



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 202

S.P. 102

In Senate, January 17, 2023

**An Act to Clarify the Requirements for Off-premises Sales by
Cannabis Store Licensees**

(EMERGENCY)

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator PIERCE of Cumberland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Public Law 2021, chapter 735 requires the Department of Administrative
4 and Financial Services to adopt routine technical rules to administer a program under the
5 Cannabis Legalization Act authorizing certain off-premises sales of certain adult use
6 cannabis products; and

7 **Whereas,** the program becomes effective January 1, 2023; and

8 **Whereas,** the program requires amendments that cannot be delayed in order to
9 provide clarity for the program's implementation and administration by the Department of
10 Administrative and Financial Services and to provide clarity and certainty about the
11 program's requirements to adult use cannabis licensees and members of the public; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 28-B MRSA §102, sub-§39-A** is enacted to read:

18 **39-A. Permitted premises for a specified event.** "Permitted premises for a specified
19 event" means the premises specified in a permit within which a cannabis store is authorized
20 under section 504-A and rules adopted pursuant to that section to sell adult use cannabis
21 products at a specified event.

22 **Sec. 2. 28-B MRSA §102, sub-§51-A** is enacted to read:

23 **51-A. Specified event.** "Specified event" means an event located outside the licensed
24 premises of a cannabis store that is not conducted primarily for the benefit or enjoyment of
25 individuals under 21 years of age and that is not more than 10 consecutive days in duration
26 or 10 occurrences in duration. For purposes of this subsection, "occurrence" means an
27 event that is less than 24 hours in duration and that occurs during the same calendar year
28 as another occurrence.

29 **Sec. 3. 28-B MRSA §102, sub-§51-B** is enacted to read:

30 **51-B. Specified event permit.** "Specified event permit" means a temporary
31 authorization for a cannabis store to conduct sales of adult use cannabis products at a
32 specified event in accordance with section 504-A.

33 **Sec. 4. 28-B MRSA §504, sub-§1,** as enacted by PL 2017, c. 409, Pt. A, §6 and
34 amended by PL 2021, c. 669, §5, is further amended to read:

35 **1. Products authorized for sale.** Except as provided in subsection 2 and section
36 504-A, subsection 3, paragraph D, a cannabis store may sell:

- 37 A. Adult use cannabis, adult use cannabis products and cannabis paraphernalia;
38 B. Immature cannabis plants and seedlings;
39 C. Consumable products not containing cannabis, including, but not limited to, sodas,
40 candies and baked goods; and

1 D. Any other nonconsumable products, including, but not limited to, apparel and
2 cannabis-related products.

3 **Sec. 5. 28-B MRSA §504, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6 and
4 amended by PL 2021, c. 669, §5, is further amended to read:

5 **3. Compliance with packaging, labeling and health and safety requirements.** All
6 adult use cannabis and adult use cannabis products sold or offered for sale at by a cannabis
7 store must meet all applicable packaging, labeling and health and safety requirements of
8 subchapter 7 and the rules adopted under subchapter 7.

9 **Sec. 6. 28-B MRSA §504-A, first ¶**, as enacted by PL 2021, c. 735, §1 and
10 amended by c. 669, §5, is further amended to read:

11 Notwithstanding any provision of law to the contrary, the department may issue a
12 specified event permit to a cannabis store to sell adult use cannabis products at a specified
13 ~~event located outside the licensed premises~~ in accordance with the requirements of this
14 section. Transportation of adult use cannabis products between the licensed premises and
15 the permitted premises for a specified event is subject to the requirements of section 505.
16 A cannabis store authorized to sell adult use cannabis products under this section is subject
17 to the provisions of section 504.

18 **Sec. 7. 28-B MRSA §504-A, sub-§1**, as enacted by PL 2021, c. 735, §1 and
19 amended by c. 669, §5, is further amended to read:

20 **1. Permit application.** At least 30 days prior to a specified event, a cannabis store
21 seeking to sell adult use cannabis products at the specified event shall submit a permit
22 application to the department. The application must include:

23 A. Proof of approval from the municipality in which the specified event is located as
24 described in subsection 2 to sell adult use cannabis products at the specified event;

25 B. A description of the specified event and the name and description of the
26 organization sponsoring the event; ~~and~~

27 C. If the specified event is being held on private property, the written permission of
28 the property owner for the cannabis store licensee to sell adult use cannabis products
29 on the property;

30 D. A diagram and description of the premises that will be used by the cannabis store
31 at the specified event; and

32 E. As applicable, a diagram and description of security measures to be implemented
33 by the cannabis store at the specified event to prevent unauthorized access to cannabis
34 products, including a description of how the cannabis store will prevent access by
35 persons under 21 years of age to the area where the cannabis store will conduct sales.

36 **Sec. 8. 28-B MRSA §504-A, sub-§1-A** is enacted to read:

37 **1-A. Department review of permit application; issuance or denial of permit.** Upon
38 receipt and review of a permit application from a cannabis store that meets the requirements
39 of subsection 1, the department shall issue a specified event permit or deny the application
40 for good cause in accordance with section 206, subsection 2.

41 **Sec. 9. 28-B MRSA §504-A, sub-§3**, as enacted by PL 2021, c. 735, §1 and
42 amended by c. 669, §5, is further amended to read:

1 **3. Limitations on off-premises sales.** A cannabis store issued a specified event permit
2 under this section may sell adult use cannabis products at a specified event only as
3 authorized under the permit. A specified event permit issued by the department under this
4 section ~~for a specified event~~ may not authorize:

- 5 A. Sales at the specified event for a period greater than the duration of the event;
- 6 B. Sales anywhere other than the specified event;
- 7 C. The consumption of adult use cannabis products at the location of sale at the
8 specified event; or
- 9 D. Sales of adult use cannabis products that are consumed by smoking. For the
10 purposes of this paragraph, "smoking" has the same meaning as in Title 22, section
11 1541, subsection 6.

12 **Sec. 10. 28-B MRSA §504-A, sub-§4**, as enacted by PL 2021, c. 735, §1 and
13 amended by c. 669, §5, is further amended to read:

14 **4. Conditions.** Sales of adult use cannabis products under a specified event permit
15 issued under this section are subject to the following conditions.

- 16 A. A cannabis store authorized to sell adult use cannabis products at a specified event
17 held outdoors shall transact all sales in a tent or similar structure with a single point of
18 entry that requires entry into the tent or structure in order to view or purchase adult use
19 cannabis products.
- 20 B. A cannabis store may not allow a person under 21 years of age to enter a tent or
21 structure in which sales are conducted and shall verify that a person entering the tent
22 or structure is at least 21 years of age in the same manner as required under section
23 504, subsection 4.
- 24 C. A cannabis store shall provide signs notifying customers that adult use cannabis
25 products may not be consumed at the location of sale at the specified event.
- 26 D. A cannabis store shall ensure that all adult use cannabis products are secured when
27 not under the direct control and supervision of the licensee or an employee of the
28 licensee.
- 29 E. A cannabis store shall record all sales conducted at the specified event using a video
30 recording device in a manner that captures, to the extent practicable, only the individual
31 making the purchase. The recording must be retained by the cannabis store in a manner
32 prescribed by the department by rule.

33 **Sec. 11. 28-B MRSA §504-A, sub-§5**, as enacted by PL 2021, c. 735, §1 and
34 amended by c. 669, §5, is repealed.

35 **Sec. 12. 28-B MRSA §504-A, sub-§5-A** is enacted to read:

36 **5-A. Suspension or revocation of a specified event permit.** The department, on its
37 own initiative or on complaint and after investigation, by written order may for good cause
38 as described in section 206, subsection 2 suspend or revoke a specified event permit issued
39 to a cannabis store. The department shall revoke a specified event permit if:

- 40 A. Municipal approval granted in accordance with subsection 2 is revoked by the
41 municipality; or

