

§2430-K. Inspections; limitation

The department may conduct inspections of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities in accordance with this section and rules adopted pursuant to this chapter. The department may not conduct an inspection of a qualifying patient or caregiver operating under section 2423-A, subsection 3, paragraph C. [PL 2023, c. 365, §22 (NEW).]

1. Criteria. The department shall maintain a publicly accessible electronic version of the criteria for inspection of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities.
[PL 2023, c. 365, §22 (NEW).]

2. Access to premises. Notwithstanding any provision of law to the contrary, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility conducts activity authorized under this chapter, without notice during regular business hours or during hours of apparent activity, except that the department may not enter the dwelling unit of a registered caregiver if the registered caregiver is not present and may inspect the area of a dwelling unit only where activity authorized under this chapter occurs.
[PL 2023, c. 365, §22 (NEW).]

3. Complaints. If the department conducts an inspection in response to a complaint, the department shall provide the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility subject to the inspection a written statement of the substance of the complaint at the time of the inspection.
[PL 2023, c. 365, §22 (NEW).]

4. Contamination prevention. The department shall develop and post on the department's publicly accessible website guidance on how a person conducting inspections under this section can prevent contaminating the premises being inspected.
[PL 2023, c. 365, §22 (NEW).]

5. Notification of unauthorized conduct. If during an inspection the department finds evidence of a violation of this chapter or rules adopted pursuant to this chapter, the department shall, within one business day of the completion of the inspection, provide written notification of the identified violation to the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility. Notice under this subsection does not constitute final agency action.
[PL 2023, c. 365, §22 (NEW).]

6. Penalty. In addition to any other penalty authorized under this chapter, the registry identification card or registration certificate of a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility that refuses or willfully avoids 2 or more inspections under this section may be suspended or revoked pursuant to section 2430-I or the department may refuse to renew the registry identification card or registration certificate.
[PL 2023, c. 365, §22 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §22 (NEW).

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