

STATE OF MAINE

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

—
H.P. 1350 - L.D. 1817

**An Act To Allow the State's Adult Use Marijuana Tracking System To Track
Plants and Products by Group**

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

Sec. 1. 28-B MRSA §105, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§105. Tracking system

The department shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of marijuana plants, adult use marijuana and adult use marijuana products from immature marijuana plant to the point of retail sale, disposal or destruction. The tracking system must allow for marijuana plants at the stage of cultivation and upon transfer from the stage of cultivation to another licensee to be tracked by group. The department may implement a tracking system that allows adult use marijuana or adult use marijuana products to be tracked by group.

The department shall ensure that the system implemented and administered under this section, whether tracking individually or by group, maintains a detailed record at every stage from immature marijuana plant to the point of retail sale, disposal or destruction.

1. Data submission requirements. The tracking system must allow licensees to submit tracking data for adult use marijuana or adult use marijuana products to the department through manual data entry or through the use of tracking system software commonly used within the marijuana industry as determined by the department.

1-A. Group tracking. Marijuana plants at the same stage of growth that are of the same varietal or cultivar of the plant genus cannabis may be tracked by group if they:

- A. Are planted in the same specific area at the same time;
- B. Are transplanted to the same specific area at the same time; or
- C. Include marijuana plants that were planted in a specific area and marijuana plants that were transplanted to the same specific area.

For marijuana plants that are tracked as a group, a licensee shall designate the square footage of the specific area in which the plants are planted or transplanted. Marijuana plants may not be tracked as a group unless they are intended for harvest as a group.

1-B. Tagging. A licensee shall affix a tag containing the identifying information required by the department by rule to each group of marijuana plants tracked under this section. The department may not require marijuana plants that are being tracked as a group to be individually affixed with a tag during cultivation or transfer to another licensee.

1-C. Group transfers. When a group of marijuana plants tracked under this section is transferred to another licensee, the licensee transferring the group of marijuana plants must provide a manifest that lists every marijuana plant within the group and any other relevant information required by the department by rule.

2. Rules. The department shall adopt rules regarding the implementation and administration of the tracking system and tracking requirements for licensees. Rules adopted under this section must include, but are not limited to, the following:

A. Record-keeping requirements for the tracking of marijuana plants when tracked individually and when tracked by group; and

B. Record-keeping requirements necessary to ensure the department's ability to implement a recall for reasons related to health and safety when tracking marijuana plants individually or by group.

Sec. 2. Report. The Department of Administrative and Financial Services, office of marijuana policy shall conduct a review of the adult use marijuana tracking requirements under the Maine Revised Statutes, Title 28-B, section 105 and evaluate whether the current tracking system implemented by the department includes the functionality necessary to track marijuana plants, adult use marijuana and adult use marijuana products from immature marijuana plants to the point of retail sale, disposal or destruction in accordance with Title 28-B, section 105. The department shall also review relevant feedback it has previously received regarding the tracking system implemented for the adult use marijuana program, solicit additional feedback from relevant stakeholders and evaluate whether the current tracking system implemented by the department can be used or streamlined in a way that addresses those concerns. No later than January 1, 2023, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over adult use marijuana matters summarizing its findings and any recommendations based on the reviews required under this section. The joint standing committee of the Legislature having jurisdiction over adult use marijuana matters may report out legislation to the First Regular Session of the 131st Legislature related to the findings and recommendations in the department's report.