



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1686

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S.P. 673

In Senate, April 18, 2023

**An Act to Eliminate Unconstitutional Restrictions on Access to Cannabis by Removing Certain Restrictions on Medical Use and Personal Use and to Recognize Cannabis and Hemp as Food Protected as a Right Under the Constitution of Maine**

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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 BRAKEY of Androscoggin.  
Cosponsored by Representative BOYER of Poland and  
Representative: SUPICA of Bangor.

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

2 **Sec. 1. 7 MRSA §2232** is enacted to read:

3 **§2232. Hemp as food**

4 Hemp is a food protected as a right under the Constitution of Maine, Article I, Section  
5 25.

6 **Sec. 2. 22 MRSA §2423-A, sub-§1, ¶A**, as amended by PL 2017, c. 452, §4 and  
7 PL 2021, c. 669, §5, is further amended to read:

8 A. Possess ~~up to 8 pounds of~~ harvested cannabis, including, but not limited to,  
9 harvested cannabis produced by cannabis plants at the qualifying patient's residence;

10 **Sec. 3. 22 MRSA §2423-A, sub-§1, ¶B**, as amended by PL 2021, c. 662, §9 and  
11 c. 669, §5, is further amended to read:

12 B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to  
13 cultivate under paragraph F-1, subparagraph (1), ~~up to a total of 6 mature cannabis~~  
14 ~~plants, 12 immature cannabis plants and unlimited and~~ seedlings for that qualifying  
15 patient. ~~The total number of mature cannabis plants per qualifying patient, whether~~  
16 ~~cultivated by the patient or by a caregiver operating under subsection 3, paragraph C,~~  
17 ~~may not exceed 6. The total number of immature cannabis plants per qualifying~~  
18 ~~patient, whether cultivated by the patient or by a caregiver operating under subsection~~  
19 ~~3, paragraph C, may not exceed 12. Two or more qualifying patients who are members~~  
20 ~~of the same household and cultivating their own cannabis plants may share not more~~  
21 ~~than 2 cultivation areas;~~

22 **Sec. 4. 22 MRSA §2430-I** is enacted to read:

23 **§2430-I. Cannabis as food**

24 The leaves, stems, flowers and seeds of a cannabis plant are food protected as a right  
25 under the Constitution of Maine, Article I, Section 25.

26 **Sec. 5. 28-B MRSA §114** is enacted to read:

27 **§114. Cannabis as food**

28 Cannabis is food protected as a right under the Constitution of Maine, Article I, Section  
29 25.

30 **Sec. 6. 28-B MRSA §1501, sub-§1, ¶D**, as enacted by PL 2017, c. 409, Pt. A, §6  
31 and amended by PL 2021, c. 669, §5, is further amended to read:

32 D. Transfer or furnish, without remuneration, to a person 21 years of age or older ~~up~~  
33 ~~to 6 immature~~ cannabis plants or seedlings;

34 **Sec. 7. 28-B MRSA §1501, sub-§1, ¶E**, as enacted by PL 2017, c. 409, Pt. A, §6  
35 and amended by PL 2021, c. 669, §5, is further amended to read:

36 E. Subject to the requirements and restrictions of section 1502, possess, cultivate or  
37 transport ~~at any one time up to 3 mature cannabis plants, 12 immature~~ cannabis plants  
38 ~~and an unlimited number of~~ seedlings and possess all the cannabis produced by such  
39 plants and seedlings at the person's place of residence or at the location where the  
40 cannabis was cultivated;



- 1           4. Cannabis plants or seedlings a person may purchase from a nursery cultivation
- 2 facility or cannabis store; and
- 3           5. Cannabis plants that a person may cultivate.
- 4           The bill also removes the tag requirement for cannabis plants under Title 28-B, chapter
- 5 3.