

Maine Adult Use and Medical Use Cannabis Programs

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Overview of Maine Office of Cannabis Policy

- OCP Divisions:
 - Administration
 - Licensing
 - Compliance
 - Data
 - Policy
 - Special Projects

Adult Use Program

- Licenses required for retail, cultivation, manufacturing, testing
 - Adult Use program is regulated under the following Rules and Statute
 - 18-691 C.M.R., Chapter 1 Rules and Title 28-B Adult Use Cannabis Statutes
 - License Types
 - Cultivation is defined as planting, propagation, growing, harvesting, drying, curing, grading, and trimming. It does not include manufacturing, testing, and extraction.
 - Manufacture is defined as production, blending, infusing, compounding or other preparation including chemical synthesis.
 - Retail Stores is defined as a store selling cannabis and cannabis products
 - Testing is certified facilities by OCP and CDC for testing all types of cannabis and cannabis products

Municipality Requirements

- Conditional licenses can be used to show local authorities that the applicant has met minimum state licensing requirements.
- An applicant applies for an active OCP license following local approval. The active license application includes the location, proof of local authorization, tax identification materials, updated Security and Operating Plans.

Adult Use Compliance

- Security
 - Inspections
 - Lights, doors, alarms, video
 - Outdoor fencing
- Plans
 - Facility, Operations, Security

Potentially Hazardous Extraction Methods:

- Manufacturing equipment to be used, including without limitation extraction equipment, kitchen equipment, and equipment used to package and label cannabis and cannabis products;
 - (a) For any extraction equipment that uses inherently hazardous substances, the UL, ETL, and CSA; listing in addition to certification by a professional engineer licensed in Maine that the extraction equipment is properly installed;
- Any inherently hazardous substances to be used for extraction, along with the process for use, certification by a professional engineer licensed in Maine that the manufacturing facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems are adequate. This is a requirement for approval of their license/plans

Generally safe extraction methods. The Department permits the following generally safe extraction methods, so long as they are listed in the facility plan of record:

(1) Mechanical extraction using:

(a) Potable water and ice made from potable water;

(b) Dry screening or sieving;

(c) Cryogenic or subzero processing not involving a solvent; or

(d) Pressure and temperature.

(2) Infusion of cannabis in food grade fats or synthetic food additives:

(a) Propylene glycol;

(b) Glycerin;

(c) Butter;

(d) Olive Oil; or

(e) Other typical cooking fats.

Potentially hazardous extraction methods. The Department will permit potentially hazardous solvent extraction using a 99 percent or greater purity of the following solvents, using storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems methods approved in the facility plan of record, so long as the solvents are listed in the facility plan of record and the end result does not exceed allowable limits specified by the Department:

- (a) CO₂;
- (b) Ethanol, including solutions of ethanol and potable water; or
- (c) A liquid chemical, compressed gas or commercial product that has a flashpoint above 38 degrees Celsius or 100 degrees Fahrenheit.

Inherently hazardous extraction methods. Upon certification by a professional engineer licensed in Maine that the manufacturing facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems are adequate, the Department will permit inherently hazardous solvent extraction using a 99 percent or greater purity of the following solvents, so long as the solvents are listed in the facility plan of record and the end result does not exceed allowable limits specified by the Department:

- (a) Butane;
- (b) Propane;
- (c) Acetone;
- (d) Heptane;
- (e) Pentane; or
- (f) Any other chemicals approved by the Department in writing.

A cannabis products manufacturing facility performing extraction may be subject to inspection by the state fire marshal, local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present, and that the facility is in compliance with all applicable standards contained in the NFPA model fire code.

Pressurized canned flammable fuel, including without limitation butane or propane in containers intended for camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products are **prohibited** for use in extraction.

Office of Cannabis (OCP) Parameters

- OCP is only a regulatory agency
 - Inspect
 - Track
 - License
 - Technical assistance
 - Investigate Complaints

- Adult Use Violations
 - Major Violation affecting Public Safety
 - I.E. Intentionally or recklessly using prohibited agricultural chemicals that pose a risk to public health and concealing the use from the Department, other licensees, or consumers
 - Major Violations
 - Engaging in a pattern of selling cannabis plants, marijuana, or cannabis products outside the tracking system
 - Minor Violations
 - Selling any cannabis plant, marijuana, or cannabis product to an individual over 18 but under 21 by failing to take all necessary steps to verify age
- Suspensions/Administrative Holds
- No Law Enforcement authority

Curbside Pickup

- Newly Allowed Activity
- Restricted to Retail Stores only
- **Curbside pickup:** “Curbside pickup” means retrieval of a sales order containing adult use cannabis and/or adult use cannabis products at an outdoor area, included within the licensed premises of a cannabis store or immediately adjacent to the primary public ingress and egress of the cannabis store, designated for curbside pickup by a consumer 21 years of age or older.
- to consumers only between the hours of 7 A.M. and 10 P.M. local time or only those days and hours during which retail sales are permitted by local regulation;

Delivery

- **Delivery:** “Delivery” means the transportation by a cannabis store licensee, from the licensed premises of the cannabis store to private residences, of sales orders of adult use cannabis and cannabis products to consumers 21 years of age or older who request such sales orders through a telephonic or internet-based platform.
- Delivery, to consumers only between the hours of 7 A.M. and 10 P.M. local time or only those days and hours during which retail sales are permitted by local regulation;

Private residence: “Private residence” means that part of a structure with a fixed location used as a dwelling, including without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage.

Can not deliver adult use cannabis or adult use cannabis products to a location that is not a private residence, including without limitation:

- (1) Dormitories of educational institutions or licensed summer camps;
- (2) Inns, hotels, motels, lodging houses, campgrounds; and
- (3) Private and public property including but not limited to schools, parks, parking lots, sidewalks, streets, nonresidential buildings or nonresidential portions of buildings maintained by private or public entities.

Delivery (Con't)

- Regardless if Municipality opts in or not, delivery will be allowed
- Drug Free Zone
 - Delivery is prohibited if a drug-free safe zone has been designated by a municipality
 - MRS 30-A, §3253

Medical Use Program

- MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act (2018)
- 18-691 Code of Maine Rules, Maine Medical Use of Marijuana Program Rule
- Registrant Types
 - Caregiver
 - Caregiver Assistant/Registered Identification Card
 - Caregiver Retail Store
 - Medical Dispensary

Caregivers

- A municipality can not prohibit the number of Caregivers.
 - Allowed to regulate, including caregiver retail stores
 - Must have an ordinance or municipal approval to allow retail stores
 - Confidentiality: Caregivers are confidential by statute: Except:

MRS Title 22 § 2425-A(12)(E): Upon request of a **code enforcement officer** or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized.

Other Medical Registrants

- Caregiver Assistant Card (CGE)
 - Have been replaced, although active cards still exist until expiration
- Registry Identification Card (RIC)
 - Replaced assistant cards. Allows registrant to work anywhere in State with caregivers or medical dispensary's

Dispensary

- A dispensary is not a caregiver retail store
 - Can be operated as an LLC
 - Board of Directors
 - No more limits on dispensary licenses
 - Must have local authorization

Current Active Licenses

- Adult Use
 - 105 retail stores
 - 82 Cultivations
 - 49 Manufactures
 - 3 Testing Facilities
- Medical Use
 - 2,614 Caregivers/ 5,242 Assistants/RIC

Resources

- OCP Website: maine.gov/dafs/ocp/
- Field Investigators
- Handouts
- Mike Field

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- Questions?