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To: Current and Prospective MMCP Registrants
From: Director John Hudak, Office of Cannabis Policy
Date: January 19, 2024
Subject: Guidance for the Implementation of MMCP IHS Manufacturing Facility Registration Certificates

Background

In recent months, the Office of Cannabis Policy (OCP) has received several inquiries regarding the status of registration certificates for inherently hazardous substance (IHS) extraction manufacturing facilities operating in the Maine Medical Use of Cannabis Program (MMCP). In light of those inquiries, OCP is providing this guidance to medical registrants engaged in cannabis extraction using IHS to clarify how OCP will ensure compliance with 22 MRS § 2423-F and the corresponding rules found in 18-691 CMR, chapters 2 and 4.

Historically, MMCP registrants who engage in IHS manufacturing have been doing so under a caregiver registry identification card or dispensary registration certificate, after providing notice to OCP in accordance with 22 MRS § 2423-F(3). That notice is required for all registered caregivers and dispensaries conducting extraction using inherently hazardous substances with the understanding that OCP would implement a separate registration certificate for IHS manufacturing facilities when possible. To that end, the new registration certificate described in this guidance will facilitate program compliance for MMCP participants engaged in IHS manufacturing.

Guidance

Starting January 19, 2024, new and renewing MMCP registrants will be required to hold a separate IHS Manufacturing Facility Registration Certificate to engage in cannabis extraction using IHS. The certificate will be available in conjunction with a caregiver registry identification card or with a dispensary registration certificate.¹ Current registered caregivers and dispensaries authorized to engage in cannabis extraction using IHS may continue to do so, **adding the IHS Manufacturing Facility Registration Certificate at renewal**. All registered caregivers and dispensaries that apply for an IHS Manufacturing Facility Registration Certificate will be required to remit an additional \$350 annual fee to obtain this registration certificate.

¹ 22 MRS § 2423-F contemplates the issuance of inherently hazardous substance registration certificates, as well as tier 1 or tier 2 manufacturing facility registration certificates, to individuals or entities that are not registered caregivers or dispensaries. For practical reasons, these registration types have not been of interest to participants in the medical cannabis program and are not addressed in this guidance document.

To facilitate this process, the following forms are available [on OCP's website](#) as of January 19, 2024, for interested registrants to complete as applicable:

- The Maine Medical Use of Cannabis Program Inherently Hazardous Substances Manufacturing Facility Registration Application
- The Maine Medical Use of Cannabis Program Inherently Hazardous Substances Manufacturing Facility Local Authorization Form to be completed by the host municipality where the facility is to be located
- A change form for those certificate holders who need to make changes to their application or registration information

MMCP participants will notice that several other forms will be updated to reflect the new IHS Manufacturing Facility Registration Certificate, such as removal of manufacturing using IHS as an authorized activity on the caregiver and dispensary applications. Registry identification card (RIC) form wording will also be expanded to include IHS manufacturing facilities.

Conclusion

Effective January 19, 2024, OCP will make available an application for registered caregivers or registered dispensaries engaged in IHS manufacturing. Current registered caregivers and dispensaries authorized to engage in cannabis extraction using IHS may continue to do so, adding the IHS Manufacturing Facility Registration Certificate at renewal.

Current and prospective registrants with questions regarding the application process should reach out to the Licensing Team at Licensing.OCP@maine.gov. Those with questions concerning compliance should contact the Compliance Team at Compliance.OCP@maine.gov. Current or prospective registrants with questions regarding the rules or laws related to IHS manufacturing can contact Gabi.Pierce@maine.gov and should contact their own attorney regarding the application of those rules or laws to their own business operations.