

**Subcommittee to Consider Non-substantive Changes to the Maine Medical Cannabis Act  
Joint Standing Committee on Veterans and Legal Affairs  
131<sup>st</sup> Legislature, Subcommittee Interim Meeting**

**Tuesday, November 28, 2023**

AGENDA

- 10:00 a.m. Welcome and introductions
- 10:10 a.m. Overview of subcommittee progress
- 10:15 a.m. Continued discussion of definitions
- 11:00 a.m. Report back to VLA committee
1. Usual report contents
    - Executive Summary
    - Introduction
    - Subcommittee Process
    - Findings and Recommendations
  2. Specific findings from subcommittee to committee
  3. Specific recommendations from subcommittee to committee

Set date for final meeting

§2430-G. Record keeping; inspections; reporting requirements

(CONFLICT)

1. Tracking; record keeping.

A. (CONFLICT: Text as repealed by PL 2023, c. 365, §18)

(2) (CONFLICT: Text as amended by PL 2023, c. 405, Pt. A, §58) Keep the books and records maintained by the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility for a period of 4 years; and [PL 2023, c. 365, §18 (RP); PL 2023, c. 405, Pt. A, §58 (AMD).]

B. [PL 2023, c. 365, §18 (RP).]

C. [PL 2023, c. 365, §18 (RP).]

[PL 2023, c. 365, §18 (RP); PL 2023, c. 405, Pt. A, §58 (AMD).]

2. Inspections.

[PL 2023, c. 365, §18 (RP).]

3. Incident and illegal activity reporting.

[PL 2023, c. 365, §18 (RP).]

4. Procedures for suspending or terminating registration.

[PL 2023, c. 365, §18 (RP).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2019, c. 331, §32 (AMD). PL 2021, c. 367, §16 (AMD). PL 2021, c. 387, §§14-16 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §35 (AMD). PL 2023, c. 96, §2 (AMD). PL 2023, c. 365, §18 (RP). PL 2023, c. 405, Pt. A, §58 (AMD).

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An Act to Sustain the Medical Use of Cannabis Program  
L.D. 832

**Sec. 13. 22 MRSA §2430-C, sub-§8**, as enacted by PL 2017, c. 452, §24 and amended by PL 2021, c. 669, §5, is amended to read:

**8. Evidence of lawful conduct.** ~~A person who has been issued a registry identification card pursuant to section 2425-A must also possess a valid government issued identification that includes a photo and proof of address in order to establish proof of authorized participation in the medical use of cannabis under this chapter. Possession of a registry identification card by a cardholder, the act of applying for such a registry identification card, possession of a written certification issued under section 2423-B or possession of a designation document executed under section 2423-A, subsection 1, paragraph F-1 is not evidence of unlawful~~ lawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.

**Sec. 14. 22 MRSA §2430-C, sub-§10** is enacted to read:

**10. Defense for possession of excess cannabis.** Except as provided in section 2426, a qualifying patient may assert as a defense to any prosecution involving cannabis possession use of cannabis for a medical purpose and may present evidence in court that the patient's medical use or cultivation of an amount of cannabis exceeding the amount allowed under section 2423-A was reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis.

**Sec. 15. 22 MRSA §2430-C, sub-§11** is enacted to read:

**11. Calculation of cannabis weight.** The amount of cannabis possessed under this chapter must be calculated by the weight of dried harvested cannabis. A calculation of the weight of cannabis that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of cannabis in a cannabis product may not include ingredients in the product other than cannabis, except that the weight of cannabis concentrate must be included regardless of whether the cannabis concentrate is within a cannabis product or not within a cannabis product.

**Sec. 16. 22 MRSA §2430-E**, as amended by PL 2021, c. 387, §12 and c. 669, §5, is repealed.

**Sec. 17. 22 MRSA §2430-F**, as amended by PL 2021, c. 387, §13 and c. 669, §5, is repealed.

**Sec. 18. 22 MRSA §2430-G**, as amended by PL 2021, c. 367, §16; c. 387, §§14 to 16; c. 669, §5; c. 676, Pt. A, §35; and PL 2023, c. 96, §2, is repealed.

**Sec. 19. 22 MRSA §2430-H**, as enacted by PL 2017, c. 452, §24 and amended by PL 2021, c. 669, §5, is repealed.

**Sec. 20. 22 MRSA §2430-I** is enacted to read:

**§2430-I. Suspension, revocation, administrative penalty; forfeiture; surrender**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Covered entity" means a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

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An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine  
L.D. 2010

The Commissioner of Agriculture, Conservation and Forestry or the commissioner's duly authorized agent must have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods in commerce for the purpose of:

**Sec. A-55. 22 MRSA §2164, sub-§1** is amended to read:

1. **Inspection.** ~~Of inspecting such~~ Inspecting the factory, warehouse, establishment or vehicle to determine if any of the provisions of this subchapter are being violated; and

**Sec. A-56. 22 MRSA §2164, sub-§2** is amended to read:

2. **Examination of samples.** ~~To secure~~ Securing samples or specimens of any food after paying or offering to pay for such the sample.

~~It shall be~~ is the duty of the commissioner to make or cause to be made examination of samples secured under this section to determine whether or not any provision of this subchapter is being violated.

**Sec. A-57. 22 MRSA §2423-A, sub-§10, ¶E**, as repealed and replaced by PL 2019, c. 331, §13 and c. 354, §5 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

E. A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

**Sec. A-58. 22 MRSA §2430-G, sub-§1, ¶A**, as amended by PL 2021, c. 367, §16, c. 387, §§14 and 15 and c. 669, §5, is further amended by repealing subparagraph (2) and enacting the following in its place:

(2) Keep the books and records maintained by the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility for a period of 4 years; and

**Sec. A-59. 22 MRSA §2519-A**, as enacted by PL 1999, c. 777, §1, is amended to read:

**§2519-A. Detention**

If a livestock product or poultry product or a product exempted from the definitions of "livestock product" and "poultry product" or any dead, dying, disabled or diseased livestock or poultry is found by an authorized representative of the commissioner upon premises where it is held for, during or after distribution in intrastate commerce or is otherwise subject to this chapter and there is reason to believe that the product or animal is adulterated or misbranded and is useable as human food or that it has not been inspected, in violation of the provisions of this chapter or the federal acts or the Federal Food, Drug, and Cosmetic Act, or that the product or animal has been or is intended to be distributed in violation of any of these provisions, it may be detained by a representative for a period not to exceed 30 days, pending action under section ~~2522~~ 2524-A or notification of a federal authority having jurisdiction over the product or animal. The product or animal may not be moved by a person from the place at which it is located when detained, until released by the representative. All official marks may be required by the representative to be removed from the product or animal before it is released, unless it appears to the satisfaction of the commissioner or the commissioner's designee that the product or animal is eligible to retain the marks.

**Sec. A-60. 22 MRSA §2660-E, first ¶**, as amended by PL 1997, c. 705, §13, is further amended to read:

In addition to fees authorized under Title 22-A, section 9 210, the commissioner may impose an annual operation fee upon each public water system in the State.