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House of Representatives, March 26, 2021

An Act Regarding the Testing and Safety of Marijuana and Marijuana Products

Received by the Clerk of the House on March 24, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 28-B MRSA §602, first ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is
3 amended to read:

4 A licensee may not sell or ~~distribute~~ adult use marijuana or an adult use marijuana
5 product to a consumer or ~~to another licensee~~ under this chapter unless the marijuana or
6 marijuana product has been tested pursuant to this subchapter and the rules adopted
7 pursuant to this subchapter and that mandatory testing has demonstrated that the marijuana
8 or marijuana product does not exceed the maximum level of allowable contamination for
9 any contaminant that is injurious to health and for which testing is required. A licensee
10 may satisfy the testing requirements under this subchapter and rules adopted pursuant to
11 this subchapter if the marijuana or marijuana product being sold to a consumer has already
12 been tested by another licensee.

13 **Sec. 2. 28-B MRSA §602**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended by
14 enacting a 2nd indented paragraph to read:

15 Nothing in this chapter may be construed to prevent or require additional testing of
16 marijuana or marijuana product by a licensee to demonstrate that the marijuana or
17 marijuana product does not exceed the maximum level of allowable contamination for any
18 contaminant that is injurious to health prior to the sale or distribution of marijuana or
19 marijuana product to another licensee under this chapter.

20 **Sec. 3. 28-B MRSA §603, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is
21 amended to read:

22 **1. Notification of testing results required.** If the results of a mandatory test
23 conducted pursuant to section 602 indicate that the tested adult use marijuana or adult use
24 marijuana product exceeds the maximum level of allowable contamination for any
25 contaminant that is injurious to health and for which testing is required, the testing facility
26 immediately shall quarantine, document and properly destroy the marijuana or marijuana
27 product, except when the owner of the tested marijuana or marijuana product has
28 successfully undertaken remediation and retesting, and within 30 days of completing the
29 test shall notify the department of the test results. The owner of tested marijuana or
30 marijuana product that exceeds the maximum level of allowable contamination for any
31 contaminant that is injurious to health and for which testing is required may remediate and
32 retest the marijuana or marijuana product until the marijuana or marijuana product is within
33 an allowable level.

34 **Sec. 4. 28-B MRSA §605, sub-§4**, as enacted by PL 2017, c. 409, Pt. A, §6, is
35 amended to read:

36 **4. No subsequent processing, manufacturing or alteration.** Since the performance
37 of the prior testing under subsection 1, the marijuana or marijuana product has not
38 undergone any further processing, manufacturing or alteration, ~~other than the packaging~~
39 ~~and labeling of the marijuana or marijuana product for sale~~ that can reasonably be expected
40 to alter the THC potency, homogeneity and cannabinoid profiles tested under section 602,
41 subsection 1, paragraph F.

1 If the marijuana or marijuana product has undergone additional processing, manufacturing
2 or alteration involving other marijuana or another marijuana product that has not previously
3 been tested, then the resulting marijuana or marijuana product must be tested.

4 **Sec. 5. 28-B MRSA §703, sub-§3** is enacted to read:

5 **3. Edible marijuana products that are food or drink.** The department shall adopt
6 rules, in consultation with the Department of Agriculture, Conservation and Forestry, to
7 ensure that edible marijuana products that are food or drink meet the food safety
8 contamination standards in place for similar food products regulated by the Department of
9 Agriculture, Conservation and Forestry under Title 22, chapter 551.

10 SUMMARY

11 This bill:

12 1. Establishes that mandatory testing is required only prior to the sale of marijuana or
13 marijuana product from a licensee to a consumer;

14 2. Allows marijuana or marijuana product that exceeds the maximum level of
15 allowable contamination to be remediated and retested until the marijuana or marijuana
16 product is within an allowable level;

17 3. Requires marijuana or marijuana product to be retested if it has undergone further
18 processing, manufacturing or alteration that can reasonably be expected to alter the THC
19 potency, homogeneity and cannabinoid profiles;

20 4. Requires the resulting marijuana or marijuana product to be tested if the originally
21 tested marijuana or marijuana product has undergone additional processing, manufacturing
22 or alteration involving other marijuana or another marijuana product that has not previously
23 been tested; and

24 5. Requires the Department of Administrative and Financial Services to adopt rules,
25 in consultation with the Department of Agriculture, Conservation and Forestry, to ensure
26 that edible marijuana products that are food or drink meet the food safety contamination
27 standards in place for similar food products.