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Legislative Document

No. 1545

S.P. 482

In Senate, April 11, 2019

An Act Regarding the Testing of Adult Use Marijuana and Marijuana Products

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 MIRAMANT of Knox.
Cosponsored by Representative HICKMAN of Winthrop and
Senator: VITELLI of Sagadahoc, Representatives: BABINE of Scarborough, BEEBE-
CENTER of Rockland, BLUME of York, DUNPHY of Old Town, HEPLER of Woolwich,
McCREIGHT of Harpswell, PLUECKER of Warren.

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

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

4 A Except for adult use marijuana or an adult use marijuana product under subsection
5 4, a licensee may not sell or distribute adult use marijuana or an adult use marijuana
6 product to a consumer or to another licensee under this chapter unless the marijuana or
7 marijuana product has been tested pursuant to this subchapter and the rules adopted
8 pursuant to this subchapter and that mandatory testing has demonstrated that the
9 marijuana or marijuana product does not exceed the maximum level of allowable
10 contamination for any contaminant that is injurious to health and for which testing is
11 required.

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

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

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

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

27 A. Exceeds the maximum level of allowable contamination for any contaminant that
28 is injurious to health and for which testing is required, the testing facility immediately
29 shall notify the department under section 603, subsection 1 and the licensee who
30 provided the marijuana or marijuana product to the testing facility. Upon notice
31 under this paragraph, the licensee immediately shall document, quarantine and hold
32 all marijuana or marijuana product subject to the testing, including recovering any
33 recoverable marijuana or marijuana product subject to the testing provided to a
34 consumer or another licensee. Unless the licensee has successfully undertaken
35 remediation and retesting and within 30 days of completing a test that determines the
36 marijuana or marijuana product does not exceed the maximum level of allowable
37 contamination for any contaminant that is injurious to health and for which testing is
38 required notifies the department of the test results, the department shall destroy the
39 marijuana or marijuana product; or

40 B. Does not exceed the maximum level of allowable contamination for any
41 contaminant that is injurious to health and for which testing is required, the testing

1 facility immediately shall notify the licensee who provided the marijuana or
2 marijuana product to the testing facility and the licensee may remove the label
3 required under section 701, subsection 1, paragraph J-1 and sell or distribute the
4 marijuana or marijuana product pursuant to this chapter.

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

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

11 G. ~~Information~~ Unless the marijuana or marijuana product is being sold under
12 paragraph J-1, information on the amount of THC and cannabidiol per serving of the
13 marijuana or marijuana product and, for edible marijuana products, the number of
14 servings per package;

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

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

19 **SUMMARY**

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

22 1. Requiring that any testing conform to any applicable state or federal process,
23 protocol or standard for the testing of tobacco; and

24 2. Providing that if a testing facility does not test adult use marijuana or an adult use
25 marijuana product within 5 days of receiving the marijuana or marijuana product from a
26 licensee, the licensee may sell or distribute the marijuana or marijuana product if the
27 marijuana or marijuana product is labeled "Untested." If upon testing a testing facility
28 determines that the marijuana or marijuana product exceeds the maximum level of
29 allowable contamination for any contaminant that is injurious to health and for which
30 testing is required, the testing facility is required to immediately notify the Department of
31 Administrative and Financial Services and the licensee. The licensee is required to
32 recover, document, quarantine and hold the marijuana or marijuana product for either
33 remediation and retesting or destruction by the department.