§604-A. Sample collecting for mandatory testing by licensee

1. Sample collecting by licensee authorized; rules. Notwithstanding any provision of this chapter to the contrary, a cultivation facility licensee, products manufacturing facility licensee or cannabis store licensee, or an employee of such licensee, may collect samples of the licensee's adult use cannabis or adult use cannabis products for mandatory testing under section 602 and may deliver those samples to a testing facility for testing. The office shall adopt rules regarding the collection of representative samples of adult use cannabis and adult use cannabis products for mandatory testing by a licensee or an employee of a licensee as authorized under this section, which must include, but are not limited to:

A. The establishment of sample collecting processes, protocols and standards, which must be complied with by the licensee and its employees in collecting samples of adult use cannabis and adult use cannabis products for testing purposes; [PL 2019, c. 676, §15 (NEW); PL 2021, c. 669, §5 (REV).]

B. Requirements for the licensee to provide video, onsite or other demonstration of its sample collecting practices to ensure compliance with paragraph A; [PL 2019, c. 676, §15 (NEW).]

C. Provisions authorizing the office to conduct audits of adult use cannabis or adult use cannabis products that were tested using samples collected by the licensee or its employees pursuant to this section, with all costs of the audits to be paid for by the licensee. The licensee may not be required to submit more than 3 representative samples of adult use cannabis or adult use cannabis products per 60-day period unless the cannabis or cannabis products continue to fail tests or pursuant to a complaint; [PL 2023, c. 679, Pt. B, §119 (AMD).]

D. Requirements for the transportation, delivery and transfer of samples of adult use cannabis and adult use cannabis products collected by the licensee or an employee of the licensee to a testing facility, which must require the in-person transfer of the samples by the licensee or an employee of the licensee to the testing facility licensee or an employee of the testing facility licensee; [PL 2019, c. 676, §15 (NEW); PL 2021, c. 669, §5 (REV).]

E. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process by a licensee or an employee of the licensee, which, notwithstanding any provision of this chapter to the contrary, may be treated by the office as constituting a major license violation affecting public safety and as a basis for imposition of administrative penalties pursuant to section 802-A; and [PL 2023, c. 679, Pt. B, §119 (AMD).]

F. Authorization for the office to suspend or revoke the licensee's license following 2 or more failed sample collecting audits conducted by the office pursuant to this section. [PL 2023, c. 679, Pt. B, §119 (AMD).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §119 (AMD).]

2. Repeal.
[PL 2021, c. 226, §6 (RP).]

SECTION HISTORY

PL 2019, c. 676, §15 (NEW). PL 2021, c. 226, §6 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. B, §119 (AMD).

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