| 1 | L.D. 1059 |
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| 2 | Date: (Filing No. H-) |
| 3 | HEALTH AND HUMAN SERVICES |
| 4 | Reproduced and distributed under the direction of the Clerk of the House. |
| 5 | STATE OF MAINE |
| 6 | HOUSE OF REPRESENTATIVES |
| 7 | 127TH LEGISLATURE |
| 8 | FIRST REGULAR SESSION |
| 9 10 | COMMITTEE AMENDMENT " to H.P. 728, L.D. 1059, Bill, "An Act Relating to Marijuana Testing Facilities" |
| 11 12 | Amend the bill by inserting after the enacting clause and before section 1 the following: |
| 13 14 | 'Sec. 1. 22 MRSA §2422, sub-§1, as amended by PL 2009, c. 631, §8 and affected by §51, is further amended to read: |
| 15 16 17 18 | 1. Cardholder. "Cardholder" means a registered patient, a registered primary caregiver or a principal officer, board member, agent or employee of a registered dispensary or marijuana testing facility who has been issued and possesses a valid registry identification card.' |
| 19 20 | Amend the bill in section 1 in subsection 5-C by striking out all of paragraphs A, B and C (page 1, lines 5 to 12 in L.D.) and inserting the following: |
| 21 22 23 | 'A. Is licensed, certified or otherwise approved by the department in accordance with rules adopted by the department under section 2423-A, subsection 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile of samples; and |
| 24 25 26 | B. Is accredited pursuant to ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.' |
| 27 | Amend the bill by striking out all of section 9 and inserting the following: |
| 28 | 'Sec. 9. 22 MRSA §2423-A, sub-§§10, 11 and 12 are enacted to read: |
| 29 30 | 10. Marijuana testing facility. The following provisions apply to a marijuana testing facility. |
| 31 32 33 | A. A marijuana testing facility may receive and possess samples from qualifying patients, registered primary caregivers and dispensaries to provide testing of the samples for the cannabinoid profile and potency of the samples and for contaminants |

| 2 | regulators and illegal pesticides. |
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| 3 4 5 | B. An employee of a marijuana testing facility may have access to cultivation facilities pursuant to subsection 3, paragraph A and section 2428, subsection 6, paragraph I. |
| 6 | C. A marijuana testing facility shall: |
| 7 8 | (1) Properly dispose of medical marijuana residue in compliance with department rules; |
| 9 10 11 | (2) House and store marijuana in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss; |
| 12 13 | (3) Label marijuana being transported to and from a marijuana testing facility with the following statement: "For Testing Purposes Only"; |
| 14 15 | (4) Maintain testing results as part of the facility's business books and records; and |
| 16 | (5) Operate in accordance with security rules adopted by the department. |
| 17 18 19 | D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including, but not limited to: |
| 20 | (1) The form and content of marijuana labeling: |
| 21 | (2) Standards for the testing of samples by marijuana testing facilities; |
| 22 23 | (3) Requirements relating to the size of samples and collection methods for samples; |
| 24 | (4) Marijuana testing facility director qualification requirements; |
| 25 | (5) Required security for marijuana testing facilities; and |
| 26 27 | (6) Requirements for the licensing, certifying or other approval of marijuana testing facilities. |
| 28 29 30 31 | 11. Immunity. The immunity provisions in this subsection apply to a marijuana testing facility's principal officers, board members, agents and employees. Any immunity provision within this chapter in conflict with this subsection does not apply to marijuana testing facilities. |
| 32 33 34 35 36 37 | A. A marijuana testing facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist qualifying patients with the medical use of marijuana in accordance with this chapter. |

| 1 2 3 4 5 6 7 | B. A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a marijuana testing facility to test prepared marijuana provided by a qualifying patient, primary caregiver, registered primary caregiver or registered dispensary. |
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| 8 9 10 11 | 12. Interest. A principal officer, board member, agent or employee of a registered dispensary or primary caregiver may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary or primary caregiver.' |
| 12 | Amend the bill by inserting after section 10 the following: |
| 13 14 | 'Sec. 11. 22 MRSA §2425, sub-§1-A, as enacted by PL 2013, c. 394, §3, is amended to read: |
| 15 16 17 18 | 1-A. Criminal history record check. An applicant for a registry identification card who is a primary caregiver or who is a principal officer, board member, agent or employee of a registered dispensary or a marijuana testing facility must undergo a criminal history record check annually. |
| 19 | Sec. 12. 22 MRSA §2425, sub-§4-A is enacted to read: |
| 20 21 22 23 24 | 4-A. Marijuana testing facility identification card. The department shall issue registry identification cards to principal officers, board members, agents and employees of a marijuana testing facility within 5 days of approving an application or renewal under this section in accordance with department rules. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain: |
| 2526 | A. The name of the cardholder; B. The date of issuance and expiration date; and |
| 27 | C. A random identification number that is unique to the cardholder.' |
| 28 29 | Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively. |
| 30 | SUMMARY |
| 31 32 33 34 35 36 37 | This amendment amends the bill by amending the definition of "cardholder" in the Maine Medical Use of Marijuana Act to include a marijuana testing facility, eliminating the educational requirement for the director of a marijuana testing facility, adding requirements for housing, storing, transporting and labeling within marijuana testing facilities, creating an immunity provision for marijuana testing facilities and directing the Department of Health and Human Services to issue registry identification cards to certain individuals at marijuana testing facilities. |
| 38 | FISCAL NOTE REQUIRED |

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(See attached)

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