

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 the Testing of Adult Use Marijuana and Marijuana Products

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

Sec. 1. 28-B MRSA §602, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

Except for adult use marijuana or an adult use marijuana product under subsection 4, 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. 2. 28-B MRSA §602, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

3. Testing process, protocols and standards. The department shall establish by rule processes, protocols and standards for mandatory and other testing of marijuana and marijuana products that conform with the best practices generally used within the marijuana industry and any applicable state or federal process, protocol or standard for the testing of tobacco.

Sec. 3. 28-B MRSA §602, sub-§4 is enacted to read:

4. Exemption. If adult use marijuana or an adult use marijuana product has not been tested within 5 business days after being received by a testing facility, the facility shall immediately notify the licensee who provided the marijuana or marijuana product and the licensee may sell or distribute the marijuana or marijuana product to a consumer or another licensee if the licensee labels the marijuana or marijuana product pursuant to section 701, subsection 1, paragraph J-1. If upon testing the testing facility determines that the marijuana or marijuana product:

A. Exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall notify the department under section 603, subsection 1 and the licensee who provided the marijuana or marijuana product to the testing facility. Upon notice under this paragraph, the licensee immediately shall document, quarantine and hold all marijuana or marijuana product subject to the testing, including recovering any recoverable marijuana or marijuana product subject to the testing provided to a consumer or another licensee. Unless the licensee has successfully undertaken remediation and retesting and within 30 days of completing a test that determines 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 notifies the department of the test results, the department shall destroy the marijuana or marijuana product; or

B. Does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall notify the licensee who provided the marijuana or marijuana product to the testing facility and the licensee may remove the label required under section 701, subsection 1, paragraph J-1 and sell or distribute the marijuana or marijuana product pursuant to this chapter.

Sec. 4. 28-B MRSA §701, sub-§1, ¶¶F and G, as enacted by PL 2017, c. 409, Pt. A, §6, are amended to read:

F. InformationUnless the marijuana or marijuana product is being sold under paragraph J-1, information on the THC potency of the marijuana or marijuana product and the potency of such other cannabinoids or other chemicals in the marijuana or marijuana product, including, but not limited to, cannabidiol;

G. InformationUnless the marijuana or marijuana product is being sold under paragraph J-1, information on the amount of THC and cannabidiol per serving of the marijuana or marijuana product and, for edible marijuana products, the number of servings per package;

Sec. 5. 28-B MRSA §701, sub-§1, ¶J-1 is enacted to read:

J-1. For adult use marijuana or an adult use marijuana product under section 602, subsection 4 that has not been tested, "Untested" in a manner clearly readable by a consumer;

SUMMARY

This bill amends the provisions regarding the testing of adult use marijuana and adult use marijuana products by:

1. Requiring that any testing conform to any applicable state or federal process, protocol or standard for the testing of tobacco; and
2. Providing that if a testing facility does not test adult use marijuana or an adult use marijuana product within 5 days of receiving the marijuana or marijuana product from a licensee, the licensee may sell or distribute the marijuana or marijuana product if the marijuana or marijuana product is labeled "Untested." If upon testing a testing facility determines that the marijuana or marijuana product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility is required to immediately notify the Department of Administrative and Financial Services and the licensee. The licensee is required to recover, document, quarantine and hold the marijuana or marijuana product for either remediation and retesting or destruction by the department.