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An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization 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, implementing a system for the regulation and administration of the cultivation, distribution and retail sale of recreational marijuana, a controlled substance, is a complex function with significant financial costs; and

Whereas, certain portions of the Marijuana Legalization Act were delayed until February 1, 2018 to allow for the development and implementation of that system; and

Whereas, the Legislature needs more time to develop that system; 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 §2445, first ¶, as amended by PL 2017, c. 309, §6, is further amended to read:

Beginning ~~February 1, 2018~~ May 1, 2018, the state licensing authority shall establish an independent testing and certification program for retail marijuana and retail marijuana products. Except as otherwise provided in this section, the program must require a retail marijuana licensee, prior to selling or furnishing retail marijuana or a retail marijuana product to a consumer or to another licensee, to submit the marijuana or marijuana product to a retail marijuana testing facility for testing pursuant to this section 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 Commissioner of Agriculture, Conservation and Forestry shall adopt rules identifying the types of contaminants that are injurious to health for which marijuana and marijuana products must be tested under this section and the maximum level of allowable contamination for each contaminant.

Sec. 2. 7 MRSA §2446, sub-§5, as enacted by PL 2017, c. 1, §8, is amended to read:

5. Effective date. This section takes effect ~~February 1, 2018~~ May 1, 2018.

Sec. 3. 7 MRSA §2447, first ¶, as amended by PL 2017, c. 1, §9, is further amended to read:

Beginning ~~February 1, 2018~~ May 1, 2018, an application for a license under the provisions of this chapter must be made to the state licensing authority on forms prepared and furnished by the state licensing authority and must set forth such information as the state licensing authority may require to enable the state licensing authority to determine whether a license should be granted. The information must include the name and address of the applicant and the names and addresses of the applicant's officers, directors or managers. Each application must be verified by the oath or affirmation of such person or

persons as the state licensing authority may prescribe. The state licensing authority may issue a license to an applicant pursuant to this section upon completion of the applicable criminal history record check associated with the application. The license is conditioned upon municipal approval. An applicant is prohibited from operating a retail marijuana establishment or retail marijuana social club without state licensing authority and municipal approval. If the applicant does not receive municipal approval within one year from the date of state licensing authority approval, the license expires and may not be renewed. If an application is not approved by the municipality, the state licensing authority shall revoke the license.

Sec. 4. 7 MRSA §2448, sub-§19, as enacted by PL 2017, c. 1, §10, is amended to read:

19. Effective date. This section takes effect ~~February 1, 2018~~May 1, 2018.

Sec. 5. 7 MRSA §2449, sub-§6, as enacted by PL 2017, c. 1, §11, is amended to read:

6. Effective date. This section takes effect ~~February 1, 2018~~May 1, 2018.

Sec. 6. 7 MRSA §2450, first ¶, as amended by PL 2017, c. 1, §12, is further amended to read:

Beginning ~~February 1, 2018~~May 1, 2018, a license granted under the provisions of this chapter is not transferable except as provided in this section, but this section does not prevent a change of location as provided in section 2451, subsection 7.

Sec. 7. 7 MRSA §2451, first ¶, as amended by PL 2017, c. 1, §13, is further amended to read:

Beginning ~~February 1, 2018~~May 1, 2018, the following provisions govern licensing in general.

Sec. 8. 7 MRSA §2452, sub-§1, ¶¶D and E, as amended by PL 2017, c. 1, §14, are further amended to read:

D. Beginning ~~February 1, 2018~~May 1, 2018, purchase up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store; and

E. Beginning ~~February 1, 2018~~May 1, 2018, purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.

Sec. 9. 7 MRSA §2452, sub-§7, as enacted by PL 2017, c. 1, §16, is amended to read:

7. Possession of certain edibles. Notwithstanding subsection 1, until ~~February 1, 2018~~May 1, 2018, a person may not possess edible retail marijuana products. This subsection does not apply to marijuana products purchased for medical use pursuant to Title 22, chapter 558-C.

Sec. 10. 7 MRSA §2453, sub-§4, as enacted by PL 2017, c. 1, §17, is amended to read:

4. Effective date. This section takes effect ~~February 1, 2018~~May 1, 2018.

Sec. 11. 7 MRSA §2454, sub-§5, as enacted by PL 2017, c. 1, §18, is amended to read:

5. Effective date. This section takes effect ~~February 1, 2018~~May 1, 2018.

Sec. 12. 36 MRSA §1817, sub-§8, as enacted by PL 2017, c. 1, §21, is amended to read:

8. Effective date. This section takes effect ~~February 1, 2018~~ May 1, 2018.

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

SUMMARY

This bill further delays, until May 1, 2018, the effective date of those provisions of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1.