboratories that perform testing on marijuana samples for the cannabinoid profile and for possible contaminants. Registered testing laboratories must be located in the State, and the laboratories and their principal officers, board members, agents and employees are given the same immunity from prosecution, search, seizure and penalty currently granted to registered dispensaries. The Department of Health and Human Services is required to establish an application form and fees for registered testing laboratories by December 15, 2015.