

	Comments	Total Comments
30(1)	39	
30(2)	5	
30(3)	12	
30(4)	0	
30(5)	39	
30(6)	8	

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Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning
Victor Cote	Email	OCP		"(g) In areas of the premises (if any) designated for retail sales, lockable and secure display cases or counters of sufficient height to prevent the public from handling or accessing cannabis plants, cannabis or cannabis products without direct supervision of a licensee or employee." This leaves much subjective interpretation- can this be defined for more universal application- what is sufficient height 36", 42" ?	Chapter 30, Section 1(2) - General Compliance: Security	Reject	Sufficiency is determined by the totality of the circumstances and does not need to be so prescriptive here.
Victor Cote	Email	OCP		"Pg 17 (D) Changes to Facility Plan, including changes to operations, cultivation or security information included therein. Any material changes to the facility plan of record of any cannabis establishment must be approved by the Department. A material change includes without limitation: changes to the licensed premises including changes to the floor plan, security equipment, manufacturing equipment, display cases or any other area of the licensed premises where cannabis is cultivated, manufactured, stored or sold, the addition or removal of curbside pickup locations – including those curbside pickup locations outside the licensed premises but immediately adjacent to the primary public ingress and egress of the cannabis store, the commencement or cessation of delivery activities and seasonal or temporary cessation of authorized activities at a licensed cannabis establishment in excess of 30 days." ..."(2) No licensee shall make material changes to operations, including cultivation or security practices, until the application for changes to the facility plan have been approved by the Department." This conflicts with definition of material changes in prior paragraph. Can this be included in definition of material changes above and omitted from this paragraph? (A material change includes without limitation: changes to operations, including cultivation or security practices, changes to the licensed premises including changes to the floor plan.... 2) No licensee shall make material changes until the application for changes to the facility plan have been approved by the Department)	Chapter 30, Section 1(3) - General Compliance: General Conduct	Accept	
Victor Cote	Email	OCP		(4) The type, number and weight of each sample storage container used to store sample increments collected; Add: The date and time the sample was collected and placed into the container. (5) The total weight of the composite sample and the weight of any additional sample increments collected for homogeneity testing; (6) The seal numbers for every tamper evident seal affixed to a sample container used in the sample collection event; Numbered seals are not typically used- Suggest = (6) The type of tamper evident seal that was affixed to the sample container used in the sample collection event;	Chapter 30, Section 1(11) - General Compliance: Recordkeeping Requirements for Sample Collection, Transport and Receipt	Accept	
James Judge	Online		Theory Wellness	C. Authorized Sources of Cannabis Plants and Seeds The restrictions limiting cultivation licenses to receive only 6 seedlings from an individual in a 90-day period is extremely constraining to achieving a diverse genetic stock. Furthermore, limiting the gifting to only seedlings as opposed to seeds themselves is not preferable due to the possibility of seedlings being contaminated with mold and other pathogens which could adversely affect a cultivation facility. We ask that these limitations be revisited to allow for the gifting of seeds at a number which would allow for phenotype hunting; at least ten seeds per strain, with no limit on the number of strains. If this request cannot be met, we ask that the limit of 6 seedlings per gifter, per quarter be removed entirely.	Chapter 30, Section 1(5) - General Compliance: Requirements Applicable to Cultivation Facilities	Accept	See revisions to § 1(5)(C)
James Judge	Online		Theory Wellness	C. Prohibited Conduct. 3(pg33) The draft regulations state that a cannabis store cannot "(3) Accept from another licensee or sell to a consumer cannabis or a cannabis product that is not properly packaged or labeled in accordance with Section 5 of this rule;" This language puts the responsibility of checking for accuracy, each package and label ahead of time, and at point of receiving, on the cannabis store, rather than on the producer. This increases administrative costs for cannabis stores, many of which run with limited staff. We think the burden of having properly labeled and packaged products should remain on the producers, as it is the producers who would be providing the mislabeled products. We do not understand why the burden would be taken off of the licensee who made the mistake and transferred to the receiving party?	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	A store licensee may reject non-compliant inventory for any number of reasons and is responsible for ensuring that labels include store license number.

Kate Limbos	Online		<p>Zenia Cannabis Co.</p> <p>I'm writing in regards to the potency variance for edibles. We began this program with a variance of 10% or less on a 100mg THC package. This was quite the standard to achieve given both food and drug manufacturers use a standard 20% variance. We took the opportunity to brag to everyone about working to a higher competency than other industries. Especially given the stigma we face (stupid, incompetent, lazy, criminals), we could speak to being able to manufacture to a higher standard than the pharmaceutical industry.</p> <p>Then we couldn't have more than 105mg in a package which now that we will be able to have 200mg in a package doesn't make a whole lot of sense.</p> <p>Why can't we just go with a 15% variance in potency like CO and NY? It seems like we are really over complicating things. What is the fear about having a package of 200mg potentially be 15% over? A package like this would be 20 pieces. Each piece would contain between 8.5mg THC and 11.5mg THC. Is seems like the concern is that someone is going to eat the entire package and end up with 30mg more than anticipated? I don't think people are doing that but I suppose it could happen. Colorado's marketplace has been operating for quite some time and I don't think their 15% variance is causing problems or they would have changed it. I would also think the pharmaceutical industry wouldn't allow a 20% variance if it caused problems. Having a 20% variance for pieces under 5mg is important since it becomes more difficult the lower the dose because of the natural variations in materials.</p> <p>It seems like the proposed rule would allow a max of 215mg per package total variance? So with a 15% variance we're essentially talking about potentially 15mg more THC spread out homogeneously in a 230mg package of 20 pieces on the highest end of the variance. I am very genuinely curious what the concern is over these 15mg of THC spread out homogeneously through the product.</p> <p>Currently in the medical program it is not a concern to make sure that products that are a much higher dose than 200mg fall within a certain variance of their label. Currently there's no one making sure a 2000mg chocolate bar has in it what it says on the package.</p> <p>I think some kind of consistency between the programs is important. When we explain the current regulations to people outside of the industry they are always very surprised. It's looking like cannabis will move to a schedule 3 drug which would be a great step. Let's hope the DEA takes DHHS recommendations.</p>	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Products Manufacturing Facilities	Reject	Statutory change required. See generally 28-B MRS § 703(1)(F)-(F-1)
Kate Limbos	Online		<p>Zenia Cannabis Co.</p> <p>I lost my only sister to alcohol, a highly addictive substance that is not currently a controlled substance. I meet people who work in the alcohol industry who say there's zero oversight. My sister loved cannabis for her anxiety. She couldn't get it in PA and chose alcohol instead to self-medicate since it was accessible. It took 14 days of sitting in hospice with her for her heart to stop after her liver and kidneys had shut down. She went septic. She had bed sores and spots where her skin was peeling off, her body filling with fluid had to be drained constantly, but she had a strong heart. I will carry the grief of this experience for the rest of my life. If she had become addicted to cannabis instead she would still be alive. She would not have destroyed her internal organs in an attempt to not feel the horrible anxiety she dealt with daily. Cannabis does not do the same thing to the body that alcohol does. I understand that when we don't know a lot about something and are fearful of it that informs our decision making process. I understand that I don't get to write the program rule. If I did I'd go with a 15% variance for edibles with a 20% variance for pieces under 5mg or even under 3mg. I can understand limiting a 200mg package to no more than a 15% variance, 230mg, versus 20% on the high end. I think CO and NY have it right.</p> <p>I think that the people who use edibles have experience with it. Newbies aren't buying a 200mg pack and eating it all at once. People are trying a serving and seeing how it impacts them. Believe me I've worked with the public long enough to understand the concern with overconsumption. Because of what happened with my sister I will always draw the comparison of the two substances. It's crazy that the far deadlier one is so much more socially acceptable than the other.</p> <p>We can certainly meet the manufacturing standard as proposed. To me it seems over complicated compared to other states. Also when you take the entire lack of oversight on alcohol manufacturing into account. We will always advocate for a 15% variance like CO and NY. It's simple and it works.</p> <p>Thanks for listening!!</p>	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Products Manufacturing Facilities	Rejected	Statutory change required. See generally 28-B MRS sec. d703(1)(F)-(F-1)
Gloria Dyer	Online		<p>I am not sure if this is the correct place for this comment so please forward to the appropriate location. For many years towns people that lived miles away from paper mills had to breathe air that smelled like rotten cabbage and who knows what kind of contaminants were in that air. We had a pleasant reprieve for 20 or 30 years. We have gone backwards in respect to air quality. People live in the country for many reasons one of them is for clean air. There isn't a day that goes by where the odor of a skunk/rotten cabbage is not encountered either driving along in a vehicle, out walking or trying to enjoy some entertainment at a venue. Even in the grocery store! There is a local medical cultivator in our town that I never encounter an odor from while there are others in town that have a stench for what seems like hours at a time. Some local businesses in our state have employees and customers that happen to be next to one of these cultivators or manufacturers and cannot escape the odor. There should be some studies done on the long term effects of breathing this byproduct in our air. Perhaps some air filtering should be part of the building requirements for the cannabis facilities and establishments.</p>	Chapter 30, Section 1(5) - General Compliance: Requirements Applicable to Cultivation Facilities	General comment, no change requested	

Susan Meehan	Email	President, Maine Cannabis Union, an affiliate of International Association of Machinists and Aerospace Workers	<p>(PP30-31, Adult Use Proposed rules 2023) Public Comment</p> <p>It seems that if popcorn, pretzels, loose granola – all of these food items are appealing to children and pets, and do NOT require the “universal symbol” on the product, but only on the packaging, and these items can certainly be reclosed in their packages. As long as packaging is marked with the symbol AND the packaging is resealable “child-resistant,” then the universal symbol is redundant, ineffective and unnecessary. Why are we threatening production of “gummies” or “fruit chews” for example by not allowing sugar coating (or other granular powder such as citric acid)? This contingency on sugar coating is not clear and is subjectively dependent upon which inspector visits a facility. Currently, sugar coating is allowed in Maine Medical. One way to clarify this and to remove the subjectivity from the matter is to list soft confections such as fruit chews as potentially impractical to bear the universal symbol; however, we still assert that the universal symbol does very little to protect the public, and effective child-resistant packaging is far more effective to protect children and pets. This per serving universal symbol marking is an unnecessary business expense that does NOTHING to protect the public, especially non-readers such as young children and pets. Stamping a product will do nothing to protect the most vulnerable to accidental ingestion. Rule and law cannot replace responsible consumers and responsible parenting and pet-ownership. In general, missing from the Adult Use program, is a legal mechanism by which an entrepreneur can operate a wholesale delivery service without being an employee of every company for which one delivers, unless we have not interpreted rule and law correctly. If there is no legal mechanism by which a wholesale delivery service between manufacturers and retail licensees function, perhaps this should be addressed in both statute and rule. We also feel strongly that both Maine Cannabis Programs ought to be freed from the national data fishing program that is METRC, and ought to be replaced with a batch tracking spreadsheet based system much like the hemp tracking being deployed in Maine, and much like the example provided below. Please accept this testimony and the SUPPORTING DATA BELOW. (OCP NOTE: Supporting documents provided are linked)</p>	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Products Manufacturing Facilities	Reject	Statutory change required. See 28-B MRS §§- 701(1)(B) (universal symbol on packaging) and 703(1)(D) (universal symbol stamped or embossed on edibles). See also 28-B MRS § 201 (license types) and 28-B MRS § 105 (inventory tracking)
Timothy Michalak	Online	Board of Healthy People for Clean Air and Sane people	<p>Since marijuana was legalized in Maine, more and more evidence has surfaced regarding the harm it causes the body: Aarhus University Hospital in Denmark (and other researchers) studies shows chronic cannabis use raises the risk of major depression, bipolar disorder, and psychosis by four times. Those with depression who self-medicate with marijuana may be causing the opposite effect, the study said.</p> <p>Researchers also found cannabis use disorder was linked to 30% of schizophrenia diagnoses of Danish men in the year 2021. The data revealed that chronic marijuana was linked to psychotic breaks.</p> <p>Also alarming, the National Institute on Drug Abuse found that marijuana is addictive, with about four million Americans qualifying as having a “marijuana use disorder.” A study published in JAMA Pediatrics found that women who use cannabis had a 70% higher risk of having a baby with a major birth defect.</p> <p>Instead of increasing the amount of THC and the amount of marijuana that can be purchased, Maine and its governor should stop any increases. The law is not even enforced. People are not supposed to be able to smoke in public but they do, on street corners, on ski slopes, and while driving cars. It's awful to follow a car reeking of marijuana and hoping that its driver doesn't do something to kill or maim you. Rep. Supica justifies this ridiculous loosening of restrictions by saying one can buy 150 proof alcohol in unlimited quantities (well set limits there; menthol cigarettes have been eliminated.)</p> <p>These rules do not make sense. Our air is being fouled, our populace's motivation is being dampened, and our youth are being lured into believing it is good for them to use marijuana - it is not. It is time this office, and our governor, use its bully pulpit to restore some sanity to people's health, and protect our air so that we can “Breathe Free,” like one can on a New Hampshire ski slope. Please use common sense and don't allow further harm to our residents.</p>	Chapter 30, Section 1(3) - General Compliance: General Conduct	No specific change requested	
Timothy Michalak	Online	Board of Healthy People for Clean Air and Sane people	There is NO COMPLIANCE by those using marijuana; they smoke on street corners, ski slopes, and while driving their cars. Why should the rest of us have to smell it and be harmed by second hand smoke; start regulating the laws you currently have. Most medical growers violate the room size for growth, the requirement for completely walled off separate rooms for shared growers. There are other violations of the current rules that result from LAX enforcement. Cross check retail sales tax records against income tax records of some doing deliveries. ENFORCE what you have; don't relax anymore rules.	Chapter 30, Section 1(4) - General Compliance: Adherence to Written Plans Approved by the Department	No specific change requested	Medical cannabis program beyond the scope of current rulemaking
Timothy Michalak	Online	Board of Healthy People for Clean Air and Sane people	How many pay retail sales taxes or even have a retail sales tax number; cross check.	Chapter 30, Section 1(9) - General Compliance: Requirements Applicable to the Delivery of Adult Use Cannabis or Cannabis Products by Tier 1, Tier 2, or Nursery Cultivation Facilities and Products Manufacturing Facilities	Questions, OCP Response:	OCP requires proof of tax compliance as part of the application and renewal process and principals of licensees must have Maine Revenue Services confirm tax compliance for issuance or renewal of a license. See also: https://www.maine.gov/dafs/ocp/sites/maine.gov.dafs.ocp/files/inline-files/5.20.22%20-%20OCP%20App.%20-%20Authorization%20to%20Disclose.pdf

Timothy Michalak	Online	Board of Healthy People for Clean Air and Sane people		See number 15; they are not paying retail sales taxes.	Chapter 30, Section 1(11) - General Compliance: Recordkeeping Requirements for Sample Collection, Transport and Receipt	General comment, no change requested	
Michael DiPersia	Online		All Purpose Flower LLC	Please change the required size of signage on any interior door (Not exterior) regarding authorized persons. 8.5" 11" is unnecessary once inside any license. Please allow a smaller sign as it won't change the rules, operations and people will all still be able to read the requirement.	Chapter 30, Section 1(1) - General Compliance: Premises	Reject	Signs must be of a sufficient size to ensure unauthorized individuals do not attempt to enter limited access areas.
Michael DiPersia	Online		All Purpose Flower LLC	There needs to be an allowance for individuals to gift cultivators actual seeds and not seedlings. The problem with seedlings is contamination. Taking plants in from just any individual could introduce both pests and pathogens to a cultivation facility. Please allow this distinction as the seedling requirement is too risky for businesses.	Chapter 30, Section 1(5) - General Compliance: Requirements Applicable to Cultivation Facilities	Accept	See revisions to § 1(5)(C)
Michael DiPersia	Online		All Purpose Flower LLC	These requirements will create hardship and increased labor cost on licensees. I understand testing is important. I fully support it and support more so the department doing spot testing at retailers and live leaf tests. The record keeping requirement is incredibly burdensome and redundant. We use Metrc. This tracks all our samples including who enters the sample, who delivers it, who receives it and what it was analyzed for. The container seal number is pointless, having a witness is added labor and unnecessary (we are all on camera anyway) the writing down temperature, container used, humidity have no bearing on results. The weight is entered in Metrc so that is redundant. The temperature and humidity is irrelevant because most people will be taking a sample from an airtight source tag and placing it into an airtight container once sampled. This section adds unnecessary work and is redundant. Using Metrc captures enough of the information and this is an overreach and unnecessary.	Chapter 30, Section 1(11) - General Compliance: Recordkeeping Requirements for Sample Collection, Transport and Receipt	Accept in part	Seal numbers stricken from requirements, other issues (container, temp, etc) addressed are necessary for integrity of mandatory testing process and identifying reasons for testing failures
Michael DiPersia	Online		All Purpose Flower LLC	Please change the size of required signage on interior doors regarding Unauthorized persons. It is unnecessary for it to be 8.5" x 11" Please allow for a smaller sign on interior doors.	Chapter 30, Section 1(1) - General Compliance: Premises	Reject	Signs must be of a sufficient size to ensure unauthorized individuals do not attempt to enter limited access areas.
Michael DiPersia	Online		All Purpose Flower LLC	There needs to be an allowance for individuals to gift seeds to licensed cultivators instead of just seedlings. The problem with seedlings is the potential for introducing pests and pathogens into a facility. Seeds would be a more sterile way to propagate new genetics. Please allow this distinction as it will help cultivators maintain their cultural practices while also spurring innovation.	Chapter 30, Section 1(5) - General Compliance: Requirements Applicable to Cultivation Facilities	Accept	See revisions to § 1(5)(C)
Michael DiPersia	Online		All Purpose Flower LLC	These requirements will create hardship and increased labor cost on licensees. I understand testing is important. I fully support it and support OCP doing live leaf testing at cultivation facilities as well as spot testing at retail. The record keeping requirement is incredibly burdensome and redundant. we use Metrc. This tracks all our samples including who enters the sample, who delivers it, who receives it and what it is analyzed for. The container seal number is a pointless piece of record as this will become trash. Everyone is on camera so writing down the temperature, humidity has no actual bearing on results. The weight of the sample is tracked in Metrc so this is redundant. The temperature and humidity have no relevance because licensees pull samples from source tags which are usually stored in airtight containers, sampled from then immediately place into airtight containers. The requirement for a witness as well as signature increases labor cost and takes a second person who we pay to now not do other necessary work at the facility. Again we are on camera and everything is tracked so these added requirements contribute to testing becoming overly costly beyond what the labs charge.	Chapter 30, Section 1(11) - General Compliance: Recordkeeping Requirements for Sample Collection, Transport and Receipt	Accept in part	Seal numbers stricken from requirements, other issues (container, temp, etc) addressed are necessary for integrity of mandatory testing process and identifying reasons for testing failures

Jill Cohen	Online	Cohen Law Maine PLLC		Is the inclusion of "retail sales by delivery to consumers" going to be confusing now that Tier 1, Tier 2, and manufacturing licensees can engage in AU delivery?	Chapter 30, Section 1(1) - General Compliance: Premises	Question, OCP Response	Tier 1, Tier 2, and manufacturing licensees engaging in adult use cannabis delivery are all subject to the same requirements of a cannabis store licensee under this proposed rule. See generally Chapter 30, Section 1(8)(F)–Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities: Delivery of Seeds, Seedlings, Immature Cannabis Plants, Cannabis and Cannabis Products. See also proposed rule Chapter 30, Section 1(9)–Requirements Applicable to the Delivery of Adult Use Cannabis or Cannabis Products by Tier 1, Tier 2, or Nursery Cultivation Facilities and Products Manufacturing Facilities. See also proposed rule Chapter 30, Section 5–Packaging and Labeling.
Jill Cohen	Online	Cohen Law Maine PLLC		2(c) - As written this line requires that "all perimeter windows must be in good condition and lockable". Would it be possible to include a line that states "or perimeter windows that are not equipped in such a manner as to be operable"? I've had several licensees with windows that are designed without opening mechanisms and are permanently closed.	Chapter 30, Section 1(2) - General Compliance: Security	Question, OCP Response	Permanently closed windows with the inability to open may be considered "lockable" for the purposes of this rule. Permanently closed windows must remain in good condition as to prevent entry by unauthorized persons.
Jill Cohen	Online	Cohen Law Maine PLLC		(B) (1) This is super ambiguous language regarding "shape or design likely to appeal to persons under 21". We've been operating with (b) since the inception of the AU program and that has seemed to work well. The addition of (a) adds more ambiguity, confusion, and uncertainty for licensees. I am struggling to think of examples that would fall under (a). (B) (2) (c) Again, this could be a long long list. How would it be determined what additives are specifically designed to appeal to a person under 21? Arguments could be made that most anything could go onto this list, including basic ingredients such as sugar and chocolate.	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Products Manufacturing Facilities	General comment, no change requested	Clarification: See generally proposed rule Chapter 10, Section 1(4)–Definitions: Appealing to individuals under 21 years of age.
Jill Cohen	Online	Cohen Law Maine PLLC		(C) (24) Is it possible to add "Knowingly" to the beginning of this prohibition? Otherwise a consumer could open a product while sitting in their car in the parking lot outside a retail store and the licensee could be held accountable for that.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Accept	
Ryan Parker	Online		Stoner & Co.	This rule seems to be a step in the right direction. It will allow more operators to get their product to market, direct to consumer, while offering a safe discrete alternative to entering a retail location.	Chapter 30, Section 1(9) - General Compliance: Requirements Applicable to the Delivery of Adult Use Cannabis or Cannabis Products by Tier 1, Tier 2, or Nursery Cultivation Facilities and Products Manufacturing Facilities	General comment, no change requested	

Alex McMahan	Email		MedCo.	1.1 - I may be reading this incorrectly, but it appears to me that the added language surrounding "specified events, retail sales by delivery to consumer" is worded incorrectly. As written, it seems to say these are not allowed by licensees.	Chapter 30, Section 1(1) - General Compliance: Premises	General comment, no change requested	Retail sales by delivery may not be conducted on the licensed or permitted premises, but such sales orders may be prepared for delivery on those premises. Deliveries may not be conducted in the parking lot of a licensed premises, but cannabis stores are authorized to conduct retail sales by curbside pickup.
Alex McMahan	Email		MedCo.	1.1.C.3.d. - This is inconsistent with Chapter 20 1.C. It is missing "or visitor".	Chapter 30, Section 1(1) - General Compliance: Premises	Accept	
Alex McMahan	Email		MedCo.	1.7.B.2.c - Any additive can be considered appealing to persons under 21 years of age (sugar, chocolate, flavoring, butter, etc).	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Prodcuts Manufacturing Facilities	Accept in part	See revised definition of "appealing to individuals under 21 years of age"
Alex McMahan	Email		MedCo.	1.7.E.2.e & 1.7.E.2.f - These seem to be inconsistent with the legislation that passed in the 130th legislative session regarding acceptable variance.	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Prodcuts Manufacturing Facilities	Accept in part	See 18-691 CMR, ch. 30, §(5)(4)(B) - the variance in question only affects labeling requirements, as low potency edibles will not exceed per-serving potency limits but the allowable variance may impact labeling requirements.
Alex McMahan	Email		MedCo.	1.7.F.5 - This new requirement is unnecessary. If a product is determined to be impracticable to mark with the universal symbol, then there are no alternative means available beyond the existing requirement to include the universal symbol on the front of the package.	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Prodcuts Manufacturing Facilities	Reject	Per 28-B MRS § 703(1)(D), OCP may determine that stamping or embossing a product is impracticable, but OCP is not prohibited from requiring another means of affixing the universal symbol to each serving of an edible cannabis product.
Alex McMahan	Email		MedCo.	1.8.C.13 - Far too ambiguous	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	General comment, no change requested	
Alex McMahan	Email		MedCo.	1.8.G.11 - This signage is unnecessary, consumption is already illegal. These signs are also not required in stores.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	Statutory change required, see 28-B MRS § 504-A(4)(C)

Alex McMahan	Email		MedCo.	1.8.G.12 - It is problematic to require the cameras to capture "only the individual making the purchase"	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	Statutory change required, see 28-B MRS § 504-A(4)(E)
Alex McMahan	Email		MedCo.	1.8.G.14 - For what purpose does the Department need to be notified if the municipality or property owner rescinds the approval? If the event is canceled it is canceled, and no further paperwork should be necessary.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	Statutory change required, see 28-B MRS § 504-A(5-A)
Alex McMahan	Email		MedCo.	1.7.A.7 - "On the premises" is against the fire code in instances where the fire department requires the solvent to be stored in a fire cabinet 25 feet away from any building (unless outdoors can be considered to be the "premises").	Chapter 30, Section 1(7) - General Compliance: Requirements Applicable to Prodcuts Manufacturing Facilities	Reject	See definition of "licensed premises" in 18-691 CMR, ch. 10
Alex McMahan	Email		MedCo.	1.8.C.12 - should be struck - prohibits the sale of torches, torch refills, and non disposable lighters (all of which are necessary to consume certain types of cannabis), all for the sake of preventing an issue that is not happening (nobody is buying adult use cannabis to make their own concentrates, and if they were, they can buy butane from walmart or anywhere).	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	Existing prohibition carried over from 18-691 CMR, ch. 1. OCP has not received evidence that sale of these non-cannabis items is impacting cannabis businesses and the intent of this provision is to protect public safety by prohibiting unregulated extraction with these inherently hazardous substances.
Alex McMahan	Email		MedCo.	1.8.C.15 & 1.8.C.16 - Discounts should be at the operator's discretion.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Reject	Discounts are permitted but discounts or other marketing tactics to promote over-consumption of cannabis are prohibited.
Alex McMahan	Email		MedCo.	1.8.C.20 & 1.8.F.8 - It is unreasonable and unnecessary to require permission slips from hotel owners. The legislature should consider removing this.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Rejected	Rules promulgated to implement the adult use cannabis program written to align with OCP mission to protect health and safety of all Mainers while effectively and responsibly regulating cannabis establishments.

Alex McMahan	Email		MedCo.	1.8.C.24 - Should be struck completely, but also begs the following question: What happens if a customer opens a package in an operator's parking lot ("area that the licensee controls")? The operator just broke the law.	Chapter 30, Section 1(8) - General Compliance: Requirements Applicable to Cannabis Stores and Nursery Cultivation Facilities	Accept in part	See addition of "knowingly or negligently" to this paragraph
Alex McMahan	Email		MedCo.	1.10.D.5 - the vehicles should only be subject to search while doing the transport.	Chapter 30, Section 1(10) - General Compliance: Requirements Applicable to Sample Collectors	Reject	Vehicles used for cannabis licensee's business are subject to inspection like any other equipment.

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Lynsi Sheckler			Acreage Holdings	Regulation: 18-691 C.M.R., Chapter 30, Section 2(D) Sales Delivery Manifest A sales delivery manifest, generated by the tracking system, is required for all deliveries of cannabis or cannabis products by a cannabis store, tier 1, tier 2 or nursery cultivation facility, or products manufacturing facility licensee to an adult use consumer. Comment: Clarification should be made that prepackaged, intact items sent for delivery that are refused by the consumer (i.e. never leave the transporter's possession) can be returned to the facility and resold.	Chapter 30, Section 2(2)-- Tracking, Transportation, Returns, and Records Retention: Transportation	Accept	
Elisa Ellis	Online	OCP		Please consider expanding transportation to be by more than motor vehicle. Being a state with many islands, transportation by boat may be a necessity as it is for one pending application OCP has that can not currently move forward with this limitation to be able supply his store with product.	Chapter 30, Section 2(2) - Tracking, Transportation, Returns and Records Retention: Transportation	Accept	See new allowance for transport by watercraft in certain circumstances
Alex McMahan	Email		MedCo.	2.1.F.1 & 2.1.F.2 - The Department should only need to be notified if the outage prevents the operator from reconciling before 11:59 PM.	Chapter 30, Section 2(1) - Tracking, Transportation, Returns and Records Retention: General Tracking Requirements	Reject	Outages must be noted to ensure OCP can follow up on any data irregularities that occur as the result of such outages
Alex McMahan	Email		MedCo.	2.2.D - This whole section should be reworked to work better with businesses. It is possible without sacrificing tracking. I will bring my suggestions to the upcoming legislative session.	Chapter 30, Section 2(2) - Tracking, Transportation, Returns and Records Retention: Transportation	No specific change requested	
Alex McMahan	Email		MedCo.	2.2.E.13 - Vehicles should only be subject to search only during transport.	Chapter 30, Section 2(2) - Tracking, Transportation, Returns and Records Retention: Transportation	Reject	Vehicles used for cannabis licensee's business are subject to inspection like any other equipment.

Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning
Jill Cohen			Cohen Law Maine	What is gained by adding the license number? The licensee's business is well-identified in advertising as that is the whole point of advertising. OCP hardly provides any information online related to licenses. So it's not like a member of the public would be able to search the license number and find contact info for the licensee. Portland has this requirement for its licensees. What this new rule would mean for Portland licensees would be that all of their advertising has to include OCP's 6 digit license number along with Portland's 12 digit license number along with the required 21+ statement. The 21+ statement makes perfect sense. The addition of the license number, in my opinion, adds no valuable information for the consumer and does not contribute to public safety.	Chapter 30, Section 3(3) - Advertising: Required Statements	Reject	License numbers can be searched on OCP's open data portal available at: https://www.maine.gov/dafs/ocp/open-data/adult-use and consumers have a right to know who is responsible for marketing and advertising of cannabis and cannabis products.
Victor Cote		OCP		(f) May not be sold or conveyed to any licensee, consumer or employee other than the employee identified in the Department's inventory tracking system; and Strike: other than the employee identified in the Department's inventory tracking system Add: and that employee must be identified in the Department's inventory tracking system	Chapter 30, Section 3(6) - Advertising: Marketing Between Licensees and Employee Samples	Reject	Change not necessary to effectuate requested result.
Victor Cote		OCP		Add some sort of clarifying language below to emphasize that the package maintains its child-resistance throughout the life of the package. It can be opened and closed, but still remains child-resistant. Pg 65 (4) Packaging and Labeling for Retail Sale of Edible Cannabis Products (A) (2) For multiple-serving edible cannabis products: (a) Every multiple-serving edible cannabis product must be placed into a child-resistant container that is resealable. (Add: and remains child-resistant.) ... (4) Multiple-serving cannabis drinks or tinctures that contain more than 10 milligrams of THC but no more than 200 milligrams of THC, except as permitted by §1, sub-§ 7 and 18-691 CMR, ch. 5, must: (a) Be packaged in a child-resistant container compliant with 16 C.F.R. Part 1700 (2018) that has a resealing cap or closure (Add: that remains child-resistant);	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	Reject	Change not necessary to effectuate requested result.
Michael DiPersia	Online		All Purpose Flower LLC	I oppose this section as it is too vague and could lead to enforcement in almost every scenario. This NEEDS to be specific.	Chapter 30, Section 3(1) - Advertising: Prohibitions	o specific change requested	
Jill Cohen	Online	Cohen Law Maine PLLC		I will join in feedback I expect you will receive from other attorneys suggesting that OCP adopt the definition of "cartoon", prohibited on tobacco advertising, from the Tobacco Settlement Claims Act for use in defining "appealing to individuals under 21": "[a] drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria: (1) the use of comically exaggerated features; (2) the attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or (3) the attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation." As written, the advertising prohibitions in the proposed rule still are quite ambiguous and do not provide certainty to licensees as they make decisions related to brand development and advertising.	Chapter 30, Section 3(1) - Advertising: Prohibitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age" in 18-691 CMR, ch. 10
Ryan Parker	Online		Stoner & Co.	I would like to see the public distribution of handbills be an accepted form of advertising. There are so many roadblocks already in the way of persons under 21 being able to get product from the Adult Use Market. As long as the handbill follows the guidelines outlined by this section there should be no issue with offering handbills in public locations.	Chapter 30, Section 3(1) - Advertising: Prohibitions	Reject	Given the robust prohibitions on marketing and advertising to individuals under 21 years of age, handbills, like billboards, are not an appropriate medium for cannabis advertisements
Karleena Stoner	Online		Stoner & Co.	To allow our ideal target market to know us, like us and trust us enough to become a customer, advertising, promotion, publicity, PR, sales and marketing is an essential component of a business strategy. An organization cannot tell a brand story without these platforms. Please amend your rules to allow cannabis companies to responsibly participate in business strategies that are essential for competitiveness and success. The language in section C3 of the rules states that we cannot utilize television, radio, print media or internet advertising in cases where there is a high likelihood it will reach persons under the age of 21; this language essentially forbids us from using these platforms at all. We suggest instead of using the words "No licensee or agent of a licensee may utilize television, radio, print media or internet advertising in cases where there is a high likelihood it will reach persons under the age of 21" you use language that says, "No licensee or agent of a licensee may intentionally use television, radio, print media or internet advertising to target persons under the age of 21." Additionally, because this statement leaves much up to interpretation, it may be beneficial to include language that states, "the use of animal mascots, logos or language is prohibited. Referencing characters, fonts or terminology from programming, products or literature geared toward children is prohibited.	Chapter 30, Section 3(1) - Advertising: Prohibitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age" in 18-691 CMR, ch. 10
Karleena Stoner	Online		Stoner & Co.	We strongly believe that it is our responsibility to serve our community. We serve our community by being season sponsors of community theater, softball teams and golf events, just to name a few. With the current language, those sponsorships would be prohibited as they could inadvertently be seen by various age groups. We suggest changing the language to allow us to continue sponsoring community endeavors without targeting children.	Chapter 30, Section 3(4) - Advertising: Branding and Logos	Accept in part	See revised definition of "appealing to individuals under 21 years of age" in 18-691 CMR, ch. 10
Richelle Bossi	Online		Highbrow	Similar to our response in regards to the "appealing to those under 21, we find these restrictions prevent us from doing philanthropy in the communities in which we operate. This applies to all of the advertising language that is proposed.	Chapter 30, Section 3(1) - Advertising: Prohibitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age" in 18-691 CMR, ch. 10

Alex McMahan	Email		MedCo.	3.1.A.1, 3.1.B.5, & 3.1.B.6 - This language is too ambiguous.	Chapter 30, Section 3(1) - Advertising: Prohibitions	No specific change requested	
Alex McMahan	Email		MedCo.	3.5 - What if it is in a magazine or another third party medium already in circulation?	Chapter 30, Section 3(5) - Advertising: Objectionable and Non-Conforming Advertising	Question	OCP response to question: Licensees are required to engage in due diligence prior to engaging in advertising or marketing. Licensees should be able to produce data or other information from a publication or other media outlet regarding the expected distribution and target audience for any medium where advertisements are placed
Alex McMahan	Email		MedCo.	3.6.A.4 - typo: missing the word "to" in between "conveyed" and "consumers".	Chapter 30, Section 3(6) - Advertising: Marketing Between Licensees and Employee Samples	Accept	

Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning

Team Discus	Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning
Yes	James Judge	Online		Theory Wellness	Packaging and Labeling. 1.B.13 (pg62) We are concerned that changing the required warning statement will unduly burden producers who have procured large amounts of packaging and labels with preprinted warnings. A change in the warning language will require disposal or relabeling of this packaging, and/or the need to purchase different packaging and labels, which is an unforeseen expense to the industry.	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging
	Kate Limbos	Online		Zenia Cannabis Co.	We notice you have changed the warning on the package. We purchase a good quantity of labels to keep our costs low. I hope you intend to offer licensees a good amount of time to run through all the packaging they have on hand?? It is very costly and wasteful to throw away packaging. We are small business owners and to have to throw away perfectly good packaging would be upsetting. Hopefully you will allow us to phase in the new warning as we reprint our labels and run through the stock that we have. For example we are currently in the process of ordering our 200mg edible packaging. Since the new warning is proposed we are printing them with the current warning. So now we'll have even more packaging on hand with the old warning. Please don't make us waste thousands of dollars of packaging. That isn't good for anyone or the environment.	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging
Yes	Kate Limbos	Online		Zenia Cannabis Co.	(1/2) Why does the edible packaging have to be opaque all of a sudden???????? We have thousands and thousands of labels on hand that work with our 3oz clear plastic jars. They don't make an opaque version of this child proof jar. Now you would like us to throw away all of that packaging so that it can be opaque??? This is insane and horribly wasteful!! What specific problems have occurred with packaging that is not opaque? Are you imagining problems that haven't happened or are you responding to actual problems? Are we preparing for the Boogie Man? I don't think you are responding to actual problems because we follow things closely and haven't heard of any problems due to clear packaging. Is this some kind of retaliation against license holders? That's what it feels like. This business is hard enough!! This is infuriating. Is there anyone in your office who has professional experience with manufacturing, operating a business, and the costs associated with this???? It seems like maybe there is not. Why would you do this to us? I understand why whoever that guy that was yelling at you on TV about the opaque packaging was yelling. Do you care about small businesses at all? I wish I could have been there to voice my frustrations on this one. We're a big part of the backbone of the economy in Maine. How much tax revenue do we generate? Why can't we work together? We all care about safety. There could be a collaborative relationship between your office and license holders if you wanted that? I don't understand. You do realize that someone can print an opaque package with a perfect picture of their candies on it looking 100x better than they do in real life? Seems like that's just as appealing to a kid as an opaque package and potentially more so because of how you can make something look way better than real life with good designers. Burger King is in trouble for making their Whoppers look bigger than they are. It's easier to make something look more appealing in a picture than it is in real life. I would direct you to literally all food advertising for examples of this. Design is expensive and you are giving an advantage to all the big companies with big design and photography packaging budgets. As a small business we just spent everything we could on new packaging design. This was one of our biggest expenses yet. If opaque had been the rule would you have designed different packaging. We can't afford to redesign all our packaging again. You clearly don't understand how expensive that is. As small business owners we don't have that kind of budget. This business is insanely expensive to operate. If you are concerned with kids getting into edibles than make the resealable package be childproof every time you open it. Currently once you open a package it doesn't have to be childproof. Our packaging is, but that seems like it might be more important for child safety to me than whether you can see through the package especially if you're just putting an even sexier picture on the package then what's actually in it.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging
	Kate Limbos	Online		Zenia Cannabis Co.	(2/2) Again, I can't think of anything this is based in other than what feels like retaliation against licensees who are an essential part of the backbone of Maine's economy. We are kind, caring, hardworking small business owners. Please don't treat us this way. We don't treat you this way. Respect works both ways. I can't believe you are doing this to us. I'm at a loss.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging

Yes	Kate Limbos	Online		<p>(1/3) This comment is in reference to the proposed opaque packaging rule.</p> <p>Do you have anyone on your team who has experience running a small business and/or in manufacturing? Good design and packaging work is very expensive!!! This past year we underwent a big project with upgrading our packaging. We spent hours and hours looking at different containers and designing compliant labels. When you have labels designed the designers create custom dielines for the exact size of your jar. Not all jars are the same size. Then you have to buy plates for your labels so they can be printed. Then if you are trying to be smart with costs you are ordering enough packaging at a time so that your costs are less expensive. We spent so much time and care and money on this project and now you want to change the rules? I can't tell you how upsetting and potentially infuriating that would be. So much time and money wasted.</p> <p>As a small business owner we spend 100% of our time on this business. So when I see a proposed rule like this I get very upset about all the wasted time and money that we can't afford to waste. Have you thought about how much packaging people are going to have to throw away? Also is there consistency with the medical program or is it fine to have 2000mg edibles not in opaque packaging with no potency testing for medical except maybe at dispensaries? If that's the case it doesn't seem like this is about safety. If it was it would be consistent between both programs. If we end up wasting all that time and money we spent investing in our packaging that is compliant to the current rule I'm going to be really really really really really upset. I'm not sure there are words.</p> <p>Everyone that I've met at your office so far seems like a very nice person but this will erode our relationship if we suffer such a big financial loss. You can't cost us all that time and money and not have that happen. This makes me sad and frustrated because we are naturally collaborative people who want to help and have things run smoothly and have a safe and thriving program for all. We want to build constructive working relationships based in respect. It feels like you're taking a wrecking ball to that. I don't understand your reasoning for this?</p> <p>Last night I spent several hours I don't have looking for an opaque replacement to our clear jars in an attempt to see if we could rescue the thousands of dollars of labels we purchased for exactly those size jars. So far I don't see an opaque replacement that exists. We can't afford to make the same investment and go through all the time it takes to redesign our packaging because you change your minds now? I can't tell you how much money and time this will cost us!!!</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging
	Kate Limbos	Online		<p>(2/3) I'm not sure if you've seen the candy isle or the cereal isle at the grocery store? Take a minute to peruse the isles again. These packages are all opaque and take away the people, fruit and animals are still super attractive to children. When you have the design budget of a large corporation you can go to town on this where small businesses cannot. We can't afford to design our packaging all over again. From this end it seems like you are unaware of the expense that would be? It feels like you are trying to harm our business. Meanwhile elsewhere in the world DHHs has recommended to the DEA that cannabis be downgraded to schedule 3.</p> <p>Also please take a look in your medicine cabinet at home. All prescription drugs come in clear bottles!! The pharmacist puts them in a white paper bag when you purchase them at the pharmacy. This white paper bag is just that, a white paper bag. It's not child proof because the pill container is child proof. The entire pharmaceutical industry doesn't feel the need to make sure their containers are opaque. You can get heroine (oxycodone) in a clear bottle. You can get methamphetamine (adderall) in a clear bottle that is not opaque.</p> <p>(I'm out of room again. Continuing my comment in next section.)</p> <p>Since you can get alcohol, meth and heroine in clear containers with only a paper bag separating you from a highly addictive substance I'm really struggling to wrap my brain around why cannabis needs to be in opaque packaging?? If the cannabis package is childproof and it goes into an opaque bag (not child proof again), then that is like every pharmacy in this country. Currently someone can pick up their prescription for meth or opiates in the grocery store and walk with it next to a child who is also in the grocery store. You don't have to be 21 to enter a grocery store. If you were to put these serious drugs and alcohol in only opaque containers do you think it would have an effect on the accidental ingestion rate or abuse or addiction rate? I understand this is personal and anecdotal but I've met way more people who have gotten into trouble abusing prescription meds and alcohol than I have cannabis. My sister would still be alive if she had access to cannabis. If I thought opaque packaging in any way would actually contribute to safety I could see supporting it although the financial burden on licensees would still be rather cruel. Given the greater context of the world and how other much more dangerous substances are treated I don't understand the logic here?</p> <p>Respectfully if safety was my number one concern I would work on regulating the Delta 8 market and getting that off the streets. We've heard fentanyl has been found in some of these products. If I was worried about cannabis poisoning that would be my first area of concern. Also if safety was my concern I'd have the same rules for the AU and Med markets. We hear talk all the time of out of state cannabis being brought into Maine, large quantities of distillate being sold that's not from Maine. Apparently we just need to keep people honest in the AU program?</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging

	Kate Limbos	Online	Zenia Cannabis Co.	<p>(3/3) We are always 100% for safety. Mandating that packages be opaque does nothing for program safety. All it accomplishes is wasting a lot of packaging, puts a considerable financial burden on small businesses and gives large corporations the advantage to design products that are just as attractive if not more so than products with non-opaque packaging. The food industry spends an insane amount of money designing packages that look way better than what's inside.</p> <p>I will tell you as a kid that the more you made something I'm not supposed to look into, guess what, I'm going to want to look in there even more. It's human nature. We already know that when there is a legal cannabis program under age use goes down because it takes all that away. Are there cases of cannabis poisoning in Maine in the AU program that are directly related to non-opaque packaging? Can you please provide these?</p> <p>There's a reason that not all food packaging in the grocery store is clear. The answer is that it's hard to make a product that looks as good as a picture on the package or a fancy design that someone paid for. It's a sign of the quality of a craft product when you are confident enough to have the product speak for itself. That is much harder to control than a pretty package. There's a reason the entire food industry makes their products look way better on packaging and in ads than they do in real life, but I am repeating myself.</p> <p>We understand your concerns about safety and we are very much for a safe program for all participants. I hope I've been able to illustrate how opaque packaging does nothing for safety in real life. Again if safety is the main focus we'd have the same rules for both programs and the strongest edibles on the market. We'd figure out how to get unregulated Delta8 products off the streets. You don't have to be 21 to buy Delta8 products from gas stations or the internet. There's no regulations about their packaging, no mandatory warnings, no educated store associate to help.</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging
Yes	Jill Cohen		Cohen Maine Law	<p>(C)(1) - Noting my continued objection to disallowing animals, fruits, and humans. There are ways to use animals, fruits, and humans on packaging without appealing to those under 21.</p> <p>(D) - Why would OCP refuse to review a voluntary request for approval? So much of labeling compliance is subjective. My clients prefer to have their packaging reviewed before they invest money in ordering it in large quantities.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	OCP must have discretion to refuse requests for review based upon agency resources. OCP has not been authorized to assess a fee for this service and must use existing resources to meet existing responsibilities
Yes	Lynsi Sheckler			<p>Regulation: 3.8.6. Edible Cannabis Product Safety.</p> <p>(7) Unless impracticable, each single standardized serving of cannabis shall be marked, stamped or otherwise imprinted with the Department-approved universal symbol directly on at least one side of the edible cannabis product in a manner to cause the universal symbol to be distinguishable and easily recognizable. The universal symbol marking shall:</p> <p>(8) Be centered either horizontally or vertically on each standardized serving of cannabis; and</p> <p>(9) If centered horizontally on a serving, the height and width of the universal symbol shall be of a size that is at least 25% of the serving's width, but not less than ¼ inch by ¼ inch; or</p> <p>(10) If centered vertically on a serving, the height and width of the universal symbol shall be of a size that is at least 25% of the serving's height, but not less than ¼ inch by ¼ inch.</p> <p>Comment: Currently, the explanation of the universal symbol affixed to an edible product includes the statement "to be distinguishable and easily recognizable." The determination of "distinguishable and easily recognizable" is up for individual inspectors' judgement. Since such is not described thoroughly, the lack of definition has caused an issue amongst operators producing edible products, when there is patient and consumer demand for such. With the ambiguity in that statement, we urge OCP to allow operators who make an effort in good faith to ensure that each portion is presented with the symbol. The following suggestions are recommended for consideration:</p> <p>(1) If the cannabis product is presented as separate single portions, the operator shall apply the universal symbol to each single portion;</p> <p>(2) If the cannabis product is presented as a single unit comprised of more than one portion, the operator shall make clearly visible lines of demarcation between portions and apply the universal symbol to each portion; and</p> <p>(3) The size of the universal symbol marking shall be determined by the size of the portion instead of the overall product size and shall not be less than one-fourth inch by one-fourth inch.</p> <p>(4) Individually wrapped, single-serving portions may satisfy the universal symbol marking requirements by including the universal on the packaging layer for the individual portion</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	Statutory change required, see 28-B MRS § 703(1)(D)

Yes	Lynsi Sheckler			<p>Regulation: 3.8.6. Edible Cannabis Product Safety.</p> <p>(7) Unless impracticable, each single standardized serving of cannabis shall be marked, stamped or otherwise imprinted with the Department-approved universal symbol directly on at least one side of the edible cannabis product in a manner to cause the universal symbol to be distinguishable and easily recognizable. The universal symbol marking shall:</p> <p>(8) Be centered either horizontally or vertically on each standardized serving of cannabis; and</p> <p>(9) If centered horizontally on a serving, the height and width of the universal symbol shall be of a size that is at least 25% of the serving's width, but not less than ¼ inch by ¼ inch; or</p> <p>(10) If centered vertically on a serving, the height and width of the universal symbol shall be of a size that is at least 25% of the serving's height, but not less than ¼ inch by ¼ inch.</p> <p>Comment: Currently, the explanation of the universal symbol affixed to an edible product includes the statement "to be distinguishable and easily recognizable." The determination of "distinguishable and easily recognizable" is up for individual inspectors' judgement. Since such is not described thoroughly, the lack of definition has caused an issue amongst operators producing edible products, when there is patient and consumer demand for such. With the ambiguity in that statement, we urge OCP to allow operators who make an effort in good faith to ensure that each portion is presented with the symbol. The following suggestions are recommended for consideration:</p> <p>(1) If the cannabis product is presented as separate single portions, the operator shall apply the universal symbol to each single portion;</p> <p>(2) If the cannabis product is presented as a single unit comprised of more than one portion, the operator shall make clearly visible lines of demarcation between portions and apply the universal symbol to each portion; and</p> <p>(3) The size of the universal symbol marking shall be determined by the size of the portion instead of the overall product size and shall not be less than one-fourth inch by one-fourth inch.</p> <p>(4) Individually wrapped, single-serving portions may satisfy the universal symbol marking requirements by including the universal on the packaging layer for the individual portion</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	Reject	Statutory change required, see 28-B MRS § 703(1)(D)
Yes	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose certain requirements under these proposed rules. Specifically I believe that the in #10 of this section production date leads to confusion to the consumer. I think a much more appropriate date would be the tested date as the Metrc tag/COA information directly correspond to that date. Under #13 of this I find the new warning label to be misleading and potentially not rooted in fact. The part stating it may lead to psychiatric problems does not feel rooted in current understanding or the proposal by the FDA to reschedule cannabis to a schedule 3. I would like this language removed or ask OCP to release the verified medical research that supports this. This new language will also require all licensees to redo packaging where the old warning has been printed adding expense.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	Re: production date, consumers have a right to know when their cannabis was harvested; re: warning label, see memo of Dr. David Nathan of Doctors for Cannabis Regulation regarding this new warning. Licensees will be given at least a year after implementation to phase out the use of noncompliant packaging
Yes	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose this section entirely and want to discuss the implications this will have on cannabis businesses in the state. Currently the statute requirements of inhalable cannabis products being child resistant and opaque CAN be met at the point of sale at the retail level. I would like to see that part of the regulations to continue to be allowed by OCP. In the proposed rule it now removes this option of a cultivation licensee using non child resistant and non opaque packaging which would then only be allowed to be sold to a consumer after it is placed in a child resistant exit package (at the point of sale). Cultivators have invested millions of dollars into packaging and branding. This would force them to redesign and lose millions of dollars in the process. There is not any reason from a public safety prospective to make this change as all cannabis products in our current regulations still are sold to all customers in child resistant containers but the the distinction being that they are allowed to be non child resistant until the point of sale where a child resistant exit package can be used is an important distinction.</p> <p>Opaque packaging also will increase the cost for the retailer. Most customers want the opportunity to visually see the cannabis flower they are purchasing prior to sale. A visual inspection can aid a consumer in making a much more transparent purchasing decision and determine if the product looks visually like something they would like or find to be the correct value. At this time under the control of retail staff or in display cases across the state consumers are able to see the cannabis flower through glass jars or mylar bags without opening them or breaking a tamper evident seal. This allows the products to be sold compliantly into the future. If this proposed rule is not changed then every retail employee will have to spend an increased amount of time with each customer. The only way a customer could see products would be if a retail employee opens an opaque package to show them-this would render it unable to be sold once the tamper evident seal is broken and the product would have to be destroyed. This increase in time at each point of sale will cost all store owners. This increase labor cost will also increase the amount of time each transaction takes. This increase in time will lead to the need to hire more labor to sell the same amount of products as previously done. All these additional costs will eliminate any potential savings from eliminating exit packaging.</p> <p>Consumer safety and law can be met currently using child resistant exit packaging as well as meet the requirement of being opaque. This option should be allowed to continue as an option. If a retailer wants to stock a non child resistant non opaque option and take on the expense of a child resistant exit bag then this should be allowed as the new regulation does not add any additional public safety and only increases costs to all licensees. I understand that there may have been a reason to want to eliminate exit packaging from an environmental prospective-but regardless of regulations all retailers will still have to offer shoppers a shopping bag of some kind at the point of sale. People will continue to want to leave with their products in a bag like any other traditional retail business. We can maintain public safety as well as labor costs by allowing the child resistant and opaque requirement be met at the point of sale through exit packaging. I think the option to also meet this requirement before point of sale could also be a reasonable option for some.</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhalable Cannabis Products	Accept	Exit packaging permitted and can satisfy opacity requirements
	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose this sections requirement to label in bold capital letters PRODUCT NOT TESTED. I have always opposed this requirement.</p> <p>It is pointless and is the entire reason we use Metrc. During an inspection OCP will know what is tested and what is not. We also all know this as licensees as these tags are within our possession. This serves no purpose as both regulators and business owners have this information by using Metrc which is required. This will lead to unnecessary violations and redundancy. There is no reason for this from a business prospective or consumer safety prospective.</p>	Chapter 30, Section 5(8) - Packaging and Labeling: Packaging and Labeling for Storage by a Cannabis Establishment	Reject	Field investigators must be able to readily and visually distinguish between tested and untested batches of cannabis during any inspection, investigation or other site visit

	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose certain requirements under these proposed rules. Number 10 of this section regarding production date leads to consumer confusion. I think a more appropriate and accurate date would be the tested date. This date corresponds to the COA and to the information that is required like the, batch number etc. This is more relevant and transparent.</p> <p>Number 13 as well as the new warning label is concerning. With the FDA findings and push for rescheduling cannabis I need the department to provide the medical research that supports stating the product may lead to psychiatric problems. This does not seem rooted in fact from what I can find. It does not seem to be supported by verified research. I would like to see this language removed from any proposed new warning. I would also like to see the old warning stay as is for licensees who have preprinted packaging. The added cost is potentially large for some licensees and the current warning does an adequate job of capturing what it should.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	See letter of Dr. David Nathan of Doctors for Cannabis Regulation, attached to basis statement, regarding the change to the warning. Licensees will be given at least one year after implementation to phase out the use of noncompliant packaging.
	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose this section and would like to discuss the implications this will have on cannabis businesses in the State. Currently the statute requirements of inhaled cannabis products being child resistant and opaque CAN be met at the point of sale though child resistant exit packaging at the retail level. I would like to see this to continue to be allowed to meet this requirement.</p> <p>In the proposed rule it now removes this option which currently allows a cultivation licensee to use non child resistant non opaque packaging which would then be required to be placed into an opaque child resistant bag at the point of sale. Cultivators have invested millions of dollars into packaging and branding. This change would force most to redesign their packaging and to collectively lose millions of dollars. Our industry simply cannot afford this when it will not add to public safety.</p> <p>There is no reason from a public safety prospective to make this change as all cannabis products under our current regulations cannot leave a retail store with a customer without being child resistant and opaque which exit packaging at the post of sale accomplishes this for many.</p> <p>Opaque packaging will also increase the labor cost for the retailer. Most customers want the opportunity to visually see the cannabis flower they are purchasing prior to sale. A visual inspection can aid a consumer in this heavily regulated market in making a more informed decision about their purchase. It can help them judge value, quality and leads to transparency as well as trust. It shows the cultivator has nothing to hide. At this time under the control of retail staff or in display cases across the state consumers are able to see the cannabis flower through clear jars and mylar bags (without the need to break a tamper evident seal and open them). If this proposed rule is not changed then every retail employee will have to spend an increased amount of time with each customer. The only way a customer could see products if opaque packaging is required would be by opening the container and showing them. This would render that product unable to be sold and eventually destroyed. This increase in time each sale will take will cost store owners more money for each transaction. This increase in labor cost will also require the store to bring on more staff as the number of employees it previously required to operate would increase with the added time each transaction will now take. This creates even more added labor cost. All these added costs will eliminate any cost savings not needing exit packaging will have.</p> <p>Consumer safety and the law can be met currently by using opaque child resistant exit packaging. This option should continue to be allowed by the rules. If a retailer wants to stock a non child resistant and non opaque product and take on the expense of child resistant exit packaging that should be a permitted option allowed in the rules. Taking this away does not create more public safety and will increase the costs to all licensees. I understand OCP had a reason for this but not allowing exit packaging will not eliminate the need for all retailers to still offer some sort of shopping bag at the point of sale. Many customers will still want a bag for numerous reasons including ease of transport, concealing branding/products, as well as carrying etc just like all retail purchases. Please continue to allow child resistant exit packaging as a way to meet the opaque and child resistant requirements on inhaled products.</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept	Exit packaging permitted and can satisfy opacity requirements
	Michael DiPersia	Online	All Purpose Flower LLC	<p>I oppose this sections requirement to label in bold capital letters PRODUCT NOT TESTED. I have always found this requirement a burden and unnecessary.</p> <p>It is wasteful and unnecessary as we already have this information in Metrc. Every tag has its testing state clearly available both to the licensee and to OCP. This printed signage serves no purpose. The entire point of the tracking system in Metrc is to track things just like this. This requirement leads to added labor cost and potential violations. Remove this please as there is no reason for this.</p>	Chapter 30, Section 5(8) - Packaging and Labeling: Packaging and Labeling for Storage by a Cannabis Establishment	Reject	Field investigators must be able to readily and visually distinguish between tested and untested batches of cannabis during any inspection, investigation or other site visit
Yes	Hannah King	Online	Dentons	<p>Chapter 30, Section 5(1)(B)(13) - WARNING STATEMENT</p> <p>If the Department is going to adopt an entirely new warning statement, which in many cases will be pre-printed on product packaging, we recommend specifying a period of time in the rule during which either the previous required warning statement or the new warning statement will be viewed as compliant. This will allow for a sell down period and will avoid a situation where all packaging immediately needs to have a sticker added to it with the new required information, particularly where retail stores do not have the authority to label products with required information.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Accept	Licensees will be allowed at least one year after rule implementation to phase out the use of noncompliant packaging

Yes	Hannah King	Online	Dentons	<p>OPAQUE PACKAGING</p> <p>References to "exit packaging" were removed in sections throughout the proposed rules. Getting rid of environmentally unfriendly child-resistant and tamper evident exit packaging is sound policy, although, similar to changes in the warning label, the rule should provide for a sufficient period of time for companies who developed and purchased packaging based on the existing law.</p> <p>Additionally, removing the option to use any form of exit packaging (specifically, the ability to have products packaged for sale with a window or clear portions of the packaging providing a view of the product and to meet the requirement that packaging be opaque through exit packaging at the point of sale) will adversely impact consumers and OCP compliance efforts. Requiring that the products displayed in the store be packaged in opaque packaging will prevent customers from being able to view the products they are purchasing and impact their ability to determine that the product is of the quality that they desire prior to purchase. This could very well lead to increased, unnecessary returns and destruction. It also will prevent OCP during retail store inspections from being able to view products that are being sold. This will make it more difficult to determine, for example, whether an edible product is stamped or embossed with a universal symbol in compliance with state law without opening the packaging. Having to open packaging to determine product compliance will require licensees to unnecessarily destroy product.</p> <p>We would recommend continuing to allow businesses to check the box for "opaque" packaging specifically at the point of sale. This can be as simple as placing the tamper-evident, child-resistant cannabis product in a paper bag prior to completing the sale. This is an environmentally sustainable practice and will not result in undue waste. We do not see a strong policy rationale for prohibiting this conduct (particularly given that the policy goal of requiring opaque packaging is preventing individuals under 21 from viewing the product, and individuals under the age of 21 are prohibited from entering an adult use cannabis store).</p> <p>If the Department does move forward with this new requirement, then we request that the Department establish a sell-down period such as six months after the rule goes into effect.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Accept	Exit packaging is permitted and may satisfy opacity requirement
	Kate Limbos	Online	Zenia Cannabis Co.	<p>I wanted to share a study that came through email via Dentons Law Firm yesterday. I keep trying to wrap my brain around where the proposal for opaque packaging came from and the reasoning for it? I've already commented about how opaque packaging does nothing for safety and only gives market advantage to large corporations with big budgets. It also make's the product more taboo which has the effect of making it more appealing to young people.</p> <p>Here's an excerpt from the newsletter:</p> <p>"Study Finds Young MI Consumers With Psychosis Risk Saw Symptom Improvement - A recent study focusing on teens and young adults at risk of psychotic disorders found that regular cannabis use over a two-year period did not lead to the early onset of symptoms associated with mental illness. Instead, the study saw modest cognitive improvements and reduced use of other medications among users. While not advocating for youth cannabis use or endorsing cannabis as a therapy for psychosis risk, the research contributes to the growing body of scientific literature on the relationship between cannabis and psychosis, countering arguments that high-THC cannabis triggers psychosis." - Dentons</p> <p>Here is the link to an article about the study in the Journal of Psychiatry Research</p> <p>https://hightimes.com/study/study-young-mj-consumers-with-psychosis-risk-saw-symptom-improvement/</p> <p>And a link to the actual study</p> <p>https://www.sciencedirect.com/science/article/abs/pii/S0165178123003700?via%3Dihub</p> <p>Let's compare cannabis to alcohol which you can get anywhere, comes in clear bottles with super sexy advertising. We know from friends in the alcohol industry how there is no oversight on manufacturing. If my sister had had access to cannabis versus alcohol for her anxiety she would still be alive. If she was "addicted" to cannabis she would still be alive and her kidneys and liver would be functioning normally. Her body wouldn't have filled with fluid over and over again. Her skin and eyes would not have turned yellow and the fluid coming out of her in hospice would not have been a dark brown color. When I spent the night with her in the morning her skin looked like it was covered with white mold. The nurses said that was the uric acid coming out of her pores that her body can no longer process. My sister chose comfort in the end over what would have been a losing battle with dialysis. She spent two weeks in hospice in a coma state on a lot of pain medication while her body shut down. She was 34 so her heart was strong and kept beating for two weeks. She developed bed sores and we watched the nurses care for the areas where her skin was peeling/rotting off of her body. Take a minute and imagine experiencing this with your loved one. If she was "addicted" to cannabis instead of alcohol none of this would have happened. It's estimated that 140,000 people die from alcohol related causes annually. Alcohol has no medical benefits. I suppose she could have found alcohol anyway but I know my sister. All I can say is that if she had access to affordable cannabis I know she would still be here.</p> <p>"You want to know what this [war on drugs] was really all about? The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.</p> <p>Did we know we were lying about the drugs? Of course we did."</p> <p>-- John Ehrlichman, Assistant to the President for Domestic Affairs under President Richard Nixon</p> <p>The truth is we are all victims of this propaganda. Can we please work together to end the stigma and build community and save lives.</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	

Yes	Kate Limbos	Online	Zenia Cannabis Co.	<p>I'd like to comment about the measuring device requirement. Basically we are saying we can't trust cannabis consumers specifically to be able to measure things themselves? Alcohol consumers apparently are capable of measuring things and understanding alcohol % by volume while cannabis consumers are not? Hmmm... I understand you are trying to prevent overconsumption I'm just not sure that rubberbanding an eye dropper to a cannabis beverage accomplishes this?</p> <p>Under this proposed rule we're adding a measuring device for powders too. We are currently producing a brownie mix, approved by the department. You mix the mix with butter and eggs like you would any baking mix and bake a pan of brownies. Under this new rule we'll need to throw in some kind of plastic scoop with an oz measurement on it that will make zero sense to the consumer? It's added packaging and plastic waste that will live in a landfill forever. It also makes it look like we don't know what we are doing because baking mixes don't come with measuring devices. You pour it into a bowl, mix the ingredients and bake it. I suppose we could put a note on the packaging explaining why we included this measuring device because it doesn't make sense but we are required to, but that's not realistic.</p> <p>Are we concerned in general that cannabis consumers don't have access to measuring devices like tablespoons and measuring cups? Or are we concerned that cannabis consumers can't do simple mathematics? Take a 25mg beverage and a consumer who wants to consume 5mg. They would need to be able to divide 25 by 5 to get the answer to just drink 1/5 of the beverage. Take a consumer who buys a medicated lemonade powder with 5mg per tablespoon. They need to be able to read and have access to a tablespoon. Again with alcohol, a highly addictive substance we trust that consumers are capable of comprehending what a serving size is, how a % of alcohol by volume will effect them, how to consume their desired amount, and how to do simple mathematics.</p> <p>It would be wonderful if we could think about cannabis consumers as being normal people capable of every day functions. We currently trust the general public to purchase alcohol and measure it themselves. I don't understand why cannabis is so different? It seems the only difference is the judgment on the user?</p> <p>My husband and I worked for Stonewall Kitchen, one of the most awarded specialty food companies out there, for a decade. Now that we are in cannabis it's been interesting to see that we are treated differently by some people even though we are the same capable and professional people we have always been. We have a ways to go to remove the stigma on cannabis and trusting cannabis consumers to be as capable as alcohol consumers when it comes to measuring things and using basic math skills would be helpful. There is no way that alcohol is less dangerous than cannabis. Just compare the annual death rate between them. Again I understand the intent is to curb overconsumption and provide safety for people. When you start making the comparison to alcohol it feels like a discriminatory judgment against the capability of cannabis users and doesn't make sense in my opinion. I believe cannabis users are capable of using basic math and measuring with their own devices.</p>	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	
Yes	Jill Cohen	Online	Cohen Law Maine PLLC	(b) (13) Where is the science behind "This product can be addictive"? I do like that you are adding "at risk for psychiatric problems" as this warning is backed by science. I see no value added in the "under 21" statement added to the warning language as it is unlawful to sell to those under 21 and the warning language already contains a warning about "children".	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	See memo of Dr. David Nathan from Doctors for Cannabis Regulation, attached to the basis statement, regarding standardization of cannabis warning labels
Yes	Jill Cohen	Online	Cohen Law Maine PLLC	(A) (1) (c) and (d) Opaque and child-resistant? This change is not prompted by a change in state law. Why is exit packaging no longer sufficient as it is still authorized by statute?	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept in part	Exit packaging permitted
Yes	Jill Cohen	Online	Cohen Law Maine PLLC	This section does not contemplate the use of exit packaging which is still authorized by state law. (B) (2) This section needs further review. supplements. The "amount of a [cannabis product] that is customarily consumed by adults" is dependent on the individual and the dosage. It is not the same as the particular food item's non-cannabis counterpart, because they are not the same thing.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	Accept in part	Exit packaging permitted
	Jill Cohen	Online	Cohen Law Maine PLLC	This section does not contemplate the use of exit packaging which is still authorized by state law.	Chapter 30, Section 5(5) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Topical Cannabis Products	Accept in part	Exit packaging permitted

	Kameron Haines	Online			<p>This seems very bad for the businesses that have already invested in packaging that met previous requirements when exit packaging was in the law.</p> <p>Making the requirement for packaging of product to be opaque removes the ability of customers to visually inspect product that they are purchasing which is very important when comparing quality between different brands.</p> <p>Overall it's bad for business, quality, and the customers. This seems to benefit multi state operators that have had to meet these requirements for other states and add excess regulation on smaller businesses trying to compete in the market.</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept in part	Exit packaging permitted and OCP will allow licensees at least one year from the date of implementation to phase out the use of noncompliant packaging
	Gina A	Online			<p>Strongly oppose this rule change. Retailers should have the option to continue to meet the current requirement of inhaled cannabis products being child resistant and opaque at the point of sale through the use of child resistant exit packaging.</p> <p>The proposed changes would prevent customers from being able to see product through clear packaging while making their selections. Product will have to be opened for customers to see it and ultimately damaged out. Transactions will take much longer. This will create frustration for customers and added expenses of increased retail labor costs and damaging out now unsellable product.</p> <p>Respectfully, mylar bags lend themselves to a lower quality product and give customers a subpar experience. Brands invest so much in unique packaging in hopes of creating a better experience for the customer and to set themselves apart. The proposed changes would lead to a potentially devastating financial loss on already ordered custom packaging, and create an added expense of designing and purchasing all new packaging. This change would force most stakeholders to redesign their packaging and collectively lose millions of dollars. Our industry simply cannot afford this, especially when there is absolutely no benefit to public safety or customer experience.</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept in part	Exit packaging permitted and OCP will allow licensees at least one year from the date of implementation to phase out the use of noncompliant packaging
Yes	Ryan Parker	Online		Stoner & Co.	<p>I would like to see businesses who choose to remediate using potentially harmful techniques be required to make consumers aware of these practices.</p> <p>The voluntary labeling and packaging approval. I would like to see the department be required to answer operators who ask if their product is ready for the market.</p> <p>I have sent field investigators and other members of OCP pictures of our packaging and labeling, before sending it to a retail establishment, and received great advice and guidance. I would be disappointed if I got no response.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Accept in part	See new labeling requirements for remediated cannabis flower and trim. Because OCP has not been authorized to assess a fee for label reviews, it must the balance review of labels with the other responsibilities of the office.
	Ryan Parker	Online		Stoner & Co.	<p>I believe that the warning statement in the proposed rule will inhibit potential customers from trying these products, this could also make products from medical, or illicit market seem safer. The safest product to use is in the adult use program.</p> <p>We also have to take into account all the operators who purchase there packaging in bulk. Almost all packaging is produced internationally, and so the only way to cut costs per unit is to order in large quantities. What are operators to do with packaging that is deemed unfit?</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept in part	Warning statement not changed but OCP will allow licensees at least one year from the date of implementation to phase out the use of noncompliant packaging
	Richelle Bossi	Online		Highbrow	<p>The proposed "opaque packaging" is a large concern for not only us, but other large, local cannabis companies. To remain competitive in today's market, we have to plan our packaging for the year and at times longer to reduce overall cost to deliver a quality, safe, enjoyable product to our consumers.</p> <p>Based on what we have on hand, how long it takes to receive packaging, how challenging it is to source appropriate packaging and now the loss we will take on our year's worth of exit packaging, we are looking at approximately a 40K loss in packaging alone. This does not take into account the work/cost to update all our labels that have been printed and product on the shelf with the proposed new warning statement. We do see that exit packaging has been removed from these requirements, however many companies have already designed and purchased enough of this to last the entire year or more. We have to plan in this manner due to massive market fluctuations and excessive taxation & regulation. This statement also applies to our view on the proposed changes for drinks and topicals. In addition to cost, we feel this is taking away one of the very few ways a company can differentiate themselves with the creativity put into packaging and labeling. This proposal doesn't appear take any of this into consideration</p>	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept in part	OCP will allow exit packaging and licensees will have at least one year from the date of implementation to phase out the use of noncompliant packaging.
Yes	Alex McMahan	Email		MedCo.	<p>5.1.B.13 - The warning label is not an improvement, nor do I believe this was requested by the legislature.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	No specific change requested	
Yes	Alex McMahan	Email		MedCo.	<p>5.1.D - The Department should not be allowed to refuse to review a request for approval. Also there needs to be a clear indication of how long an approval stays in effect.</p>	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	Reject	OCP must have discretion to refuse requests for review based upon agency resources. OCP has not been authorized to assess a fee for this service and must use existing resources to meet existing responsibilities

	Alex McMahan	Email		MedCo.	5.3.A.1.c & 5.3.A.1.d - The striking of the exit packaging is problematic, and was not prompted by the legislature. Also exit packaging is allowed in statute.	Chapter 30, Section 5(3) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Inhaled Cannabis Products	Accept	
	Alex McMahan	Email		MedCo.	5.4.A - The striking of "unless otherwise specified" is problematic, and was not prompted by the legislature. Also exit packaging is allowed in statute.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	Accept in part	Exit packaging permitted
Yes	Alex McMahan	Email		MedCo.	5.4.A.3 - This is another unnecessary change that was not prompted by the legislature.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	
	Alex McMahan	Email		MedCo.	5.4.A.6 & 5.4.A.7 - The striking of the exit packaging is problematic, and was not prompted by the legislature. Also exit packaging is allowed in statute.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	Accept	
Yes	Alex McMahan	Email		MedCo.	5.4.B.2 - This section is problematic. I know we discussed this at the public hearing, however I must point out that the product in question is a cannabis product. It is not a chocolate bar, it is not a bag of chips. By definition, it is a cannabis product. Therefore, the FDA would regulate the nutrition facts label as such, similar to how they would regulate the nutrition facts label for vitamin gummies, or supplements. The "amount of a [cannabis product] that is customarily consumed by adults" is dependent on the individual and the dosage. It is not the same as the particular food item's non-cannabis counterpart, because they are not the same thing. The serving size for Haribo gummy bears is 13 gummies. The serving size for Nature Made gummies is 2 gummies. This makes it clear that the FDA considers them to be different product categories. Similarly, that makes it clear that the FDA would consider cannabis gummies, chips, chocolates, etc to be different product categories than their food counterpart.	Chapter 30, Section 5(4) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Edible Cannabis Products	No specific change requested	
	Alex McMahan	Email		MedCo.	5.5.A.4 - The striking of the exit packaging is problematic, and was not prompted by the legislature. Also exit packaging is allowed in statute.	Chapter 30, Section 5(5) - Packaging and Labeling: Packaging and Labeling for Retail Sale of Topical Cannabis Products	Accept	
	Alex McMahan	Email		MedCo.	5.1.C.1 - "human, animal, fruit" is evidence of the stigma. Request parity with alcohol.	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	No specific change requested	Without specific reference to particular alcohol (or pharmaceutical or tobacco, etc) regulations or laws, OCP does not have enough information to make change requested

Yes	Alex McMahan	Email		MedCo.	S.1.C.7 - This language is too ambiguous, and is evidence of the stigma.	Chapter 30, Section 5(1) - Packaging and Labeling: General Packaging and Labeling Requirements for Retail Sale	No specific change requested	
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Team discuss	Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning
	Gloria Dyer	Online			glad to see the department will have enforcement authority. The documents are very lengthy so I may have missed some of the information. these are some questions that occurred to me as I read the material. Will this enforcement authority also apply to the medical use program? do the complaints for investigation come from anyone or the local enforcement agency? hopefully communication with and education of code enforcement officers is part of this ruling.	Chapter 30, Section 6(1) - Enforcement: Department Enforcement Authority	Question	1) These rules are applicable to the adult use program only. For medical cannabis program regulations, please see 18-691 CMR, chapters 2 and 4; 2) complaints are received by OCP from a number of different sources, including the public and law enforcement; 3) OCP has contracted for the provision of training to law enforcement and municipal code enforcement officers regarding cannabis laws and rules and that training is occurring at present.
Yes	Michael DiPersia	Online		All Purpose Flower LLC	I oppose number 11. A licensee should be allowed to sell cannabis for less than their cost to purchase or produce if it is best for the health of their business. No one wants to sell anything for a loss. If a licensee has an unexpected expense and needs capital fast while the market is slow a low cost sale may be the difference in being able to keep the lights on or failing. This is a real life situation and this regulation could have serious implications. There are also many reasons why a licensee may need to do this. Examples being a cultivator has a crop that fails testing (perhaps a prolonged power outage), a room is seeded by accident, a problem with equipment could all contribute to an exorbitant cost to produce what is able to be sold. A retailer could be holding onto a lot of a single product that falls out of favor with consumers. They may need to move it before it becomes obsolete in the marketplace. Introductory prices to gain shelf space are also sometimes necessary to forge new relationships. Please remove this in its entirety.	Chapter 30, Section 6(5) - Enforcement: Minor License Violations	Reject	Discounts are permitted but discounts that promote overconsumption are not permitted
	Michael DiPersia	Online		All Purpose Flower LLC	I oppose number 11. A licensee should be allowed to sell cannabis for less than their cost to produce if it is best for the health of their business. No one wants to sell anything for a loss. If a licensee has an unexpected expense and needs capital fast while in a slow market a low cost sale may be the difference in being able to make payroll, keep the lights on or pay rent. This is a real life situation and this regulation could have serious implications on businesses. There are many other reasons why a licensee may need to do this. Examples being a cultivator has a crop failure, a room becomes seeded by accident, a problem with environmental controls can all contribute to increasing a production cost per gram to an exorbitant amount once calculated. A retailer could be holding onto product for too long which may have fallen out of favor with consumers or overbought to begin with. They can't hold it as a liability indefinitely so affording us the free market option to sell at prices that make the most sense for our businesses is practical. Sometimes a low cost introductory price is the only way to get shelf space. Please remove this in its entirety as I could list hundreds of scenarios where selling for below cost is prudent and necessary.	Chapter 30, Section 6(5) - Enforcement: Minor License Violations	Reject	Discounts are permitted but discounts that promote overconsumption are not permitted
Yes	Jill Cohen	Online	Cohen Law Maine PLLC		(9) I respectfully disagree that a change in ownership or principal affects public safety. I can see, however, where the Department would want to move this to a higher level violation, but believe it belongs in 6(4) as a Major License Violation.	Chapter 30, Section 6(3) - Enforcement: Major License Violations Affecting Public Safety	Reject	Transfers of ownership interests must be approved by the department in accordance with 28-B MRS § 210 in order to ensure that ownership interests are not transferred to individuals or entities that are not permitted to have such an interest.
Yes	Alex McMahan	Email		MedCo.	6.1.D - There should be more parameters here.	Chapter 30, Section 6(1) - Enforcement: Department Enforcement Authority	o specific change requested	
Yes	Alex McMahan	Email		MedCo.	6.7.B.1.b - Instead of voluntary surrender being initiated by "an individual who certifies that he or she has authority to represent and bind the licensee" it should only be allowed to be initiated by the licensee, unless the other individual possess documentation signed by the licensee stating they can act on their behalf.	Chapter 30, Section 6(7) - Enforcement: Destruction and Voluntary Surrender of Cannabis Plants, Cannabis and Cannabis Products	Reject	Licensees can address such circumstances through staff training
Yes	Alex McMahan	Email		MedCo.	6.9.B.8 - What happens after 90 days? Is the administrative hold limited to 30 days? If so, it needs to be said.	Chapter 30, Section 6(9) - Enforcement: Seizure or Confiscation of Cannabis, Cannabis Concentrate or Cannabis Products	Reject	See 28-B MRS § 803-A

Yes	Alex McMahan	Email		MedCo.	6.10.B.3 - How is this supposed to be accomplished?	Chapter 30, Section 6(10) - Enforcement: Cannabis Recalls	Question	The methods necessary for effectuating a recall of contaminated cannabis or cannabis products are a fact-specific process that involves review of the scope, public health risk, and urgency of the recall, the information available to the licensee regarding the purchasers, methods of notice available to the licensee and OCP in the particular circumstances
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