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To: MMMP Registrants and Prospective AUMP Licensees  
From: Director Erik Gundersen  
Date: Tuesday, March 24, 2020  
Subject: Memorandum on Coronavirus (COVID-19) Civil Emergency

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### Background

On March 15, 2020, Governor Janet T. Mills [signed a civil emergency proclamation](#) in response to developments regarding the 2019 novel coronavirus (SARS-CoV-2) and the resulting coronavirus disease 2019 (COVID-19) in Maine.

The following day, Governor Mills and legislative leaders reached a [bipartisan agreement on a revised supplemental budget proposal](#) that targeted funds to protect our citizens and communities and safeguard Maine's economy as the nation confronts COVID-19. In addition, the Governor worked with the legislature to spearhead a package of emergency measures aimed at improving the state and local response to COVID-19. Governor Mills [signed these measures into law](#) on March 18, 2020, and announced additional steps to protect public health and safety.

Most notable among these additional steps, Governor Mills [has signed an executive order](#) prohibiting gatherings of more than 10 people statewide and closing dine-in facilities at all restaurants and bars statewide. In that same communication, Governor Mills strongly urged non-essential public-facing businesses, such as gyms, hair salons, theatres, casinos, shopping malls, to close their doors for two weeks to minimize public gatherings. **Caregivers and dispensaries are exempt from this guidance based on their classification as "other medical facilities".**

The mission of the Office of Marijuana Policy (OMP) continues to be focused on ensuring the health and safety of all Mainers by effectively and responsibly licensing and regulating marijuana establishments. OMP is providing this guidance to registrants and prospective licensees for the purposes of disseminating best practice information and advising on the operational status of the office.

### Guidance on Cleanliness and Sanitation

At the time of this writing, dispensaries and caregiver retail stores continue operating and serving in-state and visiting patients in the Maine Medical Use of Marijuana Program (MMMP). While there has been no statewide directive to cease operations at these establishments, registrants should heed the directives of state and local officials relative to any new restrictions on hours of operation.

In addition, MMMP registrants are encouraged to review their standard operating procedures to identify any areas of improvement in their daily business operations. Critically, registrants will want to consider their standard operating procedures relative to cleaning and sanitizing surfaces and, if appropriate, how they may increase the frequency of cleaning and sterilization efforts. OMP also encourages registrants to consider, evaluate, and socialize adjustments to how they normally interact with patients.

Examples of these adjustments might include how establishments manage patient lines and queues to encourage and facilitate social distancing (i.e. limiting the number of patients in your facility at one time and/or using tape to mark six-foot intervals on the floor), the utilization of order-ahead features that may reduce the risk of exposure, and considering appointment-only operations.

In particular, OMP urges registrants to review the [Maine Center for Disease Control and Prevention](#) (MCDC) and the [U.S. Centers for Disease Control and Prevention](#) guidance on COVID-19, the Maine Department of Labor's resources on [employment-related considerations](#) and the U.S. Department of Labor Occupational Safety and Health Administration's [control and prevention guidance](#) related to COVID-19, and the Maine Department of Administrative and Financial Services' (DAFS) [guidance to state government employees](#) on COVID-19. These materials are not an exhaustive list of all relevant resources.

OMP encourages registrants to consider appropriate strategies to mitigate the risk to public health posed by COVID-19. For example, direct employees and patients visiting your establishment to exercise care with personal hygiene, as these measures continue to be our best defense against the virus:

- Practice social distancing by avoiding groups of 10 or more and keeping at least six feet of distance from others.
- Wash hands often with soap and water for at least 20 seconds. If soap and water are not available, use alcohol-based hand sanitizer.
- Avoid shaking hands as a greeting.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover coughs or sneezes with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

These instructions are important because registrants handle marijuana and marijuana products during the cultivation, manufacturing, and retail processes. In addition, patients visiting your facilities, particularly those who are immunocompromised or otherwise more susceptible to COVID-19, may wish to limit their contact with staff and other patients. Registrants may wish to identify specific hours of operation to serve at-risk patients or make other accommodations to assist them with their needs.

As a reminder, qualifying patients may purchase up to 2.5 ounces of harvested marijuana in a single transaction. Concentrate is included in the definition of harvested marijuana.

## Guidance on OMP Operations

Following the social distancing guidance of Governor Mills, DAFS Commissioner Figueroa, and the MCDC, and in an attempt to limit potential exposure of our staff to the virus, OMP has implemented a staffing plan that allows the vast majority of our team to work remotely. Despite these adjustments, OMP continues to operate at full capacity.

For the foreseeable future, we expect that MMMP compliance inspections will continue unabated. OMP field investigators have been instructed to contact registrants prior to visiting an establishment to ensure the employer and/or employees are not and have not experienced recent illness. In addition, the previously announced in-person [Metrc roadshows are now being conducted online](#) via GoToWebinar.

The office has heard from several MMMP registrants that staffing capacity has become a concern as their employees self-quarantine or assume caretaker roles for family members. OMP is committed to working in partnership with the medical industry to ensure patient access to their medicine. As a result, for the immediate future, OMP will be prioritizing caregiver assistant and dispensary employee applications submitted to the office to mitigate the likelihood of staffing shortages. We expect to take no more than a week to process employment-related applications. Please review all materials for completeness prior to submission to ensure their timely consideration and processing.

In the Adult Use Marijuana Program (AUMP), it continues to be business as usual for OMP. Licensing staff continue processing adult use establishment applications, and we expect that additional conditional licenses may be issued by as soon as Friday.

Early last week, in response to COVID-19, the Second Regular Session of the 129th Maine Legislature adjourned approximately one month ahead of schedule. LD 1545, *An Act Regarding the Collection of Samples for Testing of Adult Use Marijuana and Adult Use Marijuana Products*, passed both chambers before the conclusion of the session and [was signed into law](#) by Governor Mills. As you may know, OMP had several department bills before the legislature that were intended to assist the emerging adult use industry and ensure a smooth implementation. With the early adjournment, those bills were not acted on and OMP is adjusting its plans accordingly.

We encourage MMMP registrants and prospective AUMP licensees to limit, to the extent possible, in-person interaction with OMP. Please consider sending MMMP-related applications and payments via the United States Postal Service or other common courier rather than visiting our office. AUMP applications—both individual identification cards and facility applications—are available online and payment may be remitted by mail.

Please note that [IdentoGO fingerprinting services](#) may be delayed in response to COVID-19; however, interested parties may proceed with other aspects of the application process.

While all eyes remain fixed on a spring launch of adult use, there are several factors that may force us to reconsider the appropriateness of those plans. Several communities preparing for

local authorization and to opt-in for adult use—most notably those that serve as hosts to our prospective marijuana testing facilities—may have to postpone those actions due to the effects of COVID-19 on their communities. Even if those actions proceed as planned, OMP would be abdicating its responsibility as a regulator committed to ensuring the health and safety of the public if it were to attempt to launch a program that would result in actions contrary to the social distancing guidance provided by our state and nation’s leading public health experts.

**OMP is proceeding at full speed to fulfill the will of Maine voters and establish an adult use program. If and when it becomes apparent that a spring launch of this industry no longer appears viable, we will communicate that fact to you as quickly as possible.**

Updates will be available on the OMP website: <https://www.maine.gov/dafs/omp/>.

### Conclusion

Unless otherwise advised by OMP, registrants are required to continue ensuring their compliance with the requirements of Title 22, Chapter 558-C and 18-691 C.M.R. ch. 2 – Maine Medical Use of Marijuana Program Rule. Registrants should also heed the directives of state or local officials relative to any new restrictions on normal business operations.

We appreciate your patience and understanding as OMP staff adjusts to our alternative work arrangements. We also appreciate your consideration and continued vigilance related to the health and wellbeing of MMMP patients and OMP employees as our state, federal, and local governments respond to COVID-19.

If we can be of assistance to you during this time, please do not hesitate to contact us at:

- Phone: (207) 287-3282
- Email: [licensing.omp@maine.gov](mailto:licensing.omp@maine.gov) or [compliance.omp@maine.gov](mailto:compliance.omp@maine.gov)

For more information on Maine’s response to COVID-19 and updated testing results, visit the MCDC website. Additionally, MCDC and 211 Maine have launched a new option for Mainers to get answers to questions about COVID-19 at any time. This service is available by dialing 211 (or 1-866-811-5695), texting your ZIP code to 898-211, or emailing [info@211maine.org](mailto:info@211maine.org).

### References and Useful Resources

#### **Office of the Governor – [Newsroom](#)**

- March 18, 2020: [Governor Mills Takes Further Steps to Respond to COVID-19, Protect Health and Safety of Maine People](#)
  - Executive Order: [14 FY19/20: An Order to Protect Public Health](#) (PDF)
- March 17, 2020: [Governor Mills, Legislature Spearhead Emergency Legislative Package to Respond to COVID-19](#)
- March 16, 2020: [Governor Mills, Legislative Leaders Reach Bipartisan Agreement on Revised Supplemental Budget Proposal](#)
- March 15, 2020: [Governor Announces Significant Recommendations & Signs Civil Emergency Proclamation to Respond to COVID-19 in Maine](#)

- March 12, 2020: [Governor Mills, Maine CDC Announce First Presumptive Positive Case and Additional Steps to Respond to COVID-19](#)

**Maine Center for Disease Control and Prevention** – Division of Disease Surveillance

- [Novel Coronavirus 2019 \(COVID-19\)](#)
- [Full List of Frequently Asked Questions](#) (PDF)
- [Fact Sheet](#) (PDF)
- [COVID-19 Testing for People Who Are Uninsured](#) (PDF)

**U.S. Centers for Disease Control and Prevention** – Coronavirus Disease 2019 (COVID-19)

- [About Coronavirus Disease 2019 \(COVID-19\)](#)
- [Interim Guidance for Businesses and Employers](#)
- [Schools, Workplaces & Community Locations](#)

**Maine Department of Administrative and Financial Services (DAFS)** – [Coronavirus Disease 2019 \(COVID-19\) Resources](#)

- [COVID-19 Flyer for Employees](#) (PDF)
- [COVID-19 Q&A for Employees of Maine State Government](#) (PDF)
- March 16, 2020: [Update to State Employees](#) (PDF)

**Maine Department of Labor** – [Information about COVID-19](#)

- March 16, 2020: [Labor Laws Relating to COVID-19](#) (PDF)
- March 11, 2020: [Guidance on Coronavirus Response and Updates](#) (PDF)

**U.S. Department of Labor’s Occupational Safety and Health Administration** – COVID-19

- [Control and Prevention](#)

**DAFS’ Office of Marijuana Policy**

- March 17, 2020: [Metrc Roadshow Events to be Hosted via GoToWebinar](#)
- March 9, 2020: [State of Maine and Metrc Announce Regional Roadshow Events](#)
- IdentGO Fingerprint Registration: <https://me.ibtfingerprint.com/>