

State of Maine Office of Cannabis Policy

Field Investigator Supervisor
Mark Desjardin

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Overview of Maine Office of Cannabis Policy

Director John Hudak

Deputy Director's Vern Malloch and Lisa Roberts

OCP Divisions

- Licensing: Director Elisa Ellis, 1 supervisor, 6 analyst, 5 office staff
- Compliance: Director Michael Field, 2 supervisors, 12 Investigators
- Data: Director John Gagnon, 2 staff
- Policy: Director Gabi Pierce
- Special Projects: Director Tracy Jacques

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Office of Cannabis (OCP) Parameters

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

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Maine Has 2 very different Cannabis programs

ADULT USE(Recreational) program and the MEDICAL USE program
Both programs have statutes and rules for each program.

Adult use is highly regulated with current statute and rules. It has a mandated inventory tracking system from seed to sale.

Medical program: The statute and rule are outdated and require updates from the legislature to be more effective.

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ADULT USE

Adult Use: Municipality (MUST OPT IN) & (PROVIDE MUNICIPAL APPROVAL)

- Separate Licenses required for retail, cultivation, manufacturing, testing
 - 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 (certified facilities) by OCP and CDC for testing all types of cannabis and cannabis products

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Municipality Requirements Continued

- Conditional licenses are issued by the Office of Cannabis Policy and 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.

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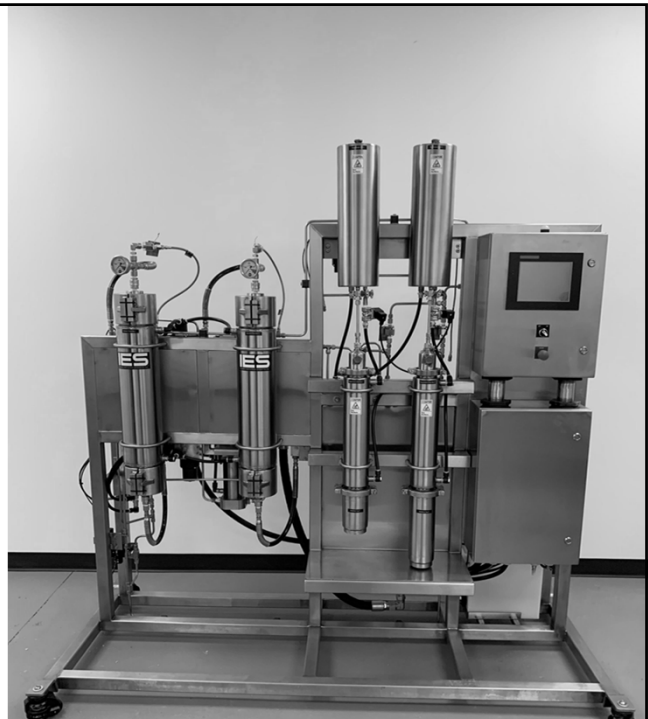
Adult Use Compliance

Conducted prior to issuing license

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

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- Potentially Hazardous Extraction Methods:
- PROPANE / BUTANE
 - 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.



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Curbside Pickup

- 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;

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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;

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Transportation

- Anytime Adult use cannabis product is being transported from one adult use facility to another, the person conducting the transport must have a valid IIC card and a manifest for that product.

NO EXCEPTIONS

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- Adult Use Violations
 - Major Violation affecting Public Safety: Not more than \$100,000 fine
 - 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: Not more than \$50,000 fine
 - Engaging in a pattern of selling cannabis plants, marijuana, or cannabis products outside the tracking system
 - Minor Violation: not more than \$10,000 fine
 - 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 / Issue fines and license revocation
- No Law Enforcement authority

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Medical Use Program

- MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act
Statute and rule need to be updated
- Registrant Types
 - Caregiver
 - Caregiver Assistant/Registered Identification Card

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Caregivers

When an individual obtains a Maine Caregiver License:

- Cultivate
- Manufacture
- Operate 1 Caregiver retail store
- Employ as many licensed employees as they want

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Caregiver Continued

Caregivers may sell cannabis from their home or cultivation location without municipal approval unless an ordinance prohibits this activity.

Caregivers are required to obtain municipal approval for Caregiver Retail store, manufacturing or testing facilities.

Caregivers are required to possess a trip ticket anytime they are delivering cannabis to a patient or from one facility to another.

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Confidentiality

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. [PL 2017, c. 452, §12 (NEW).]

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§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, cannabis testing facilities and manufacturing facilities.

A municipality may not:

1. **Registered caregivers.** Prohibit or limit the number of registered caregivers;
2. **Stores, dispensaries, testing and manufacturing facilities.** Prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with **municipal approval** in the municipality prior to the effective date of this section (Dec 2018). For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued.
3. **Municipal authorization needed.** Authorize caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

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Dispensary

- A dispensary is not a caregiver retail store and requires a separate license.
 - Must have local authorization
 - Must complete a dispensary application
 - Must pass a security inspection prior to be issued a license

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Transportation

- All medical cannabis products being transported by a caregiver / employee to a patient, cultivation facility, manufacturer, caregiver retail store must have a (TRIP TICKET)
 - Caregivers name and assigned number
- Certification number of patient or name and number of caregiver
 - Departure information
 - Destination information
 - Receiving signature

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Enforcement

Provide technical assistance to correct the violation

Or

Suspend/revoke caregiver license for up to 1 year

(The ability to issue fines should be completed
In 2024)

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End of Presentation

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