



PRELIMINARY DRAFT MEDICAL MARIJUANA PROGRAM RULE

**Office of Marijuana Policy
Department of Administrative and Financial Services**

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General

These rules and the enabling statute, 22 MRS, chapter 558-C, the Maine Medical Use of Marijuana Act, govern the Maine Medical Use of Marijuana Program (MMMP). These rules establish the requirements for the medical use of marijuana, including fees and registration processes and procedures for cultivating, manufacturing, selling, purchasing or otherwise transferring or receiving medical marijuana for the purpose of providing care to qualifying patients. The activities described in these rules may be considered a violation of federal law. Persons cultivating, manufacturing, selling, purchasing or otherwise transferring or receiving marijuana plants or harvested marijuana may be subject to federal sanctions for what may otherwise be considered authorized conduct in the State of Maine, and compliance with these rules does not exempt patients, caregivers, long-term care facilities, dispensaries, testing facilities, manufacturing facilities or their assistants possible federal prosecution. The Department is not responsible or liable for the actions of persons or entities under these rules.

Section 1 – Administrative

The Department of Administrative and Financial Services (referred heretofore as the Department), acting through its Office of Marijuana Policy pursuant to the Maine Medical Use of Marijuana Act, 22 MRS, chapter 558-C (“the Act”) has developed the following rules, to be known heretofore as the “Rule,” for the purposes of implementing, administering and enforcing the Act.

The Department is responsible for administering the MMMP to ensure qualifying patients’ access to safe marijuana for medical use in the State of Maine. This Rule clarifies statutory requirements and describes program administration and operations needed to carry out provisions of the statute. Implementation of program operations and assurance of lawful participation requires conjunctive application of both statute and rule.

1.1 Department Authority. The Department may enforce this Rule and any relevant provisions of 4 MRS, 5 MRS, 22 MRS, 28-B MRS and other general statutes, laws, executive orders or subsequently passed legislation. The Department shall set registration fees in accordance with 22 MRS §2425-A. As applicable, the Department may delegate authority to appropriate state and local agencies. The Department, or an agent thereof, shall have the authority to inspect, during operating hours, times of apparent activity or other reasonable time, any registered caregiver, caregiver retail store, dispensary, manufacturing facility, including inherently hazardous substance extraction facilities, or marijuana testing facility including their business records or vehicles used to transport marijuana or harvested marijuana for medical use.

1.2 Scope of Protected Conduct. The protections and requirements of this Rule are for conduct expressly authorized by this Rule and the Act for the legal medical use of marijuana in the State of Maine by qualifying patients, and for those authorized to assist qualifying patients. To receive protection for conduct authorized by this and the statute, persons shall comply with applicable provisions of Rule and statute, including possessing required documents as proof of authorized conduct. Protections under this Rule do not extend to persons who are not authorized to possess, cultivate, dispense, transport, furnish or administer marijuana for medical use. Any conduct not explicitly authorized by this Rule or 22 MRS, ch. 558-C is prohibited and may be subject to administrative action or referral to law enforcement.”

1.3 Definitions. Definitions in this Rule are in addition to definitions in the Act. As used in this Rule, unless the context otherwise indicates, the following terms have the following meanings:

1. **Act** means the Maine Medical Use of Marijuana Act, 22 MRS, chapter 558-C.
2. **Adulterated** means made impure or inferior by adding extraneous ingredients. Goods that are prepared in food establishments that are licensed facilities pursuant to 22 MRS §2167 and contain marijuana for medical use by a qualifying patient are not considered to be adulterated.
3. **Advertising** means publicizing the trade name of a registrant together with words or symbols referring to marijuana or publicizing the brand name of marijuana items.

4. **Another jurisdiction** means the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states of the United States except Maine.
5. **Applicant** means a person who submits an application for a registry identification card and/or registration certificate under this Rule to the Department for review that the Department has not yet approved or denied.
6. **Assistant** means a person who performs a service for a caregiver, dispensary, or manufacturing facility in accordance with 22 MRS, chapter 558-C and this Rule, whether as an employee or an independent contractor.
7. **Batch** means:
 - a. A harvest batch; or
 - b. A production batch.
8. **Bona fide medical provider-patient relationship** means a relationship in which the treating medical provider has ongoing responsibility for the assessment, care, and treatment of a qualifying patient with respect to the medical use of marijuana.
9. **Business or Business entity** means a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law, but does not include a federal, state or municipal government organization.
10. **Cardholder** means a person who has been issued and possesses a valid registry identification card.
11. **Caregiver** means a natural person resident of Maine, 21 years of age or older, who assists one or more qualifying patients with the patients' medical use of marijuana in accordance with this Rule.
 - (a) **Exempt caregiver** means a natural person who is a caregiver exempt from the registration requirements of this Rule.
 - (b) **Registered caregiver** means a natural person, including those organized as a business entity, who is a caregiver who is required to register with the Department pursuant to 22 MRS § 2425-A and this Rule.
12. **Certificate of analysis** means the report prepared for the party requesting testing and the Department about the analytical testing performed and results obtained by the marijuana testing facility.
13. **Child-resistant** means conforming to 16 C.F.R. Part 1700 (2018), specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not significantly difficult for a typical adult to open or reseal. A container that holds more than one serving or dose of harvested marijuana shall be resealable.
14. **Collective** means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, manufacturing or distribution of marijuana for medical use for the benefit of the members of the collective.
15. **Cultivation area** means an indoor or outdoor area used for cultivation that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area.
16. **DACF** means the Maine Department of Agriculture, Conservation and Forestry.
17. **Deficiency** means a violation of, or failure to comply with, a provision of this Rule or the Act.
18. **Department** means the Department of Administrative and Financial Services.
19. **Designee** means a person or entity authorized by the Department to act on its behalf for a specific purpose, in the administration of the Maine Medical Use of Marijuana Program.
20. **Dispensary or Registered Dispensary** means an entity registered under 22 MRS § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and caregivers of those qualifying patients.
21. **Dispense** means to provide marijuana for medical use to a qualifying patient, including a minor qualifying patient or visiting qualifying patient, for remuneration or no remuneration.
22. **Disqualifying drug offense** means a criminal conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more that prevents the issuance of a registry identification card. "Disqualifying drug offense" does not include:

- a. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years before the date of application for a registry identification card or registration certificate; or
 - b. An offense that consisted of conduct that would have been permitted under 22 MRS, ch. 558-C.
23. **Exit packaging** means an opaque bag or other container into which a registrant places harvested marijuana upon retail sale or transfer to a qualifying patient or caregiver.
 24. **Family** means a group of individuals related through marriage, adoption or common parentage. For the purpose of this rule “family” includes individuals who are residents of the State that are parents, stepparents, spouses, domestic partners, siblings, children, stepchildren, grandparents, grandchildren, aunts, uncles, nieces, or nephews.
 25. **Finished plant material** means marijuana that has been trimmed and dried. Trimming includes removing the leaves immediately subtending the buds and any dead leaves or stems.
 26. **Harvest batch** means a batch of harvested marijuana that was harvested from marijuana plants of the same cultivar, grown under the same conditions, in the same area of a marijuana cultivation area and harvested at the same time.
 27. **Harvested marijuana** means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products but does not include plant material harvested from hemp as defined in 7 MRS, §2231.
 28. **Homogeneous** means that a marijuana product or marijuana concentrate is manufactured in a manner that results in the amount of marijuana or marijuana concentrate and cannabinoids within the product being consistent and equally dispersed throughout the product and throughout each portion of the product or concentrate.
 29. **Household** means a group of individuals who live together in the same residence.
 30. **Immature marijuana plant** means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.
 31. **Inherently hazardous substance** or **IHS** means a liquid chemical; a compressed gas; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.
 32. **Inventory tracking system** means the statewide electronic portal developed, implemented and maintained by the Department or its designee for the purposes of tracking all marijuana for medical use from immature marijuana plant to the point of sale.
 33. **Inventory tracking system administrator** means a natural person who possesses a registry identification card and has completed all required training, including, if applicable, ongoing continuing education, by the Department's inventory tracking system vendor for the purpose of overseeing the inventory tracking system operations of the registrant with whom the inventory tracking system administrator is associated. The inventory tracking system administrator is responsible for ensuring that all of the registrant's inventory tracking system users are appropriately trained and credentialed.
 34. **Limited compliance** means the requirements applicable to registered caregivers who meet certain criteria established by the Department and include limited inventory tracking and modified security, transportation, packaging, and labeling requirements.
 35. **Limited inventory tracking** means the method of inventory tracking that may be used by a registered caregiver cultivating 12 or fewer mature marijuana plants, who does not operate a caregiver retail store as defined in 22 MRS § 2423-A, and whose marijuana plants nor harvested marijuana are not transferred to any other registrant. Limited inventory tracking requires qualifying registered caregivers to affix the plant tag to an immature or mature marijuana plant until that plant is destroyed or harvested in its entirety.
 36. **Long-term care facility** means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a

- facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).
37. **Manufacture** or **manufacturing** means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products including, but not limited to, marijuana extraction or preparation by means of chemical synthesis or the application of heat and/or pressure.
 38. **Manufacturing facility** means a registered tier 1 or tier 2 manufacturing facility or registered inherently hazardous substance extraction facility as defined in this Rule.
 39. **Marijuana concentrate** means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.
 40. **Marijuana extraction** means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents, other chemicals or chemical processes, or the application of heat and/or pressure for the purpose of extracting marijuana concentrate. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in 7 MRS § 2231.
 41. **Marijuana drink** means a liquid edible marijuana product with a concentration of less than 1 mg of THC per ounce of liquid.
 42. **Marijuana plant** means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant, seedling, or marijuana seeds but it does not include a marijuana product or "hemp" as defined in 7 MRS § 2231.
 43. **Marijuana product** means a product composed of harvested marijuana and other ingredients. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.
 44. **Marketing** means activities a registrant undertakes to promote the buying or selling of marijuana plants or harvested marijuana to a qualifying patient or caregiver.
 45. **Marketing layer** means the outer most layer of a retail sale container, which is most predominantly apparent and visible, such as a box or bag that another container containing harvested marijuana is within. If the retail sale container consists of only a single layer, then the outer surface of the retail sale container is the marketing layer.
 46. **Mature marijuana plant** means a flowering female marijuana plant, but does not include hemp as defined in 7 MRS § 2231.
 47. **Medical provider** means a physician, a certified nurse practitioner or a physician assistant licensed in the state.
 48. **Minor qualifying patient** means a qualifying patient who is less than 18 years of age.
 49. **Municipal approval** means an examination and approval of a caregiver retail store, dispensary or manufacturing facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. Municipal approval does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued.
 50. **Municipal authorization** means the adoption or amendment of an ordinance or approval of a warrant article allowing registered caregiver retail stores, registered dispensaries or manufacturing facilities, as applicable, to operate within the municipality.
 51. **Officer or director** means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization, including without limitation those individuals holding such interests as an employee, consultant or other contractor.
 52. **Paraphernalia** means equipment, products and materials that are used in planting, propagating, cultivating, growing, harvesting, manufacturing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana for medical use into the human body. Paraphernalia includes, but is not limited to the following:
 - (a) Kits used or intended for use in the planting, propagating, cultivating, growing or harvesting of any species of marijuana;

- (b) Isomerization devices used or intended for use in increasing the potency of any species of the marijuana plant;
 - (c) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of marijuana;
 - (d) Scales and balances used or intended for use in weighing or measuring marijuana;
 - (e) Separation gins and sifters, used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - (f) Envelopes and other containers used or intended for use in packaging small quantities of marijuana for medical use;
 - (g) Containers and other objects used or intended for use in storing medical marijuana; and
 - (h) Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana into the human body, including but not limited to:
 - i. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - ii. Water pipes;
 - iii. Carburetion tubes and devices;
 - iv. Smoking and carburetion masks;
 - v. Roach clips, meaning objects used to hold burning marijuana cigarettes that have become too small or too short to be held in the hand;
 - vi. Chamber pipes;
 - vii. Carburetor pipes;
 - viii. Electric pipes;
 - ix. Air-driven pipes;
 - x. Chillums;
 - xi. Bongs designed for marijuana and not for cocaine; or
 - xii. Ice pipes or chillers.
53. **Plant canopy** means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy shall be calculated in square feet and measured using the outside boundaries of the area and shall include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area shall be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf shall be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.
54. **Production batch** means a specific quantity of marijuana concentrate or a marijuana product that is produced during a specified period of time using the same extraction and/or manufacturing method, formulation and/or recipe and standard operating procedure.
55. **Qualifying patient** means a person who has been a resident of the State of Maine for at least 30 days and possesses a valid written certification regarding the medical use of marijuana in accordance with the Rule and the Act.
56. **Radio** means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite or internet programming. Radio includes any audio programming downloaded or streamed via the internet.
57. **Registered Inherently Hazardous Substance Extraction Facility** means a tier 1 or tier 2 manufacturing facility, patient, caregiver, dispensary, or freestanding individual or entity, or other person not previously registered with the Department that is authorized by the Department to engage in extraction using inherently hazardous substances approved by the Department.
58. **Registered premises** means the structure or structures and land specified in the application for registration that is owned, leased, or otherwise held under the control of the applicant or registrant where conduct under the Act and this Rule occurs. The premises shall be a contiguous area and may only be occupied by one registrant, unless otherwise permitted by the Act and this rule.

59. **Registrant** means any registered caregiver, registered dispensary, registered manufacturing facility or registered inherently hazardous substance extraction facility.
60. **Registration certificate** means a credential issued by the Department that authorizes the operation of a caregiver retail store, dispensary, manufacturing facility or a long-term care facility.
61. **Registry identification card** means a card issued by the Department to a natural person as proof of authorized conduct under MMMP.
62. **Resident** means a person who is domiciled in the State of Maine.
63. **Retail sale container** means a container in which harvested marijuana is conveyed during a retail sale which meets all applicable packaging and labeling requirements set forth in the Act and this Rule.
64. **Retail store or caregiver retail store** means a store that has one or more attributes generally associated with retail stores, which may include, without limitation: a fixed location, an e-commerce website, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used to offer marijuana plants or harvested marijuana for sale to qualifying patients.
65. **Revocation** means an administrative action taken by the Department to prohibit a registrant from engaging in any authorized conduct for a period of up to one year due to misconduct or other violation of this Rule or the Act by the registrant or its officers, directors or assistants. A registrant shall reapply for a registry identification card or registration certificate following the period of revocation.
66. **Sales delivery manifest** means a record required by the Department for a registrant to document the transportation and delivery of marijuana plants or harvested marijuana by the registrant to qualifying patient or visiting qualifying patient.
67. **Sample** means a portion of harvested marijuana containing marijuana regulated under this Rule that may be analyzed for testing or for research and development purposes.
68. **Seedling** means a nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.
69. **Solvent** means a liquid or compressed gas that can be used to extract cannabinoids from harvested marijuana.
70. **Smoke or smoking** means “smoking” as defined in 22 MRS § 1541(6) including carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device. “Smoking” does not include the use of a nebulizer.
71. **Suspension** means an administrative action taken by the Department to prohibit a registrant from engaging in any authorized conduct for a period of up to one year due to misconduct or other violation of this Rule or the Act by the registrant or its officers, directors or assistants. A registrant may apply for renewal of a suspended registry identification card or registration certificate.
72. **Tamper-evident** means, regarding a device or a process, bearing a seal, label or marking that makes unauthorized access to or tampering with a package, product or container easily detectable.
73. **Tamper-resistant paper** means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.
74. **Television** means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.
75. **Tincture** means a liquid edible marijuana product with a concentration of greater than 1 mg of THC per ounce of liquid.
76. **Tobacco product** means a “tobacco product” as defined in 22 M.R.S. §1551.
77. **Trade sample** means a sample of harvested marijuana provided by one registrant to another registrant in accordance with this Rule solely for the purposes of business-to-business marketing and not for remuneration or anything of value in return.

78. **Transport manifest** means a record required by the Department for a registrant to document the transportation and transfer of harvested marijuana by the registrant to another registrant or an individual exempt from registration by this Rule.
79. **Trip ticket** means a record required by the Department for a registered caregiver subject to limited compliance in accordance with Section 11 of this Rule to document the transportation and transfer of marijuana seedlings or harvested marijuana to a qualifying patient or visiting qualifying patient.
80. **Visiting qualifying patient** means a patient who is authorized for the medical use of marijuana in this State who is not a resident of the State or who has been a resident of the State less than 30 days.
81. **Wholesale container** means a sealed package in which harvested marijuana is conveyed during an authorized transfer from one registrant to another registrant.
82. **Written certification** means an original document authorizing a qualifying patient to possess and use marijuana for medical use that is printed on tamper-resistant paper supplied by the Department to a medical provider, and executed and signed by a qualified medical provider in accordance with this Rule. A written certification is valid for the term indicated by the medical provider, which may not exceed one year. Digital, scanned, photocopied or any other copies of written certification may not be used to demonstrate lawful conduct in accordance with this Rule and the Act.

Section 2 – Qualifying Patients

2.1 - Qualifying Patients

Qualifying patients in possession of a valid written certification may engage in the cultivation, manufacture, testing, purchase, possession, transportation and consumption of marijuana for medical use in accordance with this Rule and the Act.

2.1.1 Certification by Medical Provider. Prior to engaging in conduct authorized by this Rule, a qualifying patient shall obtain a valid written certification from the patient’s medical provider in accordance with this Rule and the Act. A qualifying patient:

- A. May not possess more than one medical provider written certification at one time;
- B. Is responsible for providing information necessary for the medical provider to establish and demonstrate the existence of a bona fide medical provider-patient relationship prior to the issuance of written certification;
- C. Is responsible for providing proof of Maine residency to the medical provider prior to the issuance of written certification; and
- D. Shall secure an updated written certification from the patient’s medical provider when a qualifying patient has a change of name or address.

2.1.2 Authorized Conduct. Qualifying patients may cultivate, manufacture, test, possess, transfer, transport and consume marijuana for medical use in accordance with this Rule. A qualifying patient may:

- A. Cultivate, or designate an exempt caregiver to cultivate, a cumulative total of 6 mature marijuana plants and 12 immature marijuana plants, without the use of pesticides in accordance with the Act and this Rule;
 - (1) Two or more patients who are members of the same household may share the same enclosed, locked cultivation area to cultivate marijuana for their own medical use in accordance with 22 MRS §§ 2423-A (l)(B).
- B. For no remuneration, furnish or offer to furnish up to two and one-half ounces of harvested marijuana to another qualifying patient in accordance with 22 MRS 2423-A for that qualifying patient’s medical use of marijuana;
- C. Accept marijuana plants or harvested marijuana from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary;
- D. Possess up to 8 pounds of harvested marijuana;

- E. Manufacture harvested marijuana to produce marijuana concentrate or marijuana products for the patient's own medical use as authorized in accordance with this Rule;
 - (1) The qualifying patient shall ensure that any area used to manufacture harvested marijuana is entirely enclosed and lockable;
 - (2) A qualifying patient may manufacture marijuana concentrate using generally safe extraction methods including:
 - (a) Mechanical extraction using:
 - 1. Potable water and ice made from potable water;
 - 2. Dry screening or sieving;
 - 3. Cryogenic or subzero manufacturing not involving a solvent; or
 - 4. Pressure and temperature.
 - (b) Infusion of marijuana in food grade fats or synthetic food additives:
 - 1. Propylene glycol;
 - 2. Glycerin,
 - 3. Butter;
 - 4. Olive Oil;
 - 5. Other typical cooking fats.
 - (3) A qualifying patient may manufacture marijuana concentrate using potentially hazardous extraction methods including solvent extraction using a 99 percent or greater purity of ethanol, including solutions of ethanol and potable water.
 - (4) Any other extraction methods are prohibited unless the qualifying patient obtains a registration to use inherently hazardous substances for extraction in accordance with Section 2.2 of this Rule;
 - (5) A qualifying patient may not employ or otherwise utilize employees or assistants to perform extraction or manufacturing;
- F. Provide harvested marijuana to a manufacturing facility to manufacture a product or concentrate on behalf of that qualifying patient;
- G. Obtain or receive harvested marijuana for the qualifying patient's medical use in accordance with the Act and this Rule;
- H. Be in the presence or vicinity of the medical use of marijuana and assist any qualifying patient with using or administering harvested marijuana;
- I. Provide samples of marijuana plants or harvested marijuana to a marijuana testing facility for testing and research purposes;
- J. Transport marijuana plants or harvested marijuana for that qualifying patient's medical use; and
- K. Use harvested marijuana in any form except as otherwise prohibited by the Act or this Rule.

2.1.3 Prohibited Conduct. A qualifying patient may not:

- A. Be employed by, or otherwise act as an assistant to, a registrant without a valid registry identification card issued in accordance with Section 5.3 of this Rule;
- B. Extract harvested marijuana using inherently hazardous substances without a valid registration certificate issued in accordance with Section 2.2 of this Rule;
- C. Manufacture harvested marijuana for any purpose other than consumption or use by the qualifying patient without a valid registration certificate issued in accordance with Section 5.6 of this Rule;
- D. Cultivate marijuana for medical use or manufacture harvested marijuana if the qualifying patient is a minor qualifying patient, a student in preschool, primary or secondary school, an incapacitated person or a visiting qualifying patient;
- E. Engage in smoking of harvested marijuana if the qualifying patient is a minor qualifying patient;
- F. Obtain or transport harvested marijuana without designating a caregiver in accordance with this Rule if the qualifying patient is a minor qualifying patient,; or
- G. Accept remuneration for marijuana plants or harvested marijuana furnished to another qualifying patient.

2.2 - Qualifying Patients Engaged in Inherently Hazardous Substance Extraction

A qualifying patient that extracts harvested marijuana using inherently hazardous substances must obtain annually from the Department an inherently hazardous substance registration certificate in accordance with this Section. A qualifying patient may only engage the conduct authorized by this Section for the qualifying patient's own benefit and qualifying patients who are members of that qualifying patient's family or household. A qualifying patient that intends to engage in inherently hazardous substance extraction for individuals who are not qualifying patients who are members of the qualifying patient's own family or household must obtain from the Department a registration certificate in accordance with Section 5 of this Rule.

2.2.1 Qualify Patient Application for an Inherently Hazardous Substance Manufacturing Facility

Registration Certificate. Each qualifying patient that applies for a registration certificate to operate an inherently hazardous substance manufacturing facility shall include on forms supplied by the Department and attachments thereto all information requested by the Department; including without limitation, the following information:

- A. The legal name of the applicant;
- B. The certificate number and expiration date of the applicant's current, valid written patient certification;
- C. The date of the application;
- D. Proof that the applicant is a resident of the State of Maine;
- E. Proof that the applicant is at least 21 years of age;
- F. The applicant's mailing address where the applicant will receive official correspondence from the Department;
- G. The applicant's e-mail address where the applicant will receive official correspondence from the Department;
- H. An indication that the applicant has read and understands these rules and that the activities authorized by this Section are authorized conduct only for the qualifying patient's own benefit;
- I. A list of all chemicals and solvents to be used in the extraction of harvested marijuana;
- J. A list of all equipment to be used in the extraction of harvested marijuana;
- K. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable;
- L. Each applicant shall provide the following information, without limitation, regarding the inherently hazardous substance extraction manufacturing facility, if applicable:
 - (1) The physical location where the inherently hazardous substance extraction manufacturing facility will be located;
 - (2) The property owner of record of the physical location where the inherently hazardous substance extraction manufacturing facility will be located;
 - (3) A lease document if the property is not owned by the applicant;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record;
 - (5) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;
 - (6) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes, environmental requirements and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities; and
 - (7) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and

- M. Each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information, without limitation, regarding local regulation:
- (1) Documentation that the municipality in which the applicant proposes to locate the inherently hazardous substance extraction manufacturing facility has voted to adopt or amend an ordinance or approve a warrant article allowing manufacturing facilities to operate within the municipality; and
 - (2) A signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department.

2.2.2 General Requirements for Qualifying Patients Engaged in Inherently Hazardous Substance Extraction.

A qualifying patient engaged in inherently hazardous substance extraction shall:

- A. Maintain at all times when engaged in inherently hazardous substance extraction a current, valid written certification for the medical use of marijuana and a current registration certificate obtained from the Department in accordance with Section 2.2;
- B. Employ appropriate and sufficient security and safety measures to prevent unauthorized access to any area where the qualifying patient engages in inherently hazardous substance extraction or stores equipment, chemicals, solvents and other materials used in inherently hazardous substance extraction;
- C. Use all inherently hazardous substance extraction chemicals and solvents in accordance with the manufacturer's instructions;
- D. Use all inherently hazardous substance extraction equipment, tools and materials in accordance with the manufacturer's instructions and in the accordance with the certification from a professional engineer licensed in this State; and
- E. Engage in inherently hazardous substance extraction of only the qualifying patient's own harvested marijuana.

2.2.3 Authorized Activities for Qualifying Patients Engaged in Inherently Hazardous Substance Extraction.

A qualifying patient who possesses a valid registration certificate to engage in inherently hazardous substance extraction may:

- A. Possess all harvested marijuana the qualifying patient is permitted to possess in accordance with Section 2.1 of this Rule;
- B. Engage in extraction of harvested marijuana using inherently hazardous substances and equipment listed in the qualifying patient's application for an inherently hazardous substances manufacturing facility registration certificate; and
- C. Transfer samples to a marijuana testing facility for testing.

2.2.4 Prohibited Conduct for Qualifying Patients Engaged in Inherently Hazardous Substance Extraction.

A qualifying patient who obtains from the Department a registration certificate to operate an inherently hazardous substances manufacturing facility pursuant to Section 2.2 is prohibited from:

- A. Obtaining, receiving or accepting harvested marijuana from any other qualifying patient, caregiver or registrant for the purpose of extracting that harvested marijuana using inherently hazardous substances on behalf of any other qualifying patient, caregiver or registrant;
- B. Receiving or accepting any remuneration for extracting harvested marijuana using inherently hazardous substances;
- C. Engaging in wholesale or retail sale of harvested marijuana produced by the qualifying patient using inherently hazardous substances;
- D. Employing assistants to assist the qualifying patient in the extraction of harvested marijuana using inherently hazardous substances; and
- E. Engaging in any conduct using inherently hazardous substances not explicitly authorized by Section 2.2.

2.3 - Incapacitated Adults and Minor Qualifying Patients

2.3.1 Additional Requirements for the Certification of Incapacitated Adult Qualifying Patients by Medical Provider. In addition to the requirements of Section 2.1.1 above, prior to engaging in conduct authorized by this

Rule, an incapacitated adult who is a qualifying patient shall obtain a valid written certification from the patient's medical provider in accordance with this Section and the Act.

- A. The legal guardian, power of attorney or other person having custody of, or the authority to make health care decisions for, the incapacitated qualifying patient shall provide the certifying provider with written informed consent for the incapacitated qualifying patient to use marijuana for medical use; and affirm that the legal guardian, power of attorney or other person having custody of the incapacitated qualifying patient will control the acquisition of marijuana, and the dosage and frequency of the medical use of marijuana, either personally or by designating a caregiver; and affirm that the legal guardian, power of attorney or other person having custody of the qualifying patient will comply with all applicable sections of this Rule and the Act.
- B. If applicable, the legal guardian, power of attorney or other person having custody of the incapacitated qualifying patient will provide the certifying provider with the power of attorney or other legal documentation indicating that the person is the legal guardian or has legal authority to make health care decisions for the qualifying patient.

2.3.2 Additional Requirements for the Certification of Minor Qualifying Patients by Medical Provider. In addition to the requirements of Section 2.1.1 above, prior to engaging in conduct authorized by this Rule, a minor qualifying patient shall obtain a valid written certification from the patient's medical provider in accordance with this section and the Act.

- A. A minor qualifying patient may be issued by a medical provider a written certification to use marijuana for medical use if the medical provider determines that the medical use of marijuana will treat or have a palliative effect on the following conditions:
 - (1) Epilepsy;
 - (2) Cancer;
 - (3) Developmental disability; or
 - (4) Intellectual disability.
- B. A minor qualifying patient may be issued by a medical provider a written certification to use marijuana for medical use if the minor qualifying patient is eligible for hospice services.
- C. A minor qualifying patient may be issued by a medical provider a written certification to use marijuana for medical use if the minor qualifying patient does not meet the criteria in paragraphs A and B only after the minor qualifying patient receives an advisory opinion from a physician on a list of advising physicians maintained by the Department.
 - (1) Until such time that a list of physicians known to the Department to be willing to act as a consulting physician is available, the Department will permit the treating medical provider to proceed with the certification process for a minor qualifying patient at the time of the request.
- D. The parent, legal guardian or other person having custody of the minor qualifying patient shall provide the certifying provider with written informed consent for the minor qualifying to use marijuana for medical use; and affirm that the parent, legal guardian or other person having custody of the minor qualifying patient will control the acquisition of marijuana, and the dosage and frequency of the medical use of marijuana, either personally or by designating a caregiver; and affirm that the parent, legal guardian or other person having custody of the minor will comply with all applicable sections of this Rule and the Act.
- E. If applicable, the legal guardian or other person having custody of the minor qualifying patient will provide the certifying provider with the legal documentation indicating that the person is the legal guardian or has legal custody of the qualifying patient.

2.3.3 Written Designation for Minor Qualifying Patients and Incapacitated Adult Qualifying Patients.

- A. In cases in which written designation is required:
 - (1) A minor qualifying patient's designation shall be obtained from the minor qualifying patient's parent, legal guardian, or other person having custody of the minor qualifying patient;
 - (2) An incapacitated adult's designation shall be obtained from the incapacitated adult's legal guardian or power of attorney for health care;

- (3) An exempt caregiver who is not a minor or incapacitated qualifying patient's parent or guardian shall obtain the patient's written designation in order to assist the qualifying minor patient with the medical use of marijuana.
- B. Unless the parent, legal guardian or person having legal custody of a qualifying patient who is either under 18 years of age or enrolled in a preschool or primary or secondary school, a person shall obtain written designation to:
 - (1) Cultivate marijuana on the qualifying patient's behalf;
 - (2) Assist the qualifying patient with the medical use of marijuana in a long-term care facility; or
 - (3) Assist the qualifying patient with the medical use of marijuana in a preschool or primary or secondary school or on a school bus in accordance with this Rule and the Act.
- C. A person other than the parent, legal guardian, other person having legal custody may obtain or transport marijuana for medical use on behalf of a qualifying patient who is under 18 years of age, enrolled in a preschool or primary or secondary school, or incapacitated only if in possession of the following documentation in relation to the qualifying patient:
 - (1) Written designation;
 - (2) Medical provider written authorization; and
 - (3) For incapacitated qualifying patients over the age of 18, the qualifying patient's government-issued photographic identification.

2.3.4 Authorized Conduct. Except as limited by Section 2.3 of this Rule and the Act, an incapacitated qualifying patient or minor qualifying patient may engage in conduct authorized by this Rule and the Act for qualifying patients.

2.3.5 Prohibited Conduct. A minor qualifying patient may not engage in smoking harvested marijuana. An incapacitated qualifying patient or a minor qualifying patient may not:

- A. Cultivate marijuana for medical use;
- B. Manufacture harvested marijuana; or
- C. Obtain harvested marijuana except from a caregiver or dispensary through the use of a written designation by the qualifying patient's parent, legal guardian, power of attorney or other person having legal custody of the qualifying patient.

2.4 - Visiting Qualifying Patients

2.4.1 Visiting Qualifying Patient Credentials Accepted.¹ A visiting qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department may engage in conduct authorized for a qualifying patient under this Rule and the Act provided that the visiting qualifying patient:

- A. Possesses a valid medical marijuana certification or other credential from their jurisdiction of residence which includes the visiting qualifying patient's name; and
- B. Possesses valid photographic identification which includes the visiting qualifying patient's name as listed on the patient credential from their jurisdiction of residence.

2.4.2 Authorized Conduct. Except as limited by Section 2.4.3 below, a visiting qualifying patient may engage in conduct authorized for a qualifying patient by this Rule and the Act.

2.4.3 Prohibited Conduct. A visiting qualifying patient may not:

- A. Cultivate marijuana for medical use;
- B. Possess more than two and one-half ounces of harvested marijuana in a 15-day period;
- C. Purchase, acquire or otherwise obtain or possess marijuana plants or seeds;
- D. Transfer or furnish harvested marijuana to another person.; or
- E. Transport marijuana outside of the State of Maine.

¹ A complete list of jurisdictions that authorize their patients to use their patient credentials to obtain harvested marijuana while visiting Maine is available at: <https://www.maine.gov/dafs/omp/medical-use/certification-process/visiting-patients> (Accessed September 17, 2020.)

Section 3 – Medical Provider Requirements

3.1 - Written Certification Process and Requirements.

A physician, certified nurse practitioner or physician assistant appropriately licensed in the State of Maine may, in compliance with this Rule and the Act, provide written certification that the medical use of marijuana is likely to produce a therapeutic or palliative benefit to an adult or minor patient. The medical provider shall provide this written certification only in the context of a bona fide medical provider-patient relationship. Nothing in this Rule prevents a professional licensing board from sanctioning a medical provider for failing to properly evaluate or treat a patient's medical diagnosis or otherwise violating application standard of care for evaluating or treating medical diagnosis.

3.1.1 Written Certification Process. Medical providers issuing written certification to qualifying patients shall comply with this Rule and the Act, using the Department-approved certification process to issue a written certification for a qualifying patient's medical use of marijuana.

- A. Prior to issuing a written certification to any patient, a medical provider shall:
 - (1) Submit evidence, satisfactory to the Department, of completing within the previous 24 months, one hour of continuing medical education about the medical use of marijuana;
 - (2) Submit evidence to the Department that the medical provider possesses a license in good standing with the provider's licensing board;
 - (3) Set up an account with the online service administered by the Department²; and
 - (4) Obtain tamper-resistant written certification paper from the Department.
- B. Prior to issuing a written certification to an individual patient, the medical provider shall, in the course of a bona fide medical provider-patient relationship:
 - (1) Determine that an adult patient may receive a therapeutic or palliative benefit from the medical use of marijuana; or
 - (2) Determine that a minor patient meets the criteria described in Section 3.2.
- C. When issuing a written certification, the medical provider shall:
 - (1) Verify that the qualifying patient is a resident of the State of Maine by reviewing the patient's State-issued identification card or driver's license, or if the patient is under the age of 18, the parent or legal guardian's State-issued identification card or driver's license;
 - (2) Print the document generated by the online service on tamper-resistant paper provided by the Department;
 - (3) Give, in person, by mail or by courier, the original signed and dated written certification to the qualifying patient or patient's legal guardian;
 - (a) Under no circumstances may a medical provider send to a patient or another party a copy of a written certification via e-mail, facsimile or other electronic means; and
 - (4) Retain copies for the medical provider's records, which are subject to the confidentiality requirements of this Rule and applicable Maine and federal statutes
- D. The medical provider shall note on the written certification the date of its expiration, which may be no more than 1 year from the date of the medical provider's full assessment of the patient.
- E. A medical provider may reprint a written certification if the qualifying patient's certification has been lost or needs updated patient information.
 - (1) Except when it is determined to be medically necessary to examine the qualifying patient, a medical provider may reprint the written certification without a full assessment of the patient.
 - (2) When the medical provider does not complete a full assessment of the patient, the expiration of the replacement written certification shall not exceed the expiration date of the original certification.

² The Medical Marijuana Certifications online provider access portal is available at: <https://www1.maine.gov/online/medmarijuana/index.html> (Accessed September 18, 2020.)

- F. The medical provider is not required to include in the written certification the medical diagnosis or symptoms for which the medical use of marijuana is indicated.

3.1.2 Bona Fide Medical Provider-Patient Relationship. When issuing written certification, the medical provider shall affirm that the written certification has been provided in the course of a bona fide medical provider-patient relationship. In addition to the requirements of the Act and this Rule, a certifying medical provider must, at all times, conform with all applicable regulations, standards of care and professional ethics when engaged in certifying qualifying patients. A certifying medical provider may only issue medical certifications for diagnoses, including substance use disorder, that are within the provider's scope of practice.

- A. To establish a bona fide medical provider-patient relationship, the provider shall:
 - (1) Develop and document a plan of care, which at a minimum describes:
 - (a) The symptoms to be treated or otherwise alleviated by the medical use of marijuana;
 - (b) Evidence of screening for substance use disorder;
 - (c) Expected therapeutic or palliative benefits to the patient;
 - (d) Expected side effects of the medical use of marijuana based upon the patient's individualized assessment;
 - (e) Recommended treatment to mitigate any side effects; and
 - (f) Follow-up care; and
 - (2) Create, maintain, and retain patient records and documentation in accordance with professional licensing standards and Section 3.3 below, but in no case, less than 7 years.
- B. A medical provider whom the patient or the patient's legal guardian has designated as the patient's primary care provider, who has conducted at least one full physical examination of the patient within the previous 365 days and who provides the patient with medical services unrelated to the medical use of marijuana shall be assumed to be in a bona fide medical provider-patient relationship, if the requirements of paragraph B have been met.
- C. A medical provider whom the patient or the patient's legal guardian has not designated as the patient's primary care provider may establish a bona fide medical provider-patient relationship by:
 - (1) Conducting a full assessment of the patient's medical history, including substance use history and current condition, medication and treatment;
 - (2) Conducting an in-person encounter with the patient and an appropriate physical examination that:
 - (a) Is similar to a covered office visit or outpatient treatment in terms of site, extent, duration and frequency; and
 - (b) Occurs at a permanent location that is clinically appropriate for conducting medical services and that enables the patient to return for follow up, consultation or assistance, as needed;
 - (3) Reviewing prior records of relevant examinations, diagnostic test results, treatments and treatment response; and
 - (4) Developing and documenting a plan of care
- D. Remote healthcare services for the purposes of the certification and treatment monitoring related to marijuana for medical use are not prohibited by this Rule if conducted by an appropriately licensed medical provider in accordance with applicable regulations regarding telemedicine.

3.1.3 Informed Consent. Medical providers shall obtain informed consent for all patients before issuing a written certification.

- A. Prior to obtaining informed consent, the medical provider shall discuss risks and potential benefits of, and alternatives to, the medical use of marijuana.
- B. Prior to issuing a written certification for a minor patient's medical use of marijuana, the treating medical provider shall secure:
 - (a) Written consent of the parent, legal guardian, or person having legal custody of the minor qualifying patient; and
 - (b) If applicable, a copy of the legal documentation that the person is the legal guardian or has legal custody of the patient.

- C. Prior to issuing a written certification for an incapacitated adult patient's medical use of marijuana the medical provider shall secure:
 - (a) Written consent from the legal guardian or the power of attorney for health care of the incapacitated adult qualifying patient; and
 - (b) A copy of the incapacitated adult patient's power of attorney for health care or other legal documentation that the person has legal custody of the patient
- D. Written consent for minor patients or incapacitated adults shall include the individual's:
 - (a) Consent to the patient's medical use of marijuana;
 - (b) Consent to control the acquisition of marijuana, and the dosage and frequency of the medical use of marijuana, either personally or by designating a caregiver or long-term care facility, and
 - (c) Consent to comply with all other applicable provisions of this Rule and the statute.
- E. Any medical provider who refers patients to purchase goods or services from an entity in which the medical provider has acts as an officer or director shall state this interest in writing, obtain the patient's written acknowledgement of this interest, and maintain this acknowledgment in the patient's record.

3.2 - Additional Requirements for Certification of Minor Qualifying Patients

- A. A medical provider may, consistent with the Act and this Rule, provide written certification to a minor patient for the treatment or palliative care of the following conditions:
 - (a) Epilepsy;
 - (b) Cancer;
 - (c) Developmental disability; or
 - (d) Intellectual disability
- B. A medical provider may, consistent with the Act and this Rule, provide written certification to a minor patient who is eligible for hospice services.
- C. A medical provider may provide services to a minor patient who does not meet the criteria of paragraph A or B only after the patient receives an advisory opinion from a physician on a list of advising physicians maintained by the Department.
- D. When a list of physicians known to the Department to be willing to act as a consulting physician is not available, the Department will permit the inquiring treating medical provider to proceed with the certification process for a minor qualifying patient at the time of the request.

3.3 - Recordkeeping

A medical provider shall keep records consistent with their professional licensing standards and this section. Which shall include, without limitation:

- A. The patient's medical history;
- B. Results of the physical examination, including vital signs, any laboratory tests, and a description of symptoms for which the medical use of marijuana is indicated;
- C. Instructions to the patient, including discussions of the risks and benefits of the medical use of marijuana, and any disadvantages, alternatives, potential adverse effects, and expected response to treatment;
- D. A description of the treatment(s) provided to the patient, including all past and current medications prescribed or administered (including the date, type, dose and quantity);
- E. A nonbinding estimate of the length of time that the medical use of marijuana is indicated;
- F. Results of ongoing monitoring of patient progress and the need for the continued use of medical marijuana;
- G. Notes on evaluations, communications and consultations with other medical providers;
- H. Written, informed consent as required by Section 3.1.3 above; and
- I. Whenever providing written certification for the medical use of marijuana by an adult or minor patient for the treatment of a substance use disorder, shall develop a recovery plan that includes, at minimum:
 - (1) The patient's goals;
 - (2) Measurable steps toward those goals and expected duration of each step;

- (3) Community supports and resources such as counseling or groups; and
- (4) Plans for monitoring the use of substances other than marijuana.

3.4 - Enforcement and Compliance

- A. The Department may refer to the appropriate professional licensing board a report received regarding the medical provider's inappropriate evaluation or treatment of a patient's medical condition or a reported alleged violation of the applicable standard of care, or when the Department determines the medical provider has violated this Rule or the statute.
- B. The medical provider shall remain in good standing with professional licensing authorities and compliant with this Rule and the Act to avoid interruption in the provider's capacity to issue written certifications.

Section 4 – Long-Term Care Facilities

4.1 - Registration and Compliance Requirements for Long-Term Care Facilities.

The following provisions apply to long-term care facilities registration certificate.

4.1.1 Long-Term Care Facility Registration Certificate. A long-term care facility registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Assist with a qualifying patient's medical use of marijuana after designation by the qualifying patient; and
- B. Hire and register with the Department any number of assistants to assist in performing authorized conduct.

4.1.2 Application for a Long-Term Care Facility Registration Certificate. Each applicant for a long-term care facility registration certificate shall include on forms made available by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section.

- A. Each applicant for a long-term care facility registration certificate shall provide at a minimum the following information on forms made available by the Department:
 - (1) The legal name of the applicant;
 - (2) The date of the application;
 - (3) The physical location where the long-term care facility will be located;
 - (4) The designation form from the qualifying patient;
 - (5) The applicant's mailing address where the applicant will receive official correspondence from the Department;
 - (6) The applicant's e-mail address where the applicant will receive official correspondence from the Department; and
 - (7) The name and registry identification card number for any staff who will assist a qualifying patient with the patient's medical use of marijuana.

4.1.3 Requirements Applicable to Long-Term Care Facility Registration Certificate Holders. Each long-term care facility registration certificate holder shall ensure at least one registry identification card holder is employed by the long-term care facility at all times when assisting a qualifying patient with the patient's medical use of marijuana. Registry identification card holders employed by the long-term care facility are the only staff of the facility authorized to assist a qualifying patient with the patient's medical use of marijuana.

Section 5 – Registration Types and Registration Process

The general registration types are registry identification cards and registration certificates. All registrations issued by the Department are for the purpose of assisting a qualifying patient with the patient's medical use of marijuana in accordance with this Rule and the Act. A registry identification card is required as proof of authorized conduct to operate as a registered caregiver, an assistant of a registered caregiver an assistant or an officer or director of a person or entity holding a registration certificate. A registration certificate is required to operate a dispensary, a caregiver retail store, a tier 1 or tier 2 manufacturing facility or an inherently hazardous substances extraction manufacturing facility. All registry identification cards and registration certificates are valid for one year.

5.1 - Registry Identification Card Types

The Department may issue the following registry identification cards to individuals who meet all requirements of this Rule and the Act.

5.1.1 Caregiver Registry Identification Card. A caregiver registry identification card permits the following activities in accordance with this Rule and the Act:

- A. Hire and register with the Department any number of assistants to assist in performing authorized conduct;
- B. Cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings;
- C. Possess the number of marijuana plants registered with the Department;
- D. Possess the harvested marijuana produced by the registered caregiver's cultivation of marijuana plants registered with the Department;
- E. Manufacture marijuana products and marijuana concentrate for medical use, except that a registered caregiver may not manufacture food, as defined in 22 MRS §2152(4), unless the registered caregiver is licensed pursuant to 22 MRS §2167 and except that a registered caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to 22 MRS §2423-F(3);
- F. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the registered caregiver provided to the manufacturing facility;
- G. Provide samples to a marijuana testing facility as required by this Rule and the Act;
- H. Provide trade samples to another registrant in accordance with Section 6.1.6 of this Rule;
- I. Transfer up to 2 ½ ounces of harvested marijuana to a qualifying patient in one transaction, except that a registered caregiver may not dispense more than 2 ½ ounces of harvested marijuana to a visiting qualifying patient during a 15-day period;
- J. Dispose of harvested marijuana in a manner that prevents its diversion to persons not authorized to possess harvested marijuana;
- K. Operate one caregiver retail store to sell marijuana plants and harvested marijuana to qualifying patients for the patients' medical use;
- L. Transfer to and accept from another registered caregiver or a registered dispensary, in a wholesale transaction, marijuana plants and harvested marijuana in accordance with 22 MRS §2423-A(2)(K-1), this Rule and the Act
- M. Transport marijuana plants or harvested marijuana as authorized conduct under Sections 7.2 or 11.3, as applicable, of this Rule; and
- N. Organize as a business entity in accordance with Section 6.2.2 of this Rule.

5.1.2 Assistant Registry Identification Card.

- A. An assistant registry identification card permits the holder to assist, in accordance with this Rule and the Act, in the duties of the registrant listed on the card.
- B. The authorization of an assistant's conduct under this Rule and the Act ceases when that person is no longer associated with a registered caregiver, manufacturing facility, or registered dispensary.

5.1.3 Officer or Director Registry Identification Card. An officer or director registry identification card permits the following activities in accordance with this Rule and the Act:

- A. Own or control a business entity which holds a manufacturing facility or dispensary registration certificate;
- B. Conduct all activities authorized under the registration certificate. The authorization of an officer or director's conduct under this Rule and the Act ceases when that person is no longer associated with a manufacturing facility or registered dispensary, when such registrant is subject to administrative or enforcement action including without limitation: suspension, revocation or expiration.

5.2 - Registry Identification Card Qualifications

5.2.1 General Registry Identification Card Criteria. An application for a registered caregiver, an assistant of a registered caregiver, dispensary, or manufacturing facility and every officer or director of a dispensary, or manufacturing facility shall complete an application for a registry identification card on forms provided by the Department.

- A. **Age.** The applicant must be at least 21 years of age;
- B. **Resident.** The applicant must certify that he/she is a resident of the State of Maine;
- C. **No Disqualifying Drug Offense.** The Department may not grant a registry identification card to anyone convicted of such offenses. A disqualifying drug offense does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier or an offense that consisted of conduct that would have been permitted under this Rule and the Act.
- D. **Criminal History Records Check.** The applicant must have submitted to a criminal history record check in accordance with the requirements this Rule and Act.
- E. **Compliance with Application Process; No False Statement of Material Fact.** The applicant must have completed all application forms required by the Department, fully and truthfully, and complied with all information requests of the Department relating to the application. A registry identification card may not be issued to an applicant that has knowingly or recklessly made any false statement of material fact to the Department in applying under this Rule and the Act. The Department shall revoke the registry identification card of a registrant pursuant to 22 MRS if, subsequent to the issuance of the registry identification card the Department determines that the applicant knowingly or recklessly made a false statement of material fact to the Department in applying.

5.3 - Application for a Registry Identification Card

5.3.1 Required Forms for All Registry Identification Cards. Each applicant for a registry identification card shall include on forms made available by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section.

- A. Each applicant for a registry identification card shall provide at a minimum the following information:
 - (1) The legal name of the applicant;
 - (2) The date of the application;
 - (3) Proof of that the applicant is a resident of the State of Maine;
 - (4) Proof that the applicant is at least 21 years of age;
 - (5) The applicant's mailing address where the applicant will receive official correspondence from the Department;
 - (6) The applicant's e-mail address where the applicant will receive official correspondence from the Department and the Department's inventory tracking system;
 - (7) The results of the criminal history record check conducted in accordance with Section 5.3.5 of this Rule; and
 - (8) The type of registry identification card for which the applicant is applying.
- B. Each applicant for a registry identification card shall pay the required fee for a criminal history record check in accordance with Section 13 of this Rule.
- C. Upon invoice by the Department, each applicant for a registry identification card shall pay the required registration fee in accordance with this Rule and the Act.

5.3.2 Additional Requirements for a Caregiver Registry Identification Card Application. In addition to the information required in Section 5.3.1, each applicant for a caregiver registry identification card shall provide the following information on forms made available by the Department:

- A. The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department to prove compliance with Section 6.2.2 for the single allowable business entity organized by the applicant associated with the caregiver registry identification card, if applicable.
- B. Identification of all natural persons and business entities having an interest in the applied-for registry identification card as an officer or director as defined in this Rule and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule.
- C. Proof of sales tax registration according to 36 MRS and the rules of the Maine Revenue Service.
- D. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable.
- E. Identification of the applicant's inventory tracking system administrator.
- F. A detailed operating plan of record to the Department on forms made available by the Department. The operating plan of record shall include, without limitation, information related to the following, if applicable:
 - (1) Facility diagram(s);
 - (2) Security;
 - (3) Controlling access to the registered premises;
 - (4) Operating days and hours;
 - (5) Cultivation and cultivation areas;
 - (6) Manufacturing and manufacturing areas;
 - (7) Specific products and production processes;
 - (8) Compliance with packaging and labeling;
 - (9) Signs, advertising and marketing;
 - (10) Sales to patients;
 - (11) Wholesale activities;
 - (12) Record keeping and annual audit requirements;
 - (13) Delivery;
 - (14) Disposal of harvested marijuana and harvested marijuana waste;
 - (15) A workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements, as applicable;
 - (16) Compliance with applicable building code, the National Fire Protection Association (NFPA) model fire code, the applicable electrical codes, and federal and state environmental requirements; and
 - (17) Co-location.
- G. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding cultivation activities:
 - (1) The physical location where cultivation activities will occur;
 - (2) The property owner of record of the physical location where cultivation activities will occur;
 - (3) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record;
 - (5) An indication of whether the cultivation activities will take place indoors, outdoors or both;
 - (6) The number of mature marijuana plants or size of the plant canopy that the applicant intends to cultivate; and

- (7) All other information requested by the Department in the operating plan of record.
- H. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding manufacturing, if applicable:
- (1) The physical location where manufacturing activities will occur;
 - (2) The property owner of record of the physical location where manufacturing activities will occur;
 - (3) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record; and
 - (5) All other information requested by the Department in the operating plan of record.
- I. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding sales to patients, if applicable:
- (1) A description of how the applicant intends to sell harvested marijuana to qualifying patients including whether the applicant intends to deliver to patients;
 - (2) The physical location where sales activities will occur;
 - (3) The property owner of record of the physical location where sales activities will occur;
 - (4) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (5) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record; and
 - (6) All other information requested by the Department in the operating plan of record.
- J. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding wholesale transactions, if applicable:
- (1) An indication of whether the applicant intends to transfer to and/or accept from another registered caregiver or a dispensary harvested marijuana through wholesale transactions.
 - (2) A description of how the applicant intends to transfer to and/or accept from another registered caregiver or dispensary harvested marijuana through wholesale transactions, including how the applicant intends to meet the requirement to sell at least 25% of the registered caregiver's annual harvested marijuana directly to qualifying patients;
 - (3) The physical location where wholesale activities will occur;
 - (4) The property owner of record of the physical location where wholesale activities will occur;
 - (5) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (6) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record; and
 - (7) All other information requested by the Department in the operating plan of record.
- K. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding the caregiver retail store, if applicable:
- (1) The physical location where the caregiver retail store will be located;
 - (2) The property owner of record of the physical location where the caregiver retail store will be located;
 - (3) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record; and
 - (5) All other information requested by the Department in the operating plan of record.

- L. Each applicant for a caregiver registry identification card shall provide the following information, without limitation, regarding the provision of samples to a marijuana testing facility for testing and research purposes, if applicable:
 - (1) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including without limitation mold, mildew, heavy metals, plant regulator and illegal pesticides; and
 - (2) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of research and development.
- M. Each applicant for a caregiver registry identification card shall provide an indication of whether the applicant intends to employ registered caregiver assistants.

5.3.3 Additional Requirements for an Assistant Registry Identification Card Application

In addition to the information required in Section 5.3.1, each applicant for an assistant registry identification card shall provide the following information on forms provided by the Department:

- A. Legal name of the registrant the applicant will assist; and
- B. Registration number of the registrant the applicant will assist.

5.3.4 Additional Requirements for an Officer or Director Registry Identification Card Application

In addition to the information required in Section 5.3.1, each applicant for an officer or director registry identification card shall provide the following information on forms made available by the Department:

- A. Legal name of registrant for which the applicant will act as an officer or director;
- B. Registration certificate number of registrant for which the applicant will act as an officer or director; and
- C. Role in the registrant's organization.

5.3.5 Criminal History Record Checks.

The Department may not issue or renew a registry identification card without an annual criminal history record check conducted in accordance with this section.

- A. All applicants shall consent to a criminal history record check conducted by the Department of Public Safety, Bureau of State Police, State Bureau of Identification.
- B. An applicant shall disclose all convictions of a disqualifying drug offense, as defined in 22 MRS §2422, including without limitation convictions for violations of the laws of the State of Maine or any other state, or federal law.
- C. An applicant may be required to provide court dispositions and other information at the request of the Department for each conviction that is a disqualifying drug offense.
- D. The applicant is responsible for all costs associated with fingerprinting and criminal history record checks. The fee for the fingerprinting and criminal history record checks shall be set by the State Police and/or State Bureau of Identification, in accordance with its usual operations.
- E. The Department shall issue a fingerprinting and criminal history record check form or use forms specified by the Department of Public Safety, Bureau of State Police, State Bureau of Identification or Federal Bureau of Investigation. Such forms shall obtain the applicant's consent and information needed to complete the check, including but not limited to:
 - (1) First, middle and last name;
 - (2) Any aliases and/or previous names;
 - (3) Date of birth;
 - (4) Place of birth;
 - (5) Identifying information such as gender, height, weight and eye color;
 - (6) Disclosure of previous convictions;
 - (7) Driver license information; and
 - (8) Address and recent residency information.
- F. The State Bureau of Identification shall conduct the state and national criminal history record checks, which shall include information from:

- (1) The Maine Criminal Justice Information System, regarding records of offenses within the state; and
 - (2) For registered caregivers administering marijuana on the grounds of a preschool or primary or secondary school, the Federal Bureau of Investigation, regarding offenses in other jurisdictions.
- G. Except for the portion of a payment, if any, that constitutes the processing fee for a criminal history record check charged by the Federal Bureau of Investigation, all money received by the State Police under this section shall be paid to the Treasurer of State, who shall apply the money to the expenses incurred by the Department of Public Safety in the administration of this section.
- H. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to 16 MRS § 709.
- I. All criminal history record information obtained by the Department pursuant to this section is confidential.
- J. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations (henceforth referred to C.F.R; the Code of Federal Regulations is available free online at multiple websites, including federal government websites, by searching the citation. All references are to the 2018 version) Sections 16.32 and 16.33.

5.4 - Registration Certificate Types

The Department may issue the following registration certificates to persons or entities in accordance with this Rule and the Act.

5.4.1 Caregiver Retail Store Registration Certificate. A caregiver retail store registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Conduct authorized caregiver activities related to the packaging and labeling of harvested marijuana and the sale of harvested marijuana to qualifying patients in a fixed location and/or through the use of an e-commerce website that is accessible to the public with regular business hours in accordance with this Rule and the Act.
- B. Display signage and advertise in accordance with this Rule and the Act.

5.4.2 Tier 1 Manufacturing Facility Registration Certificate. A tier 1 manufacturing facility registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Hire and register with the Department any number of assistants to assist in performing authorized conduct;
- B. Possess up to 40 pounds of harvested marijuana;
- C. Manufacture marijuana products and marijuana concentrate for medical use, except that a tier 1 manufacturing facility registrant may not manufacture food, as defined in 22 MRS §2152(4), unless the tier 1 manufacturing facility registrant is licensed pursuant to 22 MRS §2167 and except that a tier 1 manufacturing facility registrant may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to 22 MRS §2423-F(3);
- D. Obtain harvested marijuana from a qualifying patient, a registered caregiver or a registered dispensary and transfer marijuana products and marijuana concentrate to the person that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate;
- E. Transfer samples to a marijuana testing facility for testing;
- F. Provide trade samples to another registrant in accordance with Section 6.1.6 of this Rule;
- G. Conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;
- H. Package and label marijuana products and marijuana concentrate;
- I. Receive reasonable compensation for manufacturing marijuana products or marijuana concentrate;
- J. Dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana;
- K. Transport harvested marijuana for authorized conduct in accordance with Section 7.2 of this Rule; and
- L. Organize as a business entity.

5.4.3 Tier 2 Manufacturing Facility Registration Certificate. A tier 2 manufacturing facility registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Hire and register with the Department any number of assistants to assist in performing authorized conduct;
- B. Possess up to 200 pounds of harvested marijuana;
- C. Manufacture marijuana products and marijuana concentrate for medical use, except that a tier 2 manufacturing facility registrant may not manufacture food, as defined in 22 MRS §2152(4), unless the tier 2 manufacturing facility registrant is licensed pursuant to 22 MRS §2167 and except that a tier 2 manufacturing facility registrant may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to 22 MRS §2423-F(3);
- D. Obtain harvested marijuana from a qualifying patient, a registered caregiver or a registered dispensary and transfer marijuana products and marijuana concentrate to the person that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate;
- E. Transfer samples to a marijuana testing facility for testing;
- F. Provide trade samples to another registrant in accordance with Section 6.1.6 of this Rule;
- G. Conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;
- H. Package and label marijuana products and marijuana concentrate;
- I. Receive reasonable compensation for manufacturing marijuana products or marijuana concentrate;
- J. Dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana;
- K. Transport harvested marijuana for authorized conduct in accordance with Section 7.2 of this Rule; and
- L. Organize as a business entity.

5.4.4 Inherently Hazardous Substance Extraction Manufacturing Facility Registration Certificate. An inherently hazardous substance extraction manufacturing facility registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Hire and register with the Department any number of assistants to assist in performing authorized conduct;
- B. Possess up to 40 pounds of harvested marijuana;
- C. Engage in marijuana extraction to produce marijuana concentrate for medical use;
- D. Obtain harvested marijuana from a qualifying patient, a caregiver or a dispensary and may transfer marijuana concentrate to the person that provided the harvested marijuana used to produce the marijuana concentrate;
- E. Transfer samples to a marijuana testing facility for testing;
- F. Provide trade samples to another registrant in accordance with Section 6.1.6 of this Rule;
- G. Conduct testing of marijuana concentrate produced by the person for research and development purposes;
- H. Package and label marijuana concentrate;
- I. Receive reasonable compensation for producing marijuana concentrate;
- J. Dispose of harvested marijuana used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana
- K. Transport harvested marijuana for authorized conduct in accordance with Section 7.2 of this Rule;; and
- L. Organize as a business entity.

5.4.5 Dispensary Registration Certificate. A dispensary registration certificate permits the following activities in accordance with this Rule and the Act:

- A. Hire and register with the Department any number of assistants to assist in performing authorized conduct;
- B. Cultivate marijuana plants pursuant to the operating plan of record approved by the Department;
- C. Possess marijuana plants, as well as the harvested marijuana produced by the dispensary's cultivation of those marijuana plants;
- D. Manufacture marijuana products and marijuana concentrate for medical use, except that a dispensary may not manufacture food, as defined in 22 MRS §2152(4), unless the dispensary is licensed pursuant to 22

- MRS §2167 and except that a dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to 22 MRS §2423-F(3);
- E. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility;
 - F. Provide samples to a marijuana testing facility as required by this Rule and the Act;
 - G. Provide trade samples to another registrant in accordance with Section 6.1.6 of this Rule;
 - H. Transfer up to 2 ½ ounces of harvested marijuana to a qualifying patient in one transaction, except that a dispensary may not dispense more than 2 ½ ounces of harvested marijuana to a visiting qualifying patient during a 15-day period;
 - I. Transport marijuana plants or harvested marijuana for authorized conduct in accordance with Section 7.2 of this Rule;
 - J. Dispose of harvested marijuana in a manner that prevents its diversion to persons not authorized to possess harvested marijuana;
 - K. Transfer to and accept from a registered caregiver or another registered dispensary, in a wholesale transaction, marijuana plants and harvested marijuana in accordance with 22 MRS §2423-A(2)(K-1), this Rule and the Act; and
 - L. Organize as a business entity.

5.5 - Registration Certificate Qualifications

5.5.1 General Registration Certificate Criteria. Except as otherwise required by Section 2.2, an application for a registration certificate must meet each of the following requirements, if applicable. If the applicant is a business entity, every officer or director of the business entity must meet each of the requirements.

- A. **Age.** The applicant must be 21 years of age.
- B. **Resident.**
 - (1) If the applicant is a natural person, the applicant must certify that he/she is a resident of the State of Maine;
 - (2) If the applicant is a business entity, the applicant shall demonstrate to the Department that every officer or director of the business entity is a natural person who is a resident of the State of Maine; and
 - (3) This subsection does not apply to an applicant for a long-term care facility registration certificate.
- C. **Incorporated in the State.** If the applicant is a business entity, the business entity must be incorporated in the State of Maine or otherwise formed or organized under the laws of the State and be in good standing with the Secretary of State's Office. A registered dispensary or registered manufacturing facility may organize as any business entity recognized by the laws of the State of Maine.
- D. **No Disqualifying Drug Offense.** The Department may not grant a registration certificate to an applicant if any officer or director was convicted of such offenses. A disqualifying drug offense does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier or an offense that consisted of conduct that would have been permitted under this Rule and the Act.
- E. **Criminal History Records Check.** The applicant must have submitted to a criminal history record check in accordance with the requirements this Rule and Act.
- F. **Compliance with Application Process; No False Statement of Material Fact.** The applicant must have completed all application forms required by the Department and fully and truthfully and complied with all information requests of the Department relating material fact to the Department in applying under this Rule and the Act. The Department shall revoke the registration certificate of a registrant pursuant to 22 MRS if, subsequent to the issuance of the registration certificate the Department determines that the applicant knowingly or recklessly made a false statement of material fact to the Department in applying.

5.6 - Application for a Registration Certificate

5.6.1 Required Forms for All Registration Certificates. Except as otherwise required by Section 2.2, each applicant for a registration certificate shall include on forms supplied by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section. If the applicant is a business entity, every officer or director of the business entity must meet each of the requirements.

- A. Each applicant for a registration certificate shall provide at a minimum the following information on forms made available by the Department:
 - (1) The legal name of the applicant;
 - (2) The federal employer identification number if the applicant is a business entity;
 - (3) The date of the application;
 - (4) Proof that the applicant is a resident of the State of Maine;
 - (5) Proof that the applicant is at least 21 years of age;
 - (6) The applicant's mailing address where the applicant will receive official correspondence from the Department;
 - (7) The applicant's e-mail address where the applicant will receive official correspondence from the Department and the Department's inventory tracking system;
 - (8) The results of the criminal history record check conducted in accordance with Section 5.3.5 of this Rule; and
 - (9) The type of registration certificate.
- B. Each applicant for a registration certificate shall provide payment of the required fee for a criminal history record check in accordance with Section 13 of this Rule.
- C. Each applicant for a registration certificate shall identify its inventory tracking system administrator.
- D. Upon invoice by the Department, each applicant for a registration certificate shall provide payment of the required registration fee in accordance with this Rule and the Act.

5.6.2 Additional Requirements for a Caregiver Retail Store Registration Certificate.

In addition to the information required in Section 5.6.1, each applicant for a caregiver retail store registration certificate shall provide the following information on forms made available by the Department:

- A. The legal name and caregiver registry identification card number of the registered caregiver applying for a caregiver retail store registration certificate;
- B. The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department to prove compliance with Section 6.2.2 for the single allowable business entity organized by the registered caregiver applicant;
- C. Identification of all natural persons and business entities having an interest as an officer or director in the registered caregiver applicant or the registered caregiver applicant's single allowable business entity and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule;
- D. All required tax registrations according to 36 MRS and the rules of the Maine Revenue Service.
- E. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable.
- F. Identification of the applicant's inventory tracking system administrator.
- G. A detailed operating plan of record to the Department on forms made available by the Department. The operating plan of record shall include, without limitation, information related to the following, if applicable:
 - (1) Facility diagram(s);
 - (2) Security;
 - (3) Controlling access to the registered premises;
 - (4) Operating days and hours;
 - (5) Compliance with packaging and labeling;

- (6) Signs, advertising and marketing;
 - (7) Sales to patients;
 - (8) Wholesale activities;
 - (9) Record keeping and annual audit requirements;
 - (10) Delivery;
 - (11) Disposal of harvested marijuana and harvested marijuana waste;
 - (12) A workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements;
 - (13) Compliance with applicable building code, the National Fire Protection Association (NFPA) model fire code, the applicable electrical codes, and federal and state environmental requirements; and
 - (14) Co-location.
- H. Each applicant for a caregiver retail store registration certificate shall provide the following information, without limitation, regarding the caregiver retail store, if applicable:
- (1) The physical location where the caregiver retail store will be located;
 - (2) The property owner of record of the physical location where the caregiver retail store will be located;
 - (3) A lease document if the property is not owned by the applicant or the business entity the applicant will use to conduct authorized business;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record; and
 - (5) All other information requested by the Department in the operating plan of record.
- I. Each applicant for a caregiver retail store registration certificate shall provide the following information, without limitation, regarding local regulation:
- (1) Documentation that the municipality in which the applicant proposes to locate the caregiver retail store has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores to operate within the municipality; and
 - (2) A signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department.
- J. Each applicant for a caregiver retail store registration certificate shall provide the following information, without limitation, regarding the provision of samples to a marijuana testing facility for testing and research purposes, if applicable:
- (1) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including without limitation mold, mildew, heavy metals, plant regulator and illegal pesticides; and
 - (2) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of research and development.
- K. Each applicant for a caregiver retail store registration certificate shall provide the following information, without limitation, regarding registered caregiver assistants, if applicable:
- (1) An indication of whether the applicant intends to employ registered caregiver assistants; and
 - (2) A list of legal names of individuals the applicant intends to employ directly or through the single allowable business entity organized by the applicant associated with the caregiver registry identification card.

5.6.3 Additional Requirements for a Tier 1 and Tier 2 Manufacturing Facility Registration Certificate.

In addition to the information required in Section 5.6.1, each applicant for a Tier 1 or Tier 2 manufacturing facility registration certificate shall provide the following information on forms made available by the Department:

- A. The name, address, date of birth and registry identification card number of the applicant, and each officer or director if the applicant is a business entity;
- B. The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department;
- C. Identification of all natural persons and business entities having an interest as an officer or director in the applied-for registration certificate and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule;
- D. Proof of all required tax registrations according to 36 MRS and the rules of the Maine Revenue Service.
- E. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable.
- F. Identification of the applicant's inventory tracking system administrator.
- G. A detailed operating plan of record to the Department on forms made available by the Department. The operating plan of record shall include, without limitation, information related to the following, if applicable:
 - (1) Facility diagram(s);
 - (2) Security;
 - (3) Controlling access to the registered premises;
 - (4) Operating days and hours;
 - (5) Specific products and production processes;
 - (6) Compliance with packaging and labeling;
 - (7) Signs, advertising and marketing of services provided;
 - (8) Record keeping and annual audit requirements;
 - (9) Disposal of harvested marijuana and harvested marijuana waste;
 - (10) A workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements;
 - (11) Compliance with applicable building code, the National Fire Protection Association (NFPA) model fire code, the applicable electrical codes, and federal and state environmental requirements;
and
 - (12) Co-location.
- H. Each applicant for a Tier 1 or Tier 2 manufacturing facility registration certificate shall provide the following information, without limitation, regarding the Tier 1 or Tier 2 manufacturing facility, if applicable:
 - (1) The physical location where the Tier 1 or Tier 2 manufacturing facility will be located;
 - (2) The property owner of record of the physical location where the Tier 1 or Tier 2 manufacturing facility will be located;
 - (3) A lease document if the property is not owned by the applicant;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record;
and
 - (5) All other information requested by the Department in the operating plan of record.
- I. Each applicant for a Tier 1 or Tier 2 manufacturing facility registration certificate shall provide the following information, without limitation, regarding local regulation:
 - (1) Documentation that the municipality in which the applicant proposes to locate the Tier 1 or Tier 2 manufacturing facility has voted to adopt or amend an ordinance or approve a warrant article allowing manufacturing facilities to operate within the municipality; and
 - (2) A signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department.

- J. Each applicant for a Tier 1 or Tier 2 manufacturing facility registration certificate shall provide the following information, without limitation, regarding the provision of samples to a marijuana testing facility for testing and research purposes, if applicable:
 - (1) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including without limitation mold, mildew, heavy metals, plant regulator and illegal pesticides; and
 - (2) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of research and development.
- K. Each applicant for a Tier 1 or Tier 2 manufacturing facility registration certificate shall provide the following information, without limitation, regarding assistants, if applicable:
 - (1) An indication of whether the applicant intends to employ assistants; and
 - (2) A list of legal names of individuals the applicant intends to employ.

5.6.4 Additional Requirements for an Inherently Hazardous Substance Extraction Manufacturing Facility Registration Certificate. Each applicant for an inherently hazardous substances extraction manufacturing facility registration certificate, except an applicant who is a qualifying patient, shall comply with the additional application required by this Section. Applicants for an inherently hazardous substances extraction manufacturing facility registration certificate who are qualifying patients shall comply with the requirements of Section 2.2 of this Rule. In addition to the information required in Section 5.6.1, each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information on forms made available by the Department:

- A. The name, address, date of birth and registry identification card number of the applicant, and each officer or director if the applicant is a business entity;
- B. The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department;
- C. Identification of all natural persons and business entities having an interest as an officer or director in the applied-for registration certificate and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule;
- D. Proof of all required tax registrations according to 36 MRS and the rules of the Maine Revenue Service.
- E. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable.
- F. Identification of the applicant's inventory tracking system administrator.
- G. A detailed operating plan of record to the Department on forms made available by the Department. The operating plan of record shall include, without limitation, information related to the following, if applicable:
 - (1) Facility diagram(s);
 - (2) Security;
 - (3) Controlling access to the registered premises;
 - (4) Operating days and hours;
 - (5) Specific products and production processes;
 - (6) Compliance with packaging and labeling;
 - (7) Signs, advertising and marketing;
 - (8) Record keeping and annual audit requirements;
 - (9) Delivery;
 - (10) Disposal of harvested marijuana and harvested marijuana waste;
 - (11) A workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements;

- (12) Compliance with applicable building code, the National Fire Protection Association (NFPA) model fire code, the applicable electrical codes, and federal and state environmental requirements; and
 - (13) Co-location.
- H. Each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information, without limitation, regarding the inherently hazardous substance extraction manufacturing facility, if applicable:
- (1) The physical location where the inherently hazardous substance extraction manufacturing facility will be located;
 - (2) The property owner of record of the physical location where the inherently hazardous substance extraction manufacturing facility will be located;
 - (3) A lease document if the property is not owned by the applicant;
 - (4) Documentation of property owner's consent to use the property for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record;
 - (5) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;
 - (6) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;
 - (7) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and
 - (8) All other information requested by the Department in the operating plan of record.
- I. Each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information, without limitation, regarding local regulation:
- (1) Documentation that the municipality in which the applicant proposes to locate the inherently hazardous substance extraction manufacturing facility has voted to adopt or amend an ordinance or approve a warrant article allowing manufacturing facilities to operate within the municipality; and
 - (2) A signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department.
- J. Each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information, without limitation, regarding the provision of samples to a marijuana testing facility for testing and research purposes, if applicable:
- (1) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including without limitation mold, mildew, heavy metals, plant regulator and illegal pesticides; and
 - (2) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of research and development.
- K. Each applicant for an inherently hazardous substance extraction manufacturing facility registration certificate shall provide the following information, without limitation, regarding assistants, if applicable:
- (1) An indication of whether the applicant intends to employ assistants; and
 - (2) A list of legal names of individuals the applicant intends to employ directly.

5.6.5 Additional Requirements for a Dispensary Registration Certificate.

In addition to the information required in Section 5.6.1, each applicant for a dispensary registration certificate shall provide the following information on forms made available by the Department:

- A. The name, address, date of birth and registry identification card number of the applicant, and each officer or director if the applicant is a business entity.
- B. The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department.
- C. Identification of all natural persons and business entities having an interest as an officer or director in the applied-for registration certificate and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule.
- D. Proof of all required tax registrations according to 36 MRS and the rules of the Maine Revenue Service.
- E. Proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable.
- F. Identification of the applicant's inventory tracking system administrator.
- G. A detailed operating plan of record to the Department on forms made available by the Department. The operating plan of record shall include, without limitation, information related to the following, if applicable:
 - (1) Facility diagram(s);
 - (2) Security;
 - (3) Controlling access to the registered premises;
 - (4) Operating days and hours;
 - (5) Cultivation and cultivation areas;
 - (6) Manufacturing and manufacturing areas;
 - (7) Specific products and production processes;
 - (8) Compliance with packaging and labeling;
 - (9) Signs, advertising and marketing;
 - (10) Sales to patients;
 - (11) Wholesale activities;
 - (12) Record keeping and annual audit requirements;
 - (13) Delivery;
 - (14) Disposal of harvested marijuana and harvested marijuana waste;
 - (15) A workplace safety plan consistent with 29 CFR Part 1910, covering personal protective equipment, hazard assessment, safe equipment operation, proper application of agricultural chemicals, ladder use, hazard communication and other state and federal workplace safety requirements;
 - (16) Compliance with applicable building code, the National Fire Protection Association (NFPA) model fire code, the applicable electrical codes, and federal and state environmental requirements; and
 - (17) Co-location.
- H. Each applicant for a dispensary registration certificate shall provide the following information, without limitation, regarding the dispensary and the one permitted additional location at which the dispensary cultivates marijuana plants for medical use by qualifying patients, if applicable:
 - (1) The physical location(s) where the dispensary will be located;
 - (2) The property owner of record of the physical location(s) where the dispensary will be located;
 - (3) A lease document if the property or properties are not owned by the applicant;
 - (4) Documentation of property owner's consent to use the property or properties for medical marijuana related activity if the lease provided does not contain explicit consent by the property owner of record;
 - (5) Proof that the location(s) associated with the dispensary are not located within 500 feet of the property line of a preexisting public or private school; and
 - (6) All other information requested by the Department in the operating plan of record.
- I. Each applicant for a dispensary registration certificate shall provide the following information, without limitation, regarding local regulation:

- (1) Documentation that the municipality in which the applicant proposes to locate the dispensary has voted to adopt or amend an ordinance or approve a warrant article allowing dispensaries to operate within the municipality; and
 - (2) A signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department.
- J. Each applicant for a dispensary registration certificate shall provide the following information, without limitation, regarding the provision of samples to a marijuana testing facility for testing and research purposes, if applicable:
- (1) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including without limitation mold, mildew, heavy metals, plant regulator and illegal pesticides; and
 - (2) An indication of whether the applicant intends to provide samples of harvested marijuana to a marijuana testing facility for the purpose of research and development.
- K. Each applicant for a dispensary facility registration certificate shall provide the following information, without limitation, regarding assistants, if applicable:
- (1) An indication of whether the applicant intends to employ assistants; and
 - (2) A list of legal names of individuals the applicant intends to employ directly.

5.7 - Application for Renewal of a Registry Identification Card or a Registration Certificate

5.7.1 Required Forms for All Registration Renewals. Each applicant for renewal of a registry identification card or a registration certificate shall include on made available by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section. If the applicant is a business entity, every officer or director of the business entity must meet each of the requirements. Registry identification cards and registration certificates must be renewed on an annual basis. The Department will accept renewal applications beginning 60 days prior to the expiration date. The applicant shall submit a complete renewal application not less than 30 days prior to the expiration date and shall:

- A. Demonstrate, at the time of renewal, continued compliance with all registration criteria in accordance with this Rule and the Act, including having no outstanding fines or penalties owed to the Department, and for registered dispensaries operating prior to January 1, 2021, demonstration of compliance with all initial application requirements of Section 5.6.5 of this Rule;
- B. Pay the required fee for and submit to a criminal history record check in accordance with Sections 13 and 5.3.5 of this Rule;
- C. Submit proof that the registrant is in good standing with Maine Revenue Services;
- D. Submit proof of all required licenses, registrations, or certificates from the Department of Agriculture, Conservation and Forestry, the Department of Health and Human Services and the Department of Environmental Protection in accordance with Section 6.1.5 of this Rule, as applicable;
- E. Submit proof of completion of annual audit in compliance with Section 6.1.1(I) of this Rule;
- F. Submit an updated operating plan, if applicable;
- G. Submit a signed and notarized local authorization form completed by an authorized municipal official on the form provided by the Department, if applicable;
- H. Provide proof of continued compliance with all inventory tracking system requirements and current inventory tracking system credentials; and
- I. Pay, upon invoice by the Department, the required registration fee in accordance with this Rule and the Act.

5.8 - Department Review of Applications for Registry Identification Cards, Registration Certificates and Renewals

5.8.1 Ownership Interest. The Department shall verify that an application for a registry identification card, a registration certificate, or a renewal is either a natural person who is a resident of the State of Maine or if applicable, is a business entity that meets the requirements of Section 6.2.2 of this Rule.

- A. The Department will ensure that the issuance of a registry identification card or a registration certificate to the applicant will not result in any person having an interest as an officer or director in violation of Section 6.2.2 of this Rule.
- B. The Department may require additional information to verify that business structures, loans, franchise agreements, royalty agreements and other legal arrangements are not being used to circumvent registration requirements including without limitation residency requirements, limits on equity ownership and control, and disqualifying drug offenses.
- C. An application for a registry identification card, a registration certificate or a renewal will not be considered complete until the applicant satisfies all such information requests.
- D. The Department may refuse to issue a registry identification card or registration certificate to an applicant at its discretion until it is satisfied that the applicant has met all requirements of this Rule and the Act.

5.8.2 Application Processing. An application is considered incomplete until the Department is in possession of all required forms, supplemental information, criminal history record checks, local authorization and any other requirements listed in Section 5. If, in the course of processing the application, the Department discovers that any required forms, supplemental information or criminal history record checks are incomplete the Department may ask the applicant to supply the missing information, and the Department has 30 days from the date the Department provides notice to the applicant that the application is complete to review and act upon the application. The Department shall, however, avoid unreasonable delays in the case of inadvertent omission of material that is not central to its review of the merits of the application.

5.8.3 Application Review.

- A. For the purposes of processing applications for registry identification cards, registration certificates, or renewals, the Department shall apply an objective standard to establishing whether an applicant has satisfied the requirements, specifically the satisfaction of general registration criteria and the submission of all required documents, forms and fees.
- B. Within 30 days from the date the Department provides notice to the applicant that the application is complete, the Department shall either deny the application or issue a registry identification card or a registration certificate valid for up to one year.

5.8.4 Withdrawal.

- A. The Department and the applicant may mutually agree in writing to the voluntary withdrawal of an application.
- B. Applicants must first submit a notice to the Department requesting a voluntary withdrawal of the application.
- C. The Department will consider the request along with any circumstances at issue with the application in making a decision to accept the voluntary withdrawal. The Department may at its discretion grant the request with or without prejudice or deny the request.
- D. The Department will notify the applicant of its acceptance of the voluntary withdrawal and the terms thereof.
- E. If the applicant agrees in writing to a voluntary withdrawal granted with prejudice, then the applicant is not eligible to apply again for registration or approval until after expiration of one year from the date of such voluntary withdrawal.

5.8.5 Denial. Pursuant to 22 MRS §2425-A, the Department may deny an application for a registry identification card, a registration certificate, or a renewal.

- A. The Department shall notify the applicant in writing of the reason for denying the application.
- B. The Department may deny an application if:
 - (1) The applicant did not provide the all information required by the Act and this Rule;
 - (2) The Department determines that the applicant does not qualify; or
 - (3) The Department determines that the information provided by the applicant was falsified.
- C. An applicant whose application is denied pursuant to 22 MRS §2425-A may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

5.9 - Application to Change Registry Identification Card Information

5.9.1 Required Forms for All Applications to Change Registry Identification Card Information.

Each applicant to change information appearing on his/her physical registry identification card shall include on forms made available by the Department as well as attachments thereto notice of the information appearing on the card requiring the change and the reason(s) for the change, as well as any proof required by the Department of the actual change.

Each applicant to change information related to his/her registry identification card, other than the information appearing on the physical registry identification card, shall include on forms made available by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section. It is the responsibility of the cardholder to ensure that all information relating to the registry identification card, including the information contained on the card itself, is current and up to date at all times. Approval of an application to change registry identification card information does not extend the expiration date.

- A. Each applicant to change registry identification card information shall demonstrate continued compliance with all registration criteria in accordance with this Rule and the Act.
- B. Each applicant to change the following information related to his/her registry identification card shall provide updated information on forms made available by the Department, if applicable. The Department will process this information and issue a revised registry identification card.
 - (1) The legal name of the applicant.
 - (2) The applicant's physical address.
 - (3) The applicant's mailing address where the applicant will receive official correspondence from the Department.
 - (4) The applicant's e-mail address where the applicant will receive official correspondence from the Department.
 - (5) The applicant's telephone number where the applicant will receive official correspondence from the Department.
 - (6) Payment of the required fee in accordance with this Rule and the Act.
- C. Each applicant shall provide the following information on forms made available by the Department, if applicable, and must receive Department approval prior to implementation. The Department will deem complete and approve or deny the application to change the following registry identification card information pursuant to Section 5.8 above.
 - (1) The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department to prove compliance with Section 6.2.2 for the single allowable business entity organized by the applicant associated with the caregiver registry identification card, if applicable.
 - (2) Identification of all natural persons and business entities having an interest as an officer or director in the registry identification card and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule.
 - (3) Registered address(es) for authorized activities as approved by the Department through the operating plan of record.

- (4) The authorized number of marijuana plants or size of the plant canopy that the applicant intends to cultivate.
- (5) Operating plan of record.
- (6) Payment of the required fee in accordance with this Rule and the Act.

5.10 - Application to Change Registration Certificate Information

5.10.1 Required Forms for All Applications to Change Registration Certificate Information.

Each applicant to change information appearing on the physical registration certificate shall include on forms made available by the Department as well as attachments thereto notice of the information appearing on the registration certificate requiring the change and the reason(s) for the change, as well as any proof required by the Department of the actual change.

Each applicant to change information related to the registration certificate, other than the information appearing on the physical registration certificate, shall include on forms supplied by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section. It is the responsibility of the registration certificate holder through its officers or directors to ensure that all information relating to the registration certificate, including the information contained on the certificate itself, is current and up to date at all times. Approval of an application to change registration certificate information does not extend the expiration date.

- A. Each applicant to change registration certificate information shall demonstrate continued compliance with all registration criteria in accordance with this Rule and the Act.
- B. Each applicant to change the following information related to its registration certificate shall provide updated information on forms made available by the Department, if applicable. The Department will process this information and issue a revised registration certificate.
 - (1) The applicant's primary point of contact information.
 - (2) The applicant's mailing address where the applicant will receive official correspondence from the Department.
 - (3) The applicant's e-mail address where the applicant will receive official correspondence from the Department.
 - (4) The applicant's telephone number where the applicant will receive official correspondence from the Department.
 - (5) Payment of the required fee in accordance with this Rule and the Act.
- C. Each applicant shall provide the following information on forms made available by the Department, if applicable, and must receive Department approval prior to implementation. Changes to the business entity holding the registration certificate, officers or directors, indirect or direct financial interests, and addresses registered for authorized business activities may require a new local authorization form as determined by the Department. The Department will deem complete and approve or deny the application to change the following registration certificate information pursuant to Section 5.8 above.
 - (1) The legal name, organizing documents, operating and/or management agreements, bylaws, and any other business information required by the Department to prove compliance with Section 6.2.2, if applicable.
 - (2) Identification of all natural persons and business entities having an interest as an officer or director in the registration certificate and the nature and extent of the interest held by each person or entity and, if applicable, the nature and extent of any interest the person or entity has in any other registrations applied for or issued under this Rule.
 - (3) Registered address(es) for authorized activities.
 - (4) Operating plan of record.
 - (5) Payment of the required fee in accordance with this Rule and the Act.

5.11 - Application for Reissuance of a Lost, Stolen or Damaged Registry Identification Card or Registration Certificate

5.11.1 Required Forms for All Applications for Reissuance of a Lost, Stolen or Damaged Registry Identification Card or Registration Certificate. Each applicant to have a lost, stolen or damaged registry identification card or registration certification reissued shall include on forms supplied by the Department as well as attachments thereto, all information requested by the Department, including without limitation information described in this Section. Approval of an application for reissuance does not extend the expiration date.

- A. The legal name of the registry identification card or registration certificate holder.
- B. The identification number that is unique to the holder.
- C. The applicant's mailing address where the applicant will receive official correspondence from the Department.
- D. Payment of the required fee in accordance with this Rule and the Act.

Section 6 – General Compliance

6.1 - General Requirements for All Registrants

6.1.1 General Conduct Requirements. Information related to the following may be required by the Department on the operating plan of record. Each registrant and/or any assistant of the registrant shall:

- A. Carry out all authorized activities in compliance with this Rule and the Act, as well as any other applicable state laws and rules, including without limitation 17-A and 36 MRS;
- B. Ensure that all information relating to the registry identification card or registration certificate, including the information contained on the card or certificate itself, is current at all times;
- C. Ensure that they continue to meet all requirements of registration and that no material changes have occurred from the time of application;
- D. Ensure that all information contained in any Department approved operating plan of record is current at all times and shall conduct authorized activities in accordance with the operating plan of record approved by the Department;
- E. Refrain from any attempt to conceal or disguise ownership or other control over their operations and must comply with all reporting requirements regarding ownership, financial, management and other interests as required by this Rule and the Act;
- F. Be responsible for their own conduct and the conduct of assistants, qualifying patients, contractors and visitors on any premises registered with the Department for authorized activities at all times;
- G. Conduct business and maintain the registered premises, surrounding area, and vehicles transporting product, in compliance with the following laws, as they now exist or may later be amended:
 - (1) Falsification in Official Matters, 17-A MRS, chapter 19;
 - (2) Offenses against Public Order, 17-A MRS, chapter 21;
 - (3) Drugs, 17-A MRS, chapter 45; and
 - (4) Motor Vehicles and Traffic, 29-A MRS;
- H. Ensure that at all times during operating hours and hours of apparent activity that there is, on-site, a registry identification cardholder authorized to cooperate with Department inspection of the registered premises and business records.
- I. Maintain detailed business records and complete an annual audit as follows:
 - (1) Keep a record of all transfers of marijuana plants and harvested marijuana;
 - (2) Keep the books and records maintained by the registered caregiver, registered dispensary, or manufacturing facility for a period of 7 years;
 - (3) Complete an annual audit of business transactions of the registered caregiver, registered dispensary, or manufacturing facility by an independent 3rd party;
 - (4) Submit to the Department upon annual renewal proof that the registrant completed the required annual audit in accordance with this subsection; and

- (5) Make the books and records maintained by the registrant, and audit conducted pursuant to this subsection, available to inspection by the Department upon demand;
- J. Report any violation of this Rule or the Act governing the operations of the registered caregiver, registered dispensary, registered manufacturing facility to the Department within 24 hours of discovering the violation;
- K. Report any suspected illegal activity involving the operations of the registered caregiver, registered dispensary, registered manufacturing facility to the Department and law enforcement within 24 hours of discovering the suspected illegal activity; and
- L. Report to law enforcement the identity of any individual who explicitly communicates the intent to divert marijuana for medical use to any individual, across state lines or to be engaging in the unlicensed sale of marijuana.

6.1.2 Registered Premises. Information related to the following may be required by the Department on the operating plan of record.

- A. Each registrant shall register all locations, subject to certain limitations in this Rule or the Act, to conduct authorized activities as approved by the Department.
- B. Authorized activities are location specific and must be conducted in the location and manner approved by the Department through the operating plan of record.
- C. Only activities authorized by this Rule and the Act may be conducted on any registered premises. No other activities besides those authorized by this Rule and the Act may be conducted at any time on the registered premises, including without limitation, sampling events, catered events or parties.
- D. Except as otherwise provided by law, registrants or assistants may not:
 - (1) Be disorderly or visibly intoxicated by liquor, marijuana or controlled substances on any registered premises;
 - (2) Permit any disorderly or visibly intoxicated person to remain on any registered premises;
 - (3) Engage in or allow behavior on any registered premises that provokes conduct which presents a threat to public safety;
 - (4) Engage in, or permit any assistant or other person to engage in, conduct on any registered premises that is prohibited by any portion of 22 MRS, 17-A MRS or 36 MRS; any part of this Rule; or any other applicable state laws and rules; or
 - (5) Engage in or permit any assistant or other person to engage in the consumption of any type of marijuana, marijuana concentrate or marijuana product on the premises, except a registrant may allow an assistant who is a qualifying patient to consume legally obtained medical marijuana or marijuana products, so long as no qualifying patient or visitor sees, smells, hears or otherwise observes the consumption of medical marijuana. Pursuant to 22 MRS§2426(2)(B), no employer is required to accommodate the ingestion of medical marijuana in any workplace or any employee working while under the influence of marijuana.
- E. Each registrant shall ensure entry points to any registered premises are designed to control access to only individuals permitted by this Rule or the Act, including without limitation:
 - (1) Registry identification card holders, including the registered caregiver and their assistants, and all employees and officers or directors associated with the registration certificate;
 - (2) Contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana;
 - (3) Staff or agents of the Department;
 - (4) Law enforcement officers;
 - (5) Employees or agents of local or state agencies with regulatory authority; and
 - (6) Qualifying patients, visiting qualifying patients or other registrants for the purpose of conducting authorization transactions within designated areas of the registered premises.
- F. Staff or agents of the Department, law enforcement officers and employees or agents of local or state agencies with regulatory authority shall provide proof of identification but shall not be considered visitors and shall not be denied entry to any area of the registered premises.
- G. Each registrant shall:

- (1) Implement security measures as required by this Rule and the Act and approved by the Department through the operating plan of record to prevent unauthorized entry to any registered premises.
- (2) Ensure that all areas of ingress and egress to any registered premises and/or areas within the registered premises designated for certain authorized activities shall be clearly identified by posting a sign which shall be no smaller than 8.5 inches high and 11 inches wide, composed of letters not less than a half inch in height, which shall state: “Pursuant to State Law: Do Not Enter – Authorized Persons Only.”
- (3) Ensure that contractors and other authorized visitors may enter the registered premises only if they have signed into a visitor entry log, display a unique visitor identification badge, and are accompanied by a registry identification cardholder at all times.
- (4) Ensure that a visitor entry log is maintained and includes, at a minimum:
 - (a) The date and time of the visitor’s entry;
 - (b) The date and time of the visitor’s departure;
 - (c) The full name of the visitor;
 - (d) The identifying number of the visitor’s state- or federally-issued identification;
 - (e) The identifying mark on the visitor identification badge;
 - (f) The registration number of the person who will accompany the contractor, if required, while the contractor is on the registered premises; and
 - (g) The purpose for which the contractor is accessing the registered premises.

6.1.3 Security. Each registrant must enact security measures to prevent the diversion of marijuana plants or harvested marijuana that are being cultivated, manufactured, tested, packaged, stored, displayed or transported. The Department may require that each registrant, with the exception of a registered caregiver subject to limited compliance in accordance with Section 11 of this Rule, demonstrate compliance with the following standards on the registrant’s operating plan of record.

- A. Lighting must be sufficient to deter unauthorized activity.
 - (1) Any gate or perimeter entry point of a registered premises must have lighting sufficient for observers to see, and cameras to record, any activity within 10 feet of the gate or entry.
 - (2) A motion detection lighting system may be employed to light required areas in low-light conditions.
- B. Doors and windows must be designed to deter forced entry.
 - (1) Commercial grade locks, appropriate for facilities requiring high levels of physical security, are required on all perimeter entry doors to the registered premises.
 - (2) All perimeter windows of the registered premises must be in good condition and lockable.
- C. An alarm system is required.
 - (1) Monitored sensors are required on all perimeter entry points and perimeter windows of the registered premises.
 - (2) Alarm systems must be monitored by a licensed security company capable of contacting the registrants and, if necessary, law enforcement.
 - (3) The system must include an audible alarm, which must be capable of being disabled remotely by the security company.
- D. Video surveillance is required to deter unauthorized activity and to allow Department monitoring of registrant activity.
 - (1) Placement and coverage of cameras must be sufficient.
 - (a) Cameras must be permanently fixed inside and outside each entry/exit point of the registered premises to ensure facial recognition and identification of persons entering and exiting.
 - (b) A sufficient number of cameras must be permanently fixed to allow the viewing, in its entirety, of any area where harvested marijuana, marijuana plants, immature marijuana plants, seedlings, or seeds are cultivated, manufactured, tested, packaged, stored, displayed or transported.

- (c) A sufficient number of cameras must be permanently fixed to allow the viewing, in its entirety, of any area where marijuana waste is stored before being made unusable, or where marijuana waste is made unusable.
- (2) Video surveillance shall meet the following minimum requirements:
 - (a) Minimum camera resolution is 720p;
 - (b) System storage and cameras are internet protocol (IP) compatible;
 - (c) All cameras must record continuously twenty-four hours per day and at a minimum of 15 frames per second;
 - (d) All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards; and
 - (e) The surveillance system storage device must be secured on the premises in a lockbox, cabinet or closet, or must be on a third-party server or secured in another manner to protect from employee tampering or criminal theft.
- (3) All surveillance recordings must be kept for a minimum of 45 days on the registrant's recording device.
- (4) All videos are subject to inspection by any Department employee or law enforcement officer and must be copied and provided to the Department or law enforcement officer upon request.
- (5) Each registrant shall maintain a list of all persons with access to video surveillance recording and procedures for controlling access to recordings.

6.1.4 Co-Location. Information related to the following may be required by the Department on the operating plan of record.

- A. A registered caregiver or registered dispensary may co-locate the registrant's cultivation activities with an adult use cultivation facility licensed by the Department only as authorized by 18-691 CMR, ch. 1 and 28-B MRS, ch.1.
- B. A registered caregiver or registered dispensary may co-locate the registrant's manufacturing activities with an adult use manufacturing facility licensed by the Department only as permitted by 18-691 CMR, ch. 1 and 28-B MRS, ch.1.
- C. A registered manufacturing facility may co-locate its facility with an adult use manufacturing facility licensed pursuant to 18-691 CMR, ch. 1 and 28-B MRS, ch. 1 only in accordance with 18-691 CMR, ch.1 and 28-B MRS, ch.1.
- D. A registered caregiver or registered dispensary may not offer for sale marijuana for medical use in the same building or facility where the registered caregiver or registered dispensary offers for sale adult use marijuana or marijuana products authorized pursuant to 28-B MRS, ch.1 and 18-691 CMR, ch. 1.

6.1.5 Licenses, Registrations and Certificates from Other State Agencies Required. As applicable, a registrant must possess any credentials required by other state agencies for conduct authorized by this Rule.

- A. Pesticide applicator license. A registrant that intends to apply or applies pesticides in the cultivation of marijuana for medical use shall obtain from the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, a license to apply pesticides.
- B. Licenses for food manufacturing and sale³. A registrant who intends to or does manufacture or sell edible marijuana products or marijuana beverages shall obtain from the Department of Agriculture, Conservation and Forestry, Division of Quality Assurance & Regulations any applicable licenses required including without limitation:

³ Laws and Rules can be found at: https://www.maine.gov/dacf/qar/laws_and_rules/food_laws_rules.shtml (Accessed September 25, 2020).

License applications can be found at: https://www.maine.gov/dacf/qar/permits_and_licenses/application_forms.shtml (Accessed September 25, 2020).

1. A Home Food Processing License as required to produce shelf stable (non-potentially hazardous) foods such as, but not limited to, cookies, brownies, gummies, candies, jams & jellies, pickles etc. in a home kitchen to be sold from the home or wholesale;
 2. A Commercial Food Processing License as required to process, or otherwise prepare and package food products for human consumption in a commercial kitchen. Potentially Hazardous Foods such as cheesecakes, cream pies, fermented foods etc. may be produced in a commercial kitchen;
 3. A Beverage Plant License as required to assemble, process, manufacture, bottle or convert into form any non-alcoholic beverage for distribution or sale; and/or
 4. A Retail Food Establishment License as required to sell prepackaged foods or foods prepared on site for sale to the consumer and intended for off-premise consumption.
- C. Scale certification required. A registrant shall have all scales and balances used to measure harvested marijuana certified in accordance with this section and 10 MRS, ch. 501.
1. Scales and balances used to measure harvested marijuana at the point of direct sale to consumers shall be certified by the Department of Agriculture, Conservation and Forestry, Division of Weights and Measures.
 2. Scales and balances used in commerce, but not for direct-to-consumer sales, shall be certified by a scale “dealer or repairman” registered with the State Sealer pursuant to 10 MRS § 2651.
- D. Retail tobacco sales license required. A registrant engaged in sales of any “tobacco product” as defined in 22 MRS § 1551(3) shall obtain from the Department of Health and Human Services a retail tobacco sales license in accordance with 22 MRS § 1551-A.
- E. Other state agency credentials required as applicable. The Department may require a registrant to obtain from a state agency any other applicable license, registration or certificate required by that agency to engage in conduct authorized by this Rule to protect the public health and safety.

6.1.6 Activities Related to Trade Samples. A registrant may provide trade samples of marijuana flower and trim that it is authorized to cultivate and/or marijuana concentrate and marijuana products that it is authorized to manufacture, as applicable, to other registrants, subject to the following requirements:

- A. A registrant may not provide trade samples of seeds, seedlings, immature marijuana plants or mature marijuana plants to other registrants.
- B. A registrant must:
 - (1) Provide trade samples solely for the purposes of business-to-business marketing;
 - (2) Convey trade samples by way of authorized transfer in accordance with all tracking requirements;
 - (3) Package and label trade samples in accordance with Section 8 of this Rule; and
 - (4) Place trade samples in exit packaging in accordance with Section 8 of this Rule.
- C. Trade samples may not be:
 - (1) Consumed on the registered premises of the registrant providing or receiving the sample;
 - (2) Sold or conveyed to another registrant or consumer; or
 - (3) Provided for any payment or consideration in contravention of sales and excise tax requirements, including swapping samples among registrants.

6.2 - Additional Requirements Applicable to Registered Caregivers.

In addition to the general compliance requirements pursuant to this Rule, including without limitation Section 6.1 above, and all requirements pursuant to 22 MRS, Chapter 558-C, 36 MRS, and all other applicable laws and rules, each registered caregiver shall comply with the requirements of this subsection.

6.2.1 Authorized Possession Limits. Each registered caregiver may possess marijuana plants and harvested marijuana subject to the following requirements:

- A. Each registered caregiver may possess the number of marijuana plants which they are registered to cultivate with the Department and all harvested marijuana produced by the caregiver’s cultivation of those marijuana plants.

- B. Each registered caregiver may possess harvested marijuana purchased in a wholesale transaction from another registered caregiver or a registered dispensary with required transaction records and pursuant to all wholesale requirements in this Rule and the Act.

6.2.2 Registered Caregivers and Business Entities. A registered caregiver may conduct authorized activities as an individual or may organize as a business entity recognized under the laws of the State of Maine. A registered caregiver:

- A. May form only one legal business entity for all of the registered caregiver's authorized activities;
- B. Shall be the sole equity owner of the business entity;
- C. Shall retain sole control of the business entity;
- D. Shall provide to the Department all information and documentation relating to the business in accordance with this Rule;
- E. May seek and accept capital investment or loans on behalf of the business provided that the registered caregiver retains sole equity ownership and control of the business entity;
- F. Shall disclose to the Department any person who holds a revenue, equity or management interest in the caregiver's business and the nature and extent of the revenue, equity or management interest held by each person, including without limitation:
 - (1) Royalty license partners;
 - (2) Profit sharing arrangements;
 - (3) Capital investors and lenders; and
 - (4) Management contractors and consultants;
- G. Shall ensure that all assistants assisting the registered caregiver in the conduct of the registered caregiver's authorized activities through the business entity are registered caregiver assistants of the registered caregiver;
- H. Shall acknowledge that all restrictions regarding cultivation, possession, transfer, manufacture and retail sales of marijuana for medical use apply to the business entity as an extension of the registered caregiver's authorized conduct;
- I. Shall agree not to transfer any ownership or control of the business entity to any other person; and
- J. Shall acknowledge that both the registered caregiver and the business entity are prohibited from conducting any authorized caregiver activities if the caregiver does not hold a current valid registry identification card.

6.2.3 Registered Premises. Each registered caregiver shall register all locations, subject to certain limitations in this Rule or the Act, to conduct authorized activities as approved by the Department through the operating plan of record.

- A. Each registered caregiver is permitted to conduct authorized activities, excluding activities related to authorized transportation, at no more than two registered premises, including a registered caregiver retail store.
- B. Registered caregiver authorized activities are location specific and may only be conducted in the location and manner approved by the Department through the operating plan of record.

6.2.4 Authorized Cultivation Activities and Cultivation Area.

- A. Each registered caregiver shall designate a cultivation area within one registered premises as described in the operating plan of record to conduct the following activities:
 - (1) Propagate and cultivate marijuana plants subject to the limitations based on registration;
 - (2) Trim, dry, cure and store harvested marijuana;
 - (3) Prepare, weigh, package, label and store marijuana plants and harvested marijuana for transfer;
 - (4) Package marijuana for retail sale:
 - (a) Each registered caregiver may package marijuana flower and trim for retail sale; and
 - (b) Each registered caregiver may produce pre-rolled marijuana cigarettes, so long as the pre-rolled marijuana cigarettes contain only marijuana flower or trim.
 - (5) Prepare marijuana waste for disposal and dispose of marijuana waste;
 - (6) Prepare trade samples for distribution to other registrants pursuant this Rule and the Act; and

- (7) Prepare marijuana testing samples for transfer to a marijuana testing facility.
- B. Each registered caregiver shall only cultivate mature marijuana plants in areas clearly illustrated on the operating plan of record, previously filed and approved by the Department. At no time may the plant count or total area in square feet in which mature marijuana plants are cultivated exceed the plant count or total area for which the registered caregiver has been approved as indicated on the registry identification card as issued by the Department.
- C. Access to a cultivation area is limited to the registered caregiver, an assistant of the registered caregiver, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and assistants or agents of local or state agencies with regulatory authority.
- D. All electrical equipment, including but not limited to growing lights, cultivation equipment and packaging equipment, must be agency approved including UL, ETL, and CSA.
- E. Two registered caregivers who are members of the same family or household may share the same cultivation area, however, each registered caregiver's marijuana plants shall be physically separated, and each registered caregiver is independently responsible for maintaining compliance with all cultivation related requirements of this Rule and the Act, including separate storage and tracking.
- F. Registered caregiver assistants who also authorized to cultivate marijuana plants as a qualifying patient or registered caregiver may not cultivate in the cultivation area of the caregiver who employs that person.
- G. Unless the registered caregiver is subject to limited compliance in accordance with Section 11, the registered caregiver must comply with the general security requirements of Section 6.1.3 and the following requirements for any cultivation area:
- (1) Any cultivation of marijuana seedlings, immature marijuana plants or mature marijuana plants shall take place in:
 - (a) A fully enclosed, secure indoor facility or a secure greenhouse with walls, a roof, lockable doors, and secure windows as described in Section 6.1.3 that prevents entry from unauthorized persons; or
 - (b) A secure outdoor cultivation area.
 1. Any outdoor cultivation areas, including cultivation in greenhouses or other structures that do not meet all security requirements for buildings shall erect secure fencing around such areas.
 2. Fencing and all gates must be secure, at least 6 feet high and obscure, or have a cover that obscures, the cultivation area from being readily viewed from outside of the fenced in area.
 3. The entire area within the fence surrounding non-secure greenhouses and other outdoor cultivation areas shall be considered part of the cultivation area.
 4. Lighting shall be designed to illuminate a perimeter of at least 10 feet around any point of entry, whether it is a gate or access from a building.
 - (2) Each registered caregiver shall separate any areas used for transferring marijuana plants or harvested marijuana to other registrants, qualifying patients or visiting qualifying patients on the same premises as the cultivation area from the cultivation area using a wall, fence or other adequate security measure.

6.2.5 Authorized Manufacturing Activities and Manufacturing Area.

- A. Each registered caregiver shall only manufacture harvested marijuana produced by the caregiver's cultivation of marijuana plants or marijuana plants or harvested marijuana received through a wholesale transaction pursuant to this Rule and Act.
- B. Each registered caregiver shall designate manufacturing areas within the registered premises as described in the operating plan of record to conduct the following activities:
- (1) Manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered caregiver may manufacture marijuana concentrate using inherently hazardous substances if the registered

- caregiver has an inherently hazardous substance extraction manufacturing facility registration certificate;
- (2) Manufacture marijuana products for medical use, except that a registered caregiver may not manufacture food until or unless licensed to do so by all applicable state agencies;
 - (3) Prepare, weigh, package, label and store manufactured marijuana products or marijuana concentrate, including inhaled harvested marijuana, edible harvested marijuana or tinctures and topical harvested marijuana;
 - (4) Prepare marijuana waste for disposal and dispose of marijuana waste;
 - (5) Prepare trade samples for distribution to other registrants pursuant this Rule and the Act; and
 - (6) Prepare marijuana testing samples for transfer to a marijuana testing facility.
- C. Access to a manufacturing area is limited to the registered caregiver, an assistant of the registered caregiver, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and employees or agents of local or state agencies with regulatory authority.
- D. Each registered caregiver shall separate any areas used for transferring manufactured marijuana products and marijuana concentrate to other registrants, qualifying patients or visiting qualifying patients on the same premises as the manufacturing area from the manufacturing area using a wall, fence or other adequate security measure.
- E. Each registered caregiver shall:
- (1) Ensure that all equipment and surfaces that come into contact with any marijuana or other ingredients are food grade and made of materials that do not react adversely with marijuana, any ingredient, chemical or solvent being used;
 - (2) Construct, install and maintain all counters and surface areas in a manner that reduces the potential for development of microbials, molds, mildew, fungi and other contaminants, and that can be easily cleaned;
 - (3) Maintain the premises in a manner that is:
 - (a) Free from conditions that may result in contamination; and
 - (b) Suitable to facilitate safe and sanitary operations;
 - (4) Provide adequate refrigeration for perishable marijuana products that will be consumed and utilize adequate storage facilities and transport methods;
 - (5) Ensure that all electrical equipment, including but not limited to equipment used for extraction, mixing, cutting and packaging; refrigerators; ventilation; and lights, is agency approved including UL, ETL, and CSA; and
 - (6) Ensure that all chemicals and substances used in the manufacturing process are stored in a safe location on the premises and in a manner to prevent contamination of any marijuana or marijuana products.
- F. Each registered caregiver shall conform with the standard operating procedures for extraction methods described in its operating plan of record for any extraction to be performed on the premises.
- (1) The Department permits the following generally safe extraction methods, so long as they are listed in the operating plan of record:
 - (a) Mechanical extraction using:
 - (i) Potable water and ice made from potable water;
 - (ii) Dry screening or sieving;
 - (iii) Cryogenic or subzero processing not involving a solvent; or
 - (iv) Pressure and temperature.
 - (b) Infusion of marijuana in food grade fats or synthetic food additives:
 - (i) Propylene glycol;
 - (ii) Glycerin;
 - (iii) Butter;
 - (iv) Olive Oil; or
 - (v) Other typical cooking fats.

- (2) The Department will permit potentially hazardous solvent extraction using a 99 percent or greater purity of the following solvents, using storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems methods approved in the operating plan of record, so long as the solvents are listed in the operating plan of record and the end result does not exceed allowable limits specified by the Department:
 - (a) CO₂;
 - (b) Ethanol, including solutions of ethanol and potable water; or
 - (c) A liquid chemical, compressed gas or commercial product that has a flashpoint above 38 degrees Celsius or 100 degrees Fahrenheit

6.2.6 Activities Related to Authorized Transactions. Each registered caregiver shall comply with this subsection. During the hours and in the manner stated on the operating plan, a registered caregiver may:

- A. Sell or transfer harvested marijuana for medical use to qualifying patients and visiting qualifying patients, subject to the following requirements:
 - (1) The caregiver must verify, face-to-face, the patient's identity through an approved form of government-issued identification and that the patient has a valid written certification on their person at the time of the transaction;
 - (a) Under no circumstances may a registered caregiver accept from a qualifying patient from the state of Maine a digital or any other electronic copy of the patient certification;
 - (b) A registered caregiver may accept from a visiting qualifying patient digital or electronic patient credentials from their state of residence only if such credentials are recognized as valid by the Department and the visiting qualifying patient's state of residence;
 - (2) The amount of harvested marijuana transferred to a qualifying patient in one transaction must be two and one-half ounces or less;
 - (3) The amount of harvested marijuana transferred to a visiting qualified patient must be two and one-half ounces or less in one transaction during a 15-day period;
 - (4) The harvested marijuana must be properly packaged in accordance with this Rule, including exit packaging;
- B. Sell or transfer at a caregiver retail store marijuana seedlings to qualifying patients, but not visiting qualifying patients;
- C. Transfer to and accept from another registered caregiver or a registered dispensary marijuana plants or harvested marijuana in a wholesale transaction in accordance with this Rule and the Act;
- D. Transfer marijuana plants, only once, to only one licensed adult use cultivation facility by way of the limited authorized transfer pursuant to 28-B MRS § 501;
- E. Accept returns of products sold by the registrant and offer a refund or exchange of equal or lesser value;
- F. Provide consultations between registry identification cardholders and qualifying patients and visiting qualifying patients;
- G. Manage inventory;
- H. Enter transfers or deliveries into the inventory tracking system; or
- I. Dispose of marijuana waste.

6.2.7 Prohibited Conduct. Any activities regarding the medical use of marijuana that are not explicitly authorized by this Rule or the Act are prohibited. A registered caregiver may not:

- A. Transfer marijuana plants and harvested marijuana to a qualifying patient, another registered caregiver, or registered dispensary for no remuneration in excess of the possession and transactions limits provided in this Rule and the Act;
- B. Sell or transfer marijuana seedlings or harvested marijuana using:
 - (1) An automated dispensing or vending machine;
 - (2) A drive-through sales window; or
 - (3) An Internet-based sales platform;

- C. Sell or transfer any marijuana seedlings to a qualifying patient without possessing a current, valid caregiver retail store registration certificate;
- D. Sell or transfer marijuana seedlings or harvested marijuana to a qualifying patient or visiting qualifying patient who is visibly intoxicated;
- E. Sell or offer for sale to qualifying patients, visiting qualifying patients, or other registrants marijuana for medical use within the same facility or building in which the registrant, who is a licensee or shares common ownership with a licensee in the Maine Adult Use of Marijuana Program, also sells or offers for sale adult use marijuana and adult use marijuana products;
- F. Discount marijuana seedlings and harvested marijuana if the retail sale is made in conjunction with the retail sale of any other items, including other marijuana seedlings, immature marijuana plants and harvested marijuana;
- G. Sell marijuana plants and harvested marijuana at a nominal price for promotional purposes;
- H. Conduct any activities during hours or on days not authorized in the registrant's operating plan of record;
- I. Sell or transfer returned harvested marijuana to another qualifying patients, visiting qualifying patients, or other registrants;
- J. Permit qualifying patients, visiting qualifying patients, or other registrants to open or alter a package containing harvested marijuana or otherwise remove harvested marijuana from packaging required by this Rule within the registered premises or in an area that the registrant controls;
- K. Permit qualifying patients, visiting qualifying patients, or other registrants to bring harvested marijuana onto the registered premises except for harvested marijuana being returned for refund or exchange as allowed by this Rule;
- L. Sell any item not allowed under this Rule or any of the following items:
 - (4) Pet or animal food, treats or other pet or animal products containing marijuana;
 - (5) Injectable marijuana; or
 - (6) Any other marijuana products not meant for human consumption or use;
- M. Sell immature marijuana plants and mature marijuana plants;
- N. Use any electrical equipment, including but not limited to display lighting, not listed as approved by a nationally recognized testing laboratory or not approved by the authority having jurisdiction;
- O. Contract for the cultivation of seeds of a marijuana plants, seedlings, immature marijuana plants, or mature marijuana plants except that a registered caregiver may engage in wholesale transactions in accordance with this Rule and the Act; or
- P. Use a pesticide on marijuana plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of marijuana plants use a pesticide unless at least one registered caregiver assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered caregiver assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. A registered caregiver assistant who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230.

6.2.8 Assistants. Each registered caregiver may employ assistants with valid registry identification cards to assist in the duties of the registered caregiver as authorized by this Rule and the Act.

- A. Each registered caregiver shall maintain personnel files in accordance with this Rule, that shall include, without limitation:
 - (1) Job description or employment contract;
 - (2) An Employment Eligibility Verification Form I-9; and/or IRS Forms W-4 or 1099; and
 - (3) Copy of current registry identification card and copy of a Maine driver's license or other State-issued photographic identification card.

- B. The authorization of an assistant's conduct under this Rule and the Act ceases when that person is no longer employed by a registered caregiver.

6.3 - Additional Requirements Applicable to the Employment of Registered Assistants

- A. Each registrant employing or otherwise receiving the assistance of an assistant shall maintain a personnel file in accordance with this Rule, that shall include, without limitation:
 - (1) Job description or employment contract;
 - (2) An Employment Eligibility Verification Form I-9; and/or IRS Forms W-4 or 1099; and
 - (3) Copy of current registry identification card and copy of a Maine driver's license or other State-issued photographic identification card.
- B. The authorization of an assistant's conduct under this Rule and the Act ceases when that person is no longer employed by a registered caregiver, manufacturing facility, or dispensary.

6.4 - Additional Requirements Applicable to Registered Officers or Directors

- A. Each registered officer or director shall be responsible for ensuring compliance with all authorized conduct related to the registered manufacturing facility, or dispensary.
- B. The authorization of an officer or director's conduct under this Rule and the Act ceases when that person is no longer affiliated with the registered manufacturing facility, or dispensary.

6.5 - Additional Requirements Applicable to Caregiver Retail Store Certificate Holders.

In addition to the general compliance requirements pursuant to this Rule, including all requirements applicable to registered caregivers, 22 MRS, Chapter 558-C, 36 MRS, and all other applicable laws and rules, each caregiver retail store certificate holder shall comply with the requirements of this subsection.

6.5.1 Caregiver Retail Store Registration Certificate Holders and Business Entities. Each caregiver retail store registration certificate shall be held by one registered caregiver as an individual who may organize as a business entity pursuant to the requirements of Section 6.2.2 of this Rule.

6.5.2 Registered Premises. In addition to the general compliance requirements related to registered premises and security in Section 6.1.3 of this Rule, each caregiver retail store certificate holder shall comply with the requirements of this subsection. A caregiver retail store registration certificate holder shall:

- A. Maintain control of areas of the registered premises designated for retail sales to qualifying patient by stationing a registry identification cardholder at the entry door of the area designed for retail sales during all hours of public operation;
- B. Check for valid written patient certification and government-issued identification before allowing entry.
- C. Display harvested marijuana only in such a way that prevents access to unauthorized persons.
- D. Keep all harvested marijuana in a secure point of sale area and/or storage area with a physical barrier and adequate signage to prevent access to unauthorized persons as submitted and approved by the Department in the operating plan of record;
- E. Ensure no person, including a qualifying patient, handles harvested marijuana in the retail sales area unless a registry identification cardholder supervises the person at all times; and
- F. Ensure all items purchased are placed within exit packaging in accordance with the requirements in Section 8.1 of this Rule prior a customer leaving the registered premises.

6.5.3 Authorized Caregiver Retail Store Activities. Each caregiver retail store registration certificate holder may operate one caregiver retail store and may conduct the following activities at one registered premises as described in the Department approved operating plan of record:

- A. Between the hours of 7:00 a.m. and 10:00 p.m. local time or the hours approved in the operating plan, the registrant may:

- (1) Sell or transfer harvested marijuana for medical use, along with marijuana paraphernalia, non-marijuana food and non-alcoholic beverages, clothing and other generally permissible retail items, to qualifying patients and visiting qualifying patients;
 - (2) Sell or transfer marijuana seedlings for medical use to qualifying patients so long as the registered caregiver who holds the caregiver retail store registration certificate has been approved by the Department through the operating plan of record to cultivate within the same registered premises as the caregiver retail store, or by way of delivery directly to the qualifying patient from the registered cultivation premises;
 - (3) Accept returns of products sold by the registrant at the same caregiver retail store to the person making the return and offer a refund or exchange of equal or lesser value;
 - (4) Refuse to sell any item to any person; and
 - (5) Provide consultations between registry identification cardholders and qualifying patients and visiting qualifying patients.
- B. During the hours stated on the operating plan, the registrant may:
- (1) Prepare and transport harvested marijuana to another registrant;
 - (2) Accept deliveries of harvested marijuana from another registration;
 - (3) Manage inventory;
 - (4) Enter transfers or deliveries into the tracking system;
 - (5) Dispose of marijuana waste;
 - (6) Conduct employee training; or
 - (7) Perform administrative work, cleaning or maintenance.

6.5.4 Authorized and Prohibited Transactions. Any activities regarding the medical use of marijuana that are not explicitly authorized by this Rule or the Act are prohibited.

- A. Each caregiver retail store registration certificate holder is subject to the requirements related to the authorized and prohibited transactions that apply to a registered caregiver in Sections 6.2.6 and 6.2.7 above.
- B. Each caregiver retail store registration certificate holder shall ensure all transactions of harvested marijuana are reported in the inventory tracking, including sales by delivery.
- C. Each caregiver retail store registration certificate holder shall track sales and remit sales taxes according to 36 MRS and the rules of the Maine Revenue Service.

6.6 - Additional Requirements Applicable to Tier 1 and Tier 2 Manufacturing Facilities.

In addition to the general compliance requirements pursuant to this Rule, 22 MRS, Chapter 558-C, 36 MRS, and all other applicable laws and rules, each tier 1 or tier 2 manufacturing facility certificate holder shall comply with the requirements of this subsection.

6.6.1 Tier 1 and Tier 2 Manufacturing Facility Registration Certificate Holders and Business Entities. Each tier 1 and tier 2 manufacturing facility registration certificate may be held by an individual or a business entity. If organized as a business entity, at least one officer or director must maintain a valid registry identification card at all times.

6.6.2 Registered Premises. In addition to the general compliance requirements related to registered premises and security in Section 6.1.3 of this Rule, each tier 1 and tier 2 manufacturing facility registration certificate holder shall comply with the requirements of this subsection.

- A. Each tier 1 and tier 2 manufacturing facility registration certificate holder is permitted to conduct authorized activities, excluding activities related to authorized transportation, at one registered premises.
- B. Tier 1 and tier 2 manufacturing facility authorized activities are location specific and must be conducted in the location and manner approved by the Department through the operating plan of record.

6.6.3 Authorized Tier 1 and Tier 2 Manufacturing Facility Activities. Each tier 1 and tier 2 manufacturing facility registration certificate holder may conduct the following activities at one registered premises as described in the Department approved operating plan of record:

- A. Each tier 1 manufacturing facility registration certificate holder may possess up to 40 pounds of harvested marijuana;
- B. Each tier 2 manufacturing facility registration certificate holder may possess up to 200 pounds of harvested marijuana;
- C. Each tier 1 and tier 2 manufacturing facility registration certificate holder may only possess and manufacture harvested marijuana obtained from a qualifying patient, a registered caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the qualifying patient or registrant that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate.
- D. Each tier 1 and tier 2 manufacturing facility registration certificate holder may conduct the following activities as described in the Department approved operating plan of record:
 - (1) Manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a tier 1 and tier 2 manufacturing facility registration certificate holder may manufacture marijuana concentrate using inherently hazardous substances if the tier 1 and tier 2 manufacturing facility registration certificate holder has an inherently hazardous substance extraction manufacturing facility registration certificate;
 - (2) Manufacture marijuana products for medical use except that a tier 1 and tier 2 manufacturing facility registration certificate holder may not manufacture food until or unless licensed to do so by all applicable state agencies;
 - (3) Prepare, weigh, package, label and store manufactured marijuana products or marijuana concentrate, including inhaled harvested marijuana, edible harvested marijuana or tinctures and topical harvested marijuana;
 - (4) Dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion;
 - (5) Transfer marijuana testing samples to a marijuana testing facility;
 - (6) Conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;
 - (7) Receive reasonable compensation for manufacturing marijuana products or marijuana concentrate.
- E. Access to manufacturing area is limited to the individual holding the tier 1 or tier 2 manufacturing facility registration certificate, or if organized as a business entity, the officers or directors or assistants with a valid registry identification card, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and employees or agents of local or state agencies with regulatory authority.
- F. Each tier 1 or tier 2 manufacturing facility registration certificate holder shall physically separate with a locked door any areas used for transferring manufactured marijuana products and marijuana concentrate to or from qualifying patients or other registrants on the same premises as the manufacturing area from the manufacturing area.
- G. Each tier 1 or tier 2 manufacturing facility registration certificate holder shall:
 - (1) Ensure that all equipment and surfaces that come into contact with any marijuana or other ingredients are food grade and made of materials that do not react adversely with marijuana, any ingredient, chemical or solvent being used;
 - (2) Construct, install and maintain all counters and surface areas in a manner that reduces the potential for development of microbials, molds, mildew, fungi and other contaminants, and that can be easily cleaned;
 - (3) Maintain the premises in a manner that is:
 - (a) Free from conditions that may result in contamination; and
 - (b) Suitable to facilitate safe and sanitary operations;

- (4) Provide adequate refrigeration for perishable marijuana products that will be consumed and utilize adequate storage facilities and transport methods;
 - (5) Ensure that all electrical equipment, including but not limited to equipment used for extraction, mixing, cutting and packaging; refrigerators; ventilation; and lights, is agency approved including UL, ETL, and CSA; and
 - (6) Ensure that all chemicals and substances used in the manufacturing process are stored in a safe location on the premises and in a manner to prevent contamination of any marijuana or marijuana products.
- H. Each tier 1 or tier 2 manufacturing facility registration certificate holder shall conform with the standard operating procedures for extraction methods described in its operating plan of record for any extraction to be performed on the premises.
- (1) The Department permits the following generally safe extraction methods, so long as they are listed in the operating plan of record:
 - (a) Mechanical extraction using:
 - (i) Potable water and ice made from potable water;
 - (ii) Dry screening or sieving;
 - (iii) Cryogenic or subzero processing not involving a solvent; or
 - (iv) Pressure and temperature.
 - (b) Infusion of marijuana in food grade fats or synthetic food additives:
 - (i) Propylene glycol;
 - (ii) Glycerin;
 - (iii) Butter;
 - (iv) Olive Oil; or
 - (v) Other typical cooking fats.
 - (2) The Department will permit potentially hazardous solvent extraction using a 99 percent or greater purity of the following solvents, using storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems methods approved in the operating plan of record, so long as the solvents are listed in the operating plan of record and the end result does not exceed allowable limits specified by the Department:
 - (a) CO₂;
 - (b) Ethanol, including solutions of ethanol and potable water; or
 - (c) A liquid chemical, compressed gas or commercial product that has a flashpoint above 38 degrees Celsius or 100 degrees Fahrenheit.

6.6.4 Prohibitions Related to Authorized Transactions. Any activities regarding the medical use of marijuana that are not explicitly authorized by this Rule or the Act are prohibited.

Each tier 1 or tier 2 manufacturing facility registration certificate holder may not:

- A. Purchase or own marijuana plants or harvested marijuana at any time;
- B. Possess marijuana plants or harvested marijuana that was not transferred to the tier 1 or tier 2 manufacturing facility registration certificate holder by a qualifying patient, registered caregiver or registered dispensary for the purpose of providing manufacturing services to the transferor; and
- C. Engage in retail sales of marijuana product or marijuana concentrate under the tier 1 or tier 2 manufacturing facility registration certificate.

6.7 - Additional Requirements Applicable to Inherently Hazardous Substance Extraction Manufacturing Facilities

In addition to the general compliance requirements pursuant to this Rule, 22 MRS, Chapter 558-C, 36 MRS, and all other applicable laws and rules, each inherently hazardous substance extraction manufacturing facility certificate holder shall comply with the requirements of this subsection.

6.7.1 Inherently Hazardous Substance Extraction Manufacturing Facility Registration Certificate Holders and Business Entities. Each inherently hazardous substance extraction manufacturing facility registration certificate may be held by an individual or a business entity. If organized as a business entity, at least one officer or director must maintain a valid registry identification card at all times.

6.7.2 Registered Premises. In addition to the general compliance requirements related to registered premises and security in Section 6.1.3 of this Rule, each inherently hazardous substance extraction manufacturing facility certificate holder shall comply with the requirements of this subsection.

- A. Each inherently hazardous substance extraction manufacturing facility certificate holder is permitted to conduct authorized activities, excluding activities related to authorized transportation, at one registered premises.
- B. Inherently hazardous substance extraction manufacturing facility authorized activities are location specific and must be conducted in the location and manner approved by the Department through the operating plan of record.

6.7.3 Authorized Inherently Hazardous Substance Extraction Manufacturing Facility Activities. Each inherently hazardous substance extraction manufacturing facility registration certificate holder may conduct the following activities at one registered premises as described in the Department approved operating plan of record:

- A. Each inherently hazardous substance extraction manufacturing facility registration certificate holder may possess up to 40 pounds of harvested marijuana;
- B. Each inherently hazardous substance extraction manufacturing facility registration certificate holder may only possess and manufacture harvested marijuana obtained from a qualifying patient, a registered caregiver or a registered dispensary and may transfer marijuana concentrate to the qualifying patient or registrant that provided the harvested marijuana used to manufacture the marijuana concentrate.
- C. Each inherently hazardous substance extraction manufacturing facility registration certificate holder may conduct the following activities as described in the Department approved operating plan of record:
 - (1) Engage in marijuana extraction to produce marijuana concentrate for medical use;
 - (2) Obtain harvested marijuana from a qualifying patient, a caregiver or a dispensary and transfer marijuana concentrate to the person that provided the harvested marijuana used to produce the marijuana concentrate;
 - (3) Prepare, weigh, package, label and store manufactured marijuana products or marijuana concentrate;
 - (4) Dispose of harvested marijuana used in the extraction process in a manner that prevents its diversion;
 - (5) Transfer samples to a marijuana testing facility for testing;
 - (6) Conduct testing of marijuana concentrate produced by the person for research and development purposes; and
 - (7) Receive reasonable compensation for producing marijuana concentrate.
- D. Access to manufacturing area is limited to the individual holding the inherently hazardous substance extraction manufacturing facility registration certificate, or if organized as a business entity, the officers or directors or assistants with a valid registry identification card, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and employees or agents of local or state agencies with regulatory authority.
- E. Each inherently hazardous substance extraction manufacturing facility registration certificate holder shall physically separate with a locked door any areas used for transferring manufactured marijuana concentrate to or from qualifying patients or other registrants on the same premises as the manufacturing area from the manufacturing area.
- D. Each inherently hazardous substance extraction manufacturing facility registration certificate holder shall:
 - (1) Ensure that all equipment and surfaces that come into contact with any marijuana or other ingredients are food grade and made of materials that do not react adversely with marijuana, any ingredient, chemical or solvent being used;

- (2) Construct, install and maintain all counters and surface areas in a manner that reduces the potential for development of microbials, molds, mildew, fungi and other contaminants, and that can be easily cleaned;
 - (3) Maintain the premises in a manner that is:
 - (a) Free from conditions that may result in contamination; and
 - (b) Suitable to facilitate safe and sanitary operations;
 - (4) Provide adequate refrigeration for perishable marijuana products that will be consumed and utilize adequate storage facilities and transport methods;
 - (5) Ensure that all electrical equipment, including but not limited to equipment used for extraction, mixing, cutting and packaging; refrigerators; ventilation; and lights, is agency approved including UL, ETL, and CSA; and
 - (6) Ensure that all chemicals and substances used in the manufacturing process are stored in a safe location on the premises and in a manner to prevent contamination of any marijuana or marijuana products.
- E. Each inherently hazardous substance extraction manufacturing facility registration certificate holder shall conform with the standard operating procedures for extraction methods described in its operating plan of record for any extraction to be performed on the premises.

6.7.4 Prohibitions Related to Authorized Transactions. Each inherently hazardous substance extraction manufacturing facility registration certificate holder shall comply with this subsection.

- A. Each inherently hazardous substance extraction manufacturing facility registration certificate holder may not:
- (1) Purchase or own marijuana plants or harvested marijuana at any time;
 - (2) Possess marijuana plants or harvested marijuana that was not transferred to the inherently hazardous substance extraction manufacturing facility registration certificate holder by a qualifying patient, registered caregiver or registered dispensary for the purpose of providing extraction services to the transferor; and
 - (3) Engage in retail sales of marijuana product or marijuana concentrate under the inherently hazardous substance extraction manufacturing facility registration certificate.

6.8 - Additional Requirements Applicable to Registered Dispensaries.

In addition to the general compliance requirements pursuant to this Rule, including without limitation Section 6.1 above, and all requirements pursuant to 22 MRS, Chapter 558-C, 36 MRS, and all other applicable laws and rules, each registered dispensary shall comply with the requirements of this subsection.

6.8.1 Registered Dispensary Registration Certificate Holders and Business Entities. Each registered dispensary registration certificate may be held by an individual or a business entity. If organized as a business entity, at least one officer or director must maintain a valid registry identification card at all times.

6.8.2 Registered Premises. Each registered dispensary shall register all locations, subject to certain limitations in this Rule or the Act, to conduct authorized activities as approved by the Department through the operating plan of record.

- A. Each registered dispensary is permitted to conduct authorized activities, excluding activities related to authorized transportation, at no more than two registered premises, including the one permitted additional location at which the dispensary may cultivate marijuana plants for medical use by qualifying patients.
- B. Registered dispensary authorized activities are location specific and may only be conducted in the location and manner approved by the Department through the operating plan of record.

6.8.3 Authorized Cultivation Activities and Cultivation Area.

- A. Each registered dispensary shall designate a cultivation area within one registered premises as described in the operating plan of record to conduct the following activities:

- (1) Propagate and cultivate marijuana plants subject to the limitations based on registration;
 - (2) Trim, dry, cure and store harvested marijuana;
 - (3) Prepare, weigh, package, label and store marijuana plants and harvested marijuana for transfer;
 - (4) Package marijuana for retail sale:
 - (a) Each registered dispensary may package marijuana flower and trim for retail sale; and
 - (b) Each registered dispensary may produce pre-rolled marijuana cigarettes, so long as the pre-rolled marijuana cigarettes contain only marijuana flower or trim.
 - (5) Prepare marijuana waste for disposal and dispose of marijuana waste;
 - (6) Prepare trade samples to other registrants pursuant this Rule and the Act; and
 - (7) Prepare marijuana testing samples to a marijuana testing facility.
- B. Each registered dispensary shall only cultivate mature marijuana plants in areas clearly illustrated on the operating plan of record, previously filed and approved by the Department.
- C. Access to a cultivation area is limited to officers, directors and assistants of the registered dispensary, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and employees or agents of local or state agencies with regulatory authority.
- D. All electrical equipment, including but not limited to growing lights, cultivation equipment and packaging equipment, must be agency approved including UL, ETL, and CSA.
- E. In addition to the general security requirements found in Section 6.1.3, registered dispensary cultivation areas are subject to the following requirements:
- (1) Any cultivation of marijuana seedlings, immature marijuana plants or mature marijuana plants shall take place in:
 - (a) A fully enclosed, secure indoor facility or a secure greenhouse with walls, a roof, lockable doors, and secure windows as described in Section 6.1.3 that prevents entry from unauthorized persons; or
 - (b) In a securely fenced area meeting the following requirements:
 1. Any outdoor cultivation areas or greenhouses that do not meet the requirements for building security shall erect secure fencing around such areas. Fencing and all gates must be secure, at least 6 feet high and obscure, or have a cover that obscures the cultivation area from being readily viewed from outside of the fenced in area.
 2. The entire area within the fence surrounding non-secure greenhouses and other outdoor cultivation areas shall be considered part of the cultivation area.
 3. Lighting shall be designed to illuminate a perimeter of at least 10 feet around any point of entry, whether it is a gate or access from a building.
 - (2) Each registered dispensary shall separate any areas used for transferring marijuana plants or harvested marijuana to other registrants, qualifying patients or visiting qualifying patients on the same premises as the cultivation area from the cultivation area using a wall, fence or other adequate security measure.

6.8.4 Authorized Manufacturing Activities and Manufacturing Area.

- A. Each registered dispensary shall only manufacture harvested marijuana produced by the registered dispensary's cultivation of marijuana plants or marijuana plants or harvested marijuana received through a wholesale transaction pursuant to this Rule and Act.
- B. Each registered dispensary shall designate manufacturing areas within a registered premises as described in the operating plan of record to conduct the following activities:
- (1) Manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance,
 - (2) Manufacture marijuana concentrate using inherently hazardous substances if the registered dispensary has an inherently hazardous substance extraction manufacturing facility registration certificate;

- (3) Manufacture marijuana products for medical use, except that a registered dispensary may manufacture food only if licensed to do so by all applicable state agencies;
 - (4) Prepare, weigh, package, label and store manufactured marijuana products or marijuana concentrate, including inhaled harvested marijuana, edible harvested marijuana or tinctures and topical harvested marijuana;
 - (5) Prepare marijuana waste for disposal and dispose of marijuana waste;
 - (6) Prepare trade samples for distribution to other registrants pursuant this Rule and the Act; and
 - (7) Prepare marijuana testing samples for transfer to a marijuana testing facility.
- C. Access to a manufacturing area is limited to the registered officer, director or assistant of the registered dispensary, contractors and other authorized visitors aged 21 or older who will not handle marijuana plants or harvested marijuana and will be accompanied by a registry identification cardholder at all times, staff or agents of the Department, law enforcement officers, and employees or agents of local or state agencies with regulatory authority.
- D. Each registered dispensary shall separate any areas used for transferring manufactured marijuana products and marijuana concentrate to other registrants, qualifying patients or visiting qualifying patients on the same premises as the manufacturing area from the manufacturing area using a wall, fence or other adequate security measure.
- E. Each registered dispensary shall:
- (1) Ensure that all equipment and surfaces that come into contact with any marijuana or other ingredients are food grade and made of materials that do not react adversely with marijuana, any ingredient, chemical or solvent being used;
 - (2) Construct, install and maintain all counters and surface areas in a manner that reduces the potential for development of microbials, molds, mildew, fungi and other contaminants, and that can be easily cleaned;
 - (3) Maintain the premises in a manner that is:
 - (a) Free from conditions that may result in contamination; and
 - (b) Suitable to facilitate safe and sanitary operations;
 - (4) Provide adequate refrigeration for perishable marijuana products that will be consumed and utilize adequate storage facilities and transport methods;
 - (5) Ensure that all electrical equipment, including but not limited to equipment used for extraction, mixing, cutting and packaging; refrigerators; ventilation; and lights, is agency approved including UL, ETL, and CSA; and
 - (6) Ensure that all chemicals and substances used in the manufacturing process are stored in a safe location on the premises and in a manner to prevent contamination of any marijuana or marijuana products.
- F. Each registered dispensary shall conform with the standard operating procedures for extraction methods described in its operating plan of record for any extraction to be performed on the premises.
- (1) The Department permits the following generally safe extraction methods, so long as they are listed in the operating plan of record:
 - (a) Mechanical extraction using:
 - (i) Potable water and ice made from potable water;
 - (ii) Dry screening or sieving;
 - (iii) Cryogenic or subzero processing not involving a solvent; or
 - (iv) Pressure and temperature.
 - (b) Infusion of marijuana in food grade fats or synthetic food additives:
 - (i) Propylene glycol;
 - (ii) Glycerin;
 - (iii) Butter;
 - (iv) Olive Oil; or
 - (v) Other typical cooking fats.
 - (2) The Department will permit potentially hazardous solvent extraction using a 99 percent or greater purity of the following solvents, using storage, preparation, electrical, gas monitoring, fire

suppression and exhaust systems methods approved in the operating plan of record, so long as the solvents are listed in the operating plan of record and the end result does not exceed allowable limits specified by the Department:

- (a) CO₂;
- (b) Ethanol, including solutions of ethanol and potable water; or
- (c) A liquid chemical, compressed gas or commercial product that has a flashpoint above 38 degrees Celsius or 100 degrees Fahrenheit

6.8.5 Activities Related to Authorized Transactions. Each registered dispensary shall comply with this subsection. Each registered dispensary may during the hours and in the manner stated on the operating plan:

- A. Sell or transfer marijuana seedlings and harvested marijuana for medical use to qualifying patients and harvested marijuana to visiting qualifying patients, subject to the following requirements:
 - (1) The dispensary must verify, face-to-face, the patient's identity through an approved form of government-issued identification and that the patient has a valid written certification on their person at the time of the transaction;
 - (a) Under no circumstances may a registered dispensary accept from a qualifying patient from the state of Maine a digital or any other electronic copy of the patient certification;
 - (b) A registered dispensary may accept from a visiting qualifying patient digital or electronic patient credentials from their state of residence only if such credentials are recognized as valid by the Department and the visiting qualifying patient's state of residence;
 - (2) The amount of harvested marijuana transferred to a qualifying patient in one transaction must be two and one-half ounces or less;
 - (3) The amount of harvested marijuana transferred to a qualifying visiting patient must be two and one-half ounces or less in one transaction during a 15-day period;
 - (4) The amount of marijuana seedlings transferred to a qualifying patient must be within the legal limit of what that qualifying patient is allowed to possess; and
 - (5) The harvested marijuana must be properly packaged in accordance with this Rule, including exit packaging;
- B. Transfer to and accept from another registered caregiver or a registered dispensary marijuana plants or harvested marijuana in a wholesale transaction in accordance with this Rule and the Act;
- C. Transfer marijuana plants to a licensed adult use cultivation facility by way of the limited authorized transfer pursuant to 28-B MRS § 501. Each registered dispensary may only transfer marijuana plants to any licensed adult use cultivation facility one time;
- D. Accept returns of products sold by the registrant and offer a refund or exchange of equal or lesser value;
- E. Provide consultations between registry identification cardholders and qualifying patients and visiting qualifying patients;
- F. Manage inventory;
- G. Enter transfers or deliveries into the inventory tracking system; or
- H. Prepare marijuana waste for disposal and dispose of marijuana waste.

6.8.6 Prohibited Conduct. A registered dispensary shall not:

- A. Transfer marijuana plants and harvested marijuana to a qualifying patient, another registered caregiver, or registered dispensary for no remuneration in excess of the possession or transaction limits provided in this Rule and the Act;
- B. Sell or transfer marijuana plants or harvested marijuana using:
 - (1) An automated dispensing or vending machine;
 - (2) A drive-through sales window; or
 - (3) An Internet-based sales platform;
- C. Sell or transfer marijuana plants or harvested marijuana to a qualifying patient who is visibly intoxicated;
- D. Sell or offer for sale to qualifying patients, visiting qualifying patients, or other registrants marijuana for medical use within the same facility or building in which the registrant, who is a licensee or shares common

- ownership with a licensee in the Maine Adult Use of Marijuana Program, also sells or offers for sale adult use marijuana and adult use marijuana products;
- E. Discount marijuana plants and harvested marijuana if the retail sale is made in conjunction with the retail sale of any other items, including other marijuana plants and harvested marijuana;
 - F. Sell marijuana plants and harvested marijuana at a nominal price for promotional purposes;
 - G. Conduct any activities during hours or on days not authorized in the registrant's operating plan of record;
 - H. Sell or transfer returned harvested marijuana to another qualifying patients, visiting qualifying patients, or other registrants;
 - I. Permit qualifying patients, visiting qualifying patients, or other registrants to open or alter a package containing harvested marijuana or otherwise remove harvested marijuana from packaging required by this Rule within the registered premises or in an area that the registrant controls;
 - J. Permit qualifying patients, visiting qualifying patients, or other registrants to bring harvested marijuana onto the registered premises except for harvested marijuana being returned for refund or exchange as allowed by this Rule;
 - K. Sell any item not allowed under this Rule or any of the following items:
 - (1) Pet or animal food, treats or other pet or animal products containing marijuana;
 - (2) Injectable marijuana; or
 - (3) Any other marijuana products not meant for human consumption or use;
 - L. Use any electrical equipment, including but not limited to display lighting, not listed as approved by a nationally recognized testing laboratory or not approved by the authority having jurisdiction;
 - M. Contract for the cultivation of seeds of marijuana plants, seedlings, immature marijuana plants, or mature marijuana plants, except that a dispensary may engage in wholesale transactions in accordance with this Rule and the Act;
 - N. Use a pesticide on marijuana plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana plants use a pesticide unless at least one registered dispensary assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. A registered dispensary assistant who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230.

6.8.7 Assistants. Each registered dispensary may employ assistants with valid registry identification cards to assist in the duties of the registered dispensary as authorized by this Rule and the Act.

- A. Each registered dispensary shall maintain personnel files in accordance with this Rule, that shall include, without limitation:
 - (1) Job description or employment contract;
 - (2) An Employment Eligibility Verification Form I-9; and/or IRS Forms W-4 or 1099; and
 - (3) Copy of current registry identification card and copy of a Maine driver's license or other State-issued photographic identification card.
- B. The authorization of an assistant's conduct under this Rule and the Act ceases when that person is no longer employed by a registered dispensary.

Section 7 – Tracking and Transportation

All registered dispensaries, tier 1 and tier 2 manufacturing facilities, inherently hazardous substance registrants (except qualifying patients who possess an inherently hazardous substances manufacturing facility registration certificate), and registered caregivers, unless meeting all requirements of Section 11 of this Rule, are required to

comply with all requirements of the tracking system established by the Department and described in this section, as well as all regulations related to transportation of marijuana seedlings and harvested marijuana.

7.1 - Tracking Requirements

Each registrant must track marijuana plants and harvested marijuana from immature plant to point of sale, disposal or destruction using the inventory tracking system specified by the Department.

7.1.1 Establishment of Inventory Tracking System Account. The Department shall provide reasonable public notice to registrants in advance of the time the Department shall begin enforcement of this provision. Availability of the Department's inventory tracking system does not affect the ongoing responsibility of each registrant to keep and maintain records in accordance with the general compliance requirements of this Rule. Information related to the following may be required by the Department on the operating plan of record.

- A. A registrant may apply for an account and training upon notice from the Department as part of the registration process.
- B. Each registrant is responsible for all costs associated with its use of the tracking system and any associated vendor fees.
- C. In order to obtain an inventory tracking system administrator account, each registrant or its designee shall attend and successfully complete all required inventory tracking system training.
- D. Each registrant shall designate at least one registry identification cardholder as an inventory tracking system administrator. The Department may require additional ongoing, continuing education for the inventory tracking system administrator to retain the administrator account.
- E. Each registrant may designate additional employees as inventory tracking system users. Each additional inventory tracking system user shall be a registry identification cardholder and shall be trained by the inventory tracking system administrator in the proper and lawful use of the inventory tracking system.

7.1.2 System Notifications. Each registrant shall monitor all notifications from the inventory tracking system.

- A. Each registrant must resolve the issues detailed in any compliance notification in a timely fashion. Compliance notifications shall not be dismissed in the inventory tracking system until the registrant resolves the compliance issues detailed in the notification.
- B. Each registrant shall take appropriate action in response to informational notifications received through the inventory tracking system including without limitation notifications related to enforcement alerts and other pertinent information.

7.1.3 Use of Inventory Tracking System. Each registrant shall utilize the inventory tracking system in conformance with this Rule and inventory tracking system procedures.

- A. Each registrant shall record, without limitation, the following information in the inventory tracking system:
 - (1) A complete inventory of all marijuana plants or harvested marijuana in the possession, control or ownership of the registrant;
 - (2) The cultivation room where each plant is located on the registered premises;
 - (3) The category for all marijuana and marijuana products
 - (4) Any changes to the registrant's inventory of marijuana plants or harvested marijuana;
 - (5) A note explaining the reason for any adjustment of weights to inventory tracking system packages;
 - (6) Any partial or full harvest of marijuana plants;
 - (7) Any destruction of marijuana plants or harvested marijuana, including the reason for destruction;
 - (8) The creation of a harvest batch or production batch including the assigned harvest batch or production batch number;
 - (9) Each time marijuana waste is rendered unusable;
 - (10) Any authorized transfer;
 - (11) Any theft of marijuana plants or harvested marijuana;
 - (12) All sales records;
 - (13) When inventory is no longer on the registered premises;
 - (14) Any test batch being used as part of achieving process validation;
 - (15) Test results from a marijuana testing facility; and

- (16) Other information required by the tracking system or specified by the Department.
- B. Each registrant shall reconcile all on-premises and in-transit marijuana plants and harvested marijuana inventories in the inventory tracking system by 11:59 p.m. each day.
- C. Each registrant shall utilize a standard of weights and measures that is supported by the inventory tracking system to track all marijuana plants and harvested marijuana. A scale used to weigh product prior to entry into the inventory tracking system shall be tested and approved in accordance with 10 MRS, chapter 501.
- D. Each registrant and the individuals using the inventory tracking system are responsible for the accuracy of all information entered into the inventory tracking system. Any misstatements or omissions may be considered a registration violation affecting public safety.
- E. Each individual user entering data into the inventory tracking system shall only use that individual's inventory tracking system account.
- F. Each registrant shall cancel any administrators and users from their associated inventory tracking system accounts once any such individuals are no longer employed by the registrant.
- G. Each registrant may use separate software applications to collect information to be used by the business, including secondary inventory tracking or point of sale systems.
- (1) Each registrant must ensure that all relevant inventory tracking system data is accurately transferred to and from the inventory tracking system for the purposes of reconciliations with any secondary systems.
 - (2) Each registrant must preserve original inventory tracking system data when transferred to and from a secondary application(s). Secondary software applications must use the inventory tracking system data as the primary source of data and must be compatible with updating to the inventory tracking system.
- H. If at any point a registrant loses access to the inventory tracking system for any reason:
- (1) The registrant shall immediately notify the Department and shall keep and maintain comprehensive records detailing all marijuana plants and harvested marijuana tracking activities that were conducted during the loss of access;
 - (2) Once access is restored, all marijuana plants and harvested marijuana tracking activities that occurred during the loss of access must be entered into the inventory tracking system and the Department shall be notified that access has been restored;
 - (3) The registrant shall document when access to the system was lost, the cause of system loss and when it was restored; and
 - (4) The registrant shall not transport or receive any marijuana plants or harvested marijuana until such time as access is restored and all information is recorded into the inventory tracking system.

7.2 - Transportation

7.2.1 Applicability to Authorized Conduct. Unless specifically exempted by Section 11 of this Rule, registrants must comply with this section whenever transporting marijuana plants, marijuana seedlings, or harvested marijuana, including without limitation:

- A. Transportation between registered premises within the control of the same registrant, if applicable;
- B. Authorized sale of marijuana seedlings or marijuana to a qualifying patient or harvested marijuana to a visiting qualifying patient by delivery;
- C. Authorized wholesale transactions of marijuana plants or harvested marijuana to or from another registrant;
- D. Provision of harvested marijuana to a registered manufacturing facility and obtaining marijuana products and marijuana concentrate from the manufacturing facility, if authorized;
- E. Transportation of testing samples to a marijuana testing facility; and
- F. Transportation of trade samples to or from another registrant, if authorized.

7.2.2 Transport Manifest. A transport manifest, generated by the inventory tracking system, is required for all authorized transfers of marijuana plants or harvested marijuana between registrants unless specifically exempted by Section 11 of this Rule. Transport authorized by this Rule shall be by motor vehicle only. Information related to the following may be required by the Department on the operating plan of record.

- A. Each registrant transporting marijuana plants or harvested marijuana is responsible for entering all required information in the tracking system to generate the transport manifest, including without limitation, the following information:
 - (1) The name, contact information, address of registered premises and registry identification card number of the individual transporting the marijuana plants or harvested marijuana;
 - (2) The name, contact information, address of registered premises and registry identification card number of the registrant receiving the transported marijuana plants or harvested marijuana;
 - (3) Product name and quantities (by weight or unit) of all marijuana plants or harvested marijuana contained in each transport;
 - (4) The date of transport, time of departure and estimated time of arrival;
 - (5) Delivery vehicle make, model and license plate number;
 - (6) Name, registry identification card number and space for signature of the registry identification cardholder accompanying the transport;
 - (7) The name, registry identification card number and space for signature of the registry identification cardholder receiving the marijuana plants or harvested marijuana.
- B. Each registrant shall prepare three copies of a transport manifest for each separate transaction to a registrant.
- C. No registrant shall void or change a transport manifest after departing from the originating registered premises except as required by Section 7.2.4.
- D. Each registrant transporting marijuana plants or harvested marijuana must carry three copies of each transport manifest during the transportation of marijuana plants or harvested marijuana and shall:
 - (1) Give one copy to the receiving registrant following the verification of the transport manifest and transfer of the marijuana plants or harvested marijuana;
 - (2) Possess one copy that is to be provided to a law enforcement officer or government agent upon request. Each registrant who has given a transport manifest to a law enforcement officer or government agent shall obtain the name, rank and agency of the law enforcement officer and retain that information for the duration of the transport; and
 - (3) Maintain a copy of the transport manifest that must be returned to the registered premises for record-keeping purposes;
- E. Each registrant receiving marijuana plants or harvested marijuana shall provide an authorized signature and registry identification card number on the three copies of the transport manifest, keep one copy for their records and complete the transfer using the inventory tracking system.
- F. Each registrant shall accept returns of any marijuana plants or harvested marijuana that are refused by the intended recipient and appropriately track the returns.

7.2.3 Sales Delivery Manifest. A sales delivery manifest, generated by the inventory tracking system, is required for all authorized deliveries of marijuana plants or harvested marijuana by registrants to qualifying patients and visiting qualifying patients, unless specifically exempted by Section 11 of this Rule. Transport authorized by this Rule shall be by motor vehicle only. Information related to the following may be required by the Department on the operating plan of record.

- A. Each registrant transporting marijuana plants or harvested marijuana is responsible for entering all required information in the tracking system to generate the sales delivery manifest, including without limitation, the following information:
 - (1) The name, contact information, address of registered premises and registry identification card number of the individual transporting the marijuana plants or harvested marijuana;
 - (2) The destination address and the patient's identification number from the written certification;
 - (3) Product name and quantities (by weight or unit) of all marijuana plants or harvested marijuana contained in each transport;
 - (4) The date of transport, time of departure and estimated time of arrival;
 - (5) Delivery vehicle make, model and license plate number; and

- (6) A space for the patient to acknowledge receipt of the delivered marijuana plants or harvested marijuana.
- B. Each registrant shall prepare three copies of a sales delivery manifest for each separate delivery to a patient.
- C. No registrant shall void or change a sales delivery manifest after departing from the originating registered premises, except as required by Section 7.2.4.
- D. Each registrant transporting marijuana plants or harvested marijuana must carry three copies of each sales delivery manifest during the transportation of marijuana plants or harvested marijuana and shall:
 - (1) Give one copy to the receiving patient following the verification of the sales delivery manifest and the patient's medical marijuana certification and the transfer of the marijuana plants or harvested marijuana;
 - (2) Possess one copy that is to be provided to a law enforcement officer or government agent upon request. Each registrant who has given a sales delivery manifest to a law enforcement officer or government agent shall obtain the name, rank and agency of the law enforcement officer and retain that information for the duration of the transport; and
 - (3) Maintain a copy of the sales delivery manifest that must be returned to the registered premises for record-keeping purposes;
- E. Each registrant delivering marijuana plants or harvested marijuana to a qualifying patient or visiting qualifying patient shall ensure that the patient receiving the marijuana plants or harvested marijuana signs at least one copy of the sales delivery manifest and that signed copy must be retained by the registrant that delivered the marijuana plants or harvested marijuana.
- F. Each registrant shall accept returns of any marijuana plants or harvested marijuana that are refused by the intended recipient or otherwise not delivered to the intended recipient and appropriately track the returns.

7.2.4 Conduct While Transporting Marijuana Plants or Harvested Marijuana. In addition to the transport manifest and sales delivery manifest requirements above, marijuana plants and harvested marijuana must be transported subject to the following requirements:

- A. Vehicles used must provide adequate protection from theft or damage.
 - (1) Each registrant shall use a vehicle for transport that is:
 - (a) Insured at or above the legal requirements in Maine; and
 - (b) Equipped with, at a minimum, a functional, manufacturer-installed alarm system.
 - (2) Each registrant shall ensure that all marijuana plants and harvested marijuana are contained within a closed, locked area in the vehicle.
 - (3) Any perishable items must be adequately refrigerated during transport.
 - (4) Any marijuana plants or harvested marijuana must be shielded from public view.
- B. Any vehicle transporting marijuana plants or harvested marijuana must travel directly from the registered premises to the recipient(s) and the registrant shall not:
 - (1) Make any stops in between except:
 - (a) To accommodate meal and rest periods required by law, or refueling; or
 - (b) For an emergency, in which case the registrant shall promptly record on the transport manifest or sales delivery manifest and report, or cause to be reported to the Department:
 - 1. The stop and the reasons for the stop;
 - 2. The amount of marijuana plants or harvested marijuana being stored in the transport vehicle;
 - 3. The location of the transport vehicle;
 - 4. The registry identification card number of the individual in possession of the marijuana plants or harvested marijuana; and
 - 5. The expected duration of the emergency necessitating the storage of the marijuana plants or harvested marijuana in the vehicle;
 - (2) Allow anyone who does not have a registry identification card associated with the registrant to ride in the vehicle, including any trailer;
 - (3) Allow anyone not listed on the transport manifest to ride in the vehicle, including any trailer; or

- (4) Remove the marijuana plants or harvested marijuana from the vehicle until arrival at the destination.
- C. Each registrant must notify law enforcement and the Department immediately, or as soon as possible given the circumstances, if a vehicle transporting marijuana plants or harvested marijuana is involved in a vehicular accident or theft resulting in the loss.
- D. Each registrant shall make a vehicle used for the transport of marijuana plants or harvested marijuana immediately available for inspection upon request of the Department.
- E. Upon by law enforcement stop or other contact, all persons in the vehicle shall identify themselves with their Department-issued registry identification card and all transport manifests and sales delivery manifests.

Section 8 – Packaging and Labeling

All registered dispensaries, tier 1 and tier 2 manufacturing facilities, inherently hazardous substance registrants, and registered caregivers, unless meeting all requirements of Section 11 of this Rule, are required to comply with all packaging and labeling requirements described in this section.

8.1 - General Packaging and Labeling Requirements and Prohibitions

All harvested marijuana shall be packaged and labeled in accordance with this Rule and the Act prior to any retail transfer to a qualifying patient or visiting qualifying patient.

8.1.1 Registrant Duty to Package. A registrant shall conduct all authorized packaging and labeling activities within designated areas of a registered premises as described in the Department approved operating plan of record.

- A. Each registrant, unless specifically exempted pursuant to Section 11 of this Rule, shall ensure that all harvested marijuana:
 - (1) Is packaged in a resealable container with the Department’s universal symbol for marijuana for medical use indicating the presence of marijuana on the front or most prominently displayed portion of the marketing layer packaging, no smaller than ½ inch by ½ inch;
 - (2) Conforms to packaging requirements of any other licenses required to manufacture harvested marijuana, including without limitation food establishment or bottle beverage manufacturing facility licenses;
 - (3) Contains an integral measuring device, if the package contains multi-serving liquid:
 - (a) An acceptable measuring device for a multi-serving liquid includes without limitation a measuring cap or dropper; and
 - (b) The measuring device shall measure the product to be used, rather than the product remaining in the packaging. Hash marks on a bottle or package do not qualify as a measuring device; and
 - (4) Is packaged in a container that protects the packaged item from contamination and does not impart any toxic or deleterious substance to the packaged item.
- B. Each registrant shall ensure that every marketing layer container includes the following information printed directly on the package and/or label prior to any transfer, unless specifically exempted by Section 11 of this Rule. The information must be printed in English, in font size no smaller than 6 point or 1/12 inch and must be unobstructed and conspicuous. Each registrant may include required information in a peel-back accordion style, expandable, extendable or layered label, so long as the label can be easily identified by a consumer as containing important information.
 - (1) The registration certificate number or registry identification card number of the registrant conducting the authorized transfer to the qualifying patient or visiting qualifying patient;
 - (2) The unique identification number from the inventory tracking system of the final batch from which the contents of the harvested marijuana was taken;
 - (3) The production date, which is the date a flower, trim or manufacturing batch was created;
 - (4) The following notice: “This item is not subject to mandatory testing conducted by a state-certified marijuana testing facility.”; and

- (5) The following statement in capital letters: “FOR MEDICINAL PURPOSES BY QUALIFYING PATIENTS ONLY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE USE OF THIS PRODUCT. THERE MAY BE ADDITIONAL HEALTH RISKS ASSOCIATED WITH USE OF THIS PRODUCT FOR WOMEN WHO ARE PREGNANT, BREASTFEEDING, OR PLANNING ON BECOMING PREGNANT. DO NOT DRIVE A MOTOR VEHICLE OR OPERATE HEAVY MACHINERY WHILE USING THIS PRODUCT.”
- C. A registrant may make an authorized bulk transfer of marijuana flower and trim that has not been packaged for retail sale for the purposes of further processing, manufacturing or deli-style sales at a registered caregiver retail store or registered dispensary, so long as:
- (1) All requirements in of this section are met prior to any retail transfer to a qualifying patient or visiting qualifying patient.
 - (2) Bulk transfers are packaged in a sealed container with the inventory tracking system’s package label and accompanied by required transport manifest.
- D. Each registrant shall providing trade samples to another registrant shall:
- (1) Ensure all trade samples are packaged and labeled in accordance with all applicable packaging and labeling requirements of this Rule; and
 - (2) Include the statement: “Trade Sample. Not for Sale.” either on a label affixed to the container or the marketing layer.

8.1.2 Exit Packaging. A registrant must place any harvested marijuana sold to a qualifying patient or any trade samples provided to another registrant in exit packaging meeting the requirements of this subsection before the other registrant or qualifying patient leaves the premises.

- A. All exit packaging must be opaque.
- B. The exit packaging must be free of any words, images, markings or design that in anyway indicate or suggest that its contents include marijuana.
- C. Exit packaging must be child-resistant and tamper-evident if used for any harvested marijuana that is not prepackaged in child-resistant, tamper-evident packaging.
- D. A registrant may charge a fee for exit packaging, including the sale of reusable exit packaging.
- E. A qualifying patient may supply reusable exit packaging if the registrant verifies that the reusable exit packaging:
 - (1) Is in sound condition;
 - (2) Is of a type supplied by the registrant; and
 - (3) Is not used for any harvested marijuana that is not prepackaged in tamper-evident, child-resistant packaging.
- F. The registrant shall maintain a copy of the certificate showing that all types of exit packaging required to be child-resistant meet the requirements of 16 C.F.R. 1700.15 (1995) and 16 C.F.R. 1700.20 (1995).

8.1.3 Prohibitions. A registrant is prohibited from packaging and labeling harvested marijuana in the following ways:

- A. Displaying any content on a container, marketing layer or intermediate packaging making any claims regarding health or physical benefits to the consumer;
- B. Including any false or misleading statements;
- C. Obscuring identifying information or warning statements;
- D. In a manner that is in violation of federal trademark law or regulation, or that would cause a reasonable consumer confusion as to whether the harvested marijuana is a trademarked product;
- E. Depicting a human, animal or fruit or the word “candy” or “candies” on the label of any marketing layer, container holding harvested marijuana or intermediate packaging; or
- F. Reasonably appearing to target or appeal to individuals under the age of 21, including but not limited to images of persons under 21 years of age, cartoons , toys or similar images and items typically marketed towards persons under 21 years of age or references to products that are commonly associated with persons under 21 years of age or marketed by persons under 21 years of age.

8.1.4 Potency and Cannabinoid Profile. Only verified information about cannabinoid profile or potency may be included.

- A. If the label affixed to a package of harvested marijuana includes information about the cannabinoid profile or potency of the harvested marijuana, that information must be verified by testing conducted by any marijuana testing facility.
- B. Beginning 90 days after notice from the Department, registrants will be required to obtain verification of cannabinoid profile and potency information only from a marijuana testing facility licensed by the Department pursuant to 28-B MRS and 18-691 CMR, ch. 1.

8.2 - Additional Packaging and Labeling Requirements for Certain Types Harvested Marijuana

8.2.1 Inhaled Harvested Marijuana. Unless specifically exempted by Section 11 of this Rule, the following requirements apply to inhaled harvested marijuana.

- A. Each registrant shall ensure all inhaled harvested marijuana is packaged in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
 - (1) The container must be fully enclosed on all sides, as follows:
 - (a) If container is soft sided, it must be four mil or greater in thickness;
 - (b) If container has rigid sides, it must have a lid or enclosure that can be placed tightly and securely on the container;
 - (c) The container must be child-resistant or must be placed into child-resistant exit packaging by the registrant at the time of sale; and
 - (d) The container must be opaque or must be placed into opaque exit packaging by the registrant at the time of sale.
 - (2) The container must be tamper-evident, as follows:
 - (a) If the container is soft sided, the opening must be sealed by some means in a manner which would indicate if the container had been opened or tampered with. The tamper evident indicating feature of the opening must not be resealable, and once opened must remain clearly evident that the package has previously been opened;
 - (b) If the container is rigid, the opening must contain a tamper evident seal, or the lid or enclosure must have an adhesive band or seal that once opened must remain clearly evident that the package has previously been opened.
- B. Each registrant shall ensure all inhaled harvested marijuana is labeled in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
 - (1) The registration certificate number or registry identification card number of the registrant conducting the authorized retail sale to the qualifying patient or visiting qualifying patient;
 - (2) If applicable, a list of any solvent(s) used to produce any marijuana concentrate that was used in the manufacturing of the inhaled harvested marijuana;
 - (3) If applicable, a list of all ingredients used to manufacture the inhaled harvested marijuana, including identification of any major allergens contained in the harvested marijuana in accordance with the Food Allergen Labeling and Consumer Protection Act of 2004, 21 U.S.C. § 343 (2010), specifically milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soybeans; and
 - (4) Net content, according to the following:
 - (a) Net contents shall be stated in grams, except that inhaled harvested marijuana containing less than one gram of net content may state the net contents in milligrams;
 - (b) Variance is allowed as follows:
 - (i) For inhaled harvested marijuana composed primarily of marijuana flower or trim, the actual net contents by weight may be as much as 0.1 grams less or 0.5 grams greater than the statement of net content on the label;
 - (ii) For inhaled harvested marijuana that are pre-rolled marijuana cigarettes, the actual net contents by weight may be as much as 5% less than or 15% greater than the statement of net content;

- (iii) For inhaled harvested marijuana composed primarily of marijuana extract, the actual net contents by weight may be as much as 5% less or 10% more than the statement of net content;
- (c) Inhaled harvested marijuana labels may state the net contents in ounces in addition to stating the net contents in grams; and
- (d) In determining the weight of marijuana concentrate in an inhaled harvested marijuana product, the weight of any other ingredients combined with the harvested marijuana to prepare the inhaled harvested marijuana products shall not be included.

8.2.2 Edible Harvested Marijuana. Unless specifically exempted by Section 11 of this Rule, the following requirements apply to edible harvested marijuana.

- A. Each registrant shall ensure all edible harvested marijuana is packaged in child-resistant containers and in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
 - (1) For single-serving edible harvested marijuana:
 - (a) Single-serving edible harvested marijuana must be placed into a child-resistant container that may or may not be resealable; and
 - (b) Single-serving edible harvested marijuana that is placed into a child-resistant container may be bundled into a larger marketing layer;
 - (2) For multiple-serving edible harvested marijuana:
 - (a) Multiple-serving edible harvested marijuana must be placed into a child-resistant container that is resealable or made of plastic four mil or greater in thickness and heat sealed with no easy-open tab, dimple, corner or flap, as to make it difficult for a child to open;
 - (b) The packaging shall clearly indicate the amount of servings and the size of each serving if the edible harvested marijuana is not in a form that indicates a serving;
 - (3) A single-serving tincture shall be placed into a child-resistant container that may or may not be resealable;
 - (4) Single-serving marijuana drinks may be packaged in:
 - (a) A child-resistant container;
 - (b) An aluminum or metal can with a stay tab mechanism opening; or
 - (c) A bottle with a metal crown cork style bottle cap;
 - (5) Multiple-serving marijuana drinks shall:
 - (a) Be packaged in a child-resistant container compliant with 16 C.F.R. Part 1700 (2018) that has a resealing cap or closure; and
 - (b) Include a measuring device such as a measuring cap or dropper with the package containing the liquid harvested marijuana; hash marks on the bottle or package do not qualify as a measuring device;
 - (6) Marijuana drinks packaged according to this section may be bundled into a larger marketing layer;
 - (7) The container must be tamper-evident or must be placed into tamper-evident exit packaging by the registrant at time of sale; and
 - (8) The container must be opaque or must be placed into opaque exit packaging by the registrant at time of sale.
- B. Each registrant shall ensure all edible harvested marijuana is labeled in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
 - (1) Total contents of THC and CBD, stated in milligrams and not more than 10% less or 10% greater than the actual THC and CBD content, including:
 - (a) The total contents of THC and CBD per serving unit; and
 - (b) If the label is on the marketing layer of a package containing more than one serving unit, the total contents of THC and CBD contained within the entire package;
 - (2) The serving size;
 - (3) The number of servings per container or marketing layer;

- (4) Total net weight of the edible harvested marijuana separate from the package and label;
 - (5) A statement in font no smaller than 6 point: “This product contains marijuana for medical use by qualifying patients only.”;
 - (6) If applicable, a list of all ingredients used to manufacture the edible harvested marijuana, including identification of any major allergens contained in the product in accordance with the Food Allergen Labeling and Consumer Protection Act of 2004, 21 U.S.C. § 343 (2010), specifically milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soybeans;
 - (7) A nutritional fact panel in accordance with 21 C.F.R. Part 101 (2018); and
 - (8) A statement in font no smaller than 6 point: “Effects of this product may not be felt for up to 4 hours, please administer as directed.”
- C. Unless impracticable, each single standardized serving of edible harvested marijuana shall be marked, stamped or otherwise imprinted with the Department-approved universal symbol directly on at least one side of the edible harvested marijuana in a manner to cause the universal symbol to be distinguishable and easily recognizable. The universal symbol marking shall:
- (1) Be centered either horizontally or vertically on each standardized serving of edible harvested marijuana; and
 - (2) 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
 - (3) 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.
- D. The following categories of edible harvested marijuana are considered to be per se practicable to mark with the universal symbol:
- (1) Chocolate;
 - (2) Soft confections;
 - (3) Hard confections or lozenges;
 - (4) Consolidated baked goods (including without limitation cookies, brownies, cupcakes, and granola bars); and
 - (5) Pressed pills and capsules.

8.2.3 Topical Harvested Marijuana. Unless specifically exempted by Section 11 of this Rule, the following requirements apply to inhaled harvested marijuana, edible harvested marijuana, topical harvested marijuana, and trade samples in addition to the requirements of Section 6.1.6.

- A. Each registrant shall ensure all topical harvested marijuana is packaged in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
- (1) Salves, creams, lotions and balms shall be packaged in a child-resistant container that has a resealing cap or closure compliant with 16 C.F.R. 1700 (2018); and
 - (2) Transdermal patches shall be packaged in a plastic four mil or greater in thickness and be heat sealed with no easy-open tab, dimple, corner or flap, as to make it difficult for a child to open.
- B. Each registrant shall ensure all topical harvested marijuana is labeled in accordance with the following prior to transfer to another registrant, qualifying patient or visiting qualifying patient:
- (1) A potency statement for topical harvested marijuana stating the total content of THC and CBD in milligrams in the container, and for transdermal products the total content of THC and CBD in milligrams contained in each transdermal product;
 - (2) A list of all ingredients in descending order of predominance by weight or volume as applicable;
 - (3) The amount recommended for use at any one time; and
 - (4) The following warning statement: “For Topical Application – Do Not Eat or Smoke.”

Section 9 – Advertising

All registered dispensaries, tier 1 and tier 2 manufacturing facilities, inherently hazardous substance registrants, and registered caregivers are required to comply with all requirements of this section.

Information related to the following may be required by the Department on the operating plan of record.

- A. Each registrant may advertise or promote marijuana for medical use only in a manner consistent with this section. A registrant may not use signs, handbills, radio, television, websites or mobile applications to advertise in a manner that:
- (1) Is attractive to persons under 21 years of age;
 - (2) Promotes irresponsible use;
 - (3) Promotes activity that is illegal under Maine law;
 - (4) Is contrary to or in direct violation of state or federal consumer protections; or
 - (5) Otherwise presents a significant risk to public health and safety.
- B. Advertising may not:
- (1) Contain statements that are deceptive, false or misleading;
 - (2) Display consumption of marijuana or marijuana products;
 - (3) Include claims related to potency (beyond listing of cannabinoid content);
 - (4) Depict activities or conditions considered risky when under the influence of marijuana, including without limitation: operating a motorized vehicle, boat or machinery, being pregnant or breastfeeding;
 - (5) Contain any content that can reasonably be considered to target or is designed to appeal particularly to individuals under the age of 21, including but not limited to images of persons under 21 years of age, cartoons, toys or similar images and items typically marketed towards persons under 21 years of age or references to products that are commonly associated with persons under 21 years of age or marketed by persons under 21 years of age;
 - (6) Contain any imitation of candy advertising;
 - (7) Include the term “candy” or “candies”;
 - (8) Encourage the transportation of marijuana items across state lines or otherwise encourage illegal activity;
 - (9) Assert that marijuana items are safe because they are regulated by the Department or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;
 - (10) Make claims that marijuana has curative or therapeutic effects;
 - (11) Contain any health or physical benefit claims, including but not limited to health or physical benefit claims on labels or packaging;
 - (12) Contain material that encourages excessive or rapid consumption;
 - (13) Make any claims about intoxicating effects; or
 - (14) Include promotion of both marijuana for medical use and adult use marijuana in the same advertisement.
- C. In the absence of a municipal ordinance or other regulation, no sign or other advertisement may be displayed within 1,000 feet of the property line of a preexisting public or private school.
- (1) A municipality may, by ordinance or other regulation, reduce the distance prohibition, but not to less than 500 feet.
 - (2) A municipality may, by ordinance or other regulation, increase the distance prohibition.
- D. No registrant or agent of a registrant may:
- (1) Make any deceptive, false or misleading assertions or statements on any informational material, any sign or any document provided to a consumer;
 - (2) Distribute handbills in public areas or on publicly owned property;
 - (3) Utilize vehicle wrap decals or other vehicle-based advertising or marketing;
 - (4) Utilize television, radio, print or internet advertising in cases where there is a reasonable expectation that the majority of the audience for the program, event, publication or internet website in or on which the advertising is to air or appear is reasonably expected to be under the age of 21;
 - (5) Advertise via location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature; or

- (6) Permit use of the registrant’s trademarks, brands, names, locations or other distinguishing characteristics for third-party use on advertising in a manner that does not comply with this section or any other statute, Rule or regulation.
- E. In the event a third party has used the registrant’s brand, trademarks, brands, names, locations or other distinguishing characteristics in an advertisement that does not comply with this section or any other statute, Rule or regulation, the registrant shall immediately notify the Department, issue a cease-and-desist order to the third-party and pursue appropriate legal action.
- F. Each registrant shall ensure that advertising or marketing on radio or television does not have a high likelihood of reaching individuals under the age of 21 by:
 - (1) Requesting market or other data regarding the target audience for the specific program and/or time slots in which the advertising will be placed;
 - (2) Verifying, based on data or other written assurance, that the advertisement will not have a high likelihood of reaching individuals under the age of 21; and
 - (3) Retaining a copy of any data or other written assurance regarding the target audience for at least one year after the advertisement has been broadcast.
- G. Each registrant shall ensure that advertising or marketing on websites does not have a high likelihood of reaching individuals under the age of 21 by:
 - (1) Requesting assurances that any web pages on which the advertisement will appear uses appropriate measures to ensure that individuals visiting the pages are 21 years of age or older;
 - (2) Requesting assurances that any banner, pop-up or other advertising will not be directed to anyone other than individuals 21 years of age or older who consent to view marijuana-related material; and
 - (3) Retaining a copy of the written assurance and any reports of web views or other data for at least one year after the advertisement is viewed.
- H. Each registrant shall include the following statements, either in print or audio, on all print, television, radio and internet advertising in font size legible to the viewer or at a volume and speed that is readily understandable by the average listener:
 - (1) “For medicinal purposes by qualifying patients only.”
 - (2) The registration number of the entity responsible for the advertising.
- I. Each registrant shall produce the written assurance and any data obtained upon the demand of the Department.
- J. The Department reserves the right to take action, including the use of punitive measures, against any registrant who fails to comply with the advertising provisions of this Rule, including, without limitation, specifying a period of time by which the registrant shall cease the non-compliant advertising and remove any advertising still being published or displayed.

Section 10 – Waste

All registered dispensaries, tier 1 and tier 2 manufacturing facilities, inherently hazardous substance registrants, and registered caregivers are required to dispose all marijuana waste in a manner consistent with this Rule and the Act. Each registrant shall ensure requirements related to waste management and disposal requirements are followed. Information related to the following may be required by the Department on the operating plan of record.

- A. All marijuana waste shall be weighed and recorded from the time it becomes waste until the time it is disposed of in a secured receptacle in the registrant’s possession.
- B. Marijuana waste shall be rendered unusable and indistinguishable from non-marijuana waste by breaking up, grinding, unpackaging, combining and mixing with other solid waste, or using another method approved in writing by the Department.
- C. Once marijuana waste is rendered unusable and indistinguishable, it shall be placed in a secured receptacle until it is disposed of in compliance with all federal, state and local laws and regulations.

Section 11 – Registered Caregivers Subject to Limited Compliance

11.1 - Registered Caregivers Subject to Limited Compliance

Each registered caregiver is required to meet all compliance requirements of Section 6 of this Rule unless the registered caregiver meets the participation requirements in this Section and elects to participate in the MMUMP as a registered caregiver subject to limited compliance. An applicant for a caregiver registry identification card must indicate on his/her application for a registry identification card whether they intend to operate in accordance with this Section.

11.2 - Participation Requirements

A registered caregiver must meet the following participation requirements in order to qualify as a registered caregiver subject to limited compliance:

- A. Cultivate 12 or fewer mature marijuana plants in a cultivation area that is not on the same property or in the same building as another registered caregiver, except one registered caregiver who is a member of the registered caregiver's family or household may also have their authorized cultivation area on the same property or in the same building;
- B. Does not operate a caregiver retail store;
- C. Does not transfer or accept in wholesale transactions any marijuana plants or harvested marijuana to or from any other registrant;
- D. Does not provide harvested marijuana to a registered manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the caregiver provided to the manufacturing facility;
- E. Does not engage in limited authorized transfers to adult use cultivation facility pursuant to 22 MRS § 501(6); and
- F. Does not provide trade samples to other registrants.

11.3 - Limited Compliance Requirements

The Department retains the authority to determine eligibility of each registered caregiver to participate in MMUMP as a caregiver subject to limited compliance.

11.3.1 General Conduct. All registered caregivers are required to meet the general compliance requirements in Section 6.1.1.

11.3.2 Registered Premises. All registered caregivers are required to meet the registered premises compliance requirements in Section 6.1.2.

11.3.3 Security. Each registered caregiver subject to limited compliance must enact security measures to prevent the diversion of marijuana plants or harvested marijuana that are being cultivated, manufactured, tested, packaged, stored, displayed or transported. Each registered caregiver subject to limited compliance shall meet the following limited security requirements:

- A. Lighting.
 - (1) Any gate or perimeter entry point of a registered premises must have lighting sufficient for observers to see any activity within 10 feet of the gate or entry.
 - (2) A motion detection lighting system may be employed to light required areas in low-light conditions.
- B. Doors and windows.
 - (1) Locks are required on all perimeter entry doors to the registered premises.
 - (2) All perimeter windows of the registered premises must be in good condition and lockable.
- C. Cultivation areas.
 - (1) Any cultivation of marijuana seedlings, immature marijuana plants or mature marijuana plants shall take place in:

- (a) A fully enclosed, secure indoor facility or a secure greenhouse with walls, a roof, lockable doors, and secure windows as described in Section 6.1.3 that prevents entry from unauthorized persons; or
 - (b) An outdoor cultivation area that is completely enclosed by secure fencing and gates that are at least 6 feet high and obscure the cultivation area from being readily viewed from outside the fenced in area.
- (2) Cultivation taking place in greenhouses or other structures that do not meet all security requirements for buildings are considered outdoor cultivation areas,
 - (3) The entire area within the fence surrounding non-secure greenhouses and other outdoor cultivation areas shall be considered part of the cultivation area.
 - (4) Lighting shall be designed to illuminate a perimeter of at least 10 feet around any point of entry, whether it is a gate or access from a building.

11.3.4 Limited Inventory Tracking. Each registered caregiver is required to participate in the full inventory tracking system as required in Section 6.1.4 unless the registered caregiver qualifies and elects to participate as a registered caregiver subject to limited compliance.

- A. The Department shall provide reasonable public notice to registrants in advance of the time the Department shall begin enforcement of this provision.
- B. Availability of the Department's inventory tracking system does not affect the ongoing responsibility of each registrant to keep and maintain records in accordance with the general compliance requirements of this Rule.
- C. Information related to compliance with this subsection may be required by the Department on the operating plan of record.
- D. Each registered caregiver subject to limited compliance may engage in limited inventory tracking.
 - (1) In order to obtain an inventory tracking system administrator account, each registered caregiver subject limited compliance or its designee shall attend and successfully complete all required inventory tracking system training.
 - (a) A registrant may apply for an account and training upon notice from the Department as part of the registration process.
 - (b) The Department may also require additional ongoing, continuing education for the inventory tracking system administrator to retain the administrator account.
 - (2) Each registered caregiver subject to limited compliance is responsible for all costs associated with its use of the tracking system and any associated vendor fees.
 - (3) Each registered caregiver subject to limited compliance may designate additional assistants as inventory tracking system users. Each additional inventory tracking system user shall be a registry identification cardholder and shall be trained by the inventory tracking system administrator in the proper and lawful use of the inventory tracking system.
- E. Each registered caregiver subject to limited compliance and/or any assistants of that caregiver shall:
 - (1) Convey to the Department any required information and in doing so consent to the use of the information by the Department and/or its designee for the purposes of establishing credentials in the inventory tracking system and maintaining records of all marijuana plants from immature plant to point of final harvest and/or destruction;
 - (2) Designate at least one registry identification cardholder as an inventory tracking system administrator;
 - (3) Monitor all compliance notifications from the inventory tracking system;
 - (4) Resolve all issues detailed in any compliance notification in a timely fashion and before dismissing the notification in the inventory tracking system;
 - (5) Take appropriate action in response to informational notifications received through the inventory tracking system, including without limitation notifications related to enforcement alerts and other pertinent information;
 - (6) Obtain plant tags through the inventory tracking system vendor;
 - (7) Supply all information the Department requires to obtain valid plant tags;

- (8) Use each plant tag for one marijuana plant;
 - (9) Affix a valid plant tag to all immature and mature marijuana plants the registered caregiver is authorized to possess;
 - (10) Refrain from reusing a plant tag, once affixed to a marijuana plant, on another marijuana plant;
 - (11) Note the date of the final harvest and/or destruction event in the inventory tracking system as directed by the Department or its designated inventory tracking system vendor;
 - (12) Reconcile all on-premises and in-transit marijuana plants and harvested marijuana inventories in the inventory tracking system by 11:59 p.m. each day;
 - (13) Utilize a standard of weights and measures that is supported by the inventory tracking system to track all marijuana plants and harvested marijuana; and
 - (14) Weigh products, prior to entry into the inventory tracking system, using a scale that has been tested and approved in accordance with 10 MRS, chapter 501.
- F. Each registered caregiver subject to limited compliance and the individuals using the inventory tracking system are responsible for the accuracy of all information entered into the inventory tracking system. Any misstatements or omissions may be considered a registration violation affecting public safety.
- G. Each individual user entering data into the inventory tracking system shall only use that individual's inventory tracking system account.
- H. Each registered caregiver subject to limited compliance shall cancel any administrators and users from their associated inventory tracking system accounts once any such individuals are no longer employed by the registrant.
- I. If at any point a registered caregiver subject to limited compliance loses access to the inventory tracking system for any reason:
- (1) The registrant shall immediately notify the Department and shall keep and maintain comprehensive records detailing all marijuana plants and harvested marijuana tracking activities that were conducted during the loss of access;
 - (2) Once access is restored, all marijuana plants and harvested marijuana tracking activities that occurred during the loss of access must be entered into the inventory tracking system and the Department shall be notified that access has been restored;
 - (3) The registrant shall document when access to the system was lost, the cause of system loss and when it was restored; and
 - (4) The registrant shall not transport or receive any marijuana plants or harvested marijuana until such time as access is restored and all information is recorded into the inventory tracking system.
- J. Notwithstanding other fines, fees, or penalties, each registered caregiver subject to limited compliance agrees to transfer to the full inventory tracking system upon order from the Department following a finding that the registered caregiver is not eligible for limited inventory tracking. The Department may require a registered caregiver to transfer to the full inventory tracking system as part of a plan of correction in response to violations of this Rule or the Act.

11.3.5 Transportation. Each registered caregiver subject to limited compliance must comply with the following regulations whenever transporting marijuana seedlings or harvested marijuana to qualifying patients or visiting qualifying patients.

- A. The registered caregiver must:
- (1) Prepare three copies of a trip ticket, on forms made available by the Department, for each separate transaction to a qualifying patient or visiting qualifying patient;
 - (2) Give one copy to the receiving qualifying patient or visiting qualifying patient following the verification of the trip ticket and transfer of the marijuana seedlings or harvested marijuana;
 - (3) Provide one copy upon the request of any law enforcement officer or government agent, recording the name, rank and agency of the officer or agent and retaining that information for the duration of the transport; and
 - (4) Maintain one copy of the trip ticket after transport for record-keeping purposes;
- B. The registrant shall not void or change a trip ticket after departing from the originating registered premises.
- C. Transport authorized by this Rule shall be by motor vehicle that is:

- (1) Insured at or above the legal requirements in Maine; and
- (2) Equipped with, at a minimum, a functional, manufacturer-installed alarm system;
- D. Only registry identification cardholders listed on the transport manifest may be in the vehicle, including trailers, used in transport;
- E. All marijuana seedlings and harvested marijuana must be transported within a closed, locked area in the vehicle that is obscured from public view;
- F. Any perishable items must be adequately refrigerated;
- G. Any vehicle transporting marijuana seedlings or harvested marijuana must travel directly from the registered premises to the recipient(s) and the registrant shall not:
 - (1) Make any stops in between except:
 - (a) To accommodate meal and rest periods required by law, or refueling; or
 - (b) For an emergency, in which case the registrant shall promptly report, or cause to be reported, the stop and the reasons for the stop to the Department and note the same on the trip ticket; or
 - (2) Remove the marijuana seedlings or harvested marijuana from the vehicle until arrival at the destination;
- H. Each registrant must notify law enforcement and the Department immediately, or as soon as possible given the circumstances, if a vehicle transporting marijuana seedlings or harvested marijuana is involved in a vehicular accident or theft resulting in the loss of marijuana seedlings or harvested marijuana;
- I. A registrant shall make any vehicle used for the transport of marijuana seedlings or harvested marijuana immediately available for inspection upon request of the Department.
- J. Upon contact with law enforcement, all persons in the vehicle shall identify themselves with their Department-issued registry identification card and all trip tickets.

11.3.6 Packaging and Labeling Requirements and Prohibitions. Each registered caregiver subject to limited compliance shall meet all packaging and labeling requirements in this Section. Information related to the following may be required by the Department on the operating plan of record.

- A. Each registered caregiver subject to limited compliance shall ensure that all harvested marijuana that is provided to a qualifying patient is:
 - (1) Packaged a resealable container with the Department's universal symbol for marijuana for medical use indicating the presence of marijuana on the front or most prominently displayed portion of the marketing layer packaging, no smaller than ½ inch by ½ inch;
 - (2) Packaged in a child-resistant container or placed into child-resistant exit packaging by the registrant at time of sale;
 - (3) Packaged in an opaque container that or placed into opaque exit packaging by the registrant at time of sale;
 - (4) Packaged in a container that is tamper-evident;
 - (5) In compliance with applicable packaging requirements of any other licenses required to manufacture harvested marijuana, including without limitation food establishment or bottle beverage manufacturing facility licenses;
 - (6) In a container that protects the packaged item from contamination and does not impart any toxic or deleterious substance to the packaged item.
- B. Any package that contains a multi-serving liquid must include an integral measuring device.
 - (1) An acceptable measuring device for a multi-serving liquid includes without limitation a measuring cap or dropper.
 - (2) The measuring device shall measure the product to be used, rather than the product remaining in the packaging. Hash marks on a bottle or package do not qualify as a measuring device.
- C. Each registered caregiver subject to limited compliance shall ensure that every marketing layer container includes the following information printed directly on the package and/or label prior to any transfer:
 - (1) The registry identification card number conducting authorized transfer to the qualifying patient or visiting qualifying patient;
 - (2) The production date, which is the date a flower, trim or manufacturing batch was created; and

- (3) The following statement in capital letters: “FOR MEDICINAL PURPOSES BY QUALIFYING PATIENTS ONLY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE USE OF THIS PRODUCT. THERE MAY BE ADDITIONAL HEALTH RISKS ASSOCIATED WITH USE OF THIS PRODUCT FOR WOMEN WHO ARE PREGNANT, BREASTFEEDING, OR PLANNING ON BECOMING PREGNANT. DO NOT DRIVE A MOTOR VEHICLE OR OPERATE HEAVY MACHINERY WHILE USING THIS PRODUCT.”
- D. All required information must be printed in English, in font size no smaller than 6 point or 1/12 inch and must be unobstructed and conspicuous.
- E. A registrant may include required information in a peel-back accordion style, expandable, extendable or layered label, so long as the label can be easily identified by a consumer as containing important information.
- F. A registered caregiver shall not:
- (1) Display any content on a container, marketing layer or intermediate packaging making any claims regarding health or physical benefits to the consumer;
 - (2) Include any false or misleading statements;
 - (3) Obscure identifying information or warning statements;
 - (4) Violate federal trademark law or regulation, or cause a reasonable consumer confusion as to whether the harvested marijuana is a trademarked product;
 - (5) Depict a human, animal or fruit or the word “candy” or “candies” on the label of any marketing layer, container holding harvested marijuana or intermediate packaging; or
 - (6) Reasonably appear to target or appeal to individuals under the age of 21, including but not limited to, the use of cartoon characters or similar images.

11.3.7 Advertising. All registered caregivers are required to meet the advertising compliance requirements in Section 9.

11.3.8 Waste. All registered caregivers are required to meet the waste compliance requirements in Section 10.

11.3.9 Co-Location. All registered caregivers are required to meet the co-location compliance requirements in Section 6.1.4.

Section 12 – Compliance and Enforcement

12.1 - General

12.1.1 Limitation on authorized conduct. Any conduct not explicitly authorized by the Act or this Rule is prohibited. Failure to comply with the Act and this Rule may result in an administrative action by the Department; referral to law enforcement and/or referral to another state or local agency with regulatory authority over the registrant.

12.1.2 Prohibited Conduct. Without limitation, the following conduct is expressly prohibited under this Rule:

- A. Selling or transferring marijuana plants or harvested marijuana:
- (1) To any person who is not authorized to possess marijuana for medical use, including but not limited to, sale of harvested marijuana to an individual who is not a qualified patient or registrant;
 - (2) Without logging the transaction in the Department-required inventory tracking system, if applicable;
 - (3) At any temporary location not under the control of either the registrant or the purchaser, including without limitation “pop-up” stores or meeting at a location open to the public;
 - (4) At any location under the control of the registrant but not registered with the Department; or
 - (5) At a drive-through window;
- B. Organizing events for persons to consume harvested marijuana;

- C. Disclosing information, to parties other than the Department, about a qualifying patient's participation in the MMMP, unless authorized in writing by the qualifying patient for the purpose of assisting the qualifying patient in the medical use of marijuana;
- D. Failing to have on the registered premises, during the hours of operation or periods of apparent activity, a registry identification card holder who is authorized to allow and cooperate with Department requests to inspect the premises;
- E. Permitting another person to use a registry identification card that is not their own;
- F. Refusing to permit the Department to inspect registered premises during hours of operation or periods of apparent activity;
- G. Selling marijuana or any products containing marijuana that have been adulterated with any other federally controlled substance or agricultural chemical not permitted for use in marijuana;
- H. Making any misrepresentation to the Department or a law enforcement officer, including intentionally or recklessly destroying or concealing evidence;
- I. Employing an individual without a valid registry identification card to engage in conduct authorized by this rule;
- J. Diverting marijuana intended for medical use to adult use marijuana establishments (unless authorized by statute) or to the illicit market; or
- K. Misrepresenting any material fact to the Department, including without limitation, residency, qualifications, size of cultivation or quantity of marijuana possessed or transferred.

12.1.3 Methods for ensuring compliance. An individual who engages in conduct authorized by this Rule is subject to review by the Department to determine compliance with the Act and this Rule. The Department may determine applicant eligibility and registrant compliance with the Act and this Rule through any of the following means, including without limitation:

- A. Criminal history record check;
- B. Review of any records a registrant is required to create and maintain in accordance with 22 MRS § 2430-G and this Rule, including without limitation: patient transaction logs and inventory tracking data;
- C. On-site or remote inspections;
- D. Verification of registrant compliance with program requirements by the Department or an agent of the Department;
- E. Review of any required security camera footage retained by the registrant in compliance this Rule;
- F. Review of any reports from a law enforcement agency; or
- G. Review of any reports from any other state or local agency with regulatory authority over the registrant.

12.1.4 Excess Marijuana. Cultivation or possession of marijuana plants or harvested marijuana for medical use in excess of the limits authorized by this Rule and the Act is a violation of this Rule, the Maine Medical Use of Marijuana Act and may be a violation of 17-A MRS, Chapter 45.

- A. The marijuana, including marijuana plants or harvested marijuana in excess of the limits provided in this Rule and the Act and that is not dispensed or disposed in accordance with this Rule may be subject to forfeiture to a law enforcement officer pursuant to 22 MRS § 2430-E.
- B. Qualifying patients, caregivers, long-term care facilities assisting qualifying patients in the medical use of marijuana, and registered dispensaries may lawfully dispose of excess harvested marijuana in accordance with this Rule and 22 MRS § 2430-E.

12.1.5 Records and Audits. The Department will have access at all times to a registrant's current inventory records through the Department's inventory tracking system. A registrant shall make all books and records required under this subsection, not otherwise maintained in the Department's inventory tracking system available for inspection by the Department upon the Department's request.

- A. Keep for a period of 7 years:
 - (1) Inventory tracking system records of all acquisitions of marijuana plants and harvested marijuana, including the source, quantity, form and purchase price;

- (2) Inventory tracking system records of all acquisitions or transfers of marijuana plants and harvested marijuana acquired or transferred by donation or otherwise for no remuneration;
 - (3) Inventory tracking system records of all transfers of marijuana plants and harvested marijuana, including the quantity, form, sales price, and name of the qualifying patient or caregiver to whom marijuana has been distributed, sold or donated;
 - (4) Inventory tracking system records of all samples of marijuana plants and harvested marijuana provided to other parties;
 - (5) Inventory tracking system records of all marijuana disposed of as waste; and
 - (6) Business books and records, including assets and liabilities, tax returns, contracts, board meeting minutes reflecting actions of the board, monetary transactions, various journals, ledgers, and supporting documents, including agreements, checks, invoices and vouchers;
- B. Complete an annual audit of business transactions by an independent 3rd party by March 15th annually or upon request of the Department in accordance with 22 MRS § 2430-G.

12.1.6 Notification to the Department. Unless otherwise specified, a registrant shall notify the Department within one business day of discovering any of the following:

- A. An unexplained loss of marijuana plants or harvested marijuana held by the registrant;
- B. Any diversion or theft of marijuana plants or harvested marijuana;
- C. Any intentional or otherwise severe violations of any plans of record;;
- D. Any unauthorized or prohibited conduct;
- E. Any criminal activity pertaining to the operation of the registrant; or
- F. Any individual registrant, officer, director or assistant who has been convicted of a disqualifying drug offense.

12.2 - Inspections

The Department may initiate an inspection, in accordance with the Act and this Rule to ensure compliance prior to issuing a registration certificate or registry identification card, as a routine review, in response to a complaint of potential or actual noncompliance or other reasonable suspicion of non-compliance or as part of a plan of correction.

12.2.1 Purpose of Inspections. During an inspection, the Department may:

- A. Verify information submitted in an application;
- B. Review records for all required documents, including, but not limited to registration, labeling and employee records, as applicable;
- C. Conduct interviews;
- D. Enter areas used for conduct authorized by this Rule and the Act to ensure any marijuana, including plants, usable marijuana and incidental marijuana cultivated for medical use, is within the specified limit and is identifiable and maintained as required;
- E. Take samples of marijuana plants or harvested marijuana as evidence of noncompliance with this Rule or the Act; or
- F. Otherwise assess conduct for compliance with the Rule and statute.

12.2.2 Procedures for Inspections.

- A. No notice is required for the Department to initiate an inspection to determine compliance by a registrant;
 - (1) The Department may inspect only that portion of a caregiver's residence that is used for authorized conduct.
 - (2) The Department may not inspect any portion of a caregiver's residence that is used for authorized conduct if the caregiver is not present, unless the Department receives a waiver from the caregiver in writing that an assistant of the caregiver may instead be present at the inspection.
- B. The Department shall provide notice before an inspection of a long term care facility;
- C. When conducting an inspection, an agent of the Department will provide prior to entry:
 - (1) Proof of identity; and

- (2) If the inspection was initiated in response to a complaint regarding registrant conduct, a written summary of the grounds contained in the complaint pursuant to 22 MRS § 2430-G(2)(A).
- D. The Department will take measures to reduce potential disruption and contamination any cultivation area during an inspection.
- E. The Department may take samples, photographs or electronic copies during an inspection as evidence of noncompliance with this Rule or the Act.
- F. If entry into an area reportedly used for conduct authorized by this Rule and the Act is refused when the Department is conducting an inspection, the Department will consider such action a failure to comply with provisions of this Rule.
 - (1) Upon refusal, the Department may refer to law enforcement as a progressive enforcement action when compliance cannot be determined.
 - (2) Additionally, if a registrant twice denies entry to the Department or its authorized agents, the Department may take action to revoke the registry identification card or registration certificate.
- G. After conducting an inspection, the Department will provide the registrant with a report indicating any findings of violations or corrective action necessary; and may provide an inspection report to the registrant upon request.

12.3 - Plans of Correction

Upon a finding of any violation of the Act or this Rule, the Department may require a registrant to submit a plan of correction for the Department's approval. The Department is not obligated to remedy non-compliance with a plan of correction and may take action for immediate registration revocation or other administrative action.

- A. The Department may require a registrant to submit to the Department a plan of correction, or may issue to a registrant a directed plan of correction, which may include the following as applicable:
 - (1) Steps to correct any finding, violation or deficiency noted by the Department;
 - (2) Specific deadlines for each corrective action step;
 - (3) Steps to reduce potential future violation; and
- B. If requested by the Department, the registrant shall send, within five business days of receipt of the notice of non-compliance, a plan of correction.
- C. The Department will provide notice of approval or denial of the plan of correction within five business days of receipt.
- D. If the registrant fails to submit in a timely manner an acceptable plan of correction, the Department may, at its discretion:
 - (1) Issue a directed plan of correction;
 - (2) Initiate a civil action to impose fines;
 - (3) Suspend or revoke one or more registry identification cards;
 - (4) Suspend or terminate one or more registration certificates; or
 - (5) Refer possible criminal activity to law enforcement.
- E. Failure to comply with the approved plan of correction may result in further enforcement action by the Department, including without limitation:
 - (1) Issuing a directed plan of correction;
 - (2) Initiating a civil action to impose fines;
 - (3) Suspension or revocation of registry identification cards;
 - (4) Suspension or termination of registration certificates; or
 - (5) Referral of possible criminal activity to law enforcement.

12.4 - Progressive Enforcement

The Department may take progressive enforcement action when the Department is unable to determine compliance when conducting an inspection, or when a finding of non-compliance is not resolved through technical assistance or

other remedial action. Progressive enforcement action may include civil actions, suspension, registration denial or revocation, and referral to law enforcement.

12.4.1 Civil actions. The Department may initiate civil actions to impose fines as described in this subsection.

- A. Up to \$1,000 for violation of confidentiality of information about a qualifying patient or his or her caregiver by any person or entity other than a medical provider, long-term care facility or any other person directly associated with a medical provider or long-term care facility that provides services to a registered patient;
- B. Up to \$1,000 for officers, directors, or assistants of a dispensary with a disqualifying drug offense who engages in conduct that is prohibited by this Rule or statute;
- C. Up to \$200 for misrepresenting to a law enforcement officer participation in MMMP to avoid arrest or prosecution; or
- D. Up to \$150 per incident for failing to notify the Department within ten days of a change in status or card information in accordance with the Act and this Rule.

12.4.2 Suspension of Registry Identification Card or Registration Certificate. The Department may suspend one or more registry identification cards or registration certificates of any person or entity for violations of 22 MRS, ch. 558-C or this Rule.

- A. The Department may determine that suspension of a registry identification card or registration certificate is an appropriate remedy, except in cases in which its discretion is limited by this Rule or 22 MRS, ch. 558-C.
 - (1) The Department may suspend a registry identification card or registration certificate for refusal or willful avoidance of two Department inspections.
 - (2) The Department shall revoke a registry identification card or registration certificate when such revocation is mandatory under 22 MRS, ch. 558-C.
- B. In the case of a person who holds two or more registry identification cards, the Department may suspend one or more of such cards.
- C. The Department may suspend a registration certificate on an emergency basis when the Department determines that the conduct of the registrant poses an immediate threat to the health or safety of a person or the public.
 - (1) In accordance with 5 M.R.S. §§ 10004(3) and (4) an emergency suspension may not exceed 30 days.
 - (2) A threat to public health and safety, includes without limitation:
 - (a) Providing, possessing, or offering for sale or transfer harvested marijuana determined to contain an unsafe level of a contaminant or pesticide, or that is otherwise adulterated;
 - (b) Cultivating marijuana plants using a pesticide not approved for use on items for human consumption, or by a person not licensed to apply pesticides by the Department of Agriculture, Conservation and Forestry, Board of Pesticide Control;
 - (c) Furnishing marijuana plants or harvested marijuana to individuals who are not authorized to possess marijuana for medical use;
 - (d) Unsafe or unauthorized use of inherently hazardous substances;
 - (e) Preparing, storing, or transporting edible marijuana products without a food establishment license; or
 - (f) Failure to comply with regulations applicable to food establishments, including 10-144 C.M.R., Chapter 200 and DACF rules.
- D. A business entity formed by a registered caregiver, including a caregiver retail store, has no authority to operate while the registered caregiver's registry identification card is suspended.

12.4.3 Revocation of Registry Identification Card. The Department may revoke registry identification cards, on the basis of conduct prohibited by the Act and this Rule or a determination by the Department that the cardholder is not otherwise in compliance with or qualified under the Act or this Rule. Revocation of a registry identification card is considered final agency action in accordance with 22 MRS § 2430-F.

- A. The Department shall, pursuant to 22 MRS §2430-F, revoke the registry identification card of any person who furnishes or gives marijuana to any person who is not authorized to possess marijuana.
- B. The Department shall, pursuant to 22 MRS §2430-F, revoke the registry identification cards of the officers or directors of any dispensary that dispenses, delivers or otherwise transfers marijuana plants or harvested marijuana in violation of 22 MRS, ch. 558-C or this Rule.
- C. Additional grounds for revocation of a registry identification card are governed by this Rule and the Act and include, but are not limited to, the following:
 - (1) The cardholder is convicted of a disqualifying drug offense.
 - (2) The cardholder knowingly violates the confidentiality of information protected by the statute.
 - (3) The cardholder commits, permits, aids or abets any illegal practices or unauthorized conduct related to the cultivation, processing, acquisition, dispensing, delivering or transfer of marijuana.
 - (4) The cardholder is not a resident of Maine and the card is not surrendered to the Department.
 - (5) The cardholder fails to pay required State and local taxes, in accordance with 36 M.R.S. §175.
 - (6) A cardholder commits a civil violation for fraudulent misrepresentation regarding authorized conduct, possession of prepared marijuana in excess of specified limits or failure to provide required notifications to the Department.
 - (7) A cardholder has repeat forfeiture of excess marijuana plants.
 - (8) A cardholder has been issued findings of repeated non-compliance, has failed to comply with the plan of correction or is no longer eligible for a registry identification card.
- D. In the case of a person who is an assistant or officer or director of multiple registrants, and who holds multiple registry identification cards, the Department may at its discretion revoke one or more cards.
- E. The effective date of revocation of a registry identification card is three days after the date shown on the Department's written notice that is sent to the cardholder's last known address.
- F. A revoked registry identification card is void unless timely appealed. A person whose registry identification card has been revoked may appeal the Department's decision in accordance with 5 M.R.S., chapter 375.
- G. A registry identification card that is not surrendered to the Department is void and does not serve as proof of authorized conduct:
 - (1) Three days after the date shown on the Department's written notice of revocation is sent to the last known address of the cardholder and the cardholder's employer or affiliated entity, if applicable;
 - (2) Immediately, when any of the following occurs:
 - (a) A new card is issued to a cardholder based on a change in status;
 - (b) A cardholder fails to notify the Department of a disqualifying drug offense;
 - (c) A cardholder is no longer a resident of the State of Maine; or
 - (d) A request for registry identification card renewal is denied.
- H. A person whose registry identification card has been revoked by the Department is disqualified, as applicable, from:
 - (1) Serving as a registered caregiver;
 - (2) Serving as officer or director, as defined in 22 MRS §2422, of a business entity registered as a caregiver, dispensary, or manufacturing facility; or
 - (3) Assisting, as an employee of a long-term care facility, qualifying patients with the medical use of marijuana.
- I. Revocation of a registry identification may result in the termination of a registration certificate, adult use individual identification card, or adult use marijuana facility license:
 - (1) A business entity formed by a registered caregiver has no authority to operate if the registered caregiver's registry identification card has been revoked.
 - (2) The registration certificate of a caregiver retail store is terminated by the revocation of the associated registered caregiver's registry identification card.
 - (3) The Department may at its discretion terminate registration certificates of any dispensary, manufacturing facility, or registered inherently hazardous substances extraction facility when the registry identification card of an officer or director is revoked.

- (4) The Department may at its discretion revoke adult use individual identification cards of any person whose registry identification card is revoked.
- (5) The Department may at its discretion terminate marijuana facility licenses of any adult use marijuana establishment when the registry identification card of an officer or director is revoked.
- J. A person whose registry identification card is revoked may not apply for a new registry identification card for a period of one year, unless the Department specifies a shorter period in the notice of revocation.

12.4.4 Termination of Registration Certificate. The termination of a registration certificate is governed by this Rule and the statute.

- A. Grounds for termination of a registration certificate include without limitation:
 - (1) Failure to cooperate with required inspections, including failure to allow entry or interference with entry;
 - (2) Violations of this Rule, the Act or policies and procedures that govern the registrant's operation;
 - (3) Committing, permitting, aiding or abetting any illegal practices;
 - (4) Conduct or practices that are detrimental to the safety and welfare of qualifying patients or caregivers,
 - (5) Providing information that is materially inaccurate or incomplete; or
 - (6) Failure to pay required State and local taxes.
- B. The Department may at its discretion revoke the registry identification card, adult use marijuana establishment license, or adult use individual identification card of any person whose conduct was a factor in the termination of the registration certificate.

12.4.5 Administrative Requirements. Unless otherwise specified as final agency action, a registrant may request an informal hearing to appeal the decision of the Department in accordance with 5 M.R.S, chapter 375. The Department shall follow consistent procedures in enforcement actions.

- A. Pursuant to 22 MRS § 2430-F, revocation of a registry identification card is considered final agency action, as defined in 5 M.R.S. §8002(4), and subject to judicial review.
- B. Jurisdiction and venue for judicial review are vested in the Superior Court.
- C. The record for review is the Department's file for that person, entity or cardholder or entity for the period in question, any other documents relied upon by the Department in taking the action, the Department's notice of the action, and other communications between the Department and the person, entity or cardholder regarding the action.
- D. Prior to revocation of a registry identification card or termination of a registration certificate, the Department shall issue a written notice that includes the reason for the action, the applicable Rule or statute, the date the Department's action takes effect, and the right to appeal the Department's action. A person is deemed to have received written Department notification on the earliest of the following dates:
 - (1) The date the person signs for receipt of the notice; or
 - (2) The date that is three calendar days after the date the Department sends the notice by first class mail to the person's last known address.

Section 13 – Fees

13.1 - Fee Submissions

- A. Fees shall be payable to the Treasurer, State of Maine.
- B. Payment may be made by bank check, money order, or electronically if an electronic payment method is available.
- C. Fees are nonrefundable, provided, however, an unsuccessful dispensary registration certificate applicant is refunded the amount of the application fee, less \$1,000.

- D. The Department may apply fees that are less than the amounts specified in this section when the reduction of application fees is in conformity to the Act and this Rule.
- (1) The percent in reduction of fees shall be applied equally across cardholders but may not be less than the minimum fee required by statute.
 - (2) The Department shall revise application forms to reflect any change in the fee required for the calendar year that follows a requisite review of the program budget.

13.2 - Persons and Entities Not Subject to Fees

- A. Qualifying patients and exempt caregivers are not subject to Department registration fees
- (1) Qualifying patients and exempt caregivers who manufacture using inherently hazardous substances shall pay an inherently hazardous substance registration fee of \$350.
 - (2) Qualifying patients and exempt caregivers who choose to submit marijuana or marijuana products to marijuana testing facilities are responsible for reasonable fees charged by the facility.
- B. Long-term care facilities are not required to pay registration fees; however, individual employees of hospice inpatient programs and nursing facilities, or their employers, are responsible for the costs of applying for registry identification cards.

13.3 - Criminal History Records Check

The cost of a criminal history check required for the applicant is \$31 for each background check conducted through the State Bureau of Identification, and \$60 if a federal or national background check is conducted.

13.4 - Caregiver Registry Identification Card Application Fees

- A. If the caregiver chooses to cultivate up to 30 mature plants and 60 immature plants, the annual fee is \$240 per increment of 6 mature plants and 12 immature plants, up to a maximum of 30 mature plants.
- B. If the caregiver chooses to cultivate 31 or more mature plants within a 500 square foot canopy, the annual fee is also \$240 per increment of 6 mature plants, but the number of immature plants is capped at 60, and the maximum plant canopy is 500 square feet.
- C. A caregiver that does not meet the registration exemption pays a fee based on the total number of plants, even if some of those plants are used to assist members of the family's household or family. A person cannot simultaneously be a registered caregiver for some people and an exempt caregiver for others.

13.5 - Dispensary Registration Certificate Fees

- A. A \$12,000 registration renewal fee shall be submitted annually with the dispensary's completed registration renewal form. The annual renewal fee is non-refundable.
- B. A \$4,000 change of location fee shall be submitted with a completed application to change the physical location or cultivation location of a registered dispensary.
- C. Registered dispensaries are responsible for the cost of required laboratory testing. A registered caregiver or registered dispensary will be responsible for the minimum testing fee required by the Act and for laboratory charges not exceeding \$300 per test specimen for each sample collected by the Department for compliance purposes.

13.6 - Manufacturing Facility Registration Certificate Fees

- A. The annual fee for registering and renewing a tier 1 manufacturing facility registration is \$150.
- B. The annual fee for registering and renewing a tier 2 manufacturing facility registration is \$250.

- C. The annual fee for a qualifying patient, caregiver, dispensary, tier 1 manufacturing facility, tier 2 manufacturing facility or other qualified person to use inherently hazardous substances for marijuana extractions is \$350.

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