§602. Mandatory testing

A licensee may not sell or distribute adult use cannabis or an adult use cannabis product to a consumer under this chapter unless the cannabis or cannabis product has been tested pursuant to this subchapter and the rules adopted pursuant to this subchapter and that mandatory testing has demonstrated that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required. [PL 2021, c. 612, §2 (AMD); PL 2021, c. 669, §5 (REV).]

1. Scope of mandatory testing. Mandatory testing of adult use cannabis and adult use cannabis products under this section must include, but is not limited to, testing for:

A. Residual solvents, poisons and toxins; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. Harmful chemicals; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. Dangerous yeasts, molds and mildew as specified in rules adopted by the office; [PL 2023, c. 679, Pt. B, §113 (AMD).]

D. Harmful microbes, including, but not limited to, Escherichia coli and salmonella; [PL 2017, c. 409, Pt. A, §6 (NEW).]

E. Pesticides, fungicides and insecticides; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

F. THC potency, homogeneity and cannabinoid profiles to ensure correct labeling. [PL 2017, c. 409, Pt. A, §6 (NEW).]

The office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the office has determined that there exists no licensed testing facility in the State capable of and certified to perform such testing.
[PL 2023, c. 679, Pt. B, §§113, 114 (AMD).]

1-A. Testing of returns. Cannabis and cannabis products returned pursuant to section 502, subsection 14 or section 504, subsection 11 may be resold or redistributed without retesting if the tamper-evident packaging indicates that the cannabis or cannabis products have not been tampered with. Cannabis and cannabis products returned by a consumer to any licensee may not be resold.
[PL 2023, c. 679, Pt. B, §115 (AMD).]

2. Record keeping. A licensee shall maintain a record of all mandatory testing that includes a description of the adult use cannabis or adult use cannabis product provided to the testing facility, the identity of the testing facility and the results of the mandatory test. A licensee that chooses to retest any adult use cannabis or adult use cannabis products for potency in accordance with section 503, subsection 4-A shall maintain a record of all mandatory potency test results.
[PL 2023, c. 679, Pt. B, §116 (AMD).]

3. Testing process, protocols and standards. The office shall establish by rule processes, protocols and standards for mandatory and other testing of cannabis and cannabis products that conform with the best practices generally used within the cannabis industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products.
[PL 2023, c. 679, Pt. B, §117 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 558, §1 (AMD). PL 2021, c. 612, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§12, 13 (AMD). PL 2023, c. 679, Pt. B, §§113-117 (AMD).

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