

Maine Medical Use Marijuana Program

Frequently Asked Questions

Most recent revisions to Program Rules (10-144 Code of Maine Rules, Chapter 122), which go in effect February 1, 2018.

The following are answers to the most Frequently Asked Questions we have received. This is only intended as a brief response to specific questions received. For a complete reading of all revised rules, [Link to program rules- 10-144 CMR Chapter 122](#)

- <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>

Section 2

Trip Tickets

Is a caregiver required to have a trip ticket?

Yes. A caregiver is required to have a trip ticket when transporting marijuana or product containing marijuana as proof that the caregiver is authorized to possess the marijuana on behalf of a qualifying patient. The caregiver is required to have a trip ticket when the caregiver is transporting the marijuana or product containing marijuana from a cultivation site to a location to dispense.

Is a dispensary required to have a trip ticket?

Yes. A dispensary is required to have a trip ticket when dispensing marijuana or product containing marijuana to a patient or authorized caregiver and when transporting marijuana from the dispensary's authorized cultivation location to its retail location.

What information does a caregiver need to have on a trip ticket to transport the marijuana to a qualifying patient?

An authorized caregiver is required to label the marijuana during transport in such a way that the trip ticket indicates the patient on whose behalf the caregiver is possessing the marijuana or product containing marijuana. The trip ticket must include the unique numeric identifier for the patient who designated the caregiver, providing the authority to possess the marijuana.

What if marijuana is being transported by a caregiver for lawful disposal?

A trip ticket is still required. The caregiver can note this on the trip ticket, but this does not exempt the caregiver from the requirement of reporting the numeric identification of the qualifying patient who designated the caregiver, providing authority to cultivate and possess the marijuana.

Are trip tickets part of a permanent record?

For dispensing marijuana for medical use to an authorized party, a caregiver or dispensary may be required to have a trip ticket during transport, but is not required to maintain trip tickets in a permanent record.

Can a caregiver sell the marijuana that was acquired through a donation?

Yes. A caregiver can sell the marijuana received as a donation. A caregiver may sell marijuana or product containing marijuana to a qualifying patient or, if permitted by statute, to a dispensary.

The Department has reviewed the final language of the adopted rule and determined that an amendment to the rule inadvertently altered Section 2(B). The adopted rule is not intended to restrict the ability to be compensated for providing marijuana or a product containing marijuana that has been acquired at no cost or as a donation. During the time this rule is in effect, the Department will not consider the resale of donated marijuana as a violation of the rule if the party is permitted by statute to receive compensation for providing marijuana for medical use.

Section 4

Medical Provider Written Certification

Can a medical provider conduct an assessment using telehealth to issue a written certification?

Yes, this rule does not prohibit telehealth medicine or remote healthcare delivery for the purposes of certifying a patient for marijuana for medical use. The use of information technology, including telephonic communication, to remotely monitor a qualifying patient's response and progress regarding marijuana for medical use is not considered a violation of rule or statute.

Is an in-person physical exam needed each time a medical provider issues a written certification to a qualifying patient?

No. The patient and medical provider are not required to be co-located for an assessment if, prior to issuing a written certification, there is an already established relationship or the medical provider has been able to conduct a visual assessment, which may be done via interactive technology and has determined that remote delivery is an appropriate treatment method.

What type of technology can be used to conduct an exam?

Examples of interactive technology include e.g. Skype, Face Time, a visual messenger application as acceptable ways to conduct "a relevant physical examination occurring at a permanent location" if the medical provider is located at a site that would be used for conducting other healthcare services remotely and can have visual interaction. The medical provider must assure any distance or interactive technology used is HIPPA compliant. Telephone or email would not be an appropriate method for a medical provider to initially determine telemedicine as an appropriate treatment delivery method for the qualifying patient with whom the provider has not already had an in-person assessment. Telehealth or remote healthcare delivery must also provide the patient the ability to connect with the medical provider for follow up, consultation or assistance, as needed.

Section 10

Can the Department inspect a patient?

Yes, the Department may request permission to inspect the premises used by a qualifying patient for conduct authorized under this chapter.

The Department assesses conduct reported as a violation of the rule or statute by making contact by phone or requesting access to locations where this conduct is reportedly taking place. The patient may voluntarily permit entry or request an administrative warrant before allowing the Department to enter the location which may be the patient's home. When the Department is refused entry or otherwise unable to ensure compliance, the Department may proceed with obtaining an administrative warrant and/or refer to law enforcement.