

Date: (Filing No. S-)

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STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " " to H.P. 1132, L.D. 1641, Bill, "An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities"

Amend the bill in section 6 in the first line (page 2, line 11 in L.D.) by striking out the following: "c. 1, §7" and inserting the following: 'c. 278, §5'

Amend the bill in section 6 in §2445 by striking out all of the first indented paragraph (page 2, lines 14 to 28 in L.D.) and inserting the following:

'Beginning February 1, 2018, the state licensing authority shall establish, within a specific time frame, a an independent testing and certification program for retail marijuana and retail marijuana products independent testing and certification program. This Except as otherwise provided in this section, the program must require licensees to test retail marijuana and retail marijuana products to ensure at a minimum that products sold for human consumption do a retail marijuana licensee, prior to selling or furnishing retail marijuana or a retail marijuana product to a consumer or to another licensee, to submit the marijuana or marijuana product to a retail marijuana testing facility for testing pursuant to this section to ensure that the marijuana or marijuana product does not contain contaminants exceed the maximum level of allowable contamination for any contaminant that are is injurious to health and for which testing is required and to ensure correct labeling. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules regarding retail marijuana testing facilities as authorized by sections 1-C and 2444, subsection 2. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A identifying the types of contaminants that are injurious to health for which marijuana and marijuana products must be tested under this section and the maximum level of allowable contamination for each contaminant.'

Amend the bill in section 7 in the first line (page 4, line 11 in L.D.) by striking out the following: "enacted by IB 2015, c. 5, §1, is amended" and inserting the following: 'amended by PL 2017, c. 278, §8, is further amended'

Amend the bill in section 7 in subsection 6 by striking out all of the first blocked paragraph (page 4, lines 20 to 23 in L.D.) and inserting the following:

'The Department of Agriculture, Conservation and Forestry shall adopt rules pursuant to its authority in section 2445 related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and

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1 ~~calibration, chemical identification and other practices used in bona fide research~~
2 ~~methods. Rules adopted pursuant to this subsection are major substantive rules as defined~~
3 ~~in Title 5, chapter 375, subchapter 2-A.'~~

4 Amend the bill in section 8 in the first line (page 6, line 32 in L.D.) by striking out
5 the following: "enacted by IB 2015, c. 5, §1" and inserting the following: 'amended by PL
6 2017, c. 278, §9'

7 Amend the bill in section 9 in subsection 8-A in paragraph A in the 3rd line (page 6,
8 line 39 in L.D.) by inserting after the following: "authority" the following: 'or the
9 Department of Agriculture, Conservation and Forestry'

10 Amend the bill in section 9 in subsection 8-A in paragraph B in the first line (page 7,
11 line 1 in L.D.) by inserting after the following: "authority" the following: 'or the
12 Department of Agriculture, Conservation and Forestry'

13 Amend the bill in section 9 in subsection 8-A in paragraph B in the 2nd line (page 7,
14 line 2 in L.D.) by inserting after the following: "chapter and" the following: 'the state
15 licensing authority'

16 Amend the bill in section 9 in subsection 8-A in paragraph C in the 3rd line (page 7,
17 line 9 in L.D.) by inserting after the following: "authority," the following: 'the
18 Department of Agriculture, Conservation and Forestry,'

19 Amend the bill in section 9 in subsection 8-A in paragraph C in the 2nd from the last
20 line (page 7, line 12 in L.D.) by inserting after the following: "authority," the following:
21 'the Department of Agriculture, Conservation and Forestry,'

22 Amend the bill by striking out all of section 10 and inserting the following:

23 **'Sec. 10. Transfer; Marijuana Regulation and Licensing Fund program.**
24 Notwithstanding any other provision of law to the contrary, the State Controller, within 5
25 days of the effective date of this Act, shall transfer \$91,032 from the Retail Marijuana
26 Regulatory Coordination Fund in the Department of Administrative and Financial
27 Services to the Marijuana Regulation and Licensing Fund program in the Department of
28 Agriculture, Conservation and Forestry.

29 **Sec. 11. Transfer; Maine Center for Disease Control and Prevention**
30 **program.** Notwithstanding any other provision of law to the contrary, the State
31 Controller, within 5 days of the effective date of this Act, shall transfer \$84,722 from the
32 Retail Marijuana Regulatory Coordination Fund in the Department of Administrative and
33 Financial Services to the Maine Center for Disease Control and Prevention program in
34 the Department of Health and Human Services.

35 **Sec. 12. Appropriations and allocations.** The following appropriations and
36 allocations are made.

37 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
38 **Marijuana Regulation and Licensing Fund N219**

39 Initiative: Provides allocations for one Consumer Protection Inspector position, one pool
40 vehicle and position technology costs.

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|----|---|-------------------------|-------------------------|
| 1 | OTHER SPECIAL REVENUE FUNDS | 2017-18 | 2018-19 |
| 2 | POSITIONS - LEGISLATIVE COUNT | 1.000 | 1.000 |
| 3 | Personal Services | \$76,032 | \$79,801 |
| 4 | All Other | \$15,000 | \$12,500 |
| 5 | | | |
| 6 | OTHER SPECIAL REVENUE FUNDS TOTAL | <u>\$91,032</u> | <u>\$92,301</u> |
| 7 | AGRICULTURE, CONSERVATION AND | | |
| 8 | FORESTRY, DEPARTMENT OF | | |
| 9 | DEPARTMENT TOTALS | 2017-18 | 2018-19 |
| 10 | | | |
| 11 | OTHER SPECIAL REVENUE FUNDS | \$91,032 | \$92,301 |
| 12 | | | |
| 13 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$91,032</u> | <u>\$92,301</u> |
| 14 | HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) | | |
| 15 | Maine Center for Disease Control and Prevention 0143 | | |
| 16 | Initiative: Provides allocations for one Environmental Specialist III position to certify | | |
| 17 | licensed retail marijuana testing facilities. | | |
| 18 | OTHER SPECIAL REVENUE FUNDS | 2017-18 | 2018-19 |
| 19 | POSITIONS - LEGISLATIVE COUNT | 1.000 | 1.000 |
| 20 | Personal Services | \$74,552 | \$77,185 |
| 21 | All Other | \$10,170 | \$10,170 |
| 22 | | | |
| 23 | OTHER SPECIAL REVENUE FUNDS TOTAL | <u>\$84,722</u> | <u>\$87,355</u> |
| 24 | HEALTH AND HUMAN SERVICES, | | |
| 25 | DEPARTMENT OF (FORMERLY DHS) | | |
| 26 | DEPARTMENT TOTALS | 2017-18 | 2018-19 |
| 27 | | | |
| 28 | OTHER SPECIAL REVENUE FUNDS | \$84,722 | \$87,355 |
| 29 | | | |
| 30 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$84,722</u> | <u>\$87,355</u> |
| 31 | SECTION TOTALS | 2017-18 | 2018-19 |
| 32 | | | |
| 33 | OTHER SPECIAL REVENUE FUNDS | \$175,754 | \$179,656 |
| 34 | | | |
| 35 | SECTION TOTAL - ALL FUNDS | <u>\$175,754</u> | <u>\$179,656</u> |
| 36 | | | |

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SUMMARY

This amendment makes changes to the bill to reflect the designation of the Department of Administrative and Financial Services as the state licensing authority pursuant to Public Law 2017, chapter 278.

This amendment also removes the General Fund appropriations from the bill, replaces them with Other Special Revenue Funds allocations and requires the State Controller to transfer from the Retail Marijuana Regulatory Coordination Fund within the Department of Administrative and Financial Services \$91,032 to the Marijuana Regulation and Licensing Fund program within the Department of Agriculture, Conservation and Forestry and \$84,722 to the Maine Center for Disease Control and Prevention program within the Department of Health and Human Services.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: _____

(Senator HAMPER)

COUNTY: Oxford