

To: Current and Prospective AUCP Licensees

From: Director Erik Gundersen, Office of Cannabis Policy

Date: May 11, 2022

Subject: Enacted Cannabis-related Legislation – Second Regular Session of the 130th Legislature

Background

This guidance is provided by the Office of Cannabis Policy (OCP) to make Adult Use Cannabis Program (AUCP) licensees aware of recent changes to the laws governing this program as a result of the most recent legislative session.

This guidance is not intended to be a comprehensive summary of all legislative changes affecting the state's adult-use program. Rather, this guidance is being provided as a courtesy and should not be construed as legal advice.

Guidance

Among the bills that became law this session was legislation which addressed the AUCP.

The following is a summary of some of the changes enacted by the Legislature which will affect AUCP licensees to varying degrees. Unless otherwise indicated, these laws go into effect Monday, August 8, 2022.

An Act To Allow the State's Adult Use Marijuana Tracking System To Track Plants and Products by Group, [P.L. 2021, ch. 628](#) (LD 1817).

- Permits adult use cultivation facility licensees to track, as one group, cannabis plants that are:
 - At the same stage of growth and the same varietal or cultivar; and
 - Planted and/or transplanted in the same specific area (grow room) at the same time.
- Prohibits OCP from requiring cultivation facility licensees to affix an inventory tracking tag to each individual plant included in a specified “group”.
- Requires OCP to solicit and review feedback regarding the functionality of the existing inventory tracking system vendor and to report back to the 131st Legislature regarding those efforts.

OCP will be convening an inventory tracking stakeholder group including representatives from adult use licensed establishments in the coming months.

An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana, [P.L. 2021, ch. 667](#) (LD 1827).

- Adds residential delivery and curbside pick up, of cannabis and cannabis products, as authorized activities for licensed adult use stores.
- Requires store staff to undergo training on consumer age verification and how to prevent deliveries to purchasers under the age of 21.

OCP intends to begin rulemaking this summer.

An Act To Allow for a Variance Rate in the Amount and Potency of Cannabinoids in Adult Use Edible Marijuana Products, [P.L. 2021, ch. 558](#) (LD 1846).

- Allows for a variance of +/- 10% in the allowable cannabinoid potency for edible cannabis products. Permitting adult use edible cannabis products to pass mandatory testing even if the cannabinoid content is slightly (up to +10%) in excess of the statutorily defined limits for potency per serving (10 mg) and/or per package (100 mg).

OCP intends to include this statutory change in routine technical rulemaking set to begin this summer.

An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana, [P.L. 2021, ch. 735](#) (LD 1927).

Note: The effective date of LD 1927 is January 1, 2023

- Allows OCP to issue temporary permits for off-premises sales of non-smokable cannabis products, to adult use store licensees that have obtained municipal approval.

OCP intends to conduct rulemaking later in 2022.

Resolve, Regarding Legislative Review of Portions of Chapter 1: Adult Use Marijuana Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy (Emergency), [Resolves 2021, ch. 143](#) (Emergency, signed April 7, 2022) (LD 1930).

- Authorizes OCP to finally adopt major substantive revisions to the Adult Use Marijuana Program Rule, 18-691 C.M.R., ch. 1, that were submitted for legislative approval during the legislative acceptance period for the second regular session.

OCP intends to finally adopt these rules by early June. In accordance with 5 M.R.S. § 8072 major substantive rules become effective 30 days after final adoption. It is OCP's expectation that these rules will become effective in early July.

An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes, [P.L. 2021, ch. 669](#) (LD 1957).

- Excludes cannabis-related crimes that would have been authorized under the Marijuana Legalization Act or Maine Medical Use of Marijuana Act from the definition of "disqualifying drug offense" and reduces look-back period for exclusion due to other disqualifying drug offenses from 10 years to 5 years after completion of sentence.
- Requires OCP to change the term "marijuana" to the term "cannabis" in all rules, policies and publications developed by OCP.
- Directs the revision of the Maine Revised Statutes (except for the Maine Criminal Code) to replace references to "marijuana" with the term "cannabis".

OCP has begun the process of transitioning to the use of term "cannabis" in all its external publications and communications and will continue that work over the next several months.

An Act To Improve Testing Requirements for Adult Use Marijuana, [P.L. 2021, ch. 612](#) (LD 1985).

- Amends the mandatory testing requirements for adult use cannabis and cannabis products to require mandatory testing only prior to transfer to an adult use store for sale to consumers.
- Exempts cannabis and cannabis products from further mandatory testing in circumstances where the cannabis or cannabis product has already been subject to mandatory testing and OCP determines that further processing of that cannabis or cannabis product does not increase the concentration of contaminants or other factors identified in the mandatory testing requirements.

OCP intends to include these statutory changes in routine technical rulemaking set to begin this summer.

Conclusion

This is not a comprehensive summary of recent legislative changes but instead is intended to give our adult use licensees an understanding of changes that affect their business operations. Program participants with questions regarding this guidance can contact Gabi Pierce at Gabi.Pierce@maine.gov for additional clarification.

OCP intends to provide additional guidance and updates as the effective date of this legislation approaches, to allow licensees to proceed with this new provision of law in as timely a manner as possible, so please ensure at all times that we have your most up-to-date contact information.