



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

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Dear MMMP Stakeholder:

I write today with an important update regarding the administrative regulations which govern the Maine Medical Use of Marijuana Program (MMMP).

As you may know, 18-691 C.M.R. ch. 2, Maine Medical Use of Marijuana Program Rule, was put into effect in May 10, 2018. While this may not seem particularly noteworthy, the current version of the rules, last amended in February 2018, pre-dates the creation of the Office of Marijuana Policy (OMP) and do not reflect significant changes that have been made to the underlying statute since. As a result, OMP has begun the process of revising these programmatic rules, and I am writing to share some details about OMP's plans for this process and what you can expect to see in the coming weeks and months.

Generally, it is worth noting that OMP will engage in both an informal and formal rulemaking process as we consider and develop revisions to this rule.

The informal process will see the publication of a preliminary draft of the MMMP rule. The draft is just that: a working document subject to further review and revision. Critically, it will give you a preview of the initial direction we are taking as we attempt to update these regulations. This is important because it affords the Office an opportunity to engage in discussions with you on what may work, what may not work, where you may have concerns, and how the rule can be improved before we propose to replace the current program regulations. This approach is modeled after our development of the adult use program's rules, an experience which allowed us to receive critical feedback and, ultimately, propose a better rule when beginning the formal Maine Administrative Procedures Act's (MAPA) rulemaking process.

Once the informal feedback is gathered, considered, and appropriate revisions made in response to those observations, OMP will begin the MAPA process. This will mean that OMP will introduce a proposed rule to replace the current MMMP rule at some future date. Public participation is a critical component of the MAPA process, and OMP will identify and announce a public hearing date as well as a specific written public comment period for this formal process.

A notice of rulemaking activity will be printed in the five largest newspapers of Maine and a public hearing conducted 17-24 days after that notice. Further, the written public comment deadline will close no sooner than 10 days after the public hearing. Either or both these avenues may be utilized by interested members of the public to provide feedback to OMP on the form, content, and/or application of the proposed rules.

When we publish the draft rule later today, generally, you can expect the following:

1. This draft will reflect legislative changes that have occurred since the rule was last revised in February 2018.
2. The organization and structure of the rule will be completely revamped to more closely align its form with recent rulemaking conducted by OMP.
3. OMP will repeal 18-691 C.M.R., ch. 4, Rules for [Medical] Marijuana Manufacturing Facilities and integrate the requirements of that rule into 18-691 C.M.R., ch. 2.
4. The new rule will provide a process for registered caregivers to obtain a registration certificate for the one caregiver retail store they are authorized to operate.
5. OMP intends to clarify that registered caregivers and dispensaries are not required to obtain a separate registration certificate to manufacture harvested marijuana unless the caregiver or dispensary is engaged in extraction of harvested marijuana using inherently hazardous substances (IHS).
6. The updated rule clarifies the municipal approval and municipal authorization requirements for registrants conducting authorized activities in municipalities in Maine.
7. OMP will introduce inventory tracking requirements as authorized by 22 M.R.S. § 2430-G. The requirements will mandate the use of Metrc's track and trace software and tags.
 - a. One aspect of this soon-to-be-proposed rule will be the introduction of "limited inventory tracking" for certain registered caregivers who do not operate a caregiver retail store. Limited inventory tracking would allow vertically integrated, registered caregivers who directly serve qualifying patients without transferring marijuana and marijuana products to other caregivers, dispensaries, or marijuana manufacturing facilities to only tag and track the plants they own until the plants are finally harvested.
8. The updated rule clarifies the process by which registered caregivers may organize as business entities.
9. Finally, the updated rule provides more detailed, standardized requirements regarding the packaging and labeling of harvested marijuana and the advertising requirements of the MMMP.

This is by no means an exhaustive list and hope that you will commit to taking the time necessary to review the preliminary draft, proposed rule, and finally adopted rule as we move through the informal and formal rulemaking processes.

Thank you for your attention and consideration of these important matters. We look forward to engaging with you over the coming weeks and months.

Sincerely,



Erik Gundersen
Director