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February 28, 2022

Dear MMMP Stakeholder:

I write today with an important update regarding the Office of Marijuana Policy's (OMP) rulemaking activity related to the Maine Medical Use of Marijuana Program (MMMP).

As you know, following a rulemaking public hearing on February 2, 2022 and a written public comment period which concluded on February 13, 2022, the Office completed the public input phase of rulemaking that is required by the Maine Administrative Procedures Act. **After thorough consideration of the testimony and comments received through this process, OMP has chosen to discontinue its current MMMP rulemaking.**

When our office was first created, in February 2019, we established a vision statement which reads: "Develop a good faith partnership between the State of Maine and stakeholders by establishing rules and policies that provide interested consumers with access to a regulated industry while diminishing an unregulated, untested illicit market." In furtherance of our stated vision, and to ensure that policy decisions are made which prioritize Maine patients and Maine businesses, the Office intends to utilize the balance of 2022 to continue and expand stakeholder discussions which will help inform future policy decisions.

Throughout our rulemaking public hearing—and even several recent public hearings and work sessions of the Joint Standing Committee on Veterans and Legal Affairs—OMP stated that certain aspects of the proposed MMMP rule could not be modified because they would require a change in statutory language. In several instances, text appearing in the proposed rule appeared verbatim or near verbatim in statute. The takeaway from these conversations is that there is a severe disconnect between what the current law requires and what interested stakeholders believe should and could be enacted in administrative regulations.

To that end, rather than forge ahead with a rule that is the subject of concern for program registrants, the Office commits to building upon the work of the Medical Marijuana Workgroup which met from September-December 2021. If you haven't already, we encourage you to review the final report of this group's work here: <https://www.maine.gov/dafs/omp/workgroup>.

We thank you for your participation in the rulemaking public comment process. It is not lost on us the time and effort that goes into reviewing the content of a proposed rule, making yourself available for a public hearing, and developing and submitting a written comment. Even though we will not adopt a new rule, your work assisting us in the rulemaking process has been valuable and will result in changes to the program statute and rule that will lead to a stronger medical marijuana program.

We look forward to engaging with you throughout 2022 and developing policy recommendations which can serve as a model for consideration by the legislature in 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Gundersen', written in a cursive style.

Erik Gundersen  
Director