



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1846

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H.P. 1367

House of Representatives, December 22, 2021

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### **An Act To Allow for a Variance Rate in the Amount and Potency of Cannabinoids in Adult Use Edible Marijuana Products**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PERRY of Bangor.

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

2 **Sec. 1. 28-B MRSA §602, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6, is  
3 amended to read:

4 **3. Testing process, protocols and standards.** The department shall establish by rule  
5 processes, protocols and standards for mandatory and other testing of marijuana and  
6 marijuana products that conform with the best practices generally used within the  
7 marijuana industry, including, but not limited to, an allowable variance rate for determining  
8 the amount or potency of THC or other cannabinoids in edible marijuana products.

9 **Sec. 2. 28-B MRSA §701, sub-§1, ¶F**, as enacted by PL 2017, c. 409, Pt. A, §6,  
10 is amended to read:

11 F. Information on the THC potency of the marijuana or marijuana product and the  
12 potency of such other cannabinoids or other chemicals in the marijuana or marijuana  
13 product, including, but not limited to, cannabidiol. For edible marijuana products, the  
14 information required pursuant to this paragraph must be consistent with section 703,  
15 subsection 1, paragraphs F and F-1;

16 **Sec. 3. 28-B MRSA §701, sub-§1, ¶G**, as enacted by PL 2017, c. 409, Pt. A, §6,  
17 is amended to read:

18 G. Information on the amount of THC and cannabidiol per serving of the marijuana or  
19 marijuana product ~~and, for~~. For edible marijuana products, the information required  
20 pursuant to this paragraph must be consistent with section 703, subsection 1,  
21 paragraphs F and F-1 and contain the number of servings per package;

22 **Sec. 4. 28-B MRSA §703, sub-§1, ¶F**, as enacted by PL 2017, c. 409, Pt. A, §6,  
23 is amended to read:

24 F. May not contain more than 10 milligrams of THC per serving of the product and  
25 may not contain more than 100 milligrams of THC per package of the product, with an  
26 allowable variance rate of 10%, except that the allowable variance may not be less than  
27 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount of THC  
28 allowed under this paragraph, the allowable variance rate must be in addition to the  
29 allowable variance rate applicable to a testing facility pursuant to section 602,  
30 subsection 3;

31 **Sec. 5. 28-B MRSA §703, sub-§1, ¶F-1** is enacted to read:

32 F-1. May, except as provided in paragraph F, have the amount or potency of  
33 cannabinoids calculated using an allowable variance rate of 10%, except that the  
34 allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In  
35 the calculation of the amount or potency of cannabinoids allowed under this paragraph,  
36 the allowable variance rate may be in addition to the allowable variance rate applicable  
37 to a testing facility pursuant to section 602, subsection 3;

## 38 SUMMARY

39 This bill allows for a variance in the amount and potency of tetrahydrocannabinol, or  
40 THC, and other cannabinoids in edible marijuana products under the Marijuana  
41 Legalization Act.