**An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Removing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes**

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

**Sec.** **1. 22 MRSA §2422, sub-§4,** as amended by PL 2009, c. 631, §10 and affected by §51, is repealed.

**Sec.** **2. 22 MRSA §2423-A, sub-§2,** as amended by PL 2021, c. 367, §§1 to 6, is further amended to read:

**2.** **Caregiver.**  Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of ~~marijuana~~ cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State~~,~~ and is 21 years of age or older ~~and has not been convicted of a disqualifying drug offense~~:

A. Possess all harvested ~~marijuana~~ cannabis produced by the caregiver's cultivation of ~~marijuana~~ cannabis plants under paragraph B;

A-1. Transfer up to 2 1/2 ounces of harvested ~~marijuana~~ cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested ~~marijuana~~ cannabis to a visiting qualifying patient during a 15-day period;

B. Cultivate up to 30 mature ~~marijuana~~ cannabis plants or 500 square feet of plant canopy, 60 immature ~~marijuana~~ cannabis plants and unlimited seedlings;

C-1. Assist a qualifying patient with the patient's medical use of ~~marijuana~~ cannabis;

E. Receive reasonable monetary compensation for costs associated with cultivating ~~marijuana~~ cannabis plants or assisting a qualifying patient with that patient's medical use of ~~marijuana~~ cannabis;

F. Be in the presence or vicinity of the medical use of ~~marijuana~~ cannabis and assist any patient with the medical use, administration or preparation of ~~marijuana~~ cannabis;

G. Manufacture ~~marijuana~~ cannabis products and ~~marijuana~~ cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce ~~marijuana~~ cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423‑F, subsection 3;

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver;

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver;

J. Use a pesticide in the cultivation of ~~marijuana~~ cannabis plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of ~~marijuana~~ cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471‑D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver who is not certified pursuant to section 1471‑D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230;

K. Transfer ~~marijuana~~ cannabis plants and harvested ~~marijuana~~ cannabis to a qualifying patient, another caregiver or a registered dispensary for no remuneration;

K-1. Transfer to and accept from another registered caregiver or a dispensary ~~marijuana~~ cannabis plants and harvested ~~marijuana~~ cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature ~~marijuana~~ cannabis plants grown by the caregiver over the course of a calendar year, including any ~~marijuana~~ cannabis products or ~~marijuana~~ cannabis concentrate manufactured from mature ~~marijuana~~ cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature ~~marijuana~~ cannabis plants and seedlings. A registered caregiver that acquires mature ~~marijuana~~ cannabis plants, ~~marijuana~~ cannabis products or ~~marijuana~~ cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature ~~marijuana~~ cannabis plants, ~~marijuana~~ cannabis products or ~~marijuana~~ cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;

L. Provide samples to a ~~marijuana~~ cannabis testing facility for testing and research purposes;

M. Conduct ~~marijuana~~ cannabis testing at the request of anyone authorized to possess ~~marijuana~~ cannabis under this chapter for research and development purposes only;

N. Provide harvested ~~marijuana~~ cannabis to a manufacturing facility and obtain ~~marijuana~~ cannabis products and ~~marijuana~~ cannabis concentrate from the manufacturing facility that are produced from the harvested ~~marijuana~~ cannabis the caregiver provided to the manufacturing facility;

O. Transport ~~marijuana~~ cannabis plants or harvested ~~marijuana~~ cannabis for authorized conduct in accordance with this chapter;

P. Operate one caregiver retail store to sell harvested ~~marijuana~~ cannabis to qualifying patients for the patients' medical use in accordance with this chapter;

Q. Be organized as any type of legal business entity recognized under the laws of the State; and

R. Accept a digital image of a written certification for the purposes of initiating a transaction for harvested ~~marijuana~~ cannabis. The caregiver must verify the written certification in person before transferring any harvested ~~marijuana~~ cannabis to the qualifying patient.

**Sec.** **3. 22 MRSA §2423-A, sub-§4,** as amended by PL 2019, c. 501, §12, is further amended to read:

**4.** **Long-term care facility.**  A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of ~~marijuana~~ cannabis if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F‑1, subparagraph (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of ~~marijuana~~ cannabis in accordance with this chapter must be at least 21 years of age ~~and may not have~~ ~~been convicted of a disqualifying drug offense~~. The long-term care facility and the staff of the facility may not cultivate ~~marijuana~~ cannabis plants for the patient.

**Sec.** **4. 22 MRSA §2423-F, sub-§8, ¶B,** as repealed and replaced by PL 2019, c. 331, §17, is amended by amending the first blocked paragraph to read:

~~The department may not issue a registry identification card to an officer or director or~~ ~~assistant of a registered manufacturing facility or 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 subsection on an annual basis.

**Sec.** **5. 22 MRSA §2425-A, sub-§3,** as amended by PL 2021, c. 367, §11, is further amended by amending the first blocked paragraph to read:

The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status. ~~Except as provided~~ ~~in subsection 3‑A, the department may not issue a registry identification card to an~~ ~~applicant who is not permitted under this chapter to have a disqualifying drug offense.~~

**Sec.** **6. 22 MRSA §2425-A, sub-§3-A,** as amended by PL 2021, c. 387, §8, is further amended to read:

**3-A.** **Criminal history record check for caregivers administering medical****~~marijuana~~** **cannabis on school grounds.**  The department shall request a criminal history record check for 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, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2‑A.

**Sec.** **7. 22 MRSA §2428, sub-§9, ¶D,** as amended by PL 2017, c. 452, §16, is repealed.

**Sec.** **8. 28-B MRSA §102, sub-§15,** as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

**Sec.** **9. 28-B MRSA §202, sub-§4,** as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

**Sec.** **10.** **Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the word "marijuana" appears, it is amended to read "cannabis" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec.** **11.** **Rules, forms, policies and publications.** On or after the effective date of this section, when adopting or amending rules and developing or publishing forms, policies and publications, the Department of Administrative and Financial Services' office of marijuana policy and the Department of Health and Human Services shall replace references to "marijuana" with references to "cannabis."

**SUMMARY**

This bill removes prohibitions on participation in the cannabis industry under the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act for persons convicted of drug offenses. Under this bill, as directed by a revision clause, the term "marijuana" will be replaced with the term "cannabis" in the Maine Revised Statutes. The bill also provides that when adopting or amending rules and developing or publishing forms, policies and publications, the Department of Administrative and Financial Services' office of marijuana policy and the Department of Health and Human Services must replace references to "marijuana" with references to "cannabis."