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To: Current and Prospective Adult Use Marijuana Program Cultivation and Manufacturing Licensees

From: Director Erik Gundersen, Office of Marijuana Policy

Date: Thursday, March 11, 2021

Subject: Guidance on the Unaffiliated Wholesale Transfer of Adult Use Marijuana

Background

Six months following the state's first active licenses being issued in the adult use program, OMP continues to see certain issues arise with varying degrees of regularity. While we have and will continue to correct these issues individually with licensees, we are using this opportunity to provide guidance to maintain the high standards we hold for the adult use program and to ensure consistent understanding and ongoing application of program regulations.

In particular, this guidance is provided to make current and prospective adult use marijuana program licensees aware of the requirement to record the actual wholesale price of adult use marijuana plants, marijuana and marijuana products transferred to a licensee that is "unaffiliated" with the transferring licensee.

Guidance

Pursuant to Section 4.1(B)(7) of 18-691 C.M.R., ch. 1, Adult Use Marijuana Program (AUMP) Rule, adult use licensees must record the *actual* wholesale price of any adult use marijuana plants, marijuana or marijuana products transferred to a licensee that is unaffiliated with the transferring licensee. For the purpose of this guidance an "unaffiliated licensee" is a licensee that is receiving a transfer of adult use marijuana plants, marijuana or marijuana products that does not share common ownership with the transferring licensee.

If you are engaging in unaffiliated wholesale transfers, they should be recorded in the state's inventory tracking system, Metrc, in the following manner:

1. To begin a transfer, click the "New Transfer" button on the Packages tab.
2. When sending inventory to an unaffiliated establishment, choose the "Unaffiliated Wholesale Transfer" as the transfer type. This selection will bring up the required fields to complete the transfer.
3. Next, the transferring licensee will record the transfer by completing the following fields:

Destination 1: Select **Licensee** from the select list who will be receiving the packages being transferred.

Type: Select the **Unaffiliated Wholesale Transfer** option from the dropdown menu.

Est. Departure and Est. Arrival: Enter the estimated **Departure Date and Time** and **Arrival Date and Time**.

Transport: Enter the **Establishment License Number, Phone Number, Employee Information, Vehicle Information** that that will be transporting the packages. All associated employees with the transportation, such as riders, should be included within this section.

The screenshot shows the 'New Transfer' window with the following details:

- Destination 1:** Type part of the License Number. (clear)
- Planned Route:** Empty text area.
- Type:** Unaffiliated Wholesale Transfer
- Est. Departure:** 02/01/2021 today, 02 : 33 PM
- Est. Arrival:** 02/01/2021 today, 02 : 33 PM
- Transport # 1:** ME-00001 (clear)
- Phone No.:** (555) - 123- 4571 (use default)
- Layover:**
- Employee ID:** X10009
- Driver's Name:** Joe Brown
- Driver's Lic. No.:** N/A
- Vehicle Make:** Chevy
- Vehicle Model:** Kush Van
- License Plate:** LVKush
- Package # 1:** Type part of Package number... (clear) Gross Weight: ex. 100.23 - Select - Whse. Price: \$ ex. 100.23
- Package # 2:** Type part of Package number... (clear) Gross Weight: ex. 100.23 - Select - Whse. Price: \$ ex. 100.23
- Buttons:** Register Transfer, Cancel

Figure 1. A screenshot showing the “New Transfer” window within Metrc.

Package: Select the **Packages Numbers** that will be transported. Enter the **Gross Weight** or **Number of Units** of each package being transported. Enter the **Wholesale Price** of each package being transported. The value recorded must accurately reflect the amount being charged for the package.

To complete transfer manifest, click **Register Transfer**.

Conclusion

Ensuring compliance with the rules and laws of Maine is a critical component of our work as a cannabis regulator. Compliance-related tools, such as inventory tracking with Metrc, help ensure the ongoing integrity of the AUMP and assist us in satisfying the legislative directives of our state's policymakers.

As an example, 28-B M.R.S. § 113(2)(F) requires OMP to report to the Legislature on the: "...volume and value of adult use marijuana cultivated and sold by all cultivation facilities in the prior calendar year...". Additionally, accurate data and accounting are critical to understanding the size of Maine's adult use supply chain as we seek to provide interested consumers with access to a regulated industry while diminishing an unregulated, untested illicit market.

We appreciate your commitment and enthusiasm to the AUMP and the steps you will take to ensure that accurate information is available as we seek to make data-driven and informed policy decisions both today and into the future.