



ADMINISTRATIVE & FINANCIAL SERVICES

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Dear municipal partners:

As you may know, this spring, the Legislature enacted PL 2021, ch. 667 *An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana* (LD 1827), which authorizes delivery and curbside pickup of cannabis and cannabis products by cannabis store licensees. Delivery of cannabis and cannabis products to customers over the age of 21 may happen regardless of whether a town has opted in to permit the operation of adult use cannabis businesses within its borders.

Licensed adult use cannabis retailers will be allowed to begin delivery when OCP finally adopts the revisions to its Adult Use Cannabis Program Rule later this summer or early this fall. In the coming weeks, OCP expects that licensees may be reaching out to you inquire about certain information they need to comply with the requirements of the new law, and the delivery rules drafted by OCP, specifically, the location of Safe Zones in your community.

You are the people who know your communities best. As you may be aware, there is not a centralized clearinghouse of Safe Zones, as these are implemented by municipalities pursuant to 30-A MRS § 3253, in the State of Maine. Given that you and your staff are the experts in your communities, we are hopeful that you may be able to assist stores that request such guidance in identifying such zones, in order to ensure public health and safety for those in our cities and towns.

There are several additional safety considerations in this legislation OCP wants to bring to the attention of our municipal partners. These include the following:

- Any purchaser of cannabis must still be verified as 21 years old or older and customers receiving delivery orders will be required to provide photo identification to the delivery driver to verify their age.
- Delivery and curbside pickup are authorized activities that are tied to brick-and-mortar adult use cannabis stores. This means that stores will only be delivering pre-ordered cannabis and cannabis products to consumers who have contacted the store and requested delivery before the delivery driver leaves the premises of the cannabis store. A licensed operator may only deliver to a residential dwelling and *may not* deliver to any residential dwelling located within a Safe Zone.

- **Examples of a residential dwelling are:**
 - Single- or multiple-family homes, condominiums, or apartments
 - Short-term rentals (such as Airbnb or VRBO residences) that are single- or multiple-family homes, condominiums, or apartments
- **Residential dwellings are not:**
 - School or camp dormitories
 - Inns, hotels, motels, lodging houses
 - Schools or parks
 - Parking lots, sidewalks, or streets
 - Nonresidential buildings or nonresidential portions of buildings maintained by public or private entities
- There are additional safeguards in place for operators to record transactions on camera (not facial recognition software) to ensure the intended recipient, use delivery manifests, and more that have originated in OCP's recent rulemaking.

While OCP staff cannot give legal advice, we will strive to ensure as many resources as possible to help your city or town navigate this new step in Maine's still-new adult use cannabis program. Please contact us at compliance.ocp@maine.gov with any additional questions.

Thank you for your partnership in creating a thriving cannabis marketplace that emphasizes public health and safety. And thank you for your attention to these matters.

Sincerely,



Erik Gundersen
Director