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To: Current MMMP Registrants
From: Director Erik Gundersen, Office of Marijuana Policy
Date: Tuesday, July 13, 2021
Subject: Enacted Marijuana-related Legislation – First Special Session of the 130th Legislature

Background

This guidance is provided by the Office of Marijuana Policy (OMP) to make Maine Medical Use of Marijuana Program (MMMP) registrants aware of recent changes to the laws governing this program as a result of the most recent legislative session.

This guidance is not intended to be a comprehensive summary of all legislative changes affecting the state's medical program. Rather, it is being provided as a courtesy, should not be construed as legal advice, and should not be viewed as a substitute for program registrants consulting with qualified business consultant(s) and/or attorney(s) about the application of the requirements of the Maine Medical Use of Marijuana Act to their unique situation.

Guidance

Among the bills that became law this session were at least four that addressed the MMMP. Some of these bills were designated as “emergency” legislation, meaning that the contents of those bills became effective upon either the signature of the Governor or without the Governor’s signature, following a 10-day waiting period. Non-emergency legislation will become effective 90 days after the legislature adjourns *sine die*; following adjournment, the Revisor of Statutes will publish the date that these laws go into effect.

The following is a summary of some of the changes enacted by the Legislature which will affect MMMP registrants to varying degrees. **Please note:** Despite certain emergency legislation being currently in effect, this language may not be reflected in the Maine Revised Statutes (<https://www.mainelegislature.org/legis/statutes/22/title22ch558-Csec0.html>) until the Revisor of Statutes completes their revisions to Title 22.

An Act to Make Technical Changes to the Maine Medical Use of Marijuana Act, [PL 2021, ch. 251](#) (LD 881 - Emergency, effective June 17, 2021)

- Provides for a universal definition of “seedling” in the MMMP and Adult Use Marijuana Program (AUMP), which is a marijuana plant or rooted cutting that is not flowering, less than 24 inches in height, and less than 24 inches in width.
- Provides for a flat registration fee for caregivers choosing to register based upon a plant canopy (as opposed to plant count). **OMP’s caregiver registration application and renewal form has been updated to reflect the canopy-based registration fee of \$1,500**

and can be found on the OMP website: <https://www.maine.gov/dafs/omp/medical-use/applications-forms>.

An Act to Support Maine's Medical Marijuana Program and Ensure Patient Access, [PL 2021, ch. 367](#) (LD 939)

- Family members of a registered caregiver who are otherwise qualified to act as a caregiver assistant, and who are between the ages of 18 and 21, will be permitted to register as an assistant of the registered caregiver who is their family member. **Assistant applications will be updated prior to the effective date of this law to reflect this change;**
- **Registered caregiver and registered dispensaries will be permitted to transfer in wholesale transactions an unlimited amount** of the mature marijuana plants cultivated by that registrant, and any marijuana products or marijuana concentrate manufactured by those mature marijuana plants; and
- **MMMP registrants will be required to retain all books and records maintained by the registrant for a period of four (4) years.** This is a change from the current requirement that books and records must be retained for at least seven (7) years. Please note that some records maintained by the registrant, i.e. tax records, must be retained for seven (7) years in accordance with Title 36.

An Act to Amend the Maine Medical Use of Marijuana Act, [PL 2021, ch. 387](#) (LD 1242 - Emergency, effective July 1, 2021)

- Changes rulemaking for the Maine Medical Use of Marijuana Act from routine technical to major substantive; and
- **Repeals the requirement that MMMP registrants conduct an annual third party of audit of their records.**

Conclusion

This is not a comprehensive summary of recent legislative changes but instead is intended to give our program participants an understanding of changes that will impact the application and renewal processes or otherwise impact recordkeeping and reporting requirements. OMP intends to provide additional guidance and updates when these new laws become effective, so please ensure at all times that we have your most up-to-date contact information.

Program participants with questions regarding this guidance can contact Gabi Pierce at Gabi.Pierce@maine.gov for additional clarification.