

§104. Implementation, administration and enforcement; staffing; rulemaking

1. Implementation, administration and enforcement. The department shall implement, administer and enforce this chapter and the rules adopted pursuant to this chapter and has the sole authority under this chapter to:

A. Grant or deny applications for the licensure of cannabis establishments under this chapter; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. Impose on a licensee any penalty authorized under this chapter or the rules adopted pursuant to this chapter, including, but not limited to, a monetary penalty or a suspension or revocation of the licensee's license, upon a determination that the licensee has committed a violation of this chapter, a rule adopted pursuant to this chapter or a condition of licensure. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Staffing. The department may employ personnel as necessary to implement, administer and enforce this chapter and the rules adopted pursuant to this chapter.

[PL 2017, c. 409, Pt. A, §6 (NEW).]

3. Rulemaking; consultation. The department shall adopt all rules necessary to implement, administer and enforce this chapter.

A. The department shall consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of any rules concerning the regulation of the cultivation, manufacture and testing of adult use cannabis and adult use cannabis products at cultivation facilities, products manufacturing facilities and testing facilities; the regulation of cannabis seeds and clones and cannabis plants; the use of pesticides, fungicides and herbicides in cultivation; the imposition of limits on the concentration of THC and other cannabinoids per serving in adult use cannabis products; odor control standards, sanitary standards, refrigeration requirements and storage and warehousing standards for licensees; and the regulation of the preparation, manufacture, testing, packaging and labeling of adult use cannabis and adult use cannabis products. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The department shall consult with the Department of Labor prior to the adoption of any rules concerning workplace, employment or other labor matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. The department shall consult with the Department of Public Safety prior to the adoption of any rules concerning public safety or law enforcement matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

Except as otherwise provided in this chapter, all rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

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