



131st MAINE LEGISLATURE

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No. 1686

S.P. 673

In Senate, April 18, 2023

An Act to Eliminate Unconstitutional Restrictions on Access to Cannabis by Removing Certain Restrictions on Medical Use and Personal Use and to Recognize Cannabis and Hemp as Food Protected as a Right Under the Constitution of Maine

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative BOYER of Poland and
Representative: SUPICA of Bangor.

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

2 **Sec. 1. 7 MRSA §2232** is enacted to read:

3 **§2232. Hemp as food**

4 Hemp is a food protected as a right under the Constitution of Maine, Article I, Section
5 25.

6 **Sec. 2. 22 MRSA §2423-A, sub-§1, ¶A**, as amended by PL 2017, c. 452, §4 and
7 PL 2021, c. 669, §5, is further amended to read:

8 A. Possess ~~up to 8 pounds of~~ harvested cannabis, including, but not limited to,
9 ~~harvested cannabis produced by cannabis plants at the qualifying patient's residence;~~

10 **Sec. 3. 22 MRSA §2423-A, sub-§1, ¶B**, as amended by PL 2021, c. 662, §9 and
11 c. 669, §5, is further amended to read:

12 B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to
13 cultivate under paragraph F-1, subparagraph (1), ~~up to a total of 6 mature cannabis~~
14 ~~plants, 12 immature cannabis plants and unlimited and~~ seedlings for that qualifying
15 patient. ~~The total number of mature cannabis plants per qualifying patient, whether~~
16 ~~cultivated by the patient or by a caregiver operating under subsection 3, paragraph C,~~
17 ~~may not exceed 6. The total number of immature cannabis plants per qualifying~~
18 ~~patient, whether cultivated by the patient or by a caregiver operating under subsection~~
19 ~~3, paragraph C, may not exceed 12. Two or more qualifying patients who are members~~
20 ~~of the same household and cultivating their own cannabis plants may share not more~~
21 ~~than 2 cultivation areas;~~

22 **Sec. 4. 22 MRSA §2430-I** is enacted to read:

23 **§2430-I. Cannabis as food**

24 The leaves, stems, flowers and seeds of a cannabis plant are food protected as a right
25 under the Constitution of Maine, Article I, Section 25.

26 **Sec. 5. 28-B MRSA §114** is enacted to read:

27 **§114. Cannabis as food**

28 Cannabis is food protected as a right under the Constitution of Maine, Article I, Section
29 25.

30 **Sec. 6. 28-B MRSA §1501, sub-§1, ¶D**, as enacted by PL 2017, c. 409, Pt. A, §6
31 and amended by PL 2021, c. 669, §5, is further amended to read:

32 D. Transfer or furnish, without remuneration, to a person 21 years of age or older ~~up~~
33 ~~to 6 immature cannabis plants or seedlings;~~

34 **Sec. 7. 28-B MRSA §1501, sub-§1, ¶E**, as enacted by PL 2017, c. 409, Pt. A, §6
35 and amended by PL 2021, c. 669, §5, is further amended to read:

36 E. Subject to the requirements and restrictions of section 1502, possess, cultivate or
37 transport ~~at any one time up to 3 mature cannabis plants, 12 immature cannabis plants~~
38 ~~and an unlimited number of seedlings and possess all the cannabis produced by such~~
39 ~~plants and seedlings~~ at the person's place of residence or at the location where the
40 cannabis was cultivated;

Sec. 8. 28-B MRSA §1501, sub-§1, ¶G, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

G. Subject to the limitations imposed under paragraph E, purchase ~~up to 12~~ immature cannabis plants or seedlings from a nursery cultivation facility as described in section 301, subsection 5 or from a cannabis store.

Sec. 9. 28-B MRSA §1502, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Cultivation of up to 3 mature cannabis plants per person for personal adult use authorized. Subject to the applicable requirements and restrictions of subsections 2, 3 and 4, a person 21 years of age or older may cultivate ~~up to 3 mature cannabis plants, up to 12 immature cannabis plants and an unlimited number of and~~ seedlings for personal adult use:

- A. On a parcel or tract of land on which the person is domiciled;
- B. On a parcel or tract of land owned by the person on which the person is not domiciled; or
- C. On a parcel or tract of land not owned by the person and on which the person is not domiciled so long as the owner of the parcel or tract of land by written agreement permits the cultivation and care of the cannabis plants on the parcel or tract of land by that person.

A person may cultivate the cannabis plants and seedlings authorized under this subsection at multiple locations so long as such cultivation activities otherwise meet all requirements and restrictions of this section.

Sec. 10. 28-B MRSA §1502, sub-§2, ¶B, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

- B. Take reasonable precautions to prevent unauthorized access by a person under 21 years of age; and

Sec. 11. 28-B MRSA §1502, sub-§2, ¶C, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

SUMMARY

This bill clarifies that hemp in the Maine Revised Statutes, Title 7, cannabis in Title 28-B and the leaves, stems, flowers and seeds of a cannabis plant in Title 22, chapter 558-C are food protected as a right under the Constitution of Maine, Article I, Section 25. The bill removes the limitation on the amount of cannabis a qualifying patient may possess, cultivate or harvest for that patient's medical use of cannabis under Title 22, chapter 558-C. It removes limitations in Title 28-B, chapter 3 on the amount of:

1. Cannabis plants or seedlings a person may transfer or furnish, without remuneration, to another person;
2. Cannabis plants and seedlings a person may possess, cultivate or transport;
3. Cannabis produced by cannabis plants and seedlings permitted at a person's place of residence or at the location where the cannabis was cultivated;

- 1 4. Cannabis plants or seedlings a person may purchase from a nursery cultivation
- 2 facility or cannabis store; and
- 3 5. Cannabis plants that a person may cultivate.
- 4 The bill also removes the tag requirement for cannabis plants under Title 28-B, chapter
- 5 3.