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Legislative Document

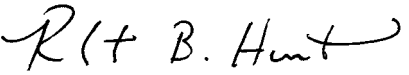
No. 1680

H.P. 1079

House of Representatives, April 18, 2023

An Act to Allow Cannabis Advertising and to Allow Cannabis Delivery

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: COLLINGS of Portland, RIELLY of Westbrook, SUPICA of Bangor.

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

2 **Sec. 1. 28-B MRSA §501, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6 and
3 amended by PL 2021, c. 669, §5, is further amended to read:

4 **2. Retail sale of adult use cannabis without separate cannabis store license**
5 **prohibited; delivery service.** Except as provided in subsection 3 and subsection 11, a
6 cultivation facility may not sell or offer to sell adult use cannabis, immature cannabis plants
7 or seedlings to consumers unless the cultivation facility licensee obtains from the
8 department a separate license to operate a cannabis store and otherwise complies with all
9 applicable requirements under this chapter and the rules adopted pursuant to this chapter
10 concerning the operation of cannabis stores. A cultivation facility may not give away adult
11 use cannabis, adult use cannabis products or cannabis plants to a consumer.

12 **Sec. 2. 28-B MRSA §501, sub-§3, ¶D**, as enacted by PL 2017, c. 409, Pt. A, §6
13 and amended by PL 2021, c. 669, §5, is further amended to read:

14 D. A nursery cultivation facility may sell to consumers only immature cannabis plants,
15 seedlings, cannabis seeds and agricultural or gardening supplies relating to the
16 cultivation of cannabis pursuant to subsection 11 or from the nursery cultivation facility
17 under this paragraph. Sales to consumers ~~by~~ from a nursery cultivation facility:

18 (1) Must be conducted within a portion of the licensed premises of the nursery
19 cultivation facility that is dedicated to consumer sales of immature cannabis plants,
20 seedlings, cannabis seeds and agricultural or gardening supplies relating to the
21 cultivation of cannabis. A nursery cultivation facility licensee shall ensure that the
22 portion of the licensed premises of the nursery cultivation facility that is dedicated
23 to consumer sales complies with all applicable requirements of this chapter and the
24 rules adopted pursuant to this chapter concerning the operation of cannabis stores;
25 and

26 (2) Are subject to the sales tax imposed pursuant to Title 36, section 1811 and
27 must be collected and remitted as required by subsection 9.

28 **Sec. 3. 28-B MRSA §501, sub-§11** is enacted to read:

29 **11. Delivery service.** A tier 1 cultivation facility under section 301, subsection 1, a
30 tier 2 cultivation facility under section 301, subsection 2 and a nursery cultivation facility
31 may sell to consumers through a delivery service operated under the same requirements as
32 for cannabis stores under section 504, subsection 9, but a nursery cultivation facility may
33 sell under this subsection only those items authorized for sale under subsection 3, paragraph
34 D. A cultivation facility authorized to conduct retail sales under this subsection shall ensure
35 that the tax imposed on the sale of adult use cannabis and adult use cannabis products to a
36 consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with
37 the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

38 **Sec. 4. 28-B MRSA §502, sub-§2**, as enacted by PL 2017, c. 409, Pt. A, §6 and
39 amended by PL 2021, c. 669, §5, is further amended to read:

40 **2. Retail sale of adult use cannabis or adult use cannabis products without**
41 **separate cannabis store license prohibited; delivery service.** A products manufacturing
42 facility may not sell or offer to sell adult use cannabis or adult use cannabis products to
43 consumers unless through a delivery service under this subsection or the products

1 manufacturing facility licensee obtains from the department a separate license to operate a
2 cannabis store and otherwise complies with all applicable requirements under this chapter
3 and the rules adopted pursuant to this chapter concerning the operation of cannabis stores.
4 A products manufacturing facility may not give away adult use cannabis, adult use cannabis
5 products or cannabis plants to a consumer. A products manufacturing facility may sell to
6 consumers through a delivery service operated under the same requirements as for cannabis
7 stores under section 504, subsection 9. A products manufacturing facility authorized to
8 conduct retail sales under this subsection shall ensure that the tax imposed on the sale of
9 adult use cannabis and adult use cannabis products to a consumer pursuant to Title 36,
10 section 1811 is collected and remitted in accordance with the requirements of Title 36, Part
11 3 and the rules adopted pursuant to Title 36, Part 3.

12 **Sec. 5. 28-B MRSA §504, sub-§2, ¶C**, as amended by PL 2021, c. 667, §1 and c.
13 669, §5, is further amended to read:

14 C. Sell adult use cannabis, adult use cannabis products or cannabis plants using:

- 15 (1) An automated dispensing or vending machine;
16 (2) A drive-through sales window, except as provided by subsection 10; or
17 (3) An Internet-based sales platform; or
18 (4) ~~A delivery service, except as provided by subsection 9; or~~

19 **Sec. 6. 28-B MRSA §504, sub-§9**, as enacted by PL 2021, c. 667, §3 and amended
20 by c. 669, §5, is further amended to read:

21 **9. Limited-delivery Delivery service.** A cannabis store, a cultivation facility under
22 section 501, subsection 11 and a products manufacturing facility under section 502,
23 subsection 2 may operate a limited delivery service for the delivery of immature cannabis
24 plants, seedlings, adult use cannabis and adult use cannabis products in accordance with
25 the requirements of this subsection. A cannabis store, cultivation facility or products
26 manufacturing facility may not deliver adult use cannabis or an immature cannabis plant,
27 seedling or adult use cannabis product to a person under 21 years of age.

28 A. A cannabis store, cultivation facility or products manufacturing facility operating a
29 limited delivery service shall ensure that cannabis store, cultivation facility or products
30 manufacturing facility employees engaging in delivery have received training,
31 prescribed by the department by rule, on how to properly verify the age of a person
32 making a purchase for delivery and how to ensure that no deliveries are made to a
33 person under 21 years of age.

34 B. A cannabis store, cultivation facility or products manufacturing facility operating a
35 limited delivery service may deliver only to a any residential dwelling and or
36 commercial location, including a location used as a short-term rental property, but may
37 not deliver to any residential dwelling located location within a safe zone designated
38 by a municipality under Title 30-A, section 3253. A cannabis store, cultivation
39 facilities or products manufacturing facility operating a limited delivery service may
40 deliver to a residential dwelling residence in any municipality in the State regardless
41 of whether the municipality has approved the operation of cannabis stores, cultivation
42 facilities or products manufacturing facilities. For purposes of this paragraph,
43 "short-term rental property" means a property used exclusively or in part for rental

under short-term leases of 100 days or less where no lease renewal or extension can occur.

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

Sec. 7. 28-B MRSA §702, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 8. 28-B MRSA §702, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 9. 28-B MRSA §702, sub-§3 is enacted to read:

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alcohol" has the same meaning as in Title 28-A, section 2, subsection 2.

B. "Prescription drug" means a prescription drug under Title 22, section 2700.

C. "Tobacco product" has the same meaning as in Title 22, section 271, subsection 4.

Sec. 10. 28-B MRSA §702, sub-§4 is enacted to read:

4. Restrictions on signs, advertising and marketing. A licensee may advertise or market the promotion of the licensee's business and adult use cannabis and adult use cannabis products sold by the licensee, including the display of a sign on the licensed premises and off the licensed premises on the exterior of a motor vehicle, in a manner no more restricted than the advertising or marketing that promotes an alcohol, tobacco or prescription drug product is restricted.

SUMMARY

This bill allows adult use cannabis and cannabis product stores, certain cultivators and products manufacturers to operate a delivery service to commercial locations, including locations operated as short-term rental properties, and allows an adult use cannabis and cannabis product licensee to advertise, market and display signs promoting the licensee's business and products in a manner no more restricted than the sale or promotion of alcohol, tobacco products or prescription drugs is restricted. This bill allows signs for adult use cannabis and adult use cannabis products on the exterior of motor vehicles.