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VERNON W. MALLOCH
INTERIM DIRECTOR

November 17, 2022

Dear MUCP and AUCP Stakeholders,

The Office of Cannabis Policy (OCP) is sharing with you the following memo we received from the Office of the Attorney General (OAG) regarding the sale of pre-rolled cannabis cigarettes by registered caregivers and dispensaries. We share this with you as part of our continued efforts to offer support and guidance to program participants who are striving to remain in compliance with Maine statutes and rules. OCP thanks the OAG for their thoughtful review and legal analysis of existing law and for taking the time to offer clarity to our Office and stakeholders.

Registrants or licensees should direct any questions about the memo to the Tobacco Enforcement Coordinator, Office of the Attorney General at 207-626-8574 or devon.l.cummings@maine.gov.

Sincerely,

Vernon Malloch
Interim Director



State of Maine

DEPARTMENT OF THE ATTORNEY GENERAL

MEMORANDUM

To: Vern Malloch, Interim Director of the Maine Office of Cannabis Policy

From: Aaron M. Frey, Attorney General *AMF*

Date: November 16, 2022

Re: Pre-rolled Cannabis Cigarettes

The Maine Medical Use of Cannabis Act, 22 M.R.S. §§ 2421-2430-H, authorizes registered caregivers and dispensaries to provide qualifying patients with cannabis and cannabis products, including pre-rolled cannabis cigarettes (sometimes referred to as “joints”). A question has arisen regarding whether pre-rolled cannabis cigarettes are “tobacco products” that cannot be sold or otherwise provided without first obtaining a retail tobacco license from the Maine Department of Health and Human Services. *See* 22 M.R.S. §§ 1551(3), 1551-A(1). Existing law offers no clear answer to this question, and the Attorney General urges the Legislature to clarify this matter during its upcoming session. In the meantime, as an exercise of his prosecutorial discretion and because of ambiguity in existing law, the Attorney General will not bring action for selling tobacco products without a retail tobacco license against any registered caregiver or dispensary for selling or providing pre-rolled cannabis cigarettes to qualifying patients, so long as the caregiver or dispensary has complied with the applicable provisions of the Maine Medical Use of Cannabis Act. The Attorney General will not change or withdraw this policy without first giving advance notice.