SENATE AMENDMENT “     ” to COMMITTEE AMENDMENT “A” to S.P. 32,
L.D. 40, “An Act to Amend the Cannabis Laws”

Amend the amendment by striking the first instructional paragraph after the substitute
title (page 1, line 15 in amendment).

Amend the amendment by striking out all of the emergency preamble.

Amend the amendment in Part A in section 3 in §2421-A in subsection 44 in the 2nd
line (page 7, line 19 in amendment) by striking out the following: "an individual as an
individual" and inserting the following: 'a person'

Amend the amendment in Part A by striking out all of section 18 and inserting the
following:

'Sec. A-18. 22 MRSA §2429-B, sub-§2, ¶A, as enacted by PL 2017, c. 452, §18
and amended by PL 2021, c. 669, §5, is further amended to read:

A. A prohibition on health or physical benefit claims in advertising or marketing,
including, but not limited to, health or physical benefit claims on the label or packaging
of harvested cannabis, except that advertising, marketing, labeling or packaging may
contain qualifying patients' testimonials of how cannabis for medical use has provided
palliative or therapeutic effects for the patients' conditions. All testimonials must
contain the following disclaimer: "This statement has not been evaluated by the United
States Food and Drug Administration. This product is not intended to diagnose, treat,
cure or prevent any disease";

Amend the amendment in Part B in section 14 in §106 in subsection 1 in the first line
(page 29, line 40 in amendment) by striking out the following: "office shall" and inserting
the following: 'shall office may'

Amend the amendment in Part B in section 14 in §106 in subsection 1 in the first and
2nd lines (page 29, lines 40 and 41 in amendment) by striking out the following: "the
requirements for and issuance and format of and the information to be included on and use
of" and inserting the following: 'the issuance and format of and the information to be
included on'
Amend the amendment in Part B in section 64 in subsection 5 in the 9th line (page 47, line 15 in amendment) by inserting after the following: "dispensary" the following: 'but is not required to have identical ownership'.

Amend the amendment in Part D in section 1 by striking out all of subsection 4 (page 82, line 18 in amendment).

Amend the amendment in Part D in section 1 by renumbering the subsections to read consecutively.

Amend the amendment by inserting after Part D the following:

'PART E

Sec. E-1. Adoption; Chapter 10: Rules for the Administration of the Adult Use Cannabis Program. Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subchapter 11, final adoption of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;

2. The rule must be amended in the subsection labeled "Definitions" to expand the definition of "principal" to better identify the natural persons associated with the various types of business entities licensed under the Maine Revised Statutes, Title 28-B, chapter 1;

3. The rule must be amended in section 1.4 and any other relevant sections to remove the requirement that packaging for adult use cannabis and adult use cannabis products be opaque;

4. The rule must be amended, as necessary, to allow the requirement for child-resistant and tamper-evident packaging to be met either through the packaging of or the exit packaging for adult use cannabis or adult use cannabis products;

5. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;

6. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and

7. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.
SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 32, L.D. 40

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-2. Adoption; Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments. Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subsection 11, final adoption of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;
2. The rule must be amended, as necessary, to allow a licensee to use equipment not included on the licensee's plan of record in emergency or exigent circumstances to the extent use of the equipment is necessary to mitigate loss of or damage to a licensee's inventory or property;
3. The rule must be amended, as necessary, to allow the requirement for child-resistant and tamper-evident packaging to be met either through the packaging of or the exit packaging for adult use cannabis or adult use cannabis products;
4. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;
5. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and
6. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-3. Adoption; Chapter 30: Compliance Rules for Adult Use Cannabis Establishments. Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subsection 11, final adoption of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:
1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;

2. The rule must be amended, as necessary, to substitute the phrase "targets minors," or a similar phrase, for the phrase "appeals to individuals under 21 years of age," and similar phrases;

3. The rule must be amended, as necessary, to allow a licensee to use equipment not included on the licensee's plan of record in emergency or exigent circumstances to the extent use of the equipment is necessary to mitigate loss of or damage to a licensee's inventory or property;

4. The rule must be amended, as necessary, to allow a cultivation facility licensee or nursery cultivation facility licensee to acquire cannabis plants and seeds through a lawful purchase from another cultivation facility licensee or nursery cultivation facility licensee. The rule must allow a cultivation facility licensee or nursery cultivation facility licensee to acquire seeds or seedlings as a gift from a resident of the State who is at least 21 years of age as long as the acquisition, within any 90-day period, is not more than one transfer of 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting seeds or seedlings to the licensee; the office of cannabis policy has provided prior written approval of the gift of seeds or seedlings; the individual gifting the seeds or seedlings does not receive any form of remuneration; the gift is not conditional or contingent upon any other term or requirement of the licensee; and the licensee records the name and telephone number of the person gifting the seeds or seedlings, along with the identification number from that individual's valid state identification card. The rule must provide that, whether the seeds or seedlings are acquired by purchase or gift, the licensee must track the seeds or seedlings pursuant to the Maine Revised Statutes, Title 28-B, section 105;

5. The rule must be amended in sections 1.9, 5.3.A.1(d), 5.4.A(7), 5.5.A(4) and 5.6.A(4) and any other relevant sections to remove the requirement that the packaging of or exit packaging for adult use cannabis or adult use cannabis products be opaque;

6. The rule must be amended, as necessary, to allow the Office of Cannabis Policy to require labeling of adult use cannabis and adult use cannabis products that includes information on whether the adult use cannabis or adult use cannabis product has been remediated and by what method;

7. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;

8. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and

9. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.
SENATE AMENDMENT “      ” to COMMITTEE AMENDMENT “A” to S.P. 32, L.D. 40

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-4. Report to Legislature. By December 15, 2024, the Department of Administrative and Financial Services, Office of Cannabis Policy shall submit a copy of each finally adopted rule under this Part to the joint standing committee of the Legislature having jurisdiction over cannabis matters and shall clearly identify all differences between the provisionally adopted rules and the finally adopted rules. The committee may report out legislation related to one or more of the rules to the 132nd Legislature in 2025.

Amend the amendment by striking out all of the 2nd to last instructional paragraph (page 83, line 8 in amendment).

Amend the amendment by striking out all of the emergency clause.

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

SUMMARY

This amendment removes the emergency preamble and emergency clause from Committee Amendment "A" and does the following.

1. It amends the definition of "registration certificate" in the Maine Medical Use of Cannabis Act.

2. It provides that rules adopted by the Department of Administrative and Financial Services, Office of Cannabis Policy regarding the Maine Medical Use of Cannabis Act may provide that advertising, marketing, labeling or packaging may contain qualifying patients' testimonials of how cannabis for medical use has provided palliative or therapeutic effects for patients' conditions and includes a disclaimer that all testimonials must contain.

3. It authorizes, instead of requiring, the Office of Cannabis Policy to adopt rules pursuant to the Cannabis Legalization Act regarding individual identification cards.

4. It clarifies that a cultivation facility licensee may share a facility for cultivation with a registered caregiver or registered dispensary pursuant to the Cannabis Legalization Act as long as at least one owner of the cultivation facility is also the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

5. It removes the requirement that the task force convened by the Office of Cannabis Policy consider exemptions from the laws relating to clean indoor air.

6. It authorizes the final adoption of the following 3 major substantive rules of the Department of Administrative and Financial Services, Office of Cannabis Policy, with certain changes:
   A. Chapter 10: Rules for the Administration of the Adult Use Cannabis Program;
   B. Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments; and
   C. Chapter 30: Compliance Rules for Adult Use Cannabis Establishments.

The amendment requires the office to submit, by December 15, 2024, a copy of each finally adopted rule to the joint standing committee of the Legislature having jurisdiction
over cannabis matters and to clearly indicate any differences between each provisionally
adopted and finally adopted rule. The committee may report out legislation related to the
rules to the 132nd Legislature in 2025.

SPONSORED BY: ________________________________

(Senator HICKMAN, C.)

COUNTY: Kennebec

SENATE AMENDMENT

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