



MEDICAL CANNABIS LEGISLATIVE UPDATE (JUNE 2022)

An Act To Update and Clarify the Maine Medical Use of Marijuana Act, P.L. 2021, ch. 662 (Emergency, law without signature April 26, 2022) (LD 1928)

- Allows assistants of caregivers and/or dispensaries to obtain a single registry identification card not associated with any particular caregiver or dispensary, as authorization to operate as an assistant to multiple caregivers and/or dispensaries.
- Defines the terms “timely filed” and “complete application” and specifies a presumption of continued compliance for registered caregivers and registered dispensaries that timely file complete applications for renewal of a registry identification card or registration certificate.
- Amends the definitions “cultivation area” and “plant canopy” and allows caregivers to maintain up to two separate cultivation areas: one for the cultivation of up to 30 mature cannabis plants or 500 square feet of mature plant canopy, and another for the cultivation of up to 60 immature cannabis plants or 1000 square feet of immature plant canopy.
- Permits the acceptance of a digital image of a patient certification by caregivers and dispensaries to complete a transaction with a qualifying patient.
- Allows all caregivers, regardless of whether the caregiver operates a retail store, to accept payment for immature plants and seedlings.
- Updates the pediatric certification process to remove the requirement that a pediatric patient have one of several qualifying conditions to be certified by a provider without a second opinion.
- Requires providers who are certifying pediatric patients to provide the patients’ parents or guardians with a method for contacting the provider outside of normal business hours.
- Defines the terms “telehealth” and “synchronous” and permits synchronous telehealth appointments for the certification of patients, such as by real-time phone or video call.
- Permits caregivers or dispensaries to provide qualifying patients with educational materials.
- Restricts the circumstances under which a program participant or person who accompanies a patient can be compelled to give information to law enforcement that could reasonably identify an individual’s identity to only require disclosure under a warrant requiring such disclosure.
- Defines the term “tincture.”

Maine's Adult Use and Medical Cannabis Programs

What's the difference?

This document reviews the differences in laws, types of establishments, licensing, and the role of municipalities when it come to adult use and medical cannabis in the state of Maine. More information on both programs can be found on the [Office of Cannabis Policy website](#).

Adult Use

Laws

Marijuana Legalization Act (Adult Use) – Title 28-B

- Legalizes the use, sale, and taxation of cannabis for adult use purposes.
- State licensing for adult use marijuana establishments.

Program Features

- Mandatory Testing
- Stringent labeling
- State and federal background checks
- Universal symbol
- Edible THC limits

Establishments

- Cannabis Stores
- Cultivation Facilities
 - Nurseries
- Manufacturing Facilities
- Cannabis Testing Facilities

The Role of Municipalities

- Must affirmatively opt-in for any type of establishment.
 - No grandfathering.
- Must provide local authorization before OCP issues active license.

Medical

Laws

Maine Medical Use of Marijuana Act – Title 22, Chapter 558-C

- Legalizes the use, sale of cannabis, and taxation of cannabis for medical use.
- State registration for medical marijuana establishments and medical providers.

Program Features

- Voluntary Testing
- Edible products must include a signifier
- State background checks
- No Edible THC limits

Establishments

- Registered Caregivers
 - Caregiver Retail Stores
- Registered Dispensaries
- Manufacturing Facilities
- Cannabis Testing Facilities

The Role of Municipalities

- Must opt-in for establishments other than caregiver establishments.
 - Facilities operating with municipal approval prior to December 13, 2018 are grandfathered.
- Limited role in state registration process.



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