



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

May 7, 2021

Dear MMMP Stakeholder:

As you know, it has been two months since the Office of Marijuana Policy (OMP) began the formal rulemaking process necessary to update the administrative regulations which govern the Maine Medical Use of Marijuana Program (MMMP). My purpose in writing today is to keep you apprised of the latest on OMP's rulemaking and correct several misunderstandings and misperceptions that continue to exist about this process.

As you know, this letter follows two previous pieces of correspondence on the same topic. You may access and review copies of these letters on our website at <https://www.maine.gov/dafs/omp/resources/guidance-documents>. Specifically, please see:

- January 4, 2021: [MMMP Letter on Preliminary Draft Rulemaking](#)
- March 2, 2021: [MMMP Letter on Proposed Rulemaking](#)

First and foremost, you should know that OMP conducted a successful rulemaking public hearing on Monday, March 22, 2021. Lasting just more than seven hours, OMP received testimony from dozens of interested stakeholders. You may view video of the public hearing on OMP's website: <https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking>.

We also concluded our written public comment period on Thursday, April 1, 2021. OMP staff continue to pore over the comments and written testimony that was submitted as part of that process, and we thank you for participating in that process.

This process has elicited a level of engagement that has far surpassed that experienced during OMP's adult use rulemaking in 2019. In addition, due to this level of interest, various legislative proposals have been introduced related to OMP's rulemaking activity. Regrettably, as witnessed by statements made during OMP's rulemaking public hearing and recent public hearings conducted by the legislature, misunderstandings and misinformation continue to persist.

In an effort to correct the record, we hope that this letter helps cut through the rhetoric and noise that has surrounded this process over the last few months.

Claims Related to Patient Access

Claim: The new program rule prohibits the use of telemedicine visits for the purpose of qualifying patients receiving patient certifications.

Fact: The rule permits certifying physicians to utilize telemedicine, in accordance with their professional licensing standards, for conducting their assessment of a qualifying patient. **(See: Section 3.1.2(D) of Proposed Rule)**

Claims Related to Inventory Tracking

Claim: The cost of using the department’s inventory tracking system will be tens of thousands of dollars per year. Registrants will be required to hire additional staff to administer the inventory tracking system.

Fact: The cost of the state’s inventory tracking system, is as follows: \$40/month subscription fee and \$0.45 per plant tag affixed to an immature marijuana plant and \$0.25 per package tag affixed to packages of harvested marijuana. The rule would not require a registrant to hire an employee to administer the inventory tracking system. **(See: Section 7.1 of Proposed Rule)**

Claim: Every single unit of harvested marijuana will be required to have a separate inventory tracking tag from the inventory tracking system vendor affixed to it.

Fact: Package tags are required for each production batch and each batch is tracked with a “package tag”. This package tag has a unique number that is affixed to the label of every individual unit within the batch, but an individual package tag is not required for each unit within the batch. For instance: a batch of brownies that is cut into 100 individually wrapped brownies will all have the same package tag number on label for all 100 brownies from that batch. **(See: Section 8.1.1(B) of Proposed Rule)**

Claims Related to Video Surveillance

Claim: All registrants, including home-based registered caregivers, will be required to have video surveillance throughout their registered premises.

Fact: Video surveillance is not required within the dwelling unit of any home-based registered caregiver. Registrants are required to store any video footage for 30 days. OMP did so to allow registrants to use off-the-shelf video surveillance equipment available at retailers. **(See: Section 6.1.3 and 11.3.3 of Proposed Rule)**

Claim: The Office of Marijuana Policy will have remote access to a continuous live video feed from all registrants’ video surveillance.

Fact: The Office of Marijuana Policy will not have remote access to a continuous live video feed from all registrants’ video surveillance. OMP must be provided access to an individual registrant’s video upon request. **(See: Section 6.1.3 and 11.3.3 of Proposed Rule)**

Claim: All registrants making edible marijuana products will be required to purchase new expensive molds to make their edibles because all edibles must be embossed with the universal symbol.

Fact: The revised rule does not require any registrant to stamp or emboss an edible marijuana product with the universal symbol. The universal symbol must be printed on the marketing layer of any package that contains harvested marijuana.

Claims Related to Business Operations

Claim: The new MMMP rule would prohibit registered caregivers or dispensaries from offering discounted prices on medicine sold to qualifying patients who are veterans or on a fixed income.

Fact: There is no prohibition on discounted pricing in the MMMP rule.

Claim: Under the new MMMP rule, only qualifying patients would be permitted inside of caregiver retail stores.

Fact: There is no prohibition on any member of the public entering a caregiver retail store or dispensary, only qualifying patients and caregivers are permitted to purchase or receive harvested marijuana at a caregiver retail store or dispensary.

Claims Related to Application Process

Claim: All caregivers, regardless of their authorized activities, will be required to obtain local authorization from the municipality(ies) in which they grow, manufacture and/or distribute marijuana for medical use.

Fact: Only registered caregivers operating a caregiver retail store in a municipality will need to provide evidence of local approval and authorization to operate a caregiver retail store in that municipality. **(See: Section 6.1.5 and 5.3.2(H)(1)(B) of Proposed Rule)**

Claim: All registered caregivers, dispensaries and manufacturing facilities, and all of their assistants and officers and directors will be required to submit to a federal background check in order to be issued registry identification cards or registration certificates.

Fact: All registrants are subject to a state criminal history background check. Only those registered caregivers administering marijuana on the grounds of a preschool or primary or secondary school are required to submit to a background check conducted by the Federal Bureau of Investigation. **(See: Section 5.3.5(F)(2) of Proposed Rule)**

This is by no means an exhaustive list of some of the misstatements that have circulated throughout this process; however, they seemed the most salient to your daily operations.

Thank you for your attention and consideration of these important matters. We appreciate the opportunity to connect with you on this important topic and appreciate all you do on behalf of Maine's medical marijuana patients.

Sincerely,



Erik Gundersen
Director