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To: Current and Prospective Medical and Adult Use Cannabis Program Participants
From: Director John Hudak, Office of Cannabis Policy
Date: October 24, 2023
Subject: Guidance Regarding Implementation of Statutory Changes from the First Regular and Special Sessions of the 131st Legislature

Background

This guidance is provided by the Office of Cannabis Policy (OCP) to Maine Medical Use of Cannabis Program (MMCP) registrants and Adult Use Cannabis Program (AUCP) licensees regarding the implementation of [recent changes to the laws governing those programs](#) as a result of the first regular and special sessions of the 131st Legislature.

As OCP has previously communicated, a number of the changes to the laws governing the programs the Office administers will require major substantive rulemaking in order to fully implement. The Office has begun rulemaking for both programs and intends to provisionally adopt those proposed major substantive rules before the end of this year. At that time, the rules will be submitted to the Legislature for their review and further action as appropriate. As a result, some of the provisions of the laws enacted during the first regular and special sessions of the 131st Legislature will only be fully implemented if, and not until, those rules go into effect next year. These provisions include off-premises sales by adult use cannabis stores pursuant to a specified event permit, deliveries of adult use cannabis and cannabis products by some cultivation and products manufacturing facility licensees, and the implementation of a two-tiered fining structure to address violations of the medical cannabis program requirements.

The following guidance is intended to provide interested program participants with **information regarding the implementation of laws going into effect on October 25, 2023**. Provisions not addressed in this guidance will likely be delayed in their implementation until the rules governing those provisions have been reviewed by the Legislature and finally adopted by the Office next year, but please reach out to the Office with any questions regarding those statutory changes in the meantime.

Guidance

In response to legislative changes made during the first regular and special sessions of the 131st Legislature, OCP will be implementing the following programmatic changes **effective Wednesday, October 25, 2023**.

Maine Medical Use of Cannabis Program

Effective October 25, 2023, OCP will be making the following changes to medical program operations in order to implement some of the provisions of [P.L. 2023, ch. 365](#), *An Act to Sustain the Medical Use of Cannabis Program*:

- All applicants for a caregiver registry identification card, or renewal of a caregiver registry identification card, will be asked to provide a photo of the cardholder to be printed on the caregiver's registry identification card. Photos should be a 2-inch by 2-inch, high-resolution, clear image of the caregiver's face with a plain white or off-white background. Please do not use any filters or digitally change the photo.
- The Department will provide notice to affected registrants within one business day of discovering any violation of the medical program requirements by the registrant, their assistants, employees, or other authorized agents, including violations related to sales of medical cannabis or cannabis products to non-patients.
- The Department may require the forfeiture and/or destruction of medical cannabis plants, cannabis, or cannabis products pursuant to a final order by the Department.
- The Department will continue to accept donations to cover the cost of registration fees.

Adult Use Cannabis Program

Effective, October 25, 2023, OCP will be making the following changes to adult use program operations in order to implement some of the provisions of [P.L. 2023, ch. 396](#), *An Act to Amend the Adult Use Cannabis Laws*:

- Cannabis stores conducting deliveries of cannabis or cannabis products to consumers will be able to deliver to hotels, motels, and other private businesses provided they have obtained written consent from the business on the [Business Premises Delivery Consent Form](#) provided by the Department. The cannabis store licensee is responsible for retaining a copy of the written consent form and making such written consent available upon request by the Department.
- Licensees will be permitted to use vehicle wraps and other vehicle-based advertising or marketing subject to existing advertising and marketing limitations of Title 28-B, ch. 1 and the rules governing the Adult Use Cannabis Program.
- The per package potency limit for edible cannabis products will increase from 100 mg of THC per package to 200 mg of THC per package. Additionally, the personal possession and retail sales limit for cannabis concentrate will increase from 5 grams per consumer to 10 grams per consumer. OCP has [previously issued guidance](#) to adult use program participants regarding the implementation of these potency increases.

Because the Office does not administer tobacco retail sales regulations or cannabis tax laws, nor does it regulate personal use of adult use cannabis, program participants and other interested parties should reach out to their own tax professional, attorney, or other responsible regulatory body with any questions regarding the implementation of [P.L. 2023, ch. 6](#), *Emergency* (Signed March 15, 2023), *An Act to Clarify State Policy Regarding Cannabis Paraphernalia in the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act*; [P.L. 2023, ch. 444](#), *An Act to Provide Equitable Tax Treatment to State-licensed Cannabis Businesses*; or [P.L. 2023, ch. 220](#), *An Act to Increase the Number of Mature Plants Allowed for the Home Cultivation of Cannabis*.

Conclusion

The foregoing guidance is intended to provide interested program participants with information regarding the implementation of laws enacted by the 131st Legislature that go into effect on October 25, 2023. Provisions not addressed in this guidance will likely be delayed in their implementation until the rules governing those provisions have been finally adopted by the Office next year.

Individuals with questions regarding implementation of this guidance should reach out to OCP's Licensing or Compliance Teams at Licensing.OCP@maine.gov or Compliance.OCP@maine.gov. Individuals with questions regarding any provisions not addressed in this guidance should reach out to OCP's Policy Director, Gabi Pierce, at Gabi.Pierce@maine.gov.