

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1367 - L.D. 1846

**An Act To Allow for a Variance Rate in the Amount and Potency of
Cannabinoids in Adult Use Edible Marijuana Products**

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

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

3. Testing process, protocols and standards. The department shall establish by rule processes, protocols and standards for mandatory and other testing of marijuana and marijuana products that conform with the best practices generally used within the marijuana industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible marijuana products.

Sec. 2. 28-B MRSA §701, sub-§1, ¶F, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

F. Information on the THC potency of the marijuana or marijuana product and the potency of such other cannabinoids or other chemicals in the marijuana or marijuana product, including, but not limited to, cannabidiol. For edible marijuana products, the information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraphs F and F-1;

Sec. 3. 28-B MRSA §701, sub-§1, ¶G, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

G. Information on the amount of THC and cannabidiol per serving of the marijuana or marijuana product ~~and, for~~. For edible marijuana products, the information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraphs F and F-1 and contain the number of servings per package;

Sec. 4. 28-B MRSA §703, sub-§1, ¶F, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

F. May not contain more than 10 milligrams of THC per serving of the product and may not contain more than 100 milligrams of THC per package of the product, with an allowable variance rate of 10%, except that the allowable variance may not be less than

0.6 milligrams or greater than 5 milligrams. In the calculation of the amount of THC allowed under this paragraph, the allowable variance rate must be in addition to the allowable variance rate applicable to a testing facility pursuant to section 602, subsection 3;

Sec. 5. 28-B MRSA §703, sub-§1, ¶F-1 is enacted to read:

F-1. May, except as provided in paragraph F, have the amount or potency of cannabinoids calculated using an allowable variance rate of 10%, except that the allowable variance may not be less than 0.6 milligrams or greater than 5 milligrams. In the calculation of the amount or potency of cannabinoids allowed under this paragraph, the allowable variance rate may be in addition to the allowable variance rate applicable to a testing facility pursuant to section 602, subsection 3;