

	Comments	Total Comments
10(1)	17	
10(2)	1	
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Team	Name	Source	Affiliation	Company name	Comments	Reference	Department Response (accept, accept in part, reject)	Reasoning
	Alex McMahan	Email		MedCo.	1.4 - The definitions of "Sales delivery manifest" and "Sales order" are inconsistent with statute and the rest of the new rules. Both definitions are missing hotels and businesses.	Chapter 10, Section 1(4)--Administrative Definitions	Accept	
	Victor Cote	Email	OCP		<p>Child-resistant: "Child-resistant" means, with respect to packaging or a container:</p> <p>(1) Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; (ADD: including</p> <p>a. Packages that have been certified as child-resistant under the requirements of the Poison Prevention Packaging Act (PPPA, 16 CFR 1700.15(b)(1)) verify correct cite</p> <p>b. A bottle sealed with a pry-off metal crown cork-style bottle cap (for packages containing only a single serving).</p> <p>c. An aluminum or metal can with a child-resistant cap or cover over any stay tab mechanism opening; and</p> <p>(2) With respect to any product intended for more than a single use or that contains multiple servings, resealable (Add: and remaining child-resistant).</p> <p>Borrowed from CA CRP flyer:</p> <p>Types of child-resistant packaging:</p> <ul style="list-style-type: none"> • Single Use ("Initial CRP") – the package is initially child-resistant, but once opened, it is no longer child-resistant. If used, the package's label must say "This package is not child-resistant after opening." • Multiple Use ("Lifetime CRP") – the package maintains its child-resistance throughout the life of the package. It can be opened and closed, but still remains child-resistant. 	Chapter 10, Section 1(4) - Administrative; Definitions	Accept in part	More appropriately addressed in 18-691 CMR, ch. 30, Compliance Rules for Adult Use Cannabis Establishments. See generally, definition of "Child-Resistant" in 28-B MRS §102. See also 28-B MRS § 701(2)(AA)-(D)--Packaging Requirements. See Proposed Rule 18-691 CMR, ch. 30 sec. 5(4)(A)(1) (3) illustrates proposed rules on child-resistant packaging for single-serving packages; see also Proposed Rule 18-691 CMR, ch. 30, sec.5(4)(A), (5)(A)(1) on child-resistant packaging for cannabis products which cite to the Poison Prevention Act under 16 C.F.R. 1700.
	Lynsi Sheckler	Online		Acreage Holding	<p>Regulation: 18-691 C.M.R., Chapter 10, Section 1: Definitions</p> <p>Appealing to individuals under 21 years of age: "Appealing to individuals under 21 years of age" means having the characteristics of media, advertising or marketing typically used to engage individuals under the age of 21 including the use of, or explicit or implicit reference to images, fonts, bright colors, cartoons, characters, creatures, humans, animals, fruit, themes, social media platforms, music, sports, literature, educational institutions, games, activities or businesses or professions that are commonly marketed to, associated with, or otherwise primarily engaged in by individuals under 21 years of age.</p> <p>Comment: There is concern that the list is overbroad, including, e.g., colors, fonts, humans, themes, music, sports, activities. Rules forbid selling or giving away products that appeal to children under 21 years of age.</p> <p>Who determines that certain sports, music, or themes etc. are "primarily engaged" by children?</p>	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age"
Yes	Hannah King	Online	Dentons		<p>APPEALING TO INDIVIDUALS UNDER 21 YEARS OF AGE</p> <p>The proposed definition for "appealing to individuals under 21 years of age" is more restrictive than any advertising/marketing restriction we have seen in any other state. It is difficult to imagine what would not fall under this category. It is overly broad and vague and seems like it would be difficult for licensees to know what is and what is not allowed. We recommend replacing the proposed definition of "appealing to individuals under 21 years of age" with the definition of "cartoon" that was included in the Tobacco Master Settlement Agreement. That definition is as follows:</p> <p>[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 extrahuman abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.</p> <p>This definition was intended to prohibit tobacco advertisements that were appealing to minors, precisely what this rule is intended to accomplish in the cannabis context. The amendment to the statute requires the Department to impose "specific limitations on signs, advertising and marketing to minimize the appeal of adult use cannabis and adult use cannabis products to persons under 21 years of age." By defining "appealing to individuals under 21 years of age" as specifically as a cartoon was defined in the tobacco context to protect children will be sufficient. This will allow for more predictability and will avoid unnecessarily stifling creativity and differentiation between businesses in the industry.</p>	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age"

Yes	Hannah King	Online	Dentons	<p>DIRECT AND INDIRECT FINANCIAL INTEREST HOLDERS</p> <p>Given the broad definition of a "direct or indirect financial interest," we recommend disclosure requirements as outlined below to make this practicable for businesses so that they can enter into strategic partnerships and secure investments from well capitalized private funds and companies while still achieving the state's policy objectives. The disclosure requirements that Maine is proposing and has already started implementing are among the most expansive in the country. We have found that if these rules are strictly enforced, Maine businesses will be precluded from partnerships, investment, and marketing opportunities that other cannabis businesses across the country enjoy. This will set Maine businesses up for a competitive disadvantage if and when cannabis one day becomes federally legal. In the same way that it is simply not possible to obtain and keep up-to-date information about individuals that own less than 5% of the total shares in a publicly traded company, with this information changing on a daily basis, it is also not possible or practicable to obtain this information for individuals that have invested in a venture capital fund or other pooled investment fund.</p> <p>We recommend taking an approach similar to Colorado, which also has broad disclosure requirements. For a private fund, the applicant could provide a chart that identifies the names and ownership percentages of the fund's Executive Officers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other Person that controls the investment in, or management or operations of, the cannabis business. This disclosure should only be required for funds that hold 5% or greater of the total equity in the business entity. The key to meeting the state's policy goals is to ensure that the individuals that actually have control and would know how the money is being invested, and/or would possibly be in a position to influence the business that actually holds the cannabis license, are captured in this review.</p>	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "direct and indirect financial interest"
Yes	Hannah King	Online	Dentons	<p>PRINCIPAL</p> <p>From a corporate law perspective, we have concerns with adding a new definition for "principal" into the regulations that is detached from the requirements in the adult use cannabis statute and significantly more expansive. Directors (Title 13-C, Chapter 8 (Corporations)), Officers (Title 13-C, Chapter 8(Corporations)), Managers (Title 31, Chapter 21 (LLCs)) and General Partners (Title 31, Chapter 19 (limited partnerships)) are positions defined by statute relating to specific entities, and the persons serving in those positions are readily identifiable via each entities' organizational documents (or in the case of corporate officers, minutes and annual reporting with the Secretary of State). For each of these positions, there should be no ambiguity as to who is serving in such position at any given time. The adult use cannabis statute includes requirements for individuals in these specific positions, and we strongly urge the Department to align the regulations with the statute. We continue to believe that the Department does not have the authority to require employees to go through the principal approval process if they are not an officer, director, manager, or general partner as defined in state law.</p> <p>The proposed definition is ambiguous. What does it mean to have controlling authority or a leading position in the company? Would, for example, a director of human resources fall into this category? Would a deputy director of human resources? What about head of IT? Our guess would be that any entity erring on the side of caution would say the answer is yes in all cases. The cautious interpretation—that anyone above the position of shift manager—is a principal, is going to put an impossible administrative burden on cannabis companies, requiring them to go through the principal process every time there is a change in middle management (this will also likely place an increased burden on OCP's staff, in processing all of these changes).</p> <p>While we expressed these same concerns in the past when a similar definition was proposed in a prior rule update (and that definition was later removed), the stakes are even higher now. The rule states that the Department can impose up to a \$100,000 penalty on a licensee that changes "principals" without receiving pre-approval. If it is the Department's position that a CFO, for example, is necessarily considered a "principal" of the business, and the CFO resigns from their position suddenly so that the licensee cannot possibly file an application and get that approved in advance, the licensee is faced with a penalty that could put them out of business entirely. If this type of change is going to be included in the category of a major license violation, it is critical to have clarity and predictability on this point and to make sure that a licensee will not go out of business over something they cannot control, like an executive-level or even mid-level employee of the company quitting without providing sufficient notice or having some kind of issue with their paperwork during a renewal period or otherwise.</p> <p>It is our understanding that OCP's current internal policy has been that the licensing division has up to 90 days to approve a transfer of ownership application, which includes changes in principals. It is rare to have any application approved within two weeks, and not all employees will provide even that level of notice when leaving a company.</p>	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "principal"
Yes	Jill Cohen	Online	Cohen Law Maine PLLC	"Appealing to Individuals under 21 years of age": This expansive ambiguous definition pretty much eliminates all branding, marketing, and advertising. "Themes"? "Fonts"? "Bright colors"? "Social Media"? What is left that would not be included in this proposed definition? I recommend OCP adopt the definition used for "cartoon" in 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."	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age"
Yes	Jill Cohen	Online	Cohen Law Maine PLLC	"Principal": Please include a carve-out for equity owners who have no management authority over the applicant's/licensee's operations. Traditionally non-managing members of corporate entities have been excluded from having to be vetted and added as principals.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "principal"
	Richelle Bossi	Online	Highbrow	The definition of Appealing to Individuals under 21 is very restrictive and all encompassing. It includes so many facets that could be considered appealing to under 21 which will prevent us from doing much of the charity work we are asked to do on a weekly basis for fear of being under scrutiny and non-compliant. We receive many requests all year from a variety of organizations, Youth organizations for sponsorship, Veterans organizations events that are family friendly, local parades for the communities we operate within and we decline due to them being a "gray" area. With this new definition, it removes any of these opportunities to work within our communities, yet it's ok for a local pub or bar to sponsor a little league team.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age"
	Alex McMahan	Email	MedCo.	1.4 - The definition for "Appealing to individuals under 21 years of age" is concerning due to its ambiguous nature.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "appealing to individuals under 21 years of age"

	Alex McMahan	Email		MedCo.	1.4 The new definition of "principal" includes members and partners, whereas in the previous rules minority members/partners with no management authority/control were not regulated exactly the same as officers, directors, managers, and employees. Example: in the previous rules, members/partners with no management authority/control were not required to have IIC cards, whereas in the new rules they are required to.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See revised definition of "principal"
	Alex McMahan	Email		MedCo.	1.4 - The new definition of "Pre-packaged retail units" requires individual containers to be child resistant, which is inconsistent with the statute and was not requested by the legislature.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See 28-B MRS sec. 701(2)(A)—Labeling and packaging: Packaging requirements. "Adult use cannabis and adult use cannabis products must be prepackaged in child-resistant and tamper evident packaging or must be placed in child-resistant and tamper-evidence packaging at the final point of sale to a consumer." Opacity and tamper evident requirements may be achieved with exit packaging. See also, 18-691 CMR, ch. 30
	Alex McMahan	Email		MedCo.	1.4 - The definition of "Unpackaged cannabis or cannabis products" includes child resistance on individual packages which is inconsistent with the statute and was not requested by the legislature.	Chapter 10, Section 1(4)--Administrative Definitions	Accept in part	See 28-B MRS sec. 701(2)(A)—Labeling and packaging: Packaging requirements. "Adult use cannabis and adult use cannabis products must be prepackaged in child-resistant and tamper evident packaging or must be placed in child-resistant and tamper-evidence packaging at the final point of sale to a consumer." Opacity and tamper evident requirements may be achieved with exit packaging. See also, 18-691 CMR, ch. 30
	Cheryl Deraps	Online			ADULT USE MARIJUANA IS ASININE. NO MATTER HOW YOU DISTRIBUTE IT. HAVEN'T WE LEARNED ANYTHING WITH DUI DEATHS AND ADDICTION OVERDOSES? ITS A MIND ALTERING DRUG. I AM ONE OF THE 1 IN 10 THAT THC AND CBD CAUSES PSYCHOTIC EPISODES, EVEN IN VERY SMALL AMOUNTS. YOU DON'T KNOW IT UNTIL IT HAPPENS. YOU COULD BE DRIVING YOUR CHILDREN TO SCHOOL, OR A BUS, OR OPERATING LARGE MACHINER, ETC.. ALL YOU CANNIBUS FRIENDLY FOLKS ARE LOOKING AT IS \$\$\$\$ AND SO ARE MUNICIPALITIES, NEVER THE BIGGER DIRTIER PICTURE.	Chapter 10, Section 1(1)-(4)	General comment	General comment, no specific change requested.
	Alex McMahan	Email		MedCo.	1.4 - Smells should not be considered apparent activity - some types of cannabis establishments create smells 24/7, including times when nobody is there, and it is unreasonable to consider smell to be an indication that persons are present.	Chapter 10, Section 1(4)--Administrative Definitions	Reject	See generally 28-B MRS § 512(1)
	Alex McMahan	Email		MedCo.	1.4 - Controlled entry areas are evidence of the stigma and should be replaced with ID check at point of sale (like alcohol and pharmaceuticals).	Chapter 10, Section 1(4)--Administrative Definitions	Reject	Statutory change required, see generally 28-B MRS sec. 504(4-A)
	Alex McMahan	Email		MedCo.	1.2 - Vehicles used to transport cannabis should only be allowed to be inspected while being used to transport cannabis.	Chapter 10, Section 1(2) - Administrative; Department Authority	Reject	See generally 28-B MRS § 512(1)

