

§2430-G. Record keeping; inspections; reporting requirements

1. Tracking; record keeping. This subsection governs the tracking, record-keeping and disclosure requirements of registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A. A registered caregiver, a registered dispensary, a marijuana testing facility and a manufacturing facility shall:

- (1) Keep a record of all transfers of marijuana plants and harvested marijuana;
- (2) Keep the books and records maintained by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility for a period of 7 years;
- (3) Complete an annual audit of business transactions of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility by an independent 3rd party; and
- (4) Make the books and records maintained under this subsection available to inspection by the department upon the department's demand.

Records kept under this paragraph must avoid identifying qualifying patients. [PL 2017, c. 452, §24 (NEW).]

B. The department shall develop and implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit to the department the records required under paragraph A and in accordance with rules adopted by the department. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall pay all costs and fees associated with the use of this electronic portal and all other fees associated with the keeping of records required in this section in accordance with rules adopted by the department. The department shall adopt rules regarding the process and content of records to be submitted, the frequency with which the records must be submitted, the costs and fees associated with using the electronic portal and any other requirements necessary to implement this paragraph. [PL 2019, c. 331, §32 (AMD).]

C. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall accompany all marijuana plants and harvested marijuana being transported pursuant to this chapter with a label that identifies:

- (1) The person transferring the marijuana plants or harvested marijuana, including the person's registry identification number;
- (2) The person receiving the marijuana plants or harvested marijuana, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;
- (3) A description of the marijuana plants or harvested marijuana being transferred, including the amount and form;
- (4) The time and date of the transfer; and
- (5) The destination of the marijuana plants or harvested marijuana. [PL 2017, c. 452, §24 (NEW).]

The department may adopt rules to implement this subsection.
[PL 2019, c. 331, §32 (AMD).]

2. Inspections. This subsection governs inspections of registered caregivers, registered dispensaries, including the additional location where cultivation of marijuana plants may occur, marijuana testing facilities and manufacturing facilities.

A. Notwithstanding section 2423-A, subsection 3, paragraph B and section 2428, subsection 6, paragraph I, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver conducts activity authorized under this chapter, a registered dispensary including the additional location where cultivation may occur, a marijuana testing facility and a manufacturing facility without notice during regular business hours or during hours of apparent activity, except that the department:

- (1) May not enter the dwelling unit of a registered caregiver if the registered caregiver is not present; and
- (2) May inspect only the area of a dwelling unit where activity authorized under this chapter occurs.

The department shall specify in writing to the registered caregiver or an officer or director or assistant of a registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility the grounds contained in the complaint when conducting an inspection in response to a complaint. [PL 2017, c. 452, §24 (NEW).]

B. The department shall adopt rules:

- (1) Establishing standards for compliance with this chapter that are available publicly;
- (2) Establishing inspection procedures that prevent contamination of any operations undertaken by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility in compliance with this chapter; and
- (3) Requiring a registered caregiver to report on the location within the registered caregiver's home where activity authorized under this chapter is occurring.

Rules adopted by the department pursuant to this paragraph may require that an annual compliance inspection is a condition of eligibility for renewal of a registration under this chapter. [PL 2017, c. 452, §24 (NEW).]

C. The department may suspend, revoke or refuse to renew the registration identification card or registration certificate of a registered caregiver, a registered dispensary, a marijuana testing facility or a manufacturing facility that refuses or willfully avoids 2 or more inspections under this subsection. A person whose registry identification card or registration certificate has been suspended, revoked or not renewed under this subsection may request a hearing in accordance with Title 5, chapter 375, subchapter 4. [PL 2017, c. 452, §24 (NEW).]

D. The department may not conduct inspections of a qualifying patient or caregiver operating under section 2423-A, subsection 2, paragraph C. [PL 2017, c. 452, §24 (NEW).]

[PL 2017, c. 452, §24 (NEW).]

3. Incident and illegal activity reporting. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall report:

A. Any violation of this chapter or rule adopted under this chapter governing the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department within one business day of discovering the violation; and [PL 2017, c. 452, §24 (NEW).]

B. Any suspected illegal activity involving the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department and law enforcement within 24 hours of discovering the suspected illegal activity. [PL 2017, c. 452, §24 (NEW).]

[PL 2017, c. 452, §24 (NEW).]

4. Procedures for suspending or terminating registration. The department shall adopt rules establishing procedures for suspending or terminating the registration of a registered dispensary or a registered caregiver that violates the provisions of this section or the rules adopted pursuant to this subsection.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 452, §24 (NEW).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2019, c. 331, §32 (AMD).

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