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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**131ST LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 102, L.D. 202, “An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees”

Amend the bill by striking out the title and substituting the following:

**'An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events'**

Amend the bill by striking out the emergency preamble and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Public Law 2021, chapter 735 requires the Department of Administrative and Financial Services to authorize certain off-premises sales of certain adult use cannabis products under the Cannabis Legalization Act; and

**Whereas,** the Act became effective January 1, 2023; and

**Whereas,** the Act requires statutory amendments that cannot be delayed in order to provide clarity for the Act's implementation and administration by the Department of Administrative and Financial Services and to provide clarity and certainty about the Act's requirements to adult use cannabis licensees and members of the public; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

**'Sec. 1. 28-B MRSA §102, sub-§39-A** is enacted to read:

**39-A. Permitted premises for a specified event.** "Permitted premises for a specified event" means the premises described in a specified event permit issued to a cannabis store

**COMMITTEE AMENDMENT**

1 pursuant to section 504-A where a cannabis store is authorized to sell adult use cannabis  
2 and adult use cannabis products.

3 **Sec. 2. 28-B MRSA §102, sub-§51-A** is enacted to read:

4 **51-A. Specified event.** "Specified event" means an event that occurs outside the  
5 licensed premises of a cannabis store that is not conducted primarily for the benefit or  
6 enjoyment of individuals under 21 years of age and that is not more than 10 consecutive  
7 days in duration or 10 occurrences in duration. For purposes of this subsection,  
8 "occurrence" means an event that is less than 24 hours in duration and that occurs during  
9 the same calendar year as another occurrence.

10 **Sec. 3. 28-B MRSA §102, sub-§51-B** is enacted to read:

11 **51-B. Specified event permit.** "Specified event permit" means a temporary  
12 authorization for a cannabis store to conduct sales of adult use cannabis and adult use  
13 cannabis products on the permitted premises for a specified event in accordance with  
14 section 504-A.

15 **Sec. 4. 28-B MRSA §504, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6 and  
16 amended by PL 2021, c. 669, §5, is further amended to read:

17 **3. Compliance with packaging, labeling and health and safety requirements.** All  
18 adult use cannabis and adult use cannabis products sold or offered for sale at by a cannabis  
19 store must meet all applicable packaging, labeling and health and safety requirements of  
20 subchapter 7 and the rules adopted under subchapter 7.

21 **Sec. 5. 28-B MRSA §504-A**, as amended by PL 2021, c. 759, Pt. C, §2 and c. 669,  
22 §5, is further amended by amending the section headnote to read:

23 **§504-A. Off-premises Specified event sales**

24 **Sec. 6. 28-B MRSA §504-A, first ¶**, as enacted by PL 2021, c. 735, §1 and  
25 amended by c. 669, §5, is further amended to read:

26 Notwithstanding any provision of law to the contrary, the department ~~may~~ shall issue  
27 a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis  
28 products at on the permitted premises for a specified event located outside the licensed  
29 premises in accordance with the requirements of this section. Transportation of adult use  
30 cannabis and adult use cannabis products between the licensed premises and the permitted  
31 premises for a specified event is subject to the requirements of section 505. A cannabis  
32 store authorized to sell adult use cannabis and adult use cannabis products under this section  
33 is subject to the provisions of section 504.

34 **Sec. 7. 28-B MRSA §504-A, sub-§1**, as enacted by PL 2021, c. 735, §1 and  
35 amended by c. 669, §5, is further amended to read:

36 **1. Permit application.** At least 30 days prior to a specified event, a cannabis store  
37 seeking authorization to sell adult use cannabis and adult use cannabis products at ~~the~~ a  
38 specified event shall submit a permit application, on a form issued by the department, and  
39 a nonrefundable \$200 permit application fee to the department. The application must  
40 include or be appended with:

1 A. Proof of approval, in accordance with subsection 2, from the municipality in which  
2 where the specified event is located as described in subsection 2 will occur to sell adult  
3 use cannabis or adult use cannabis products at the specified event;

4 B. A The location and description of the specified event, including the date of the  
5 event, the date the cannabis store intends to sell adult use cannabis and adult use  
6 cannabis products and the name and description of the organization sponsoring the  
7 event; and

8 C. If the specified event is being held on private property, the written permission of  
9 the property owner for the cannabis store licensee to sell adult use cannabis and adult  
10 use cannabis products on the property;

11 D. A description of the adult use cannabis and adult use cannabis products the cannabis  
12 store intends to sell at the specified event;

13 E. The number of cannabis store employees required to work at the specified event;

14 F. A diagram and description of the permitted premises for the specified event; and

15 G. As applicable, a diagram and description of the security measures the cannabis store  
16 intends to implement on the permitted premises for the specified event to prevent  
17 unauthorized access to adult use cannabis and adult use cannabis products, including  
18 access by persons under 21 years of age.

19 **Sec. 8. 28-B MRSA §504-A, sub-§1-A** is enacted to read:

20 **1-A. Permit issuance.** Within 14 calendar days of receipt of a permit application that  
21 meets the requirements of subsection 1, the department shall review the application and  
22 issue a specified event permit to the cannabis store or deny the application for good cause  
23 in accordance with section 206, subsection 2.

24 **Sec. 9. 28-B MRSA §504-A, sub-§2,** as enacted by PL 2021, c. 735, §1 and  
25 amended by c. 669, §5, is repealed and the following enacted in its place:

26 **2. Municipal approval.** At least 45 days prior to a specified event, a cannabis store  
27 shall submit a request for municipal approval to the municipality where the specified event  
28 will occur. The cannabis store shall include in the request the information required under  
29 subsection 1, paragraphs B to G and any other information or fee required by the  
30 municipality. The municipality may restrict the sale of certain adult use cannabis or adult  
31 use cannabis products at the specified event. Proof of municipal approval required under  
32 subsection 1, paragraph A must be in a form approved by a municipal official or the  
33 municipal legislative body of the municipality where the specified event will occur. As  
34 used in this subsection, "municipal official" and "municipal legislative body" have the same  
35 meanings as in Title 30-A, section 2001. Local authorization for the operation of a cannabis  
36 establishment within a municipality, pursuant to section 401, is not required for a  
37 municipality to approve a specified event permit.

38 **Sec. 10. 28-B MRSA §504-A, sub-§3,** as enacted by PL 2021, c. 735, §1 and  
39 amended by c. 669, §5, is further amended to read:

40 **3. Limitations on off-premises sales.** A cannabis store issued a specified event permit  
41 under this section may sell adult use cannabis and adult use cannabis products at a specified  
42 event only as authorized under the permit. A specified event permit issued by the  
43 department under this section for a specified event may not authorize:

- 1 A. Sales at the specified event for a period greater than the duration of the event;
- 2 B. Sales anywhere other than on the permitted premises for the specified event; or
- 3 C. The consumption of adult use cannabis or adult use cannabis products at the location
- 4 of sale at on the permitted premises for the specified event; or,
- 5 ~~D. Sales of adult use cannabis products that are consumed by smoking. For the~~
- 6 ~~purposes of this paragraph, "smoking" has the same meaning as in Title 22, section~~
- 7 ~~1541, subsection 6.~~

8 **Sec. 11. 28-B MRSA §504-A, sub-§4**, as enacted by PL 2021, c. 735, §1 and  
9 amended by c. 669, §5, is further amended to read:

10 **4. Conditions.** Sales of adult use cannabis and adult use cannabis products under a  
11 specified event permit issued under this section are subject to the following conditions.

- 12 A. A cannabis store ~~authorized to sell adult use cannabis products at a specified event~~
- 13 ~~held outdoors~~ shall ~~transact~~ conduct all sales in a tent or similar structure with a single
- 14 point of entry ~~that requires entry~~ into the tent or structure ~~in order~~ to view or purchase
- 15 adult use cannabis or adult use cannabis products.
- 16 B. A cannabis store ~~may not allow a person under 21 years of age to enter a tent or~~
- 17 ~~structure in which sales are conducted~~ and shall verify that a person entering the tent
- 18 or structure is at least 21 years of age in the same manner as required under section
- 19 504, subsection 4.
- 20 C. A cannabis store shall provide signs notifying customers that adult use cannabis
- 21 and adult use cannabis products may not be consumed at the location of sale at on the
- 22 permitted premises of the specified event.
- 23 D. A cannabis store shall ensure that all adult use cannabis and adult use cannabis
- 24 products are secured when not under the direct control and supervision of the licensee
- 25 cannabis store or an the cannabis store's employee of the licensee.
- 26 E. A cannabis store shall record all sales conducted at the specified event using a video
- 27 recording device in a manner that captures, to the extent practicable, only the individual
- 28 making the purchase. The recording must be retained by the cannabis store ~~in a manner~~
- 29 prescribed by the department by rule for 45 days, and the cannabis store shall make it
- 30 available for inspection at the department's request.

31 **Sec. 12. 28-B MRSA §504-A, sub-§5**, as enacted by PL 2021, c. 735, §1 and  
32 amended by c. 669, §5, is further amended to read:

33 **5. Guidance.** The department shall develop and publish on a publicly accessible  
34 website guidance documents to assist cannabis stores in applying for ~~and complying with~~  
35 permits a specified event permit under this section and ~~lawfully engaging in the off-~~  
36 ~~premises sale of adult use cannabis products~~ to establish best practices for conducting sales  
37 of adult use cannabis and adult use cannabis products at a specified event.

38 **Sec. 13. 28-B MRSA §504-A, sub-§5-A** is enacted to read:

39 **5-A. Suspension or revocation.** On the department's own initiative or upon complaint  
40 and after investigation, the department, by written order, may for good cause as described  
41 in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis  
42 store. The department shall revoke a specified event permit if:

1 A. Municipal approval granted in accordance with subsection 2 is revoked by the  
2 municipality; or

3 B. As applicable, the owner of the property where the specified event will occur  
4 revokes the property owner's written permission required under subsection 1,  
5 paragraph C.

6 **Sec. 14. 28-B MRSA §504-A, sub-§6,** as enacted by PL 2021, c. 735, §1 and  
7 amended by c. 669, §5, is repealed.

8 **Sec. 15. 28-B MRSA §504-A, sub-§7,** as enacted by PL 2021, c. 759, Pt. C, §2, is  
9 repealed.

10 **Sec. 16. 28-B MRSA §505,** as amended by PL 2021, c. 667, §5; c. 669, §5; and c.  
11 759, Pt. C, §3, is repealed and the following enacted in its place:

12 **§505. Transportation of adult use cannabis and adult use cannabis products**

13 A licensee and its employees may transport adult use cannabis and adult use cannabis  
14 products between the licensed premises of the licensee and:

15 **1. Other licensed premises.** The licensed premises of any other cannabis  
16 establishment;

17 **2. Delivery location.** The location of a delivery in accordance with section 504,  
18 subsection 9; and

19 **3. Permitted premises.** The permitted premises for a specified event in accordance  
20 with section 504-A.

21 All transportation of adult use cannabis and adult use cannabis products must be  
22 documented by the licensee or an employee of the licensee in accordance with rules adopted  
23 by the department.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively.

26 **SUMMARY**

27 This amendment replaces the bill and changes the title. It amends the Cannabis  
28 Legalization Act by:

29 1. Creating new definitions for the terms "permitted premises for a specified event,"  
30 "specified event" and "specified event permit";

31 2. Amending the application requirements for the issuance of a permit for cannabis  
32 stores to conduct sales at a specified event;

33 3. Changing the requirements for cannabis stores to account for authorized sales at a  
34 specified event;

35 4. Changing the limitations and conditions for cannabis stores to conduct sales at a  
36 specified event;

37 5. Establishing the criteria for the suspension or revocation of a permit for a cannabis  
38 store to conduct sales at a specified event;

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6. Providing criteria for the Department of Administrative and Financial Services' approval or denial of a permit application for cannabis stores to conduct sales at a specified event;

7. Repealing the department's rule-making authority regarding specified events which is provided for under the department's general rule-making authority under this chapter; and

8. Amending the requirement that the department issue guidance documents to cannabis stores.

**FISCAL NOTE REQUIRED**

**(See attached)**