

# Status of Marijuana-Related Legislation – 130th Legislature

*(as of November 9, 2021)*

## Bills Enacted or Finally Passed During First Regular or Special Session of 130th

LD	Title	Summary
<b>Adult Use Marijuana Program</b>		
605	<a href="#"><u>An Act To Amend the Marijuana Legalization Act</u></a>	<p>Made the following changes to the law governing adult use marijuana.</p> <ol style="list-style-type: none"> <li>1. It amended the definitions of "marijuana trim" and "mother plant."</li> <li>2. It expanded the permitted uses of the Adult Use Marijuana Public Health and Safety Fund.</li> <li>3. It exempted sample collector licensees from the requirement to register with the State Tax Assessor to collect and remit sales tax.</li> <li>4. It removed the repeal of the law providing for licensee self-sampling of marijuana for the purpose of mandatory testing.</li> </ol> <p>Enacted as an emergency measure effective June 16, 2021.</p>
1434	<a href="#"><u>An Act Regarding Controlled Entry Areas within Retail Marijuana Stores</u></a>	<p>Allowed a marijuana store to have a controlled, indoor entry area directly inside the store where the identification of a purchaser can be verified and the purchaser can await entry into the store.</p> <p>Effective October 18, 2021.</p>
<b>Medical Marijuana Program</b>		
881	<a href="#"><u>An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act</u></a>	<p>Made the following changes to the laws governing the medical use of marijuana.</p> <ol style="list-style-type: none"> <li>1. It repealed and replaced the definition of "immature marijuana plant" and amended the definitions of "marijuana plant" and "seedling."</li> <li>2. It changed the fee for caregiver registration based on the plant count to a fee for caregiver registration based either on plant count or plant canopy.</li> </ol> <p>Enacted as an emergency measure effective June 17, 2021.</p>

882	<a href="#"><u>Resolve, To Direct the Office of Marijuana Policy To Convene Stakeholder Meetings Regarding the Maine Medical Use of Marijuana Program</u></a>	<p>Directed the Department of Administrative and Financial Services (DAFS), through its office of marijuana policy, to convene meetings with stakeholders within the State's medical marijuana industry to study, review and evaluate any changes or updates that may be necessary to the State's medical use of marijuana program under the Maine Medical Use of Marijuana Act.</p> <p>Effective October 18, 2021.</p>
939	<a href="#"><u>An Act To Support Maine's Medical Marijuana Program and Ensure Patient Access</u></a>	<p>Made the following changes to the laws governing the medical use of marijuana.</p> <ol style="list-style-type: none"> <li>1. It allowed caregivers to employ assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver and clarified that assistants hired by caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities must otherwise be 21 years of age or older.</li> <li>2. It allowed registered caregivers and dispensaries to transfer to and accept from another registered caregiver or a dispensary an unlimited amount of their marijuana plants and harvested marijuana in a wholesale transaction.</li> <li>3. It allowed caregivers to accept a digital image of a written certification for the purposes of initiating a transaction for harvested marijuana and required the caregiver to verify the written certification in person before transferring any harvested marijuana to the qualifying patient.</li> <li>4. It allowed registration identification cards and criminal history record checks to be valid for one year regardless of employment status.</li> <li>5. It removed the provision allowing DAFS to adopt rules allowing advertising or marketing using location-based services if the marketing is a mobile device application installed on a device by the owner of the device who is 21 years of age or older if it includes a permanent and easy opt-out feature. It provided instead that DAFS may adopt rules allowing advertising or marketing using location-based services if such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older.</li> <li>6. It changed the period of time registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities must keep records from 7 years to 4 years.</li> </ol> <p>Effective October 18, 2021.</p>

1242	<a href="#">An Act To Amend the Maine Medical Use of Marijuana Act</a>	<p>Made the following changes to the laws governing the medical use of marijuana.</p> <ol style="list-style-type: none"> <li>1. It changed the designation of rules governing the medical use of marijuana from routine technical to major substantive beginning July 1, 2021.</li> <li>2. It provided that DAFS' rules governing the medical use of marijuana are those that were in effect on February 28, 2021.</li> <li>3. It required that before provisionally adopting new rules, including but not limited to rules necessary to implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit certain records, DAFS must: <ol style="list-style-type: none"> <li>A. Develop a process to consult with caregivers, registered caregivers, qualifying patients and medical providers with significant knowledge and experience certifying patients under the Maine Medical Use of Marijuana Act, in accordance with the Title 22, section 2422-A, subsection 2;</li> <li>B. Develop a process to use when hiring consultants to advise on any new rules or proposed changes to existing rules governing the medical use of marijuana, in accordance with Title 22, section 2422-A, subsection 2; and</li> <li>C. Using existing resources, conduct a study evaluating the economic effects that any new rules or proposed changes to existing rules may have, including but not limited to, the effects of implementing a statewide electronic portal on caregiver businesses of all sizes and how such rules could affect the access of patients to marijuana for medical use.</li> </ol> <p>DAFS is required to submit a report including the processes developed and the findings evaluated to the joint standing committee of the Legislature having jurisdiction over medical use of marijuana matters no later than January 15, 2022. The joint standing committee of the Legislature having jurisdiction over medical use of marijuana matters is authorized to introduce legislation for presentation to the Second Regular Session of the 130th Legislature based on the information provided in the report.</p> </li> <li>4. It eliminated the requirement that a registered caregiver, a registered dispensary, a marijuana testing facility and a manufacturing facility complete an annual audit conducted by a 3rd party of business transactions.</li> </ol> <p>Enacted as an emergency measure effective July 1, 2021.</p>
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Marijuana Advisory Commission			
1589	<a href="#">An Act To Ensure Equity in the Membership of the Marijuana Advisory Commission</a>	It changed the membership of the Marijuana Advisory Commission established under Title 28 B, section 901 by removing the Commissioner of Labor, adding the Commissioner of Economic and Community Development and adding 6 members representing certain interests, to be appointed by the President of the Senate and the Speaker of the House, increasing the number of members from 15 to 21.  Effective October 18, 2021.	
Bills Carried Over to the Second Regular Session of 130th			
LD	Title	Summary	Notes
421	<a href="#">An Act To Increase the Number of Plants a Medical Marijuana Caregiver May Cultivate</a>	This bill increases the number of mature plants from 30 to 60 and the number of immature plants from 60 to 120 that a medical marijuana caregiver may cultivate.	VLA voted 9-1 in favor of carrying over to provide more time than it had available during 130 <sup>th</sup> 1R & 1S
Public LR Titles Approved for Consideration During Second Regular Session of 130th*			
LR	Title	<a href="#">Link: Legislative Council Action on Bill Requests 10-25-21</a>	
2301	An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana	<ul style="list-style-type: none"> <li>This bill would authorize an adult use marijuana store to sell marijuana products off the store's premises at an agricultural fair or festival. It would direct the office of marijuana policy within DAFS to develop rules to implement this policy. It would allow a licensee and a licensee's employees to transport adult use marijuana and adult use marijuana products between the marijuana store and the temporary off-premises retail location. It would require a municipal officer from the municipality where the agricultural fair or festival is to occur to approve the application for sale of marijuana at the fair or festival. It would require an individual license to be obtained by an adult use marijuana store for each location at which the marijuana store wishes to engage in off-premises sales.</li> <li>Indexed to VLA</li> </ul>	
2438	An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation	<ul style="list-style-type: none"> <li>This bill would clarify the ability of an individual involved in a workers' compensation settlement, agreement or payout to use medical marijuana during the period the individual is incapacitated and unable to work.</li> <li>Indexed to LBHS</li> </ul>	
2503	An Act To Increase Opportunities in the Cannabis Industry by Removing Restrictions Related to Certain Convictions for Drug Offenses	<ul style="list-style-type: none"> <li>This bill would specify that disqualifying drug offenses for licensure to work in the adult use and medical marijuana industries do not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier or an offense that consisted of conduct that would have been permitted under current law.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Indexed to VLA</li> </ul>
2460	<p>An Act To Ensure Legislative Review of Rules for Maine's Medical Marijuana Programs</p> <ul style="list-style-type: none"> <li>• This bill would provide that major substantive rules provisionally adopted by the Department of Administrative and Financial Services, Office of Marijuana Policy and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.</li> <li>• Indexed to VLA</li> </ul>

\*The Legislative Council will consider at its next meeting any appeals of legislator-filed LR titles the Council previously rejected. There are 8 marijuana-related LR titles that the Council rejected at its prior meeting.