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An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes

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

PART A

Sec. A-1. 28-B MRSA §102, sub-§20, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

20. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. ~~"Inherently hazardous substance" does not include~~ and any form of alcohol or ethanol.

Sec. A-2. 28-B MRSA §102, sub-§24, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

24. Licensee. "Licensee" means a person licensed pursuant to this chapter to operate a marijuana establishment or marijuana establishment support entity.

Sec. A-3. 28-B MRSA §102, sub-§29-A is enacted to read:

29-A. Marijuana establishment support entity. "Marijuana establishment support entity" means an individual or business entity licensed under this chapter to provide services to support the specific needs of marijuana establishments licensed under this chapter. "Marijuana establishment support entity" includes, but is not limited to, sample collectors.

Sec. A-4. 28-B MRSA §102, sub-§35, as amended by PL 2019, c. 528, §19, is further amended to read:

35. Marijuana trim. "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed except that "marijuana trim" does not include the stalks or roots of the marijuana plant. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. A-5. 28-B MRSA §102, sub-§50-A is enacted to read:

50-A. Sample collector. "Sample collector" means:

A. An individual who possesses an individual identification card issued by the department and who is authorized to sample marijuana and marijuana products for mandatory testing required by this chapter and rules adopted pursuant to this chapter; or

B. An individual or entity that is licensed under this chapter, that is not a testing facility and that employs a sample collector as described in paragraph A.

Sec. A-6. 28-B MRSA §102, sub-§51, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

51. Seedling. "Seedling" means a marijuana plant that is:

- A. Not flowering;
- B. Less than 612 inches in height; and
- C. Less than 612 inches in width.

PART B

Sec. B-1. 28-B MRSA §302, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. Operating plan. The applicant shall submit an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water and other utilities necessary for the normal operation of the cultivation facility; plans for securing the proposed facility, including plans for obscuring from public view by any person under 21 years of age any marijuana or marijuana plants, and otherwise meeting applicable security requirements under this chapter and the rules adopted pursuant to this chapter; and plans for compliance with applicable building code and federal and state environmental requirements.

PART C

Sec. C-1. 28-B MRSA §104, sub-§1, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

- A. Grant or deny applications for the licensure of marijuana establishments and marijuana establishment support entities under this chapter; and

Sec. C-2. 28-B MRSA §201, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§ 201. License process; license types

The department, upon receipt of an application in the prescribed form that meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter, shall issue to the applicant a conditional license to operate one or more of the following types of marijuana establishments or marijuana establishment support entities or shall deny the application in accordance with section 206:

1. Cultivation facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

2. Testing facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

3. Products manufacturing facility. A products manufacturing facility license; ~~or~~

4. Marijuana store. Consistent with the restrictions of section 205, subsection 2, paragraph C, a marijuana store license; or

5. Sample collector. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503-A, a sample collector license.

Except as provided in section 205, the department may not impose any limitation on the number of each type of license that it issues to a qualified individual applicant or on the total number of each type of license that it issues to qualified applicants pursuant to this chapter.

Sec. C-3. 28-B MRSA §205, sub-§2, ¶B, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37, is further amended to read:

B. If the applicant has applied for the issuance or renewal of a testing facility license or sample collector license, the applicant or, in the case of a sample collector licensee, any individual or entity contracting with or employing the applicant, may not be a caregiver or registered caregiver or have an interest in a registered dispensary, a cultivation facility license, a products manufacturing facility license or a marijuana store license. If the applicant has applied for the issuance or renewal of any license under this chapter that is not a testing facility license or a sample collector license, the applicant may not have an interest in a testing facility license or a sample collector license. An applicant that meets the requirements for the issuance of a testing facility license under this chapter and the requirements of this paragraph may apply for and be issued multiple testing facility licenses. For purposes of this paragraph, "interest" means an equity ownership interest or a partial equity ownership interest or any other type of financial interest, including, but not limited to, being an investor or serving in a management position; and

Sec. C-4. 28-B MRSA §205, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

3. Issuance of conditional license. Within 90 days of receipt of an application for a license to operate a marijuana establishment or a marijuana establishment support entity or for renewal of an existing license to operate a marijuana establishment or a marijuana establishment support entity, the department either shall issue to the applicant a conditional license to operate the marijuana establishment or marijuana establishment support entity if the applicant meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter or shall deny the application in accordance with section 206.

A. A licensee that has been issued a conditional license by the department may not engage in the cultivation, manufacture, testing, sampling or sale of adult use marijuana or adult use marijuana products until the department has issued an active license to the licensee pursuant to subsection 4.

B. A conditional license issued by the department pursuant to this subsection is effective for a period of one year from the date of issuance and may not be renewed. If a licensee issued a conditional license by the department fails to obtain an active license from the department pursuant to subsection 4 within one year from the date of issuance of the conditional license, the conditional license expires.

Sec. C-5. 28-B MRSA §205, sub-§4, ¶B, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

B. The department shall prepare and furnish to applicants, except applicants for a sample collector license, municipalities and the Maine Land Use Planning Commission a certification form by which the municipality may certify to the department that the applicant has obtained local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, the Maine Land Use Planning Commission may certify to the department that the applicant has obtained local authorization as required by section 403, subsection 3, paragraphs B and C. Applicants for a sample collector license are not required to seek local authorization prior to issuance of an active license by the department but must submit all other information required by the department under this chapter.

Sec. C-6. 28-B MRSA §207, sub-§3-A is enacted to read:

3-A. Fees for sample collectors. For a sample collector license, the department shall require payment of an application fee of \$100 and a license fee of not more than \$250.

Sec. C-7. 28-B MRSA §209, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

3. Operation under expired license. A licensee that files an application for renewal of its existing license and pays all required fees under this section prior to the expiration of the license may continue to operate the marijuana establishment or the marijuana establishment support entity under that license notwithstanding its expiration until such time as the department takes final action on the renewal application, except when the department suspends or revokes the license in accordance with the provisions of subchapter 8 prior to taking final action on the renewal application.

Sec. C-8. 28-B MRSA §209, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

4. Expired license; cessation of activity and forfeiture of marijuana and marijuana products. Except as provided in subsection 3, a person whose license has expired shall immediately cease all activities relating to the operation of the marijuana establishment or marijuana establishment support entity previously authorized under that license and ensure that all adult use marijuana and adult use marijuana products cultivated, manufactured, sampled or otherwise in the possession of the person pursuant to that license are forfeited to the department for destruction in accordance with section 803.

Sec. C-9. 28-B MRSA §209, sub-§5, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

5. Renewal application process; fees; rules. An applicant seeking renewal of a license to operate a marijuana establishment or marijuana establishment support entity must pay to the department a renewal application fee or, if applicable, a late renewal application fee, and must demonstrate continued compliance with all applicable licensing criteria under this chapter, including, but not limited to, obtaining local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, except that an applicant seeking renewal of a license is not required to submit to a criminal history record check under section 204 unless specifically required to do so by the department.

A. The department may not issue an active license to a licensee seeking renewal of a license until the licensee obtains local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, pays the applicable license fee required under section 207 and meets all other applicable requirements for the issuance of an active license under section 205, subsection 4. A sample collector licensee is not required to seek local authorization as a condition for renewal of that license by the department but must submit all other information required by the department under this chapter.

B. The department shall by rule set forth requirements for the submission, processing and approval of a renewal application, which must include, but are not limited to, setting of a reasonable renewal application fee and a reasonable late renewal application fee.

Sec. C-10. 28-B MRSA §401, last ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

Notwithstanding any other provision of law to the contrary, a municipal ordinance regulating marijuana establishments within the municipality adopted pursuant to this subchapter is not subject to the requirements or limitations of Title 7, chapter 6 or 8-F. Nothing in this subchapter may be construed to require an applicant for a sample collector license or a sample collector licensee to seek local authorization prior to the issuance or renewal of an active license.

Sec. C-11. 28-B MRSA c. 1, sub-c. 5, headnote is amended to read:

SUBCHAPTER 5

OPERATING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENT SUPPORT ENTITIES

§ 501. Operation of cultivation facilities

A cultivation facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

1. Cultivation of adult use marijuana only for sale and distribution to other licensees. Except as otherwise provided in this section, a cultivation facility may cultivate adult use marijuana only for sale and distribution to products manufacturing facilities, marijuana stores or other cultivation facilities.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Retail sale of adult use marijuana without separate marijuana store license prohibited. Except as provided in subsection 3, a cultivation facility may not sell or offer to sell adult use marijuana, immature marijuana plants or seedlings to consumers unless the cultivation facility licensee obtains from the department a separate license to operate a marijuana store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of marijuana stores. A cultivation facility may not give away adult use marijuana, adult use marijuana products or marijuana plants to a consumer.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Operation of nursery cultivation facilities. A nursery cultivation facility as described in section 301, subsection 5 must be operated in accordance with the provisions of this subsection and must comply with all other applicable requirements of this chapter and the rules adopted pursuant to this chapter.

A. A nursery cultivation facility may cultivate immature marijuana plants, seedlings and marijuana seeds only for sale and distribution to marijuana stores and to other cultivation facilities pursuant to paragraph C and to consumers pursuant to paragraph D. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. A nursery cultivation facility may cultivate mature marijuana plants only for the propagation of those mature marijuana plants or for the production of marijuana seeds by those mature marijuana plants, but the area within a nursery cultivation facility in which mature marijuana plants are cultivated must be physically separated from the area within the facility in which immature marijuana plants and seedlings are cultivated. A nursery cultivation facility may not sell, distribute or otherwise transfer to any person mature marijuana plants, marijuana flower or marijuana trim. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. A nursery cultivation facility may sell and distribute to marijuana stores and other cultivation facilities only immature marijuana plants, seedlings and marijuana seeds. Adult use marijuana sold by a nursery cultivation facility to marijuana stores and other cultivation facilities is subject to the excise tax imposed pursuant to subchapter 10, which must be paid to the department as required by subsection 9. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

D. A nursery cultivation facility may sell to consumers only immature marijuana plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to the cultivation of marijuana. Sales to consumers by a nursery cultivation facility:

(1) Must be conducted within a portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales of immature marijuana plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to the cultivation of marijuana. A nursery

cultivation facility licensee shall ensure that the portion of the licensed premises of the nursery cultivation facility that is dedicated to consumer sales complies with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of marijuana stores; and

(2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and must be collected and remitted as required by subsection 9.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

E. The department shall adopt rules regulating the operation of nursery cultivation facilities. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

4. Marijuana extraction without separate products manufacturing facility license prohibited. A cultivation facility may not engage in the manufacture of marijuana concentrate by marijuana extraction unless the cultivation facility licensee has obtained from the department a separate license to operate a products manufacturing facility and otherwise meets the requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of a products manufacturing facility and concerning marijuana extraction.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

5. Use of shared facility for cultivation of adult use marijuana and marijuana for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a cultivation facility licensee that is also a registered caregiver or a registered dispensary may cultivate adult use marijuana pursuant to this chapter within the same facility in which the licensee also cultivates marijuana for medical use pursuant to the Maine Medical Use of Marijuana Act.

A. A cultivation facility licensee that cultivates marijuana under this subsection must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Except as provided in paragraph C, the areas of the shared facility in which adult use marijuana is cultivated must be separated from the areas of the shared facility in which marijuana for medical use is cultivated in a manner that provides for a visually conspicuous delineation of the physical space between the cultivation area for adult use marijuana and the cultivation area for marijuana for medical use. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. The following items or areas within the shared facility may be shared for both the cultivation of adult use marijuana and the cultivation of marijuana for medical use:

(1) Cultivation-related and noncultivation-related equipment, except that cultivation-related equipment may not be simultaneously used for the cultivation of adult use marijuana and the cultivation of marijuana for medical use;

(2) Cultivation-related and noncultivation-related supplies or products not containing marijuana or marijuana products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

D. Each marijuana plant within the shared facility must be tagged or otherwise identified as an adult use marijuana plant or a marijuana plant for medical use. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

E. The department shall adopt rules governing the use of a shared facility by a cultivation facility licensee that is also a registered caregiver or a registered dispensary, which must include, but are not limited to, requirements for the maintenance of a log or other record relating to the use of the shared facility space, shared equipment and shared supplies or products to ensure compliance with the requirements of this chapter and the rules adopted pursuant to this chapter and the requirements of the Maine Medical Use of Marijuana Act. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

6. Limited authorization for sale of marijuana plants and marijuana seeds by registered caregiver or registered dispensary to cultivation facility licensee.

Notwithstanding any other provision of law to the contrary and subject to the requirements and restrictions of this section, for a period starting on the date that the department issues the first active cultivation facility license under section 205, subsection 4 and ending 2 years after that date, a registered caregiver or a registered dispensary may sell marijuana plants and marijuana seeds to a cultivation facility licensee that is also a registered caregiver or a registered dispensary and a cultivation facility licensee that is also a registered caregiver or a registered dispensary may purchase marijuana plants and marijuana seeds from a registered caregiver or a registered dispensary. The department shall post on its publicly accessible website information regarding the date on which the department issues the first active cultivation facility license and the date that is 2 years after the date the first active cultivation facility license is issued.

A. Beginning on the date that the department issues the first active cultivation facility license and ending 2 years after that date, in an active cultivation facility license issued to any licensee that has demonstrated to the department's satisfaction that the licensee is also a registered caregiver or a registered dispensary, the department shall include language authorizing the licensee, at any time within the licensee's first year of licensure, to purchase an unlimited number of marijuana plants and marijuana seeds from registered caregivers and registered dispensaries. This authorization may not be included in any license issued upon renewal under section 209. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

B. A cultivation facility licensee authorized pursuant to paragraph A to purchase marijuana plants and marijuana seeds from registered caregivers and registered dispensaries that transacts such a purchase shall pay to the department the excise taxes that would have been imposed under subchapter 10 on the sale of the marijuana plants and marijuana seeds if the marijuana plants and marijuana

seeds had been sold by a cultivation facility licensee to another licensee. In addition to payment of the required excise taxes under this paragraph, the cultivation facility licensee shall provide the department with an accounting of the transaction, which must include information on the registered caregiver or registered dispensary from which the licensee purchased the marijuana plants and marijuana seeds, the number of mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds purchased in the transaction and any other information required by the department by rule. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

C. A cultivation facility licensee authorized pursuant to paragraph A to purchase marijuana plants and marijuana seeds from registered caregivers and registered dispensaries may purchase marijuana plants and marijuana seeds from more than one registered caregiver or registered dispensary and may transact more than one purchase of marijuana plants and marijuana seeds from a registered caregiver or registered dispensary. A registered caregiver or registered dispensary may not sell marijuana plants and marijuana seeds to more than one cultivation facility licensee authorized pursuant to paragraph A to purchase marijuana plants and marijuana seeds from registered caregivers and registered dispensaries and may not transact more than one sale of marijuana plants and marijuana seeds to a cultivation facility licensee authorized to make such purchases pursuant to paragraph A. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

D. A cultivation facility licensee that violates this subsection or the rules adopted pursuant to this subsection is subject to the imposition by the department of monetary penalties, a license revocation or suspension and an order directing the destruction of unauthorized marijuana plants and marijuana seeds pursuant to subchapter 8 in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules. A registered caregiver or registered dispensary that violates paragraph C is subject to the revocation of its registration or other applicable penalty under the Maine Medical Use of Marijuana Act in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

The department shall adopt rules to implement this subsection.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

7. Requirements for outdoor cultivation. This subsection governs outdoor cultivation operations by a cultivation facility licensee.

A. An outdoor cultivation area within the licensed premises of a cultivation facility may not share a common wall or fence with an outdoor cultivation area within the licensed premises of a different cultivation facility. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. The outer boundary of an outdoor cultivation area within the licensed premises of a cultivation facility must be separated by at least 20 feet from the outer boundary of an outdoor cultivation area within the licensed premises of a different cultivation facility. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. The department shall adopt rules regarding the outdoor cultivation of adult use marijuana by a cultivation facility licensee, including, but not limited to, security requirements specific to outdoor cultivation operations and requirements for shielding outdoor cultivation operations from public view. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

8. Sampling by other licensees. A cultivation facility licensee may provide samples of adult use marijuana cultivated at the licensed premises to a products manufacturing facility licensee or a marijuana store licensee for business or marketing purposes only. Samples provided by a cultivation facility licensee to another licensee under this subsection may not be consumed within the licensed premises of the cultivation facility. This subsection does not apply to a nursery cultivation facility licensee.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

9. Excise tax; sales tax. A cultivation facility licensee shall ensure that the tax imposed on the sale of adult use marijuana by a cultivation facility to other licensees pursuant to subchapter 10 is paid to the department. A nursery cultivation facility licensee shall ensure that the tax imposed on the sale of adult use marijuana and adult use marijuana products under Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

10. Tracking. In accordance with the requirements of section 105, a cultivation facility licensee shall track the adult use marijuana it cultivates from immature marijuana plant to the point at which the marijuana plant or the marijuana produced by the marijuana plant is delivered or transferred to a products manufacturing facility, a testing facility, a marijuana store or another cultivation facility or is disposed of or destroyed.[PL 2017, c. 409, Pt. A, § 6 (NEW).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

§ 502. Operation of products manufacturing facilities

A products manufacturing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

1. Manufacture only for sale or distribution to other licensees. Except as otherwise provided in this section, a products manufacturing facility may manufacture adult use marijuana and adult use marijuana products only for sale or distribution to marijuana stores or other products manufacturing facilities.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Retail sale of adult use marijuana or adult use marijuana products without separate marijuana store license prohibited. A products manufacturing facility may not sell or offer to sell adult use marijuana or adult use marijuana products to consumers unless the products manufacturing facility licensee obtains from the department a separate license to operate a marijuana store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant

to this chapter concerning the operation of marijuana stores. A products manufacturing facility may not give away adult use marijuana, adult use marijuana products or marijuana plants to a consumer.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Cultivation of marijuana without separate cultivation facility license prohibited. A products manufacturing facility shall purchase all marijuana necessary for its manufacturing processes from a cultivation facility and may not engage in the cultivation of marijuana unless the products manufacturing facility licensee obtains from the department a separate license to operate a cultivation facility and otherwise meets all applicable requirements under this chapter and under the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

4. Use of shared facility for manufacture of adult use marijuana products and marijuana products for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary may manufacture adult use marijuana and adult use marijuana products pursuant to this chapter within the same facility in which the licensee also manufactures marijuana concentrate and marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act.

A. A products manufacturing facility licensee that manufactures adult use marijuana and adult use marijuana products within the same facility in which the licensee also manufactures marijuana concentrate and marijuana products for medical use must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. The following items or areas within the shared facility may be shared for both the manufacturing of adult use marijuana and adult use marijuana products and the manufacturing of marijuana concentrate and marijuana products for medical use:

(1) Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for the manufacturing of adult use marijuana and adult use marijuana products and the manufacturing of marijuana concentrate and marijuana products for medical use;

(2) Manufacturing-related and nonmanufacturing-related supplies or products not containing marijuana or marijuana products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. The department shall adopt rules governing the use of a shared facility by a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary, including, but not limited to, requirements for the maintenance of a log or other record relating to the use of the shared facility space, shared equipment and shared supplies or products to ensure compliance with the requirements of this chapter and the rules adopted pursuant to this chapter and the requirements of the Maine Medical Use of Marijuana Act. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

5. Sampling by employees. A products manufacturing facility licensee and its employees may sample adult use marijuana and adult use marijuana products manufactured at the licensed premises of the products manufacturing facility for the purposes of product quality control and product research and development only. The licensee may not otherwise allow the consumption of adult use marijuana or adult use marijuana products within the licensed premises. The sampling of adult use marijuana and adult use marijuana products authorized under this subsection may not involve the consumption of marijuana or marijuana products by means of smoking the marijuana or marijuana products. For the purposes of this subsection, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

6. Sampling by other licensees. A products manufacturing facility licensee may provide samples of adult use marijuana and adult use marijuana products manufactured at the licensed premises to another products manufacturing facility licensee or to a marijuana store licensee for business or marketing purposes only. Samples provided by a products manufacturing facility to other licensees under this subsection may not be consumed within the licensed premises of the products manufacturing facility.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

7. Marijuana extraction. Subject to the requirements and restrictions of this subsection, a products manufacturing facility licensee may manufacture marijuana concentrate by marijuana extraction using water, lipids, gases, solvents or other chemicals or chemical processes.

A. A products manufacturing facility licensee may engage in marijuana extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance if:

(1) The solvent or other chemical or chemical process is listed by the department by rule as approved for use in marijuana extraction; or

(2) The products manufacturing facility licensee requests and obtains from the department written approval to engage in marijuana extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance and that is not listed by the department by rule as approved for use in marijuana extraction.

The department shall adopt by rule a list of those solvents or other chemicals or chemical processes that are not and do not contain an inherently hazardous substance that the department approves for use in marijuana extraction by products manufacturing facilities.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. A products manufacturing facility licensee may not engage in marijuana extraction involving the use of any inherently hazardous substance unless:

(1) The licensee submits to the department a request for approval of the marijuana extraction method the facility plans to engage in that includes a description of the proposed marijuana extraction method and a certification from an industrial hygienist or professional engineer following a review of the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems; and

(2) The department approves in writing the proposed marijuana extraction method.

The department, within 14 days of receipt of a request for approval under this paragraph, shall notify the products manufacturing facility licensee in writing whether the request is approved or denied.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

8. Compliance with packaging, labeling and health and safety requirements. All adult use marijuana and adult use marijuana products sold or distributed by a products manufacturing facility must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted pursuant to subchapter 7.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

9. Compliance with sanitary standards. All areas within the licensed premises of a products manufacturing facility in which adult use marijuana and adult use marijuana products are manufactured must meet all sanitary standards specified in rules adopted by the department.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

10. Commercial kitchen license. A products manufacturing facility licensee must obtain a commercial kitchen license for any area within the licensed premises of the products manufacturing facility in which adult use marijuana and adult use marijuana products are manufactured and for which the department requires a products manufacturing facility licensee to obtain a commercial kitchen license. The department shall adopt rules requiring certain areas within the licensed premises of a products manufacturing facility to be licensed as commercial kitchens based upon the types of manufacturing processes conducted within those areas.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

11. Refrigeration. A products manufacturing facility licensee shall store and transport in a refrigerated environment all adult use marijuana and adult use marijuana products that require refrigeration to prevent spoilage. The department shall adopt rules regarding the storage and transportation of adult use marijuana and adult use marijuana products that require refrigeration to prevent spoilage.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

12. Testing. A products manufacturing facility licensee may test marijuana and marijuana products within its licensed premises for research and development purposes, quality control purposes and health and safety purposes. Testing performed by a products manufacturing facility licensee within its licensed premises is not subject to the requirements for testing facilities under section 503 but does not satisfy the mandatory testing requirements of subchapter 6.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

13. Tracking. In accordance with the requirements of section 105, a products manufacturing facility licensee shall track the adult use marijuana it uses in its manufacturing processes from the point the marijuana is delivered or transferred to the products manufacturing facility by a cultivation facility to the point the marijuana or marijuana concentrate or an adult use marijuana product produced using the marijuana or marijuana concentrate is delivered or transferred to another products manufacturing facility, a testing facility or a marijuana store or is disposed of or destroyed.[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

§ 503.Operation of testing facilities

A testing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

1. Development, research and testing of marijuana, marijuana products and other substances. A testing facility may develop, research and test marijuana and marijuana products for:

A. That facility; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Another licensee; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. A person who intends to use the marijuana or marijuana product for personal use as authorized under chapter 3; or [PL 2017, c. 409, Pt. A, § 6 (NEW).]

D. A qualifying patient, a caregiver, a registered caregiver or a registered dispensary. [PL 2017, c. 409, Pt. A, § 6 (NEW).] [PL 2017, c. 452, § 37 (REV).]

Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing facility from developing, researching or testing substances that are not marijuana or marijuana products for that facility or for another person.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

2. Certification; accreditation and provisional licensure; compliance with operational and technical requirements. A testing facility may not commence or continue operation unless the testing facility:

A. Is certified for operation by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in accordance with rules adopted by the department after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, which must allow for inspection of the proposed or operational testing facility by the department and the Department of Health and Human Services, Maine Center for Disease Control and Prevention; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Except as otherwise provided in this paragraph, is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department. The department shall adopt rules regarding the scope of certification, registration or accreditation required for licensure of a testing facility.

(1) The department may issue a full testing facility license to an applicant that meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has obtained accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization from a 3rd-party accrediting body or that is certified, registered or accredited by an approved organization.

(2) The department may issue a provisional testing facility license to an applicant that otherwise meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has applied for but not yet obtained accreditation from a 3rd-party accrediting body or that has applied for but not yet obtained certification, registration or accreditation from an approved organization. The department may not renew a provisional testing facility license more than once.

An active full or provisional testing facility license may not be issued by the department to an applicant until the applicant satisfies all applicable requirements of section 205, subsection 4; and [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. Is determined by the department to meet all operational and technical requirements for testing facilities under this chapter and the rules adopted under this chapter. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Compliance with testing protocols, standards and criteria. A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the department for the testing of different forms of marijuana and marijuana products; determining batch size; sampling; testing validity; and approval and disapproval of tested marijuana and marijuana products.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

4. Remediation and retesting. If a testing facility determines that a sample of adult use marijuana or an adult use marijuana product has failed a mandatory test required under section 602, the testing facility shall offer to the owner of that sample an opportunity for remediation and retesting in accordance with rules adopted by the department.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

5. Record keeping. A testing facility shall maintain records of all business transactions and testing results in accordance with the record-keeping requirements of section 511 and section 602, subsection 2 and in accordance with applicable standards for licensing and accreditation under subsection 2 and testing protocols, standards and criteria adopted by the department under subsection 3.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

6. Disposal of marijuana and marijuana products. A testing facility shall dispose of or destroy used, unused and waste marijuana and marijuana products in accordance with rules adopted by the department.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

7. Notification of test results. A testing facility shall notify the department of test results in accordance with section 603.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

8. Independence of testing facility interest. A person with an interest in a testing facility may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license, but may hold or have an interest in multiple testing facility licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a testing facility license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

9. Tracking. In accordance with the requirements of section 105, a testing facility licensee shall track all adult use marijuana and adult use marijuana products it receives from a licensee for testing purposes from the point at which the marijuana or marijuana products are delivered or transferred to the testing facility to the point at which the marijuana or marijuana products are disposed of or destroyed.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

10. Rules. The department shall adopt rules regarding the testing of marijuana and marijuana products by testing facilities pursuant to this chapter, including, but not limited to, rules establishing acceptable testing and research practices for testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; testing facility record-keeping,

documentation and business practices; disposal of used, unused and waste marijuana and marijuana products; and reporting of test results. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.[PL 2017, c. 409, Pt. A, § 6 (NEW).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

§ 504.Operation of marijuana stores

A marijuana store must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

1. Products authorized for sale. Except as provided in subsection 2, a marijuana store may sell:

A. Adult use marijuana, adult use marijuana products and marijuana paraphernalia; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Immature marijuana plants and seedlings; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. Consumable products not containing marijuana, including, but not limited to, sodas, candies and baked goods; and [PL 2017, c. 409, Pt. A, § 6 (NEW).]

D. Any other nonconsumable products, including, but not limited to, apparel and marijuana-related products. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Prohibitions. A marijuana store may not:

A. Give away adult use marijuana, adult use marijuana products or marijuana plants or sell or give away mature marijuana plants or consumable products containing tobacco or alcohol that do not contain marijuana; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Except for nonedible adult use marijuana products that do not contain THC, sell to any person in any individual sales transaction an amount of adult use marijuana, adult use marijuana products or immature marijuana plants or seedlings that exceeds the personal adult use limitations of section 1501, subsection 1; [PL 2017, c. 409, Pt. A, § 6 (NEW).]

C. Sell adult use marijuana, adult use marijuana products or marijuana plants using:

(1) An automated dispensing or vending machine;

(2) A drive-through sales window;

(3) An Internet-based sales platform; or

(4) A delivery service; or

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

D. Sell adult use marijuana or adult use marijuana products to a person who is visibly intoxicated.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Compliance with packaging, labeling and health and safety requirements. All adult use marijuana and adult use marijuana products sold or offered for sale at a marijuana store must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted under subchapter 7.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

4. Verification of purchaser's age. A person must be 21 years of age or older to make a purchase in a marijuana store. A marijuana store may not sell any item to a person under 21 years of age.

A. Prior to initiating a sale, an employee of the marijuana store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. The department shall by rule determine the forms of photographic identification that a marijuana store licensee may accept when verifying a purchaser's age. [PL 2017, c. 409, Pt. A, § 6 (NEW).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).]

5. Prohibition on use of shared facility for retail sale of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use. A marijuana store licensee that is also a registered caregiver or a registered dispensary may not sell or offer for sale to consumers adult use marijuana and adult use marijuana products pursuant to this chapter within the same facility or building in which the licensee also sells or offers for sale to qualifying patients marijuana and marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act.[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

6. Signs, marketing and advertising. All signs used by and all marketing and advertising conducted by or on behalf of a marijuana store must comply with the requirements of section 702 and the rules adopted pursuant to section 702.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

7. Sales tax. A marijuana store licensee shall ensure that the tax imposed on the sale of adult use marijuana and adult use marijuana products to a consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

8. Tracking. In accordance with the requirements of section 105, a marijuana store licensee shall track all adult use marijuana and adult use marijuana products from the point at which the marijuana or marijuana products are delivered or transferred to the marijuana store by a cultivation facility or a

products manufacturing facility to the point at which the marijuana or marijuana products are sold to a consumer, delivered or transferred to a testing facility or disposed of or destroyed.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 452, § 37 (REV).]

§ 505. Transportation of adult use marijuana and adult use marijuana products

A licensee and its employees may transport adult use marijuana and adult use marijuana products between the licensed premises of the licensee and the licensed premises of any other marijuana establishment. All transportation of adult use marijuana and adult use marijuana products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the department. The department shall adopt rules regarding the transportation of adult use marijuana and adult use marijuana products by licensees under this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 506. Employment of persons under 21 years of age prohibited

A licensee may not employ any person under 21 years of age.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 507. Entry into marijuana establishment by persons under 21 years of age prohibited

A person under 21 years of age may not enter the licensed premises of a marijuana establishment. A licensee shall ensure that persons under 21 years of age do not enter its licensed premises.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 508. Use of adult use marijuana and adult use marijuana products within licensed premises

1. Employee use of marijuana or marijuana products for medical use. A licensee may allow an employee who is a qualifying patient to privately consume marijuana and marijuana products for medical use within its licensed premises.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Employee use of adult use marijuana or adult use marijuana products. Except as otherwise provided in this chapter, a licensee may not allow an employee to consume adult use marijuana or adult use marijuana products within its licensed premises or while the employee is otherwise engaged in activities within the course and scope of employment. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Other use of adult use marijuana or adult use marijuana products. Except as otherwise provided in this chapter:

A. A person may not consume adult use marijuana or adult use marijuana products within the licensed premises of a marijuana establishment; and [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. A licensee may not allow any person to consume adult use marijuana or adult use marijuana products within its licensed premises. [PL 2017, c. 409, Pt. A, § 6 (NEW).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).]
[PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 509. License to be conspicuously displayed

A licensee shall ensure that the licensee's license, or a copy of that license, is at all times conspicuously displayed within its licensed premises.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 510. Limited access areas

A person may not enter or remain in any limited access area unless the person displays an individual identification card issued by the department pursuant to section 106. A licensee shall ensure that all areas of ingress and egress to limited access areas within its licensed premises are conspicuously marked and that a person is not allowed to enter or remain in any limited access area without displaying the person's individual identification card issued by the department pursuant to section 106.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 511. Record keeping and inspection of records; audits

1. Record keeping; inspection of records. A licensee shall maintain a complete set of all records of the licensee's business transactions, which must be open to inspection and examination by the department upon demand and without notice during all business hours. Records must be maintained by a licensee at a minimum for a period comprising the current tax year and the 2 immediately preceding tax years.[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Additional information may be required. The department may require a licensee to furnish any additional information necessary for the proper administration of this chapter. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

3. Audit. The department may require a licensee to submit to an audit of the licensee's business records. If the department requires a licensee to submit to an audit, the licensee shall provide the auditor selected by the department with access to all business records of the licensee and the cost of the audit must be paid by the licensee. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

4. Confidentiality. This subsection governs the confidentiality of records under this section.

A. Documents of a licensee inspected or examined by the department pursuant to this section are confidential and may not be disclosed except as needed in a civil or criminal proceeding to enforce any provision of this chapter and the rules adopted pursuant to this chapter or any criminal law. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

B. Audit working papers are confidential and may not be disclosed to any person outside the department, except that audit working papers may be disclosed to the licensee subject to the audit. A final audit report is a public record for the purposes of Title 1, chapter 13, subchapter 1. For the purposes of this paragraph, "audit working papers" means all documentation and other information acquired, prepared or maintained by the department and the auditor selected by the department during the conduct of the audit, including, but not limited to, draft reports and portions of draft reports. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 512. Inspection of licensed premises; testing and sampling for product quality control

1. Inspections. A licensee shall submit to an inspection of its licensed premises, including, but not limited to, any places of storage and any locked areas, upon demand and without notice during all business hours and other times of apparent activity by the department, a criminal justice agency or an official authorized by the municipality in which the licensed premises are located.

For the purposes of this subsection, "municipality" has the same meaning as in section 212.

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

2. Testing and sampling for product quality control. A licensee shall submit to the sampling and testing of adult use marijuana or adult use marijuana products within its possession, upon demand and without notice during all business hours by the department for the purposes of product quality control. The department shall adopt rules governing the sampling and testing of adult use marijuana and adult use marijuana products under this subsection, consistent with the requirements of subchapter 6. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 409, Pt. A, § 6 (NEW).]

[PL 2017, c. 409, Pt. A, § 6 (NEW).]

§ 513. Licensee compliance with regulatory requirements

A licensee, as a condition of licensure under this chapter, shall comply with all applicable provisions of this chapter and all applicable provisions of the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, § 6 (NEW).][PL 2017, c. 409, Pt. A, § 6 (NEW).]

Sec. C-12. 28-B MRSA §503, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

3. Compliance with testing protocols, standards and criteria. A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the department for the testing of different forms of marijuana and marijuana products; determining batch size; sampling; testing validity; and approval and disapproval of tested marijuana and marijuana products. A testing facility may use

an independent sample collector for the collection of samples for mandatory testing, as long as the testing facility has indicated the use of an independent sample collector in its operating plan and standard operating procedures.

Sec. C-13. 28-B MRSA §503, sub-§8, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37, is further amended to read:

8. Independence of testing facility interest. A person with an interest in a testing facility may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license, but may hold or have an interest in multiple testing facility or sample collector licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a testing facility or sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.

Sec. C-14. 28-B MRSA §503-A is enacted to read:

§ 503-A. Operation of sample collectors

A sample collector shall operate in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

1. Sample collector may operate as independent contractor, as entity or as employee of testing facility. A sample collector is authorized to collect samples from a marijuana establishment for mandatory and other testing by a marijuana testing facility. A sample collector may operate as an independent contractor, as an employee of a marijuana testing facility or as an employee of a business entity that is not a registered caregiver, registered dispensary, registered manufacturing facility under the Maine Medical Use of Marijuana Act, registered manufacturing facility using inherently hazardous substances for marijuana extraction in accordance with Title 22, section 2423-F, cultivation facility, products manufacturing facility or marijuana store if that entity employs more than one individual who is a sample collector.

2. Compliance with sampling protocols, standards and criteria. A sample collector shall follow all sampling protocols, standards and criteria adopted by rule or otherwise approved by the department for the sampling of different forms of marijuana and marijuana products.

3. Record keeping. A sample collector shall maintain records of all business transactions in accordance with the record-keeping requirements of section 511 and section 602, subsections 2 and 3.

4. Disposal of marijuana and marijuana products. A sample collector shall dispose of or destroy used, unused and waste marijuana and marijuana products in accordance with rules adopted by the department.

5. Independence of sample collector interest. A person with an interest in a sample collector license may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license but may hold or have an interest in a business entity that employs multiple sample collectors, in a testing facility license or in multiple testing facility licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.

6. Tracking. In accordance with the requirements of section 105, a sample collector shall track all adult use marijuana and adult use marijuana products it collects from a licensee for testing purposes from the point at which the marijuana or marijuana products are collected from a licensee to the point at which the marijuana or marijuana products are delivered to a testing facility or the marijuana or marijuana products are disposed of or destroyed.

7. Rules. The department shall adopt rules regarding the sampling of marijuana and marijuana products by sample collectors pursuant to this chapter, including, but not limited to, rules establishing acceptable sampling methods, sample collector record keeping, documentation and business practices, and regarding the disposal of used, unused and waste marijuana and marijuana products. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-15. 28-B MRSA §601, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§ 601. Testing program established

The department shall establish a testing program for adult use marijuana and adult use marijuana products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use marijuana or an adult use marijuana product to a consumer or to another licensee, to submit the marijuana or marijuana product to a testing facility for testing 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 department shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that are injurious to health for which marijuana and marijuana products must be tested under this subchapter ~~and~~, rules regarding the maximum level of allowable contamination for each contaminant and rules regarding the qualifications of sample collectors authorized by the department to sample marijuana and marijuana products for mandatory testing and the approval of sampling protocols implemented by sample collectors. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-16. 28-B MRSA §604, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§ 604. Sampling for testing

If a test to be performed by a testing facility is a mandatory test under section 602, an employee or designee of the testing facility or an independent sample collector must perform the sampling required for the test. If a test to be performed by a testing facility is not a mandatory test, the owner of the marijuana or marijuana product, or a designee of the owner, may perform the sampling required for the test.

PART D

Sec. D-1. 36 MRSA §191, sub-§2, ¶KKK is enacted to read:

KKK. The disclosure by employees of the bureau to an authorized representative of the Department of Administrative and Financial Services, office of marijuana policy for determining the eligibility for registration under the Maine Medical Use of Marijuana Act or eligibility for an individual identification card or license issued under the Marijuana Legalization Act.

PART E

Sec. E-1. 1 MRSA §402, sub-§3, ¶U, as amended by PL 2017, c. 118, §2, is further amended to read:

U. Records provided by a railroad company describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, a fire department or other first responder. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; and

Sec. E-2. 1 MRSA §402, sub-§3, ¶V, as enacted by PL 2017, c. 118, §3, is amended to read:

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being; and

Sec. E-3. 1 MRSA §402, sub-§3, ¶W is enacted to read:

W. Application materials obtained by the Department of Administrative and Financial Services, office of marijuana policy containing information regarding the security of marijuana establishments licensed or registered by that office; trade secrets related to marijuana cultivation, marijuana product recipes or marijuana extraction methods; or standard operating procedures for marijuana establishments.

SUMMARY

This bill does the following.

In the Marijuana Legalization Act, it amends the definition of "inherently hazardous substance" to include ethanol and alcohol, amends the definition of "marijuana trim" to exclude from that definition stalks and roots of the marijuana plant, amends the definition of "seedling" to include larger plants and adds definitions of "marijuana establishment support entity" and "sample collector."

In the Marijuana Legalization Act, it changes the requirements of the operating plan for cultivation facilities to require such facilities to obscure from public view by anyone under 21 years of age any marijuana or marijuana plants.

In the Marijuana Legalization Act, it provides for sample collectors to collect samples of marijuana and marijuana products for mandatory testing by marijuana testing facilities and provides for the licensing of marijuana establishment support entities.

It allows the Department of Administrative and Financial Services, Maine Revenue Services to provide tax information directly to the Department of Administrative and Financial Services, office of marijuana policy for the purposes of determining applicant eligibility for licenses issued by the office.

It amends the Freedom of Access Act to exclude from the definition of "public record" application materials provided to the office of marijuana policy regarding security, trade secrets and standard operating procedures.