

**Subcommittee to Consider Non-substantive Changes to the Maine Medical Cannabis Act
Joint Standing Committee on Veterans and Legal Affairs
131st Legislature, Subcommittee Interim Meeting**

Thursday, November 2, 2023

Agenda

- 9:00 a.m. Welcome and introductions
- 9:05 a.m. Reorganized chapter draft – An Overview
- 9:20 a.m. Follow up from 10.12.23 meeting – Definitions
- 10:00 a.m. Initial review of draft - Registration sections
- Discuss next steps and future meeting dates

An Overview of Medical Cannabis Legislation in Maine through IB 2009, c. 1, *An Act to Establish the Maine Medical Marijuana Act*

Early Efforts to Legalize Cannabis¹ for Medical Purposes in Maine

In 1979, Maine enacted the Marijuana Therapeutic Research Program to facilitate and encourage research and "strictly controlled" experimentation of therapeutic uses of cannabis (PL 1979, c. 457). Following the statutory repeal of PL 1979, c. 457 two years after it became effective, the Legislature enacted the Marijuana Therapeutic Research Act to "further research and strictly controlled experimentation regarding the therapeutic uses of marijuana" (PL 1983, c. 423), which also had a statutory repeal date of December 31, 1987.

Throughout the 1990s, the Legislature considered various proposals to legalize cannabis for medical purposes. In 1992, the 115th Legislature enacted LD 2420, *An Act to Legalize Marijuana for Medicinal Purposes*, but the bill was vetoed by the Governor and the veto was sustained (Legislative Record – 10/6/1992, p. 18-20). Proposals before the 116th, 117th and 118th Legislatures were rejected.²

Maine Medical Marijuana Act of 1998 (IB 2/LD 2109, *An Act to Permit the Medical Use of Marijuana*)

In 1999, Maine legalized medical cannabis by referendum with over 60% of voters voting "yes" on Question 2 "Do you want to allow patients with specific illnesses to grow and use small amounts of marijuana for treatment, as long as such use is approved by a doctor?" The Maine Medical Marijuana Act of 1998 (IB 1999, c. 1), as enacted by the voters, allowed prescribing and limited possession of medical cannabis, but did not contain any provision for distribution. Questions arose regarding noncompliance with federal law and how patients could legally obtain cannabis, once prescribed. A task force was convened by the Attorney General in 2000 in an effort to study IB 1999, c. 1 and make recommendations to address implementation and enforcement issues (Resolve 1999, c. 137). The only substantive change to the Maine Medical Marijuana Act of 1998 prior to the 2009 initiated bill was in PL 2001, c. 580 (LD 611), which clarified the definition of a designated care giver, increased the amount of harvested cannabis that may be possessed for medical purposes and added an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999. Other proposals to amend the Maine Medical Marijuana Act of 1998 in 2005 and 2007 were rejected.

Maine Medical Marijuana Act (2009) (IB 2/LD 975, *An Act to Establish the Maine Medical Marijuana Act*)

In 2009, Maine voters approved Question 5, which enacted the citizen-initiated bill, *An Act to Establish the Maine Medical Marijuana Act* (IB 2/LD 975), providing for the licensing and regulation of caregivers and dispensaries, thereby creating a system for the legal distribution of medical cannabis that was not included in the 1999 initiative. In enacting IB 2009, c. 1, Maine became the fifth state to provide for dispensaries of medical grade cannabis for persons with debilitating and chronic medical conditions.

Following the November 2009 election, and after results were verified by the Secretary of State, Governor Baldacci issued an executive order creating a task force to study how other states implemented similar laws, make recommendations on the implementation of the law in Maine, and advise the Department of Health and Human Services (DHHS) in its development of proposed rules and fee schedules. The task force produced a report in January 2010. LD 1811, a Governor's bill, enacted as PL 2009, c. 631, paved the way for promulgation of agency rules under the Administrative Procedures Act and renamed the Act the Maine Medical Use of Marijuana Act. The Maine Medical Use of Marijuana Program (MMMP) was established within the DHHS in 2010 and the first eight medical cannabis dispensaries in the State, one for each of the eight public health districts, opened in 2011.³

The attached table contains an overview of enacted legislative changes to the Maine Medical Cannabis Act since 2009, including a summary of IB 2009, c. 1 and PL 2009, c. 631, through 2022.⁴

¹ As a result of PL 2021, c. 669 the word "marijuana" was replaced with the word "cannabis" in the Maine Revised Statutes, except for in Title 17-A.

² 1992: LD 2420; 1994: LD 1511; 1995: LD 204, LD 784, LD 929; and 1997: LD 1006, LD 1059

³ Information contained within this overview relies heavily on the Maine State Law and Legislative Reference Library's Legislative History Collection on Medical Cannabis (link above) and the Law Library's website "Medical Cannabis in Maine" - <https://legislature.maine.gov/lawlibrary/maines-medical-marijuana-law/9242>.

⁴ For more detailed statutory history of Title 22, Chapter 558-A, 558-B, 558-C, and 22 MRS §2383-B as it relates to medical cannabis, as well as proposed and enacted legislation related to medical cannabis, in general, see: <https://www.maine.gov/legis/lawlib/ldl/medicalcannabis/>.

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

Legislation	Sponsor	Summary of Enacted Legislation	Governor's Action
124th Legislature			
<p>IB 2009, c. 1 (LD 975), An Act to Establish the Maine Medical Marijuana Act</p>	<p>Initiated Bill</p>	<p>IB 2/LD 975 summary: Current law allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. This initiated bill does the following:</p> <ul style="list-style-type: none"> • It changes the description of the medical conditions for which the medical use of marijuana is permitted. • It directs the Department of Health and Human Services to issue registry identification cards to patients who qualify to possess marijuana for medical use and to their designated primary caregivers. • It sets limits on the amount of marijuana that may be possessed by qualifying patients and their designated primary caregivers. • It allows the establishment of nonprofit dispensaries to provide marijuana to qualifying patients and directs the Department of Health and Human Services to issue a registration certificate to a nonprofit dispensary that meets certain criteria. • It directs the Department of Health and Human Services to establish application and renewal fees sufficient to pay the expenses of implementing and administering the provisions of the initiated bill. 	<p>n/a</p> <p>Approved in referendum, 11/3/2009</p> <p><u>Referendum question:</u> “Do you want to change the medical marijuana laws to allow treatment of more medical conditions and to create a regulated system of distribution?”</p>
<p>PL 2009, c. 631 (LD 1811), An Act to Amend the Maine Medical Marijuana Act</p>	<p>Sen. Brannigan (Governor's Bill)</p>	<p>Enacted law summary: Public Law 2009, chapter 631 amends the statutes enacted by IB 2009, c. 1, which allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. It reflects the recommendations of the Committee on the Implementation of the Maine Medical Marijuana Act and the Criminal Law Advisory Commission. It also clarifies many of the provisions of the statutes, clarifies the process to add new debilitating conditions and conforms the language of the statutes to other Maine laws.</p> <ul style="list-style-type: none"> • It clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana." • It changes implementation dates to July 1, 2010 and delays until January 1, 2011 repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. • It adds three health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. • It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. • The law allows possession of marijuana for medical use for 30 days based on the registry card of another jurisdiction while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. 	<p>Emergency signed, 4/9/2010</p>

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		<ul style="list-style-type: none"> • The law prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. • The law sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. • The law limits the number of dispensaries to one per department public health district for the first year, with review by the department after one year. <p>The law provides for a General Fund working capital advance of \$250,000, with a payback schedule that requires all advanced funds to be repaid by June 30, 2011. The law applies retroactively to December 23, 2009, the effective date of the initiated bill.</p>	
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Legislation	Sponsor	Summary of Enacted Legislation	Governor's Action
125th Legislature			
<u>PL 2011, c. 383</u> (LD 1159), An Act to Amend the Identification Requirements under the Maine Medical Use of Marijuana	Rep. Haskell	<p><u>Enacted law summary:</u> Public Law 383 does the following.</p> <ul style="list-style-type: none"> • It clarifies that an individual must possess both a valid registry identification card and a valid Maine-issued driver's license or other Maine-issued photo identification as proof of valid participation in the medical use of marijuana. • It specifies that a primary caregiver's registry identification card expires on the same date that the patient's card expires. • It removes the requirement that registry identification cards contain information distinguishing the cardholder as a patient or primary caregiver and a photo. • It includes provisions on forfeiture for excess marijuana, allows the use in court of certified copies of marijuana registry records and includes rulemaking on fees paid by primary caregivers. 	Signed, 6/20/2011
<u>PL 2011, c. 407</u> (LD 1296), An Act to Amend the Maine Medical Use of Marijuana Act to Protect Patient Privacy	Rep. Sanderson	<p><u>Enacted law summary:</u> Public Law 2011, chapter 407 does the following.</p> <ul style="list-style-type: none"> • It allows qualifying patients to use marijuana for medical purposes. • It removes from the law the requirement that treating physicians consult with other physicians before providing written certification for the medical use of marijuana for minors who are qualifying patients. • It adds a requirement that the Department of Health and Human Services expunge from the records of the medical marijuana registry information on a registered patient's diagnosis and information on qualifying patients who request to be removed from the registry. • It makes registration with DHHS optional for patients and for caregivers who care only for family and household members. • It adds specific language on an affirmative defense and on forfeiture of marijuana in excess of amounts allowed by the law on medical use of marijuana. 	Signed, 6/24/2011

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

Legislation	Sponsor	Summary of Enacted Legislation	Governor's Action
126th Legislature			
<p>PL 2013, c. 394 (LD 480), An Act to Establish Fees under the Maine Medical Use of Marijuana Act</p>	Rep. Sanderson	<p><u>Enacted law summary:</u> Public Law 2013, chapter 394 does the following.</p> <ul style="list-style-type: none"> • It repeals the application and renewal fees for a medical use of marijuana registry identification card for a qualifying patient. • It requires that a registered dispensary file notice and pay a fee when it changes the location of the dispensary or the location at which it cultivates marijuana. • It organizes the fees payable to the medical use of marijuana program into one subsection of law, establishes a fee for out-of-date cards and a laboratory testing fee and establishes the range within which the Department of Health and Human Services must establish fees by adopting routine technical rules. • It clarifies that registered primary caregivers and the principal officers, board members and employees of registered dispensaries must undergo annual criminal history record checks. • It provides for review of the balance in the Medical Use of Marijuana Fund and provides for adjustment of the annual fees charged to registered caregivers and registered dispensaries. 	Unsigned, 7/2/2013
<p>PL 2013, c. 361 (LD 1062), An Act to Add Conditions That Qualify for Medical Marijuana Use</p>	Rep. Dickerson	<p><u>Enacted law summary:</u> PL 2013, c. 361 amends what constitutes a “debilitating medical condition,” removing Crohn’s disease and adding PTSD, inflammatory bowel disease, dyskinetic and spastic movement disorders and other diseases causing several and persistent muscle spasms.</p>	Unsigned 6/26/2013
<p>PL 2013, c. 396 (LD 1404), An Act to Ensure the Integrity of Maine’s Medical Marijuana Program</p>	Rep. Gilbert	<p><u>Enacted law summary:</u> Public Law 2013, chapter 396 does the following.</p> <ul style="list-style-type: none"> • It allows a primary caregiver to employ one person to assist the primary caregiver in performing the duties of the primary caregiver. • It allows a primary caregiver, for the purposes of disposing of excess prepared marijuana, to transfer marijuana to a qualifying patient if nothing of value is provided to the primary caregiver and allows the patient to accept the excess prepared marijuana. • It directs the Department of Health and Human Services to adopt rules regarding employees of primary caregivers to establish an annual registration fee of no less than \$25 and no more than \$50, to require a criminal history record check prior to registration and annually thereafter and to establish a criminal history record check fee of no less than \$31 and no more than \$60. 	Emergency unsigned, 7/2/2013
<p>PL 2013, c. 393 (LD 1423), An Act to Amend the Maine Medical Use of Marijuana Act with Regard to Excess Prepared Marijuana</p>	Rep. Hickman (by request)	<p><u>Enacted law summary:</u> Public Law 2013, chapter 393 authorizes a registered primary caregiver, for the purpose of disposing of excess prepared marijuana, to transfer for reasonable compensation up to 2 pounds per year to a dispensary and allows a dispensary to accept that transfer. The law corrects an error in the statute regarding dispensaries and the acquisition of marijuana plants.</p>	Unsigned, 7/2/2013

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

<p>PL 2013, c. 374 (LD 1462), An Act to Clarify and Correct Provisions of the Maine Medical Use of Marijuana Act</p>	<p>Rep. Dion</p>	<p><u>Enacted law summary:</u> Public Law 2013, chapter 374 amends the Maine Medical Use of Marijuana Act in the following ways:</p> <ul style="list-style-type: none"> • It allows access to a registered dispensary's cultivation facility or a cultivation facility used by a patient or primary caregiver by emergency services personnel and by a person who needs to gain access in order to perform repairs or maintenance or to do construction, but only under the direct supervision of a cardholder who is allowed access to the cultivation facility; • It directs the Department of Health and Human Services to amend its rules for the medical use of marijuana to eliminate the requirement that a dispensary or a primary caregiver tag each marijuana plant with a patient's name. The law requires a primary caregiver or dispensary that cultivates marijuana to use a numerical identification system and requires the Department of Health and Human Services to amend the rules on primary caregivers and dispensaries to implement the numerical identification system requirement; and • It requires a correction to a reference to caregivers in the rules of the department because the reference should be to registered dispensaries. 	<p>Unsigned, 6/27/2013</p>
<p>PL 2013, c. 371 (LD 1531), An Act to Maintain Access to Safe Medical Marijuana</p>	<p>Sen. Saviello</p>	<p><u>Enacted law summary:</u> Public Law 2013, chapter 371 prohibits the use of a pesticide in the cultivation of medical marijuana unless the pesticide is exempt from federal registration requirements and is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.</p> <p>Public Law 2013, chapter 371 requires that at least one applicator of an authorized pesticide must be certified by the board and all other employees of a registered dispensary or a registered primary caregiver who have direct contact with treated plants or who are involved in the handling of the pesticide must first complete the federal training requirements for agricultural workers or pesticide handlers.</p>	<p>Emergency unsigned, 6/27/2013</p>
<p>PL 2013, c. 501 (LD 1597), An Act to Clarify Provisions of the Maine Medical Use of Marijuana Act</p>	<p>Rep. Gattine</p>	<p><u>Enacted law summary:</u> Public Law 2014, chapter 501 amends the Maine Medical Use of Marijuana Act to specify that access to a marijuana cultivation facility operated by a patient, a primary caregiver or a dispensary is open to an invited elected official for the purpose of providing education to the elected official on cultivation provided the access is under the direct supervision of the patient, the primary caregiver or a principal officer, board member or employee of the dispensary.</p>	<p>Veto overridden, 4/2/2014</p>
<p>PL 2013, c. 503 (LD 1623), An Act to Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries to Purchase Excess Marijuana from Other Dispensaries</p>	<p>Rep. Sanderson</p>	<p><u>Enacted law summary:</u> Public Law 2014, chapter 503 amends the laws on dispensaries for medical use of marijuana, defines "extended inventory supply interruption" and, in the event of an extended inventory supply interruption, allows a dispensary to obtain prepared marijuana from another dispensary and provide prepared marijuana to another dispensary.</p>	<p>Emergency unsigned, 4/3/2014</p>

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<p>PL 2013, c. 498 (LD 1674), An Act to Further Ensure the Provision of Safe Medical Marijuana to Maine Patients</p>	<p>Sen. Saviello</p>	<p><u>Enacted law summary:</u> Public Law 2013, chapter 498 provides that primary caregivers and registered dispensaries under the medical marijuana laws may use pesticides whose product labels allow for such use. Current law requires pesticides to be registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control and to be used in accordance with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. Public Law 2013, chapter 498 clarifies that the approved best management practices relate to pest management.</p>	<p>Emergency unsigned, 4/2/2014</p>
<p>PL 2013, c. 516 (LD 1739), An Act to Amend the Maine Medical Use of Marijuana Act</p>	<p>Rep. Dion (Dept. Bill)</p>	<p><u>Enacted law summary:</u> Public Law 2013, chapter 516 amends the Maine Medical Use of Marijuana Act in the following ways.</p> <ul style="list-style-type: none"> • It authorizes certified nurse practitioners to certify the medical use of marijuana. • It adds to the definition of "prepared marijuana" by-products of the dried leaves and flowers. • It authorizes caregivers and dispensaries to prepare tinctures of marijuana. • It changes the language on the number of patients who a caregiver may assist from "no more than 5 patients at any one time" to "a maximum of 5 patients who have designated the primary caregiver to cultivate marijuana for their medical use." • It authorizes the Department of Health and Human Services to take action necessary to ensure compliance with the medical use of marijuana chapter. • It directs the department to develop a framework for processing, documenting and investigating complaints concerning the medical use of marijuana chapter. In so doing, it directs the department to review mechanisms for processing, documenting and investigating and to report its recommendations to the joint standing committee having jurisdictions over health and human services matters by December 1, 2014. It directs the department to include in its report whether new laws or rules are required. <p>See Public Law 2013, Chapter 595 Part D on taxation issues and Part 1 on oversight and technology and Public Law 2013, Chapter 502 on oversight and technology.</p>	<p>Signed, 4/4/2014</p>
<p>PL 2013, c. 520 (LD 1779), An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use</p>	<p>Sen. Lachowicz</p>	<p><u>Enacted law summary:</u> Public Law 2013, chapter 520 allows a hospice provider facility or nursing facility to allow a qualifying patient to use prepared marijuana for medical use without requiring the facility to be named as a primary caregiver or the qualifying patient to obtain a registry identification card as long as the prepared marijuana is used in a form that is not smoked. It allows a hospice provider facility or nursing facility to adopt a policy that restricts or prevents the use or storage of marijuana by qualifying patients residing within the facility.</p>	<p>Unsigned, 4/5/2014</p>
<p>PL 2013, c. 595 (LD 1858), An Act to Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions</p>	<p>N/A</p>	<p><u>Enacted law summary:</u> PART J clarifies that the information provided by the Department of Health and Human Services to the Department of Administrative and Financial Services, Bureau of Revenue Services under the Maine Medical Use of Marijuana Act may be used by the bureau only for the administration and enforcement of taxes imposed under the Maine Revised Statutes, Title 36. It also provides a one-</p>	<p>Veto overridden – emergency, 5/01/2014</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015		<p>time special reporting date for the Department of Health and Human Services to provide the required information to the State Tax Assessor.</p> <p>PART Y clarifies the use of funding provided to the Department of Health and Human Services for the Maine Medical Use of Marijuana Act.</p>	
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Legislation	Sponsor	Summary of Enacted Legislation	Governor's Action
127th Legislature			
PL 2015, c. 369 (LD 557), An Act to Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana	Rep. Sanderson	<p><u>Enacted law summary:</u> Public Law 2015, chapter 369 does the following.</p> <ul style="list-style-type: none"> • It provides that a child who holds a written certification for the use of medical marijuana from a medical provider under the Maine Medical Use of Marijuana Act may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school. • It also provides that a parent, guardian or other person designated as a primary caregiver for a minor child certified for the medical use of marijuana may possess and administer marijuana in a nonsmokeable form to that child in a school bus or on the grounds of a preschool or primary or secondary school. 	Veto overridden, 7/16/2015
PL 2015, c. 475 (LD 726), An Act to Increase Patient Safety in Maine's Medical Marijuana Program	Sen. Saviello	<p><u>Enacted law summary:</u> Public Law 2015, chapter 475 allows for the operation of marijuana testing facilities. These facilities may possess marijuana regulated under the Maine Medical Use of Marijuana Act. In addition, Public law 2015, chapter 475 makes the following changes.</p> <ul style="list-style-type: none"> • It creates an immunity provision within the Maine Medical Use of Marijuana Act for marijuana testing facilities. • It directs the Department of Health and Human Services to issue registry identification cards to certain individuals at marijuana testing facilities. • It provides that, if a label for medical marijuana refers to information about contaminants, potency or cannabinoid profile, the label must be verified by a marijuana testing facility. • It amends the definition of "incidental amount of marijuana" to mirror the definition contained in rule. • It requires a medical provider, prior to referring a patient to an entity that provides goods and services related to the medical use of marijuana, to provide written disclosure to the patient of any financial interest the provider has or may have in the referral. • It provides legal protection to hospitals and principal officers, board members, agents and employees of hospitals when the use of smokeless forms of medical marijuana occurs in the hospital by admitted patients who are certified to do so in accordance with the Maine Medical Use of Marijuana Act. 	Carried over, 6/30/2015 Signed, 4/15/2016

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Legislation	Sponsor	Summary of Enacted Legislation	Governor's Action
128th Legislature			
<p>PL 2017, c. 252 (LD 764), An Act to Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use</p>	Rep. Sanderson	<p><u>Enacted law summary:</u> Public Law 2017, chapter 252 directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the type of medical marijuana used and may require the qualifying patient's medical marijuana to be tested for fungal contamination at a marijuana testing facility.</p>	Unsigned, 6/24/2017
<p>P.L. 2017, c. 271 (LD 1636), An Act To Allow Municipalities to Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School</p>	Rep. Berry	<p><u>Enacted law summary:</u> The law allows a municipality to adopt an ordinance establishing a moratorium on the location within 500 feet of a preexisting public or private school of new or expanded facilities where registered primary caregivers cultivate cannabis plants. It provides that any ordinance adopted may only be adopted until July 1, 2018. It also provides that any ordinance adopted may not affect permits or providers that have been approved prior to the adoption of the ordinance. It authorizes the Joint Standing Committee on Health and Human Services to report out legislation on this topic to the Second Regular Session of the 128th Legislature.</p>	Emergency Signed, 6/23/2017
<p>P.L. 2017, c. 409, Pts. A, E and F (LD 1719), An Act To Implement a Regulatory Structure for Adult Use Marijuana</p> <p><i>Note: Adult Use Marijuana was authorized by voters on November 8, 2016 as IB 2015, c. 5. On January 27, 2017, the Legislature approved a moratorium on certain aspects involving retail sales and taxation. LD 1719, worked in the Marijuana Legalization Implementation Special Committee, facilitated implementation of the Adult Use program. It also made changes to the Medical Cannabis program.</i></p>	Rep. Pierce	<p><u>Enacted law summary:</u> Public Law 2017, chapter 409 facilitates the development and administration of a regulated marketplace in the State for adult use cannabis and the regulation of the personal use of cannabis and the home cultivation of cannabis for personal adult use pursuant to the Cannabis Legalization Act, as approved by the voters at referendum in November 2016.</p> <p>In regard to medical cannabis, it does the following.</p> <ul style="list-style-type: none"> • It removes from the former Cannabis Legalization Act provisions relating to preference in licensure for medical cannabis caregivers and medical cannabis dispensaries. • It also specifies standards for the sharing of facilities for the cultivation of adult use cannabis and the manufacturing of adult use cannabis and adult use cannabis products and cannabis and cannabis products for medical use by a licensee that is also a registered primary caregiver or registered dispensary, but prohibits a cannabis store licensee that is also a registered primary caregiver or registered dispensary from selling adult use cannabis and adult use cannabis products to consumers and cannabis and cannabis products for medical use to qualifying patients from the same facility or building. • It also provides for a limited period in which a cultivation facility licensee that is also a registered primary caregiver or registered dispensary may purchase an unlimited number of cannabis plants and seeds from an entity that is also a registered primary caregiver or registered dispensary. Any such transactions are subject to the imposition of the excise tax imposed under the Act. <i>(continues on next page)</i> 	Veto, 4/27/2018 Veto Overridden Emergency, 5/2/2018

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> • It establishes the Marijuana Advisory Commission for the purpose of conducting a continuing study of the laws relating to marijuana and reporting to the Legislature its findings and recommendations on an annual basis. • It shifts the administration and enforcement of the Maine Medical Use of Cannabis Act and the medical cannabis program adopted thereunder from the Department of Health and Human Services (DHHS) to the Department of Administrative and Financial Services (DAFS), including: <ul style="list-style-type: none"> ○ Restricting DAFS from assigning the administration and enforcement of the Maine Medical Use of Cannabis Act to any bureau or division within the department responsible for the administration and enforcement of the laws governing the manufacture, sale and distribution of liquor; ○ Requiring DAFS to consult with DHHS prior to the adoption or amendment of rules under the Maine Medical Use of Cannabis Act; ○ Directing the transfer of the balance of the Medical Use of Cannabis Fund in DHHS to the Medical Use of Cannabis Fund in DAFS; ○ Including a number of additional provisions to facilitate the transition of the administration and enforcement of the Maine Medical Use of Cannabis Act from DHHS to DAFS. It requires the Commissioner of Administrative and Financial Services to submit a report on or before January 31, 2019 to the HHS committee regarding the status of this transition and authorizes the committee to report out legislation relating to the report; ○ Amending the State Government Evaluation Act to provide that the review of the bureau or division within the department that administers and enforces the Maine Medical Use of Cannabis Act remain with the HHS committee; and ○ Amending the Maine Medical Use of Cannabis Act to direct that the registry identification cards annual report specifically be submitted to the HHS committee. 	
<p><u>P.L. 2017, c. 447 (LD 238),</u> An Act To Amend the Maine Medical Use of Marijuana Act</p>	<p>Sen. Brakey</p>	<p><u>Enacted law summary:</u> Public Law 2017, chapter 447 does the following.</p> <ul style="list-style-type: none"> • It allows a facility that tests medical cannabis samples for the cannabinoid profile, potency and contaminants to operate in the absence of rules adopted by DHHS if the facility has obtained documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body. • It clarifies that qualifying patients, primary caregivers and registered dispensaries may manufacture cannabis products from harvested cannabis, including production of cannabis concentrate, by processes of cannabis extraction that do not involve certain inherently hazardous substances. • It establishes a process for persons or entities that are not qualifying patients, primary caregivers or registered dispensaries to manufacture cannabis products from harvested cannabis, including cannabis concentrate, by processes of cannabis extraction that do not involve certain inherently hazardous substances, to become registered to manufacture cannabis products. 	<p>Veto, 7/6/2018 Veto Overridden, Emergency, 7/9/2018</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> • It establishes a method for qualifying patients, primary caregivers and registered dispensaries to become authorized by law to produce cannabis concentrate by processes involving inherently hazardous substances if certain safety and compliance standards are met. • It establishes a process for persons or entities that are not qualifying patients, registered caregivers or registered dispensaries to become authorized to produce cannabis concentrate by processes involving inherently hazardous substances. • It repeals specific provisions of law regarding municipal authority to establish a moratorium on registered primary caregivers near schools and municipal authority to regulate dispensaries. The amendment instead enacts a new provision of law that allows municipalities to regulate registered primary caregivers, registered dispensaries, cannabis testing facilities and cannabis manufacturing facilities, except that municipalities are not allowed to prohibit or limit the number of registered primary caregivers. 	
<p>P.L. 2017, c. 452 (LD 1539), An Act To Amend Maine’s Medical Marijuana Law</p>	<p>Rep. Sanderson</p>	<p><u>Enacted law summary:</u> Public Law 2017, chapter 452 makes the following changes.</p> <ul style="list-style-type: none"> • It eliminates the list of debilitating medical conditions for which a medical provider may provide a written certification and instead allows a medical provider to certify use to patients who have a medical diagnosis that may be alleviated by the therapeutic or palliative use of cannabis. • It eliminates the requirement that qualifying patients designate a primary caregiver or dispensary as the sole provider of cultivation services or medical cannabis. • It increases the possession limit in law for qualifying patients and unregistered caregivers from 2 1/2 ounces to eight pounds, which was the amount previously authorized in rules adopted by DHHS. • It increases the possession limit for registered caregivers and dispensaries from an amount based on the number of patients who have designated the registered caregiver or dispensary to the amount that the registered caregiver or dispensary cultivated or otherwise lawfully acquired. • It allows registered caregivers and dispensaries to sell up to 30% of the cannabis the registered caregiver or dispensary cultivated to another registered caregiver or dispensary in wholesale transactions. • It authorizes qualifying patients, caregivers and dispensaries to manufacture cannabis products as long as certain substances that are considered hazardous are not used. • It authorizes qualifying patients, caregivers and dispensaries to produce cannabis concentrate using substances that are considered hazardous if certain safety and inspection requirements are met. • It establishes a registration process for persons and entities that are not qualifying patients, caregivers or dispensaries to manufacture cannabis products and to engage in cannabis extraction using substances that are considered hazardous if certain safety and inspection requirements are met. 	<p>Veto, 7/6/2018 Veto Overridden, 7/9/2018</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> • It expands the authorization of a qualifying patient to use medical cannabis in certain assisted living and residential care facilities, in addition to hospice and nursing facilities, as long as that use is consistent with the facility's policy. • It allows medical cannabis testing facilities to operate in the absence of rules adopted by DHHS if the facilities meet certain standards. • It establishes packaging, labeling and marketing requirements for the sale of medical cannabis. • It requires registered caregivers, dispensaries, cannabis testing facilities and manufacturing facilities to track cannabis within the medical cannabis program from seeds to final user. • It requires registered caregivers, dispensaries, cannabis testing facilities and manufacturing facilities to maintain books and records and allows DHHS to inspect those books and records. • It establishes additional authority for DHHS to oversee medical cannabis-related activities, including the authority to inspect registered caregiver operations, dispensaries, cannabis testing facilities and manufacturing facilities during regular business hours or hours of apparent activity without notice, except that the department may not enter the dwelling unit of a registered caregiver to undertake an inspection if the caregiver is not present. • It requires that records containing patient information be kept in a manner that does not allow identification of the patient or be kept confidential. • It directs DHHS to issue six registration certificates to dispensaries, in addition to the eight dispensaries existing on April 1, 2018, to different entities, except that an existing dispensary may be awarded one additional registration certificate if its application is approved by the department. • It prohibits DHHS from limiting the number of dispensary registration certificates issued after January 1, 2021. • It removes the requirement in current law that a dispensary must operate as a nonprofit business entity. • It establishes a grant program to support objective scientific research funded by revenue from the Medical Use of Cannabis Fund and requires DHHS to adopt rules to implement the grant program by March 1, 2019. • It clarifies that a registered caregiver may operate one retail store to sell harvested cannabis to qualifying patients. • It provides that a municipality may not prohibit registered caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this legislation and that a municipality may not authorize registered caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this legislation to operate in the municipality unless the municipal legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities to operate within the municipality. • It allows businesses that are not permitted to deduct business expenses under federal law due to the United States Internal Revenue Code of 1986, Section 280E to deduct business expenses 	
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Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<p>to the same extent as if those expenses were not excluded from deduction for federal tax purposes and requires the cost of these deductions, as well as the cost of administering these deductions, to be paid from the Medical Use of Cannabis Fund, to the extent that funds are available in the fund for those purposes.</p> <ul style="list-style-type: none"> • It requires a caregiver, except for a caregiver who is a parent, guardian or person having legal custody of the qualifying patient, designated to possess medical cannabis for use by a qualifying patient and administer medical cannabis to a qualifying patient who is enrolled in primary or secondary school to submit to the same background check applicable to education personnel. The background check required includes fingerprinting. It also clarifies that a parent, guardian or person having legal custody of a qualifying patient who is enrolled in school may possess medical cannabis for use by that qualifying patient and administer medical cannabis to that qualifying patient. • It requires DHHS to consult with statewide associations representing licensed medical professionals to develop and provide educational materials related to medical cannabis. • It corrects cross-references and terms in the Maine Medical Use of Cannabis Act to conform to the Maine Revised Statutes, Title 28-B, Adult Use Cannabis, as enacted in P.L. 2017, c. 409. • It also provides for the change in the terms “primary caregiver” and “registered primary caregiver” to “caregiver” and “registered caregiver,” respectively. 	
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Legislation	Sponsor	Summary of Enacted Legislation	Governor’s Action
129th Legislature			
P.L. 2019, c. 209 (LD 538), An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients	Rep. Blume	<p>Enacted law summary: Public Law 2019, chapter 209 removes the requirement that a visiting qualifying patient obtain valid written certification pursuant to Maine law from the visiting patient’s medical provider.</p> <p>It also directs DAFS to maintain a list of other jurisdictions that authorize the medical use of cannabis and the images of the valid medical cannabis certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.</p>	Emergency Signed, 6/6/2019
P.L. 2019, c. 217 (LD 1129), An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act	Rep. Jorgensen	<p>Enacted law summary: Public Law 2019, chapter 217 defines the term “caregiver retail store” and clarifies what is required for a store to receive “municipal approval.”</p>	Signed, 6/6/2019

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

<p><u>P.L. 2019, c. 256</u> (LD 1218), An Act To Allow Maine Medical Marijuana Caregivers to Measure Cultivation Limits by Plant Canopy Size</p>	<p>Rep. Corey</p>	<p><u>Enacted law summary:</u> Public Law 2019, chapter 256 amends the Maine Medical Use of Cannabis Act provision governing how much medical cannabis caregivers may cultivate. It defines the term “plant canopy” and adds language allowing caregivers to cultivate up to 30 mature cannabis plants or 500 square feet of plant canopy, 60 immature cannabis plants and unlimited seedlings.</p>	<p>Unsigned, 6/9/2019</p>
<p><u>P.L. 2019, c. 312</u> (LD 1735), An Act to Clarify the Pathway for a Registered Dispensary Under the Maine Medical Use of Marijuana Act to Become a For-profit Entity</p>	<p>Pres. Jackson</p>	<p><u>Enacted law summary:</u> Public Law 2019, chapter 312 makes the following changes.</p> <ul style="list-style-type: none"> • It specifies the possible pathways of merger, purchase and conversion for such a dispensary to become a for-profit entity. • It provides that the reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity may be accomplished only by any of the eight registered dispensaries that were issued registration certificates as of April 1, 2018 and that operate as any type of nonprofit entity. • It specifies that any exemptions from fiduciary duty and conflicts of interest otherwise required by the law do not apply for the limited purposes required in order for a registered dispensary operating as a nonprofit entity to reorganize as a for-profit entity. • It requires a registered dispensary to pay a fine to the Medical Use of Cannabis Fund upon the sale or transfer of interest within four years after the reorganization to a for-profit entity and provides that the cost of an appraisal required to determine the value of the sale or transfer of interest must be paid from the Medical Use of Cannabis Fund. • It requires a registered dispensary that reorganizes as a for-profit entity or the dispensary's successor in interest to provide discounts in an amount that is not less than 2% of gross sales of the dispensary in the previous year to certain qualifying patients as a condition of registration. DAFS is required to submit a report to the HHS committee by January 15, 2023 regarding the discounts provided. The requirement to provide discounts is repealed July 1, 2023. • It directs the Secretary of State to develop a form for use by registered dispensaries to accomplish the reorganization from a nonprofit to a for-profit entity. 	<p>Emergency Signed, 6/17/2019</p>
<p><u>P.L. 2019, c. 331</u> (LD 1505), An Act To Amend the Marijuana Laws to Correct Inconsistencies in Recently Enacted Laws</p>	<p>Rep. Hymanson</p>	<p><u>Enacted law summary:</u> Public Law 2019, chapter 331 corrects technical conflicts and other errors or inconsistencies that resulted when both P.L. 2017, c. 447 and P.L. 2017, c. 452 were enacted in the 128th Legislature.</p> <p>It also provides that a registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility are required to pay all costs and fees associated with the use of the statewide electronic portal for record keeping.</p>	<p>Signed, 6/17/2019</p>
<p><u>P.L. 2019, c. 354</u> (LD 1738), An Act Regarding Medical Marijuana</p>	<p>Rep. Perry</p>	<p><u>Enacted law summary:</u> Public Law 2019, chapter 354 makes the following changes.</p> <ul style="list-style-type: none"> • It establishes a certification program within DHHS, Maine Center for Disease Control and Prevention (CDC) for cannabis testing facilities under the Maine Medical Use of Cannabis Act and testing facilities under the adult use laws. 	<p>Emergency Signed, 6/18/2019</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> • It establishes the Cannabis Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine CDC. • It requires cannabis testing facilities under the Maine Medical Use of Cannabis Act, like testing facilities under the adult use laws, to be certified by the Maine CDC. 	
P.L. 2019, c. 528 (LD 1749), An Act To Amend the State’s Hemp Laws	Sen. Miramant	<u>Enacted law summary:</u> Public Law 2019, chapter 528 provides that hemp and hemp products may not be tracked as part of the medical use of cannabis program or the regulation of adult use cannabis. It also excludes hemp from the application of the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act and clarifies the scope of the definitions of “hashish” and “hemp” within the Maine Criminal Code.	Signed, 7/2/2019

Legislation	Sponsor	Summary of Enacted Legislation	Governor’s Action
130th Legislature			
P.L. 2021, c. 181 (LD 1216), An Act To Amend the State Tax Laws	Rep. Terry (Dept. Bill)	<u>Enacted law summary:</u> Public Law 2021, chapter 181 was submitted by DAFS to make minor substantive changes to the tax laws. In regard to medical cannabis, the law repeals the requirement that remaining funds in the Medical Use of Cannabis Fund be used to fund the cost of the tax deductions provided pursuant to <u>Title 36, section 5122, subsection 2, paragraph PP</u> and <u>Title 36, section 5200-A, subsection 2, paragraph BB</u> and the cost of the position in DAFS, Bureau of Revenue Services that administers the tax deductions.	Signed, 6/11/2021
P.L. 2021, c. 251 (LD 881), An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act	Sen. Luchini (Dept. Bill)	<u>Enacted law summary:</u> Public Law 2021, chapter 251 makes the following changes to the laws governing the medical use of cannabis. <ul style="list-style-type: none"> • It repeals and replaces the definition of “immature cannabis plant” and amends the definitions of “cannabis plant” and “seedling.” • It changes the fee for caregiver registration based on the plant count to a fee for caregiver registration based either on plant count or plant canopy. 	Emergency Signed, 6/17/2021
Res. 2021, c. 95 (LD 882), Resolve, To Direct the Office of Marijuana Policy To Convene Stakeholder Meetings Regarding the Maine Medical Use of Marijuana Program	Sen. Luchini (Dept. Bill)	<u>Enacted law summary:</u> Resolve 2021, chapter 95 directs the Department of Administrative and Financial Services, through its office of marijuana policy, to convene meetings with stakeholders within the State’s medical marijuana industry to study, review and evaluate any changes or updates that may be necessary to the State’s medical use of marijuana program under the Maine Medical Use of Marijuana Act.	Unsigned, 6/26/2021

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

<p>P.L. 2021, c. 293, Secs. A-25, A-26 and A-27 (LD 1730), An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine</p>	<p>Rep. Harnett</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 293 corrects a conflict between the definitions of “immature cannabis plant” and “cannabis concentrate” enacted in <u>Title 22, section 2422, subsections 4-N and 4-S</u> by P.L. 2019 c. 331 and c. 528.</p> <p>It also corrects a conflict in <u>Title 22, section 2428, subsection 1-A, paragraph F</u> enacted by P.L. 2019, c. 331 and c. 354 regarding the percentage of mature cannabis plants a dispensary may transfer in wholesale transactions to a registered caregiver or another dispensary.</p>	<p>Emergency Signed, 6/21/2021</p>
<p>P.L. 2021, c. 367 (LD 939), An Act To Support Maine’s Medical Marijuana Program and Ensure Patient Access</p>	<p>Rep. Pluecker</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 367 makes the following changes to the laws governing the use of medical cannabis.</p> <ul style="list-style-type: none"> • It allows caregivers to employ assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver and clarifies that assistants hired by caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities must otherwise be 21 years of age or older. • It allows registered caregivers and dispensaries to transfer to and accept from another registered caregiver or a dispensary an unlimited amount of their cannabis plants and harvested cannabis in a wholesale transaction. • It allows caregivers to accept a digital image of a written certification for the purposes of initiating a transaction for harvested cannabis and requires the caregiver to verify the written certification in person before transferring any harvested cannabis to the qualifying patient. • It allows registration identification cards and criminal history record checks to be valid for one year regardless of employment status. • It removes the provision allowing DAFS to adopt rules allowing advertising or marketing using location-based services if the marketing is a mobile device application installed on a device by the owner of the device who is 21 years of age or older if it includes a permanent and easy opt-out feature, and it provides instead that DAFS may adopt rules allowing advertising or marketing using location-based services if such marketing includes a permanent and easy optout feature and the owner of the device is 21 years of age or older. • It changes the period of time registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities must keep records from seven years to four years. 	<p>Unsigned, 6/26/2021</p>
<p>P.L. 2021, c. 387 (LD 1242), An Act To Amend the Maine Medical Use of Marijuana Act</p>	<p>Rep. Williams</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 387 makes the following changes to the laws governing the medical use of cannabis.</p> <ul style="list-style-type: none"> • It changes the designation of rules governing the medical use of cannabis from routine technical to major substantive beginning July 1, 2021. • It provides that the DAFS' rules governing the medical use of cannabis are those that were in effect on February 28, 2021. • It requires that before provisionally adopting new rules, including but not limited to rules necessary to implement a statewide electronic portal through which registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities may submit certain records, DAFS must: 	<p>Emergency Unsigned, 7/1/2021</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> ○ Develop a process to consult with caregivers, registered caregivers, qualifying patients and medical providers with significant knowledge and experience certifying patients under the Maine Medical Use of Cannabis Act, in accordance with, <u>Title 22, section 2422-A, subsection 2</u>; ○ Develop a process to use when hiring consultants to advise on any new rules or proposed changes to existing rules governing the medical use of cannabis, in accordance with <u>Title 22, section 2422-A, subsection 2</u>; and ○ Using existing resources, conduct a study evaluating the economic effects that any new rules or proposed changes to existing rules may have, including but not limited to, the effects of implementing a statewide electronic portal on caregiver businesses of all sizes and how such rules could affect the access of patients to cannabis for medical use. <p>The department must submit a report including the processes developed and the findings evaluated to the joint standing committee of the Legislature having jurisdiction over medical use of cannabis matters no later than January 15, 2022. The joint standing committee of the Legislature having jurisdiction over medical use of cannabis matters is authorized to introduce legislation for presentation to the Second Regular Session of the 130th Legislature based on the information provided in the report.</p> <ul style="list-style-type: none"> ● It eliminates the requirement that a registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility complete an annual audit conducted by a third party of business transactions. 	
<p><u>P.L. 2021, c. 652</u> (LD 1784), An Act To Ensure Legislative Review of Rules for Maine’s Medical Use of Marijuana Act</p>	<p>Sen. Maxmin</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 652 requires that, notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, major substantive rules that are provisionally adopted by DAFS, office of cannabis policy relating to the Maine Medical Use of Cannabis Act and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law and includes a repeal date of November 1, 2025 for that provision.</p>	<p>Emergency Unsigned, 4/23/2022</p>
<p><u>P.L. 2021, c. 662</u> (LD 1928), An Act To Update and Clarify the Maine Medical Use of Marijuana Act</p>	<p>Rep. Williams</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 662 makes the following changes to the Maine Medical Use of Cannabis Act.</p> <ul style="list-style-type: none"> ● It provides definitions for “complete application,” “immature plant canopy,” “cannabis tincture,” “telehealth services” and “timely filed” and amends definitions for “cultivation area,” “plant canopy” and “written certification.” ● It amends requirements for medical providers providing written certification to qualifying patients who are minors, including by imposing a requirement for medical providers to be available after hours for questions about a minor patient’s medical use of cannabis. ● It authorizes the use of telehealth services for medical providers to meet with patients seeking a written certification for the medical use of cannabis. ● It limits the circumstances under which a law enforcement officer may enter a location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or cannabis 	<p>Emergency Unsigned, 4/26/2022</p>

Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<p>testing facility conducts activities authorized under the Maine Medical Use of Cannabis Act or by a registry identification card or registration certificate issued under that law.</p> <ul style="list-style-type: none"> • It provides that a medical cannabis program registrant is not required to disclose to a law enforcement officer information that could reasonably identify an individual person’s identity without a warrant requiring the disclosure and that a person who accompanies a patient to obtain cannabis plants or harvested cannabis may not be required to disclose to a law enforcement officer information that could reasonably identify a patient’s identity without a warrant requiring disclosure. • It authorizes a person providing a qualifying patient with harvested cannabis to provide the patient with required educational materials in printed or electronic form. • It authorizes DAFS to issue to an assistant of one or more registered caregivers or registered dispensaries a single registry identification card that allows the assistant to assist one or more caregivers or dispensaries. • It provides that in the case of a caregiver’s application for renewal of a registry identification card or registered dispensary’s application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the caregiver or dispensary, the department must provide the caregiver or dispensary with a written statement acknowledging receipt of the application that authorizes the caregiver or dispensary to continue operating under the caregiver’s or dispensary’s current card or certificate until the application is approved and a renewed card or certificate is issued by the department, the application is denied and the current card or certificate expires, 90 days elapse from the date of the written statement or the current card or certificate is suspended or revoked, whichever occurs first, and, if the department fails to issue or deny a renewal within 90 days, the renewal is deemed granted. • It clarifies the definition of “cultivation area” to provide that a cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land. It provides that a cultivation area for a dispensary must be on a single parcel or tract of land, that a caregiver may maintain up to two cultivation areas that may be located on separate parcels or tracts of land, whether contiguous or noncontiguous, and that a caregiver must ensure that mature cannabis plants and immature cannabis plants and seedlings are cultivated in separate cultivation areas and a dispensary must ensure that mature cannabis plants and immature cannabis plants and seedlings are cultivated in separate spaces within the same cultivation area, and dispensaries and caregivers must disclose the locations of all cultivation areas to the department. • It authorizes a caregiver to cultivate either up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings but provides that a caregiver must cultivate mature cannabis plants and immature cannabis plants both by plant count or both by plant canopy. 	
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Medical Cannabis Legislation – Enacted Law Summaries from 2009 through 2022

		<ul style="list-style-type: none"> • Subject to specified requirements, it authorizes medical providers to provide a qualifying patient with a digital image of the patient’s written certification for the medical use of cannabis, which may be used in place of a written certification document. • It clarifies that a caregiver may transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration. 	
<p>P.L. 2021, c. 669 (LD 1957), An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term “Marijuana” with the Term “Cannabis” in the Maine Revised Statutes</p>	<p>Rep. Talbot Ross</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 669 does the following.</p> <ul style="list-style-type: none"> • It amends the prohibitions on participation in the cannabis industry under the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act for persons convicted of drug offenses by reducing from 10 years to 5 years the time that must elapse after any term of probation, incarceration or supervised release is completed in order for the relevant offense to no longer be considered a disqualifying drug offense. • It exempts from the definition of “disqualifying drug offense” in both of those Acts an offense for activity that would have been allowed under Title 28-B. • It directs by a revision clause that the term “marijuana” be replaced with the term “cannabis” in the Maine Revised Statutes except in the Maine Criminal Code and adjusts language in certain sections of Title 17-A and Title 22 to be consistent with that change. • It provides that when adopting or amending rules and developing or publishing forms, policies and publications, DAFS’ office of cannabis policy and DHHS must replace references to “marijuana” with references to “cannabis.” 	<p>Unsigned, 4/26/2022</p>
<p>P.L. 2021, c. 676, secs. A-33, A-34 and A-35 (LD 2034), An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine</p>	<p>Rep. Harnett</p>	<p><u>Enacted law summary:</u> Public Law 2021, chapter 676 does the following as it relates to medical cannabis.</p> <ul style="list-style-type: none"> • It corrects a conflict in the definition of “immature cannabis plant” in <u>Title 22, section 2422, subsection 4-N</u> enacted by P.L. 2021, c. 293 and c. 251. • It also corrects a conflict in the provision in <u>Title 22, section 2428, subsection 1-A, paragraph F, subparagraph (4)</u>, enacted by P.L. 2021, c. 293 and c. 367. Chapter 293 corrected the conflict in subparagraph (4) regarding the percentage of mature cannabis plants (75%) a dispensary may transfer in wholesale transactions to a registered caregiver or another dispensary. Chapter 367 amends this provision to an unlimited amount of mature plants grown by the dispensary over a calendar year that may be transferred. Chapter 676 corrects this conflict so that the statute states that a dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of mature cannabis plants grown by the dispensary over the course of a calendar year. • It also corrects a cross-reference error in <u>Title 22, section 2430-G, subsection 2, paragraph D.</u> 	<p>Emergency Signed, 5/2/2022</p>



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OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

To: Current and Prospective Medical and Adult Use Cannabis Program Participants
From: Director John Hudak, Office of Cannabis Policy
Date: August 8, 2023
Subject: Enacted Cannabis-related Legislation – First Regular and Special Sessions of the 131st Legislature

This guidance is provided by the Office of Cannabis Policy (OCP) to make Maine Medical Use of Cannabis Program (MMCP) registrants and Adult Use Cannabis Program (AUCP) licensees aware of recent changes to the laws governing those programs as a result of the first regular and special sessions of the 131st Legislature.

This guidance is not intended to be a comprehensive summary of all legislative changes affecting the programs administered by OCP. Rather, it is being provided as a courtesy, should not be construed as legal advice, and should not be viewed as a substitute for program registrants and licensees consulting with qualified business consultant(s) and/or attorney(s) about the application of the requirements of the Maine Medical Use of Cannabis Act and/or the Cannabis Legalization Act to their unique situation.

Enacted Cannabis-related Legislation

An Act to Clarify State Policy Regarding Cannabis Paraphernalia in the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act

PL 2023, ch. 6, Emergency (Signed March 15, 2023)

- Creates a definition for “cannabis paraphernalia” in the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act.
- Differentiates cannabis paraphernalia from tobacco products under the laws governing tobacco.

An Act to Clarify the Requirements for Off-Premises Sales by Cannabis Store Licensees

PL 2023, ch. 408

- Creates new definitions for the terms “permitted premises for a specified event,” “specified event,” and “specified event permit”.
- Amends the application requirements for the issuance of a permit for cannabis stores to conduct sales at specified events.
- Amends the limitations and conditions for cannabis stores to conduct sales at events – including repealing the prohibition on the sale of “smokable” cannabis or cannabis products at specified events.
- Establishes criteria for suspension/revocation of permits to conduct sales at an event.

- Provides criteria for DAFS’ approval or denial of a permit application for cannabis stores to conduct sales at a specified event to allow denial of such applications for “good cause”.
- Amends the requirements that the Department issue guidance to cannabis stores.

An Act to Increase the Number of Mature Plants Allowed for the Home Cultivation of Cannabis

PL 2023, ch. 220

- Increases the number of mature adult use cannabis plants a person may grow for their personal use from 3 to 6.

An Act to Sustain the Medical Use of Cannabis Program

PL 2023, ch. 365

- Permits caregivers to show their department-issued registry identification card to law enforcement as proof of authorized conduct without a second form of identification and permits the inclusion of the cardholder’s photograph on their department-issued registry identification card.
- Requires the Department to notify a registrant within one day if it discovers the registrant or an assistant, employee or other agent of the registrant sold or transferred medical cannabis to a nonpatient and prescribes the administrative penalties for such a violation.
- Permits the Department to assess fines for misconduct by registrants or their assistants, employees or other authorized agents.
- Permits the Department to require the forfeiture and/or destruction of cannabis plants, cannabis or cannabis products if the Department issues a final order imposing an administrative penalty against a registrant.
- Permits the Department to accept donations for the payment of registration fees.

An Act to Maintain Legislative Oversight of the Maine Medical Use of Cannabis Program by Requiring Major Substantive Rulemaking

PL 2023, ch. 96

- Repeals the November 1, 2025, sunset of the requirement that medical cannabis program rules provisionally adopted by the Department to be submitted for legislative review and affirmative approval before final adoption for enactment into law.

An Act to Provide Equitable Tax Treatment to State-licensed Cannabis Businesses

P.L. 2023, ch. 444

- Extends business tax deductions and credits, already available to medical program participants, to adult use cannabis licensees.

An Act to Amend the Adult Use Cannabis Laws

PL 2023, ch. 396

- Permits tier 1, tier 2, and nursery cultivation facilities and products manufacturing facilities to conduct sales of cannabis and cannabis products to consumers by delivery (except that nursery cultivation facilities may sell only immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis).

- Permits the delivery of cannabis and cannabis products by authorized licensees to consumers at hotels or other private businesses, provided that the delivering licensee has obtained written consent from the owner or other authorized agent of the business to conduct such deliveries.
- Permits the return of cannabis or cannabis products from a licensee to the licensee that transferred the cannabis or cannabis products to the returning licensee and provides for the testing of such returned cannabis or cannabis products.
- Requires the department to specify in rule limitations on signs, advertising and marketing necessary to limit the appeal of such materials to individuals under 21 years of age.
- Permits the use of vehicle wraps by licensees.
- Increases the per package limit for edible cannabis products from 100 mg per package to 200 mg per package and increases the possession limit for cannabis concentrates from 5 grams to 10 grams.

Implementation Timelines & Effective Dates

Because this bill was designated as emergency legislation, in accordance with Article IV, Part 3, § 16 of the Constitution of Maine, *An Act to Clarify State Policy Regarding Cannabis Paraphernalia in the Maine Medical Use of Cannabis Act and the Cannabis Legalization Act* (Emergency, **effective March 15, 2023**) took effect immediately upon the Governor’s signature; and has already been implemented by the Department of Health and Human Services (DHHS). Interested program participants can review that communication from DHHS [here](#).

In accordance with Article IV, Part 3, § 16 of the Constitution of Maine, the following laws take effect 90 days after the adjournment date of the 1st Special Session of the 131st Legislature. That date is October 25, 2023. In some cases, as detailed below, some provisions of these laws require agency rulemaking. The timeline for those is dependent on the legislature’s choices over the rulemaking processes.

- *An Act to Increase the Number of Mature Plants Allowed for the Home Cultivation of Cannabis* will permit individuals engaged in the home cultivation of adult use cannabis to cultivate up to 6 mature cannabis plants (an increase from the 3 mature cannabis plants currently permitted).
- *An Act to Sustain the Medical Use of Cannabis Program* will permit the Department to accept donations to cover the cost of registration fees and the use of a photograph on a registry identification card issued to a registered caregiver. The Department will issue additional guidance regarding the application requirements for a caregiver registry identification card with a photograph in the coming weeks; however, all applications for a caregiver registry identification card received by OCP on or after October 25, 2023, must be accompanied by a compliant photograph of the applicant. Effective October 25, 2023, the Department will also begin providing registrants notice within 1 business day when it discovers that a registrant or their assistant, employee or other authorized agent of a registrant makes a sale or transfer of cannabis plants, cannabis or cannabis products for medical use to an individual who is not authorized to possess medical cannabis. All other provisions of P.L. 2023, ch. 365 require major substantive rulemaking to implement.

While OCP has begun that process, the Legislature's decision to require such regulatory changes to be considered "major substantive" means that those changes will not become effective before late summer or fall of 2024 and only after legislative approval.

- *An Act to Amend the Adult Use Cannabis Laws* includes provisions permitting licensed adult use cannabis stores to conduct deliveries of cannabis and cannabis products to a hotel or other private business with the express written permission of the business owner. In the coming months, OCP will publish the business owner consent form that must be retained by the cannabis store licensee in order to demonstrate proof of authorization to deliver to that business. That law also permits adult use licensees to use vehicle wraps as part of their advertising and marketing, and it increases the allowable potency of a package of edible cannabis products from 100 mg/package to 200 mg/package and permits an individual to possess up to 10 grams of concentrate at a time, up from 5 grams of concentrate under existing laws.

All other provisions of the laws summarized in this document will require the Department to engage in major substantive rulemaking. It is OCP's intention to complete that rulemaking prior to the legislative acceptance period in January 2024, at which point any provisionally adopted rules will be subject to legislative review and approval prior to final adoption by OCP.

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CHAPTER 558-C

MAINE MEDICAL USE OF CANNABIS ACT

§2421. Short title

This chapter may be known and cited as "the Maine Medical Use of Cannabis Act." [PL 2009, c. 631, §7 (AMD); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §7 (AMD). PL 2009, c. 631, §51 (AFF). PL 2021, c. 669, §5 (REV).

§2422. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [IB 2009, c. 1, §5 (NEW).]

1. Cardholder. "Cardholder" means a person who has been issued and possesses a valid registry identification card.

[PL 2017, c. 452, §3 (AMD).]

1-A. Collective. "Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[PL 2013, c. 516, §1 (NEW).]

1-C. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2017, c. 409, Pt. E, §2 (NEW).]

1-D. Assistant. "Assistant" means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or cannabis testing facility in accordance with this chapter, whether as an employee or independent contractor.

[PL 2017, c. 452, §3 (NEW); PL 2021, c. 669, §5 (REV).]

1-E. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [PL 2017, c. 452, §3 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2017, c. 452, §3 (NEW).]

[PL 2017, c. 452, §3 (NEW).]

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business

hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients. [PL 2019, c. 217, §1 (NEW); PL 2021, c. 669, §5 (REV).]

1-G. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the department all application forms required and provided by the department; [PL 2021, c. 662, §1 (NEW).]

B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State; [PL 2021, c. 662, §1 (NEW).]

C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check; [PL 2021, c. 662, §1 (NEW).]

D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and [PL 2021, c. 662, §1 (NEW); PL 2021, c. 669, §5 (REV).]

E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary. [PL 2021, c. 662, §1 (NEW).]

[PL 2021, c. 662, §1 (NEW); PL 2021, c. 669, §5 (REV).]

2. Debilitating medical condition.

[PL 2017, c. 452, §3 (RP).]

2-A. Department. "Department" means the Department of Administrative and Financial Services. [PL 2017, c. 409, Pt. E, §2 (NEW).]

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter 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 under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

[PL 2021, c. 662, §2 (AMD); PL 2021, c. 669, §5 (REV).]

3-A. Extended inventory supply interruption.

[PL 2017, c. 452, §3 (RP).]

3-B. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD); PL 2021, c. 669, §5 (REV).]

3-C. Harvested cannabis. "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD); PL 2021, c. 669, §5 (REV).]

4. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier; [PL 2021, c. 669, §3 (AMD).]

B. An offense that consisted of conduct that would have been permitted under this chapter; or [PL 2021, c. 669, §3 (AMD).]

C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B. [PL 2021, c. 669, §3 (NEW).]

[PL 2021, c. 669, §3 (AMD).]

4-A. Incidental amount of marijuana.

[PL 2017, c. 452, §3 (RP).]

4-B. Mature cannabis plant. "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §13 (AMD); PL 2021, c. 669, §5 (REV).]

4-C. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[PL 2017, c. 452, §3 (AMD).]

4-D. Inherently hazardous substance.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-E. Manufacture or manufacturing.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-F. Manufacturing facility.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-G. Marijuana concentrate.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-H. Marijuana extraction.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-I. Marijuana product.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-J. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-K. Cannabis plant. "Cannabis plant" means a plant of the genus *Cannabis*, including, but not limited to, *Cannabis sativa*, *Cannabis indica* and *Cannabis ruderalis*. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 251, §1 (AMD); PL 2021, c. 669, §5 (REV).]

4-L. Cannabis product. "Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-M. Nonflowering cannabis plant. "Nonflowering cannabis plant" means a cannabis plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-N. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 669, §5 (REV); PL 2021, c. 676, Pt. A, §33 (RPR).]

4-O. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; 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.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-P. Long-term care facility. "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).

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-Q. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW); PL 2021, c. 669, §5 (REV).]

4-R. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under section 2423-F.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW); PL 2021, c. 669, §5 (REV).]

4-S. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.

[PL 2021, c. 293, Pt. A, §26 (RPR); PL 2021, c. 669, §5 (REV).]

4-T. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.

[PL 2021, c. 662, §3 (NEW); PL 2021, c. 669, §5 (REV).]

4-U. Cannabis tincture. "Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.

[PL 2021, c. 662, §4 (NEW); PL 2021, c. 669, §5 (REV).]

5. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

5-A. Member of the family. "Member of the family" means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.

[PL 2017, c. 452, §3 (AMD).]

5-B. Members of the same household. "Members of the same household" means 2 or more people who are residents of the State and who reside in a shared dwelling unit.

[PL 2017, c. 452, §3 (AMD).]

5-C. Cannabis testing facility. "Cannabis testing facility" means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD).]

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department. [PL 2015, c. 475, §3 (NEW).]

[PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

6. Registered dispensary or dispensary. "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

[PL 2019, c. 331, §3 (AMD); PL 2021, c. 669, §5 (REV).]

6-A. Onsite assessment.

[PL 2011, c. 407, Pt. B, §8 (RP).]

6-B. Officer or director. "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.

[PL 2017, c. 452, §3 (NEW).]

7. Physician. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2009, c. 631, §14 (AMD); PL 2009, c. 631, §51 (AFF).]

7-A. Physician assistant. "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2017, c. 452, §3 (NEW).]

7-B. Mature plant canopy. "Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.

[PL 2021, c. 662, §5 (AMD); PL 2021, c. 669, §5 (REV).]

8. Primary caregiver.

[PL 2009, c. 631, §15 (RP); PL 2009, c. 631, §51 (AFF).]

8-A. Caregiver. "Caregiver" means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.

[PL 2017, c. 452, §3 (AMD).]

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with section 2423-B.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

9-A. Registration certificate. "Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (NEW).]

9-B. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis is transferred or furnished by that person to another person.

[PL 2017, c. 452, §3 (NEW); PL 2021, c. 669, §5 (REV).]

10. Registered nonprofit dispensary.

[PL 2017, c. 452, §3 (RP).]

11. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

12. Registered patient. "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

13. Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a person who has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (AMD).]

13-A. Tamper-resistant paper. "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.
[PL 2011, c. 407, Pt. B, §13 (NEW).]

13-B. Resident of the State. "Resident of the State" means a person who is domiciled in the State.
[PL 2017, c. 452, §3 (NEW).]

13-C. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.
[PL 2017, c. 452, §3 (NEW).]

14. Prepared marijuana.
[PL 2017, c. 452, §3 (RP).]

14-A. Sample. "Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.
[PL 2019, c. 331, §4 (RPR); PL 2021, c. 669, §5 (REV).]

14-B. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

A. Not flowering; [PL 2021, c. 251, §3 (NEW).]

B. Less than 24 inches in height; and [PL 2021, c. 251, §3 (NEW).]

C. Less than 24 inches in width. [PL 2021, c. 251, §3 (NEW).]

[PL 2021, c. 251, §3 (AMD); PL 2021, c. 669, §5 (REV).]

14-C. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters.

As used in this subsection, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider. [PL 2021, c. 662, §6 (NEW).]

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider. [PL 2021, c. 662, §6 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider. [PL 2021, c. 662, §6 (NEW).]

D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time. [PL 2021, c. 662, §6 (NEW).]

[PL 2021, c. 662, §6 (NEW).]

14-D. Timely filed. "Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the department no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.

[PL 2021, c. 662, §7 (NEW).]

15. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days. [PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

16. Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient in accordance with section 2423-B, or a digital image of that document issued by the medical provider that meets the requirements of section 2423-B, subsection 4, that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis. [PL 2021, c. 662, §8 (AMD); PL 2021, c. 669, §5 (REV).]

17. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:

- A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; [PL 2023, c. 6, §1 (NEW).]
 - B. Isomerization devices used for adjusting the potency of a cannabis plant; [PL 2023, c. 6, §1 (NEW).]
 - C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis; [PL 2023, c. 6, §1 (NEW).]
 - D. Scales and balances used for weighing or measuring harvested cannabis; [PL 2023, c. 6, §1 (NEW).]
 - E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis; [PL 2023, c. 6, §1 (NEW).]
 - F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use; [PL 2023, c. 6, §1 (NEW).]
 - G. Containers and other objects used for storing harvested cannabis; [PL 2023, c. 6, §1 (NEW).]
 - H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking; [PL 2023, c. 6, §1 (NEW).]
 - I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and [PL 2023, c. 6, §1 (NEW).]
 - J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device. [PL 2023, c. 6, §1 (NEW).]
- [PL 2023, c. 6, §1 (NEW).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§8-19 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§1-15 (AMD). PL 2013, c. 361, §1 (AMD). PL 2013, c. 396, §1 (AMD). PL 2013, c. 503, §1 (AMD). PL 2013, c. 516, §§1-5 (AMD). PL 2015, c. 475, §§1-5 (AMD). PL 2017, c. 409, Pt. E, §2 (AMD). PL 2017, c. 447, §§1-3 (AMD). PL 2017, c. 452, §3 (AMD). PL 2019, c. 217, §1 (AMD). PL 2019, c. 256, §1 (AMD). PL 2019, c. 331, §§1-4 (AMD). PL 2019, c. 528, §§12-16 (AMD). PL 2021, c. 251, §§1-3 (AMD). PL 2021, c. 293, Pt. A, §§25, 26 (AMD). PL 2021, c. 662, §§1-8 (AMD). PL 2021, c. 669, §3 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §33 (AMD). PL 2023, c. 6, §1 (AMD).

§2422-A. Administration and enforcement; rulemaking

1. Administration and enforcement. The department shall administer and enforce this chapter and the rules adopted pursuant to this chapter.

[PL 2023, c. 365, §1 (RPR).]

2. Rules. The department shall adopt rules as necessary to administer and enforce this chapter. Unless otherwise indicated, rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. These rules may include, but are not limited to, minimum oversight requirements for dispensaries and registered caregivers and minimum security requirements for dispensaries and registered caregivers operating retail stores.

A. Before adopting or provisionally adopting rules pursuant to this section, the department shall consult with qualifying patients, caregivers, registered caregivers, registered dispensaries, cannabis testing facilities, manufacturing facilities and medical providers.

B. Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the department in accordance with this section and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption is enacted into law. [PL 2023, c. 365, §1 (NEW).]

[PL 2023, c. 365, §1 (RPR).]

SECTION HISTORY

PL 2017, c. 409, §3 (NEW). PL 2021, c. 387, §1 (AMD). PL 2021, c. 652, §1 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 96, §1 (AMD). PL 2023, c. 365, §1 (RPR).

§2423. Protections for the medical use of marijuana

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §20 (RP). PL 2009, c. 631, §51 (AFF).

§2423-A. Authorized conduct for the medical use of cannabis

(CONFLICT)

1. Qualifying patient. Except as provided in section 2426, a qualifying patient may:

A. Possess up to 8 pounds of harvested cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature cannabis plants, 12 immature cannabis plants and unlimited seedlings for that qualifying patient. The total number of mature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own cannabis plants may share not more than 2 cultivation areas; [PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

C. Possess cannabis paraphernalia; [PL 2009, c. 631, §21 (NEW); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of cannabis up to 2 1/2 ounces of harvested cannabis for no remuneration; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

E. [PL 2017, c. 452, §4 (RP).]

F. [PL 2017, c. 452, §4 (RP).]

F-1. Obtain or receive harvested cannabis for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:

(1) A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate cannabis plants for the patient;

(2) A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested cannabis. A long-term care facility that is designated by a patient may not be designated to cultivate cannabis plants for the patient;

(3) A person in order to have that person obtain harvested cannabis on behalf of the qualifying patient or transport the harvested cannabis to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and

(4) A caregiver in order to have that caregiver possess and administer harvested cannabis for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.

A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature cannabis plants and immature cannabis plants the caregiver is cultivating for the patient; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

F-2. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient; [PL 2017, c. 452, §4 (NEW).]

G. Be in the presence or vicinity of the medical use of cannabis and assist any qualifying patient with using or administering harvested cannabis; [PL 2019, c. 331, §5 (AMD); PL 2021, c. 669, §5 (REV).]

H. Accept cannabis plants or harvested cannabis from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary; [PL 2019, c. 331, §6 (RPR); PL 2021, c. 669, §5 (REV).]

I. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2017, c. 447, §5 (AMD); PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

J. Manufacture cannabis products and cannabis concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §7 (RPR); PL 2021, c. 669, §5 (REV).]

K. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the qualifying patient provided to the manufacturing facility; [PL 2019, c. 331, §8 (RPR); PL 2021, c. 669, §5 (REV).]

L. Transport cannabis plants or harvested cannabis for a qualifying patient's medical use of cannabis in accordance with this chapter; and [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

M. Use harvested cannabis in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested cannabis. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer. [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy; [PL 2021, c. 662, §10 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §4 (RP).]

C-1. Assist a qualifying patient with the patient's medical use of cannabis; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

D. [PL 2017, c. 452, §4 (RP).]

E. Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

F. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis; [PL 2011, c. 407, Pt. B, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §9 (RPR); PL 2021, c. 669, §5 (REV).]

H. [PL 2017, c. 452, §4 (RP).]

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver; [PL 2021, c. 367, §1 (AMD).]

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J)

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver; [PL 2021, c. 367, §2 (NEW).]

J. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Use a pesticide in the cultivation of cannabis plants if the pesticide 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 cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver 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; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

K. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration; [PL 2021, c. 662, §11 (AMD); PL 2021, c. 669, §5 (REV).]

K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient; [PL 2021, c. 367, §3 (AMD); PL 2021, c. 669, §5 (REV).]

L. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2019, c. 331, §10 (RPR); PL 2021, c. 669, §5 (REV).]

M. Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §11 (RPR); PL 2021, c. 669, §5 (REV).]

N. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis

the caregiver provided to the manufacturing facility; [PL 2019, c. 331, §12 (RPR); PL 2021, c. 669, §5 (REV).]

O. Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter; [PL 2023, c. 6, §2 (AMD).]

Q. Be organized as any type of legal business entity recognized under the laws of the State; and [PL 2023, c. 6, §3 (AMD).]

R. [PL 2021, c. 662, §14 (RP).]

S. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient, caregiver or registered dispensary for a qualifying patient's medical use of cannabis. [PL 2023, c. 6, §4 (NEW).]
[PL 2023, c. 6, §§2-4 (AMD).]

3. Cultivation of cannabis. The following provisions apply to the cultivation of cannabis plants by a qualifying patient under subsection 1 and a caregiver under subsection 2.

A. A patient who elects to cultivate cannabis plants must keep the plants in a cultivation area unless the plants are being transported pursuant to subsection 1, paragraph L. Access to a cultivation area is limited to the patient, except that emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the patient. [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. A caregiver cultivating cannabis plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O.

(1) The caregiver shall ensure that the mature cannabis plants, immature cannabis plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants and seedlings may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.

(2) Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver. [PL 2021, c. 662, §15 (AMD); PL 2021, c. 669, §5 (REV).]

B-1. Except as provided in paragraph C, a caregiver is required to register with the department. [PL 2017, c. 452, §4 (NEW).]

C. The following caregivers are not required to register with the department:

(1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver;

(2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and

(3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. [PL 2017, c. 452, §4 (AMD).]

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

(1) Cultivate cannabis plants for more than 2 members of the family or members of the same household;

(2) Cultivate more than 6 mature cannabis plants and 12 immature cannabis plants for each qualifying patient who has designated the caregiver to cultivate cannabis plants on the patient's behalf;

(3) Possess more than 8 pounds of harvested cannabis;

(4) Sell cannabis plants or harvested cannabis at wholesale under subsection 2, paragraph K-1;

(5) Use a pesticide under subsection 2, paragraph J;

(6) Operate a caregiver retail store under subsection 2, paragraph P; or

(7) Organize as a business entity under subsection 2, paragraph Q. [PL 2019, c. 217, §3 (AMD); PL 2021, c. 669, §5 (REV).]

D. Two caregivers who are members of the same family or household may share not more than 2 cultivation areas. [PL 2021, c. 662, §16 (AMD).]

E. A person who is authorized to cultivate cannabis plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own cannabis plants in a cultivation area of the caregiver who employs that person. [PL 2021, c. 662, §17 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §§15-17 (AMD); PL 2021, c. 669, §5 (REV).]

4. Long-term care facility. A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of cannabis if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate cannabis plants for the patient.

[PL 2019, c. 501, §12 (AMD); PL 2021, c. 669, §5 (REV).]

4-A. Use and storage in inpatient long-term care facility permitted. A qualifying patient who is a resident of a long-term care facility while in the facility may use forms of harvested cannabis consistent with the facility's policy. A qualifying patient who uses a form of harvested cannabis pursuant to this subsection may store the harvested cannabis in the qualifying patient's room and is not required to obtain a registry identification card or to designate the long-term care facility under subsection 1, paragraph F-1, subparagraph (2). A long-term care facility is not required to be designated by a qualifying patient who uses harvested cannabis pursuant to this subsection. This subsection does not limit the ability of a long-term care facility to prohibit or restrict the use or storage of harvested cannabis by a qualifying patient.

[PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

5. Incidental amount of marijuana.

[PL 2017, c. 452, §4 (RP).]

6. Onsite assessments by the department.

[PL 2011, c. 407, Pt. B, §16 (RP).]

7. Excess marijuana; forfeiture.

[PL 2017, c. 452, §4 (RP).]

8. Repeat forfeiture.

[PL 2017, c. 452, §4 (RP).]

9. (REALLOCATED FROM T. 22, §2423-A, sub-§7) Collectives prohibited.

[PL 2017, c. 452, §4 (RP).]

10. Cannabis testing facility. The following provisions apply to a cannabis testing facility.

A. A cannabis testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

B. An assistant of a cannabis testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. An assistant of a cannabis testing facility must be 21 years of age or older. [PL 2021, c. 367, §7 (AMD); PL 2021, c. 669, §5 (REV).]

C. A cannabis testing facility shall:

- (1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;
- (2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;
- (3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only";
- (4) Maintain testing results as part of the facility's business books and records; and
- (5) Operate in accordance with any rules adopted by the department. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing cannabis testing facilities, including but not limited to:

- (1) Cannabis testing facility officer or director qualification requirements;
- (2) Required security for cannabis testing facilities; and
- (3) Requirements for the registration, certification or other approval of cannabis testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §2 (RPR); PL 2021, c. 669, §5 (REV).]

D-1. Upon the adoption of rules pursuant to paragraph D and this paragraph, a cannabis testing facility must be certified by the certification program established pursuant to section 569 as meeting all operational and technical requirements in accordance with rules adopted by the department after consultation with the Maine Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A cannabis testing facility operating in compliance with this chapter on the date of the adoption of rules pursuant to this paragraph and paragraph D may continue to operate pending completion of certification under this paragraph. The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §3 (AMD); PL 2021, c. 669, §5 (REV).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 365, §2)** A cannabis testing facility must be accredited pursuant to the standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body and shall produce documentation of accreditation to the department or a municipal code enforcement officer, upon demand. [PL 2023, c. 365, §2 (RPR).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 405, Pt. A, §57)** A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. [PL 2023, c. 405, Pt. A, §57 (RPR).]

F. The department and the Maine Center for Disease Control and Prevention may inspect a cannabis testing facility during regular business hours and hours of apparent activity for compliance with this chapter. [PL 2019, c. 354, §6 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2023, c. 365, §2 (AMD); PL 2023, c. 405, Pt. A, §57 (AMD).]

11. Immunity.

[PL 2019, c. 331, §14 (RP).]

12. Interest. A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a cannabis testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.
[PL 2019, c. 331, §15 (RPR); PL 2021, c. 669, §5 (REV).]

13. Moratorium ordinance.

[PL 2017, c. 447, §13 (RP); PL 2017, c. 452, §4 (RP); MRSA T. 22 §2423-A, sub-§13 (RP).]

14. Municipal regulation.

[PL 2019, c. 331, §16 (RP).]

SECTION HISTORY

PL 2009, c. 631, §21 (NEW). PL 2009, c. 631, §51 (AFF). RR 2011, c. 1, §31 (COR). PL 2011, c. 383, §1 (AMD). PL 2011, c. 407, Pt. B, §16 (AMD). RR 2013, c. 1, §§39, 40 (COR). PL 2013, c. 371, §§1-3 (AMD). PL 2013, c. 374, §1 (AMD). PL 2013, c. 393, §§1-3 (AMD). PL 2013, c. 396, §§2-8 (AMD). PL 2013, c. 424, Pt. G, §1 (AMD). PL 2013, c. 424, Pt. G, §2

(AFF). PL 2013, c. 498, §1 (AMD). PL 2013, c. 501, §1 (AMD). PL 2013, c. 516, §§6, 7 (AMD). PL 2013, c. 520, §1 (AMD). PL 2013, c. 588, Pt. A, §§25, 26 (AMD). PL 2013, c. 588, Pt. D, §3 (AMD). PL 2015, c. 475, §§6-14 (AMD). PL 2017, c. 271, §1 (AMD). PL 2017, c. 447, §§4-14 (AMD). PL 2017, c. 452, §4 (AMD). PL 2019, c. 217, §§2, 3 (AMD). PL 2019, c. 256, §2 (AMD). PL 2019, c. 331, §§5-16 (AMD). PL 2019, c. 354, §§2-6 (AMD). PL 2019, c. 501, §12 (AMD). PL 2021, c. 367, §§1-7 (AMD). PL 2021, c. 387, §§2, 3 (AMD). PL 2021, c. 662, §§9-17 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§2-4 (AMD). PL 2023, c. 365, §2 (AMD). PL 2023, c. 405, Pt. A, §57 (AMD).

§2423-B. Authorized conduct by a medical provider

A medical provider may provide a written certification in accordance with this section for the medical use of cannabis under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis. [PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

1. Adult qualifying patient. Prior to providing written certification for the medical use of cannabis under this section, a medical provider shall inform an adult qualifying patient or the patient's legal guardian or representative of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis. [PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

2. Minor qualifying patient.
[PL 2017, c. 452, §5 (RP).]

2-A. Minor qualifying patient. A medical provider who provides a written certification to a patient who has not attained 18 years of age shall:

A. Prior to providing written certification, inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis; and [PL 2021, c. 662, §18 (AMD); PL 2021, c. 669, §5 (REV).]

B. [PL 2021, c. 662, §18 (RP).]

C. [PL 2021, c. 662, §18 (RP).]

D. [PL 2021, c. 662, §18 (RP).]

E. Provide the parent, legal guardian or person having legal custody of the qualifying patient with a reliable method of communicating with the medical provider at all times, including when the medical provider's office is closed, regarding the proper dosage of and mitigation of any side effects caused by cannabis used by the qualifying patient for medical purposes. [PL 2021, c. 662, §18 (NEW); PL 2021, c. 669, §5 (REV).]

The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A as necessary to implement the requirements of this subsection.

[PL 2021, c. 662, §18 (AMD); PL 2021, c. 669, §5 (REV).]

2-B. Adult and minor patients with substance use disorder. Prior to providing written certification for the medical use of cannabis under this section for a medical diagnosis of substance use disorder that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis, the medical provider shall develop a recovery plan with the patient. For purposes of this subsection, "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by Title 5, chapter 521.

[PL 2017, c. 452, §5 (NEW); PL 2021, c. 669, §5 (REV).]

2-C. Bona fide provider-patient relationship. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the patient's medical history. If a patient has not provided a medical provider who is not the patient's primary care provider with the name and contact information of the patient's primary care provider, a medical provider shall conduct an in-person consultation with the patient prior to providing a written certification.
[PL 2017, c. 452, §5 (NEW).]

3. Expiration. A written certification form for the medical use of cannabis under this section is valid for the term provided by the qualifying patient's medical provider, which must be included in the written certification and which may not exceed one year.
[PL 2021, c. 662, §19 (AMD); PL 2021, c. 669, §5 (REV).]

4. Form; content; digital image. A written certification under this section must be issued on tamper-resistant paper provided by the department in the form required by rule adopted by the department and may not require a qualifying patient's medical provider to state the patient's specific medical diagnosis. A medical provider may also provide to a qualifying patient a digital image of the patient's written certification document as long as the document portrayed in the digital image is identical to the document issued by the medical provider and the information contained in the document is legible in the digital image.
[PL 2021, c. 662, §20 (AMD).]

5. Possible sanctions. Nothing in this chapter 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 the applicable standard of care for evaluating or treating medical diagnoses.
[PL 2017, c. 452, §5 (AMD).]

6. Certification issued based on medical diagnosis. A medical provider may not condition the issuance of a written certification for the medical use of cannabis on any requirements other than that the patient's medical diagnosis may be alleviated by the therapeutic or palliative medical use of cannabis. Nothing in this section may be construed to prevent a medical provider from exercising professional judgment in declining to issue a certification for the medical use of cannabis.
[PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

7. Patient referral disclosure of interest. Prior to providing a referral to a qualifying patient for goods and services associated with a certification for the medical use of cannabis to an entity in which the medical provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.
[PL 2015, c. 475, §15 (NEW); PL 2021, c. 669, §5 (REV).]

8. Continuing medical education. A medical provider who has not previously provided a written certification to a qualifying patient for the medical use of cannabis shall, prior to providing a written certification to a qualifying patient, submit evidence, satisfactory to the department, of successful completion of a one-hour course of continuing medical education relating to medical cannabis within the preceding 24 months.
[PL 2017, c. 452, §5 (NEW); PL 2021, c. 669, §5 (REV).]

9. Telehealth. A medical provider who provides written certifications for the medical use of cannabis under this section may use telehealth services to consult with a patient subject to the following conditions:

A. A medical provider using telehealth services to consult with a patient seeking a written certification for the medical use of cannabis under this section shall engage in a synchronous

encounter with a patient before providing a written certification or renewal of a written certification; and [PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

B. A medical provider who provides written certifications for the medical use of cannabis and uses telehealth services to consult with patients shall operate within the standards of practice determined by the licensing board for that medical provider. [PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §22 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §17 (RPR). PL 2013, c. 516, §8 (AMD). PL 2015, c. 475, §15 (AMD). PL 2017, c. 409, Pt. E, §4 (AMD). PL 2017, c. 452, §5 (AMD). PL 2021, c. 387, §4 (AMD). PL 2021, c. 662, §§18-21 (AMD). PL 2021, c. 669, §5 (REV).

§2423-C. Authorized conduct

Notwithstanding chapter 262-A, a person may provide a caregiver or a registered dispensary with cannabis paraphernalia for purposes of a qualifying patient's medical use of cannabis in accordance with this chapter. A person may be in the presence or vicinity of the medical use of cannabis as allowed under this chapter. [PL 2023, c. 6, §5 (AMD).]

SECTION HISTORY

PL 2009, c. 631, §23 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §18 (AMD). PL 2017, c. 452, §6 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §5 (AMD).

§2423-D. Authorized conduct by a visiting qualifying patient

A visiting qualifying patient from another jurisdiction that authorizes the medical use of cannabis pursuant to a law recognized by the department who possesses a valid medical cannabis certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not: [PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

1. Cultivate. Cultivate cannabis plants;
[PL 2017, c. 452, §7 (NEW); PL 2021, c. 669, §5 (REV).]

2. Possess. Possess more than 2 1/2 ounces of harvested cannabis in a 15-day period; or
[PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

3. Transfer or furnish. Transfer or furnish harvested cannabis to another person.
[PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

4. Obtain.
[PL 2019, c. 209, §1 (RP).]

The department shall maintain a list of other jurisdictions that authorize the medical use of cannabis and the images of the valid medical cannabis certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries. [PL 2019, c. 209, §1 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §24 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §19 (AMD). PL 2013, c. 516, §9 (AMD). PL 2017, c. 452, §7 (AMD). PL 2019, c. 209, §1 (AMD). PL 2021, c. 669, §5 (REV).

§2423-E. Requirements

(REPEALED)

SECTION HISTORY

PL 2009, c. 631, §25 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §20 (AMD). PL 2015, c. 475, §§16-18 (AMD). PL 2017, c. 252, §1 (AMD). PL 2017, c. 452, §8 (RP).

§2423-F. Cannabis manufacturing facilities

A person may not manufacture cannabis products or cannabis concentrate or engage in cannabis extraction except as provided in this chapter. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

1. Tier 1 manufacturing facility. A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested cannabis. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested cannabis. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

3. Authorization for extraction using inherently hazardous substances. This subsection governs the authority of a person to engage in cannabis extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in cannabis extraction using inherently hazardous substances if the person can produce, upon demand of the department:

- (1) Certification from a professional engineer licensed in this State of the safety of the equipment used for cannabis extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the cannabis extraction;
- (2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for cannabis 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 cannabis extraction facilities;
- (3) Documentation from the manufacturer of the cannabis 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 cannabis concentrate is used by the person; and
- (4) Evidence that the person has provided notice to the department of the person's intent to engage in cannabis extraction using inherently hazardous substances and the location where the cannabis extraction will occur prior to engaging in cannabis extraction using inherently hazardous substances.

A person that intends to engage in cannabis extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in cannabis extraction using inherently hazardous substances. The department may deny an application of a person authorized under this paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. A person that is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in cannabis extraction using inherently hazardous substances and may possess up to 40 pounds of harvested cannabis in accordance with subsection 5. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]
[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

4. Authorized conduct; manufacturing facilities. A registered manufacturing facility:

A. May manufacture cannabis products and cannabis concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture cannabis concentrate using inherently hazardous substances if authorized under subsection 3; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. May obtain harvested cannabis from a qualifying patient, a caregiver or a registered dispensary and may transfer cannabis products and cannabis concentrate to the person that provided the harvested cannabis used to manufacture the cannabis product or cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. May transfer samples to a cannabis testing facility for testing; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. May conduct testing of cannabis products or cannabis concentrate manufactured by the facility for research and development purposes; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

E. May receive reasonable compensation for manufacturing cannabis products or cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Shall dispose of harvested cannabis used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the facility and in accordance with rules adopted by the department; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

G. May hire any number of assistants who are 21 years of age or older to assist in performing the duties of the manufacturing facility. [PL 2021, c. 367, §8 (AMD).]
[PL 2021, c. 367, §8 (AMD); PL 2021, c. 669, §5 (REV).]

5. Authorized conduct; extraction using inherently hazardous substances. A person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in cannabis extraction to produce cannabis concentrate for medical use; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. May obtain harvested cannabis from a qualifying patient, a caregiver or a dispensary and may transfer cannabis concentrate to the person that provided the harvested cannabis used to produce the cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. May transfer samples to a cannabis testing facility for testing; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. May conduct testing of cannabis concentrate produced by the person for research and development purposes; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

E. May receive reasonable compensation for producing cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Shall dispose of harvested cannabis used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the person and in accordance with rules adopted by the department; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

G. May hire any number of assistants who are 21 years of age or older to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant. [PL 2021, c. 367, §9 (AMD).]

Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

[PL 2021, c. 367, §9 (AMD); PL 2021, c. 669, §5 (REV).]

6. Retail sale prohibited. A registered manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of cannabis products or cannabis concentrate unless the person is authorized to engage in retail sales under this chapter.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person authorized to produce cannabis concentrate using inherently hazardous substances may not manufacture edible cannabis products or cannabis tinctures unless licensed pursuant to section 2167.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

8. Registration requirements. This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in cannabis extraction within 30 days to the facility or person if the facility or person provides:

- (1) The annual fee required pursuant to section 2425-A, subsection 10;
 - (2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;
 - (3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and
 - (4) The name, address and date of birth of each officer or director of the facility or person.
- [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous

substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date of the registry identification card; and
- (3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances in writing of the reason for denying the registry identification card. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

9. Packaging and labeling requirements. A manufacturing facility shall package and label its cannabis products and cannabis concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility; [PL 2019, c. 331, §17 (RPR).]

B. Information that allows the provider of the cannabis to the manufacturing facility to confirm that the cannabis provided was used to manufacture the cannabis product or cannabis concentrate transferred back to that provider; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. Ingredients other than material derived from cannabis plants contained in the cannabis product or cannabis concentrate; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. Any chemicals, solvents or other substances used to manufacture the cannabis product or cannabis concentrate. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

10. Rulemaking. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing manufacturing facilities, including but not limited to:

A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility; [PL 2019, c. 331, §17 (RPR).]

B. Requirements for engaging in cannabis extraction using inherently hazardous substances; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. Manufacturing facility officer or director qualification requirements; [PL 2019, c. 331, §17 (RPR).]

D. Required security for manufacturing facilities; [PL 2019, c. 331, §17 (RPR).]

E. Requirements of a disposal plan for harvested cannabis used in the manufacturing process; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Minimum record-keeping requirements. [PL 2021, c. 367, §10 (AMD).]

G. [PL 2019, c. 331, §17 (RP).]

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

[PL 2021, c. 367, §10 (AMD); PL 2021, c. 387, §5 (AMD); PL 2021, c. 669, §5 (REV).]

11. Multiple authorizations. A manufacturing facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A manufacturing facility or person authorized to possess cannabis under this chapter may possess the amount allowed for that manufacturing facility or person in addition to the possession amount allowed under this section if the manufacturing facility or person is registered pursuant to this section. The cannabis possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

12. Record keeping. A registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-G.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

13. Colocation of facilities. A manufacturing facility that is also licensed as an adult use cannabis products manufacturing facility under Title 28-B, chapter 1 may manufacture cannabis products and cannabis concentrate for adult use within the same facility in which the licensee also manufactures cannabis products or cannabis concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:

A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1; [PL 2019, c. 331, §17 (RPR).]

B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested cannabis and the storage areas for those supplies or products; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. General office space, bathrooms, entryways and walkways. [PL 2019, c. 331, §17 (RPR).]
[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

14. Immunity.

[PL 2019, c. 331, §17 (RP).]

SECTION HISTORY

PL 2017, c. 447, §15 (NEW). PL 2017, c. 452, §9 (NEW). PL 2019, c. 331, §17 (RPR). PL 2021, c. 367, §§8-10 (AMD). PL 2021, c. 387, §5 (AMD). PL 2021, c. 669, §5 (REV).

§2424. Rules

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§26, 27 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§21, 22 (AMD). PL 2013, c. 394, §1 (AMD). PL 2017, c. 409, Pt. E, §§5, 6 (AMD). PL 2017, c. 452, §10 (AMD). PL 2019, c. 217, §4 (AMD). PL 2021, c. 387, §§6, 7 (AMD). PL 2021, c. 652, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §3 (RP).

§2425. Registry identification cards

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§28-36 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 383, §§2-4 (AMD). PL 2011, c. 407, Pt. B, §§23-29 (AMD). PL 2011, c. 691, Pt. A, §§21, 22 (AMD). RR 2013, c. 2, §33 (COR). PL 2013, c. 394, §§2-6 (AMD). PL 2013, c. 396, §§9-11 (AMD). PL 2013, c. 516, §§10-14 (AMD). PL 2013, c. 595, Pt. J, §1 (AMD). PL 2013, c. 595, Pt. J, §4 (AFF). PL 2015, c. 475, §§19-21 (AMD). RR 2017, c. 1, §13 (COR). PL 2017, c. 409, Pt. E, §§7, 8 (AMD). PL 2017, c. 447, §§16-18 (AMD). PL 2017, c. 452, §11 (RP). PL 2019, c. 331, §18 (RP).

§2425-A. Registry identification cards and registration certificates

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in cannabis extraction is governed by section 2423-F and registration of cannabis testing facilities is governed by section 2423-A, subsection 10. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

1. Voluntary registration. Registration under this section is voluntary for a qualifying patient, for a visiting qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected. [PL 2017, c. 452, §12 (NEW).]

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8. [PL 2017, c. 452, §12 (NEW).]

3. Application for registry identification card; qualifications. The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection.

The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10; and [PL 2017, c. 452, §12 (NEW).]
- B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the patient consents in writing to:
 - (1) The qualifying patient's medical use of cannabis;
 - (2) Serving as one of the qualifying patient's caregivers; and

(3) Controlling the acquisition of the cannabis plants or harvested cannabis and the dosage and the frequency of the medical use of cannabis by the qualifying patient. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2021, c. 367, §11 (AMD); PL 2021, c. 669, §5 (REV).]

3-A. Criminal history record check for caregivers administering medical cannabis on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2017, c. 452, §12 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2017, c. 452, §12 (NEW).]

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 452, §12 (NEW).]

D. 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, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2017, c. 452, §12 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter. [PL 2019, c. 331, §19 (AMD).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person. [PL 2019, c. 331, §19 (AMD).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2017, c. 452, §12 (NEW).]

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning

July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 387, §8 (AMD); PL 2021, c. 669, §5 (REV).]

4. Issuance or denial of registry identification cards. The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.

A. Within 5 business days of approving a complete application, the department shall issue a registry identification card to the applicant. [PL 2021, c. 662, §22 (AMD).]

B. The department may deny an application for a card or for renewal of a card only if:

- (1) The applicant did not provide the information required pursuant to subsection 3;
- (2) The department determines that the applicant does not qualify; or
- (3) The department determines that the information provided by the applicant was falsified. [PL 2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card. [PL 2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a caregiver's application for renewal of a registry identification card, upon receipt of a timely filed, complete application submitted by the caregiver, the department shall provide the caregiver with a written statement acknowledging receipt of the application that authorizes the caregiver to continue operating under the caregiver's current card until the application is approved and a renewed card is issued by the department, the application is denied and the current card expires, 90 days elapse from the date of the written statement or the current card is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registry identification card within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registry identification card is deemed a valid registry identification card.

If the department fails to issue or deny a valid registry identification card in response to a complete application for a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card is deemed a valid registry identification card.

[PL 2021, c. 662, §22 (AMD).]

5. Requirements for issuance of registry identification cards. The following provisions apply to the issuance of registry identification cards.

A. A registry identification card expires one year after the date of issuance, regardless of the person's employment status. The card must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date;
- (3) A random identification number that is unique to the cardholder;
- (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate cannabis plants; and

(5) A photograph of the cardholder, if required by the department. [PL 2023, c. 365, §§4-6 (AMD).]

B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [PL 2017, c. 452, §12 (NEW).]

C. Registry identification cards issued to an officer or director of a registered dispensary must also contain:

- (1) The legal name of the registered dispensary with which the officer or director is affiliated;
- (2) The address and date of birth of the officer or director; and
- (3) A photograph of the officer or director if required by the department. [PL 2021, c. 662, §23 (AMD).]

C-1. Registry identification cards issued to an assistant of a registered caregiver or registered dispensary must also contain:

- (1) The address and date of birth of the assistant; and
- (2) A photograph of the assistant if required by the department. [PL 2021, c. 662, §24 (NEW).]

D. The registry identification card of an officer or director of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary. [PL 2021, c. 662, §25 (AMD).]

[PL 2023, c. 365, §§4-6 (AMD).]

5-A. Issuance of single registry identification card to caregiver or dispensary assistant. The department shall issue a single registry identification card pursuant to this section authorizing a person to be an assistant of one or more registered caregivers or registered dispensaries and who satisfies all applicable requirements under this section for issuance of a registry identification card. A single registry identification card issued to a person in accordance with this subsection authorizes the person to assist one or more registered caregivers or registered dispensaries in accordance with this chapter and may not associate the person with or restrict the person to assisting a specific caregiver or dispensary.

[PL 2021, c. 662, §26 (NEW).]

6. Application for registration certificate; qualifications. The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10; [PL 2017, c. 452, §12 (NEW).]
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and [PL 2017, c. 452, §12 (NEW).]
- C. The name, address and date of birth of each officer or director of the applicant. [PL 2017, c. 452, §12 (NEW).]

[PL 2017, c. 452, §12 (NEW).]

7. Issuance or denial of registration certificate. The department shall verify the information contained in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.

- A. Within 10 days of approving a complete application, the department shall issue a registration certificate to the applicant. [PL 2021, c. 662, §27 (AMD).]
- B. The department may deny an application for a certificate or for renewal of a certificate only if:
 - (1) The applicant did not provide the information required pursuant to subsection 6;
 - (2) The department determines that the applicant does not qualify; or
 - (3) The department determines that the information provided by the applicant was falsified. [PL 2017, c. 452, §12 (NEW).]
- C. The department shall notify the applicant in writing of the reason for denying the registration certificate. [PL 2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a registered dispensary's application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the dispensary, the department shall provide the dispensary with a written statement acknowledging receipt of the application that authorizes the dispensary to continue operating under the dispensary's current certificate until the application is approved and a renewed certificate is issued by the department, the application is denied and the current certificate expires, 90 days elapse from the date of the written statement or the current certificate is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registration certificate within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registration certificate is deemed a valid registration certificate.

If the department fails to issue or deny a registration certificate in response to a complete application for a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate is deemed a valid registration certificate.

[PL 2021, c. 662, §27 (AMD).]

8. Requirements for issuance of registration certificates. A registration certificate expires one year after the date of issuance. The certificate must contain:

- A. The name of the certificate holder; [PL 2017, c. 452, §12 (NEW).]
- B. The date of issuance and expiration date of the registration certificate; [PL 2017, c. 452, §12 (NEW).]
- C. A random identification number that is unique to the certificate holder; [PL 2017, c. 452, §12 (NEW).]
- D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where cannabis plants will be cultivated; and [PL 2019, c. 331, §20 (AMD); PL 2021, c. 669, §5 (REV).]
- E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate cannabis plants. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2019, c. 331, §20 (AMD); PL 2021, c. 669, §5 (REV).]

9. Drug testing. The department may not require an assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identification card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or cannabis testing facility from requiring drug testing of its assistants as a condition of employment.

[PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The application and renewal fees must generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department may accept donations from private sources to offset the expenses of implementing and administering this chapter and shall, if those donations are received, reduce application and renewal fees accordingly. The fees and donations must be credited to the Medical Use of Cannabis Fund pursuant to section 2430. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. There is no annual registration fee for a caregiver who does not cultivate cannabis plants for a qualifying patient. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

B. There is an annual registration fee for a caregiver who cultivates cannabis plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature cannabis plants cultivated by the caregiver. The caregiver shall notify the department of the number of cannabis plants the caregiver cultivates.

(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total mature plant canopy of 500 square feet or less. [PL 2021, c. 662, §28 (AMD); PL 2021, c. 669, §5 (REV).]

C. There is an annual registration fee for a dispensary, which may not be less than \$5,000 or more than \$12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates cannabis plants, which may not be less than \$3,000 or more than \$4,000. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

D. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than \$50 or more than \$150. [PL 2017, c. 452, §12 (NEW).]

E. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than \$150 or more than \$250. [PL 2017, c. 452, §12 (NEW).]

F. There is an annual registration fee to engage in cannabis extraction under section 2423-F, subsection 3, which may not be less than \$250 or more than \$350. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

G. There is an annual registration fee for a cannabis testing facility, which may not be less than \$250 or more than \$1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

H. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than \$20 or more than \$50. [PL 2017, c. 452, §12 (NEW).]

I. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a card that contains information that is no longer accurate, which may not be less than \$10 or more than \$20. Replacement of a registry identification card does not extend the expiration date. [PL 2017, c. 452, §12 (NEW).]

J. There is an annual fee for a criminal history record check for a caregiver or an officer or director or assistant of a registered dispensary, cannabis testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the

registered dispensary, cannabis testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, cannabis testing facility or manufacturing facility. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2023, c. 365, §7 (AMD).]

11. Notification of change in status or loss of registry identification card or registration certificate. This subsection governs notification of a change in status or the loss of a registry identification card or registration certificate.

A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. [PL 2017, c. 452, §12 (NEW).]

B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than \$150 may be adjudged. [PL 2017, c. 452, §12 (NEW).]

C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or cannabis testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or cannabis testing facility. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates cannabis plants. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

12. Confidentiality. This subsection governs confidentiality.

A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information regarding their caregivers and medical providers, are confidential. [PL 2017, c. 452, §12 (NEW).]

B. Applications and supporting information submitted by caregivers and medical providers operating in compliance with this chapter are confidential. [PL 2017, c. 452, §12 (NEW).]

C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department. [PL 2017, c. 452, §12 (NEW).]

D. The department shall verify to law enforcement personnel whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. [PL 2017, c. 452, §12 (NEW).]

E. Upon request of a code enforcement officer or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification

card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized. [PL 2017, c. 452, §12 (NEW).]

F. Applications, supporting information and other information regarding a registered dispensary are not confidential, except that information that is contained within dispensary information that identifies a qualifying patient, a registered patient, a registered patient's medical provider or a caregiver of a qualifying patient or registered patient is confidential. [PL 2017, c. 452, §12 (NEW).]

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered caregivers and registered patients' medical providers are confidential and may not be disclosed, except as provided in this subsection and as follows:

- (1) To department employees who are responsible for carrying out this chapter;
- (2) Pursuant to court order or subpoena issued by a court;
- (3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;
- (4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;
- (5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and
- (6) To a registered patient's treating medical provider and to a registered patient's registered caregiver for the purpose of carrying out this chapter. [PL 2017, c. 452, §12 (NEW).]

H. This subsection does not prohibit a medical provider from notifying the department if the medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use cannabis for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the medical provider's certification of eligibility for use. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified. [PL 2017, c. 452, §12 (NEW).]

J. [PL 2023, c. 365, §8 (RP).]

K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to \$1,000 may be imposed. This paragraph does not apply to a medical provider or staff of a 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. [PL 2017, c. 452, §12 (NEW).]

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36. [PL 2017, c. 452, §12 (NEW).]

M. A caregiver, dispensary, manufacturing facility or cannabis testing facility or an officer, director or assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility may not be required to disclose to a law enforcement officer information that could reasonably identify an individual person's identity without a warrant requiring the disclosure. [PL 2021, c. 662, §29 (NEW); PL 2021, c. 669, §5 (REV).]

N. A person who accompanies a patient to obtain cannabis plants or harvested cannabis may not be required to disclose to a law enforcement officer information that could reasonably identify an individual patient's identity without a warrant requiring the disclosure. [PL 2021, c. 662, §30 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2023, c. 365, §8 (AMD).]

13. Reporting requirements.

[PL 2023, c. 365, §9 (RP).]

SECTION HISTORY

PL 2017, c. 452, §12 (NEW). PL 2019, c. 331, §§19, 20 (AMD). PL 2021, c. 251, §4 (AMD). PL 2021, c. 367, §§11, 12 (AMD). PL 2021, c. 387, §§8-10 (AMD). PL 2021, c. 662, §§22-30 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §§4-9 (AMD).

§2426. Scope

1. Limitations. This chapter does not permit any person to:

A. Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; [PL 2009, c. 631, §37 (AMD); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

B. Except as provided in subsection 1-A, possess cannabis or otherwise engage in the medical use of cannabis:

- (1) In a school bus;
- (2) On the grounds of any preschool or primary or secondary school; or
- (3) In any correctional facility; [PL 2015, c. 369, §2 (AMD); PL 2021, c. 669, §5 (REV).]

C. Smoke cannabis:

- (1) On any form of public transportation; or
- (2) In any public place; [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of cannabis; [PL 2023, c. 6, §6 (AMD).]

E. Use or possess cannabis plants or harvested cannabis if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess cannabis under this chapter; or [PL 2023, c. 6, §7 (AMD).]

F. Sell, offer to sell or furnish any products containing tobacco, nicotine or synthetic nicotine to any person without first obtaining a retail tobacco license in accordance with chapter 262-A. [PL 2023, c. 6, §8 (NEW).]
[PL 2023, c. 6, §§6-8 (AMD).]

1-A. School exceptions. Notwithstanding subsection 1, paragraph B, a caregiver designated pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient,

possess and administer harvested cannabis in a school bus and on the grounds of the preschool or primary or secondary school in which the qualifying patient is enrolled only if:

A. A medical provider has provided the qualifying patient with a current written certification for the medical use of cannabis under this chapter; [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

B. Possession of harvested cannabis is for the purpose of administering cannabis to the qualifying patient; and [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested cannabis to the qualifying patient. [PL 2017, c. 452, §14 (NEW); PL 2021, c. 669, §5 (REV).]

Harvested cannabis possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.

[PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

2. Construction. This chapter may not be construed to require:

A. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; or [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

B. An employer to accommodate the ingestion of cannabis in any workplace or any employee working while under the influence of cannabis. [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

[IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

3. Penalty for fraudulent representation.

[PL 2009, c. 631, §39 (RP); PL 2009, c. 631, §51 (AFF).]

3-A. Penalty for fraud.

[PL 2017, c. 452, §15 (RP).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§37-39 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§30, 31 (AMD). PL 2015, c. 369, §§2, 3 (AMD). PL 2017, c. 452, §§13-15 (AMD). PL 2019, c. 331, §32 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§6-8 (AMD).

**§2427. Affirmative defense and dismissal for medical marijuana
(REPEALED)**

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §51 (AFF). PL 2009, c. 631, §§40, 41 (AMD). MRSA T. 22 §2427, sub-§4 (RP).

§2428. Registered dispensaries

1. Provisions pertaining to primary caregiver apply to nonprofit dispensary.

[PL 2009, c. 631, §42 (RP); PL 2009, c. 631, §51 (AFF).]

1-A. Provisions pertaining to registered dispensary. For the purpose of assisting a qualifying patient, a registered dispensary may in accordance with rules adopted by the department:

- A. Dispense up to 2 1/2 ounces of harvested cannabis to the qualifying patient in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]
- B. Cultivate cannabis plants and possess all harvested cannabis from those cannabis plants; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]
- C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating cannabis plants for the qualifying patient; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]
- D. Assist the qualifying patient with the medical use or administration of harvested cannabis; [PL 2019, c. 331, §22 (RPR); PL 2021, c. 669, §5 (REV).]
- E. Obtain harvested cannabis from a caregiver under section 2423-A, subsection 2, paragraph K; [PL 2019, c. 331, §23 (RPR); PL 2021, c. 669, §5 (REV).]
- F. Except as provided in section 2426:
 - (1) Transfer cannabis plants and harvested cannabis to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;
 - (2) Transfer cannabis plants and harvested cannabis to a qualifying patient, caregiver or dispensary for no remuneration;
 - (3) Acquire cannabis plants and harvested cannabis from another dispensary for no remuneration;
 - (4) Transfer to and accept from a registered caregiver or another dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the dispensary over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A dispensary that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this subparagraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;
 - (5) Transfer harvested cannabis to a manufacturing facility and accept cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the dispensary provided to the manufacturing facility; and
 - (6) Provide samples to a cannabis testing facility for testing and research purposes; [PL 2021, c. 669, §5 (REV); PL 2021, c. 676, Pt. A, §34 (AMD).]
- G. Conduct cannabis testing at the request of anyone authorized to possess cannabis plants or harvested cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §25 (RPR); PL 2021, c. 669, §5 (REV).]

H. Manufacture cannabis products for medical use, except that a dispensary may not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to section 2167; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

I. Manufacture cannabis concentrate for medical use, except that a dispensary may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

J. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that is produced from the harvested cannabis the registered dispensary provided to the manufacturing facility; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

K. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary; [PL 2023, c. 6, §9 (AMD).]

L. Transport cannabis plants and harvested cannabis as necessary to carry out the activities authorized under this section; and [PL 2023, c. 6, §10 (AMD).]

M. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient or to a caregiver for a qualifying patient's medical use of cannabis. [PL 2023, c. 6, §11 (NEW).]

[PL 2023, c. 6, §§9-11 (AMD).]

2. Registration requirements.

[PL 2017, c. 452, §16 (RP).]

3. Rules.

[PL 2017, c. 452, §16 (RP).]

4. Expiration.

[PL 2017, c. 452, §16 (RP).]

5. Inspection.

[PL 2017, c. 452, §16 (RP).]

6. Registered dispensary requirements. This subsection governs the operations of registered dispensaries.

A. [PL 2017, c. 452, §16 (RP).]

B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school. [PL 2009, c. 631, §42 (AMD); PL 2009, c. 631, §51 (AFF).]

C. [PL 2017, c. 452, §16 (RP).]

D. [PL 2017, c. 452, §16 (RP).]

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing cannabis plants and harvested cannabis and the theft of cannabis plants and harvested cannabis at the dispensary and the one permitted additional location at which the dispensary cultivates cannabis plants for medical use by qualifying patients. [PL 2019, c. 331, §26 (AMD); PL 2021, c. 669, §5 (REV).]

F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section 2430-J. [PL 2023, c. 365, §10 (AMD).]

G. [PL 2017, c. 452, §16 (RP).]

H. All officers or directors of a dispensary must be residents of this State. [PL 2017, c. 452, §16 (AMD).]

I. All cultivation of cannabis plants must take place in a cultivation area unless the cannabis plants are being transported pursuant to subsection 1-A, paragraph L.

(1) The dispensary shall ensure that the mature cannabis plants and immature cannabis plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department. The dispensary may not maintain more than one cultivation area.

(2) Access to cultivation areas is limited to a cardholder who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary. [PL 2021, c. 662, §31 (AMD); PL 2021, c. 669, §5 (REV).]

J. [PL 2017, c. 452, §16 (RP).]

K. A dispensary shall display the dispensary's registration certificate issued under section 2425-A in a publicly visible location in the dispensary. [PL 2017, c. 452, §16 (AMD).]

L. [PL 2017, c. 452, §16 (RP).]

M. [PL 2017, c. 452, §16 (RP).]

N. [PL 2017, c. 452, §16 (RP).]

[PL 2023, c. 365, §10 (AMD).]

7. Maximum amount of cannabis to be dispensed. A dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis in one transaction to a qualifying patient or to a caregiver on behalf of a qualifying patient, except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period.
[PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

8. Immunity.

[PL 2009, c. 631, §42 (RP); PL 2009, c. 631, §51 (AFF).]

8-A. Immunity.

[PL 2017, c. 452, §16 (RP).]

9. Prohibitions. The prohibitions in this subsection apply to a registered dispensary.

A. [PL 2017, c. 452, §16 (RP).]

B. A dispensary may not dispense, deliver or otherwise transfer cannabis plants or harvested cannabis except as provided in this chapter. [PL 2019, c. 331, §27 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §16 (RP).]

D. A person who has been convicted of a disqualifying drug offense may not be an officer or director or assistant of a dispensary.

(1) A person who is an officer or director or assistant of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

(2) A person who is an officer or director or assistant of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph commits a Class D crime. [PL 2017, c. 452, §16 (AMD).]

E. [PL 2017, c. 452, §16 (RP).]

F. A dispensary may not contract for the cultivation of seeds of a cannabis plant, seedlings or immature cannabis plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4). [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. A registered dispensary may not use a pesticide on cannabis 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 cannabis 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. [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §27 (AMD); PL 2021, c. 669, §5 (REV).]

10. Local regulation.

[PL 2017, c. 447, §22 (RP); PL 2017, c. 452, §16 (RP).]

11. Limitation on number of dispensaries.

[PL 2017, c. 452, §16 (RP).]

11-A. Limitation on number of dispensaries registered. This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary. [PL 2017, c. 452, §16 (NEW).]

B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate

at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired. [PL 2017, c. 452, §16 (NEW).]
[PL 2017, c. 452, §16 (NEW).]

12. Labels.

[PL 2017, c. 452, §16 (RP).]

13. Reorganization to for-profit status. Any of the 8 registered dispensaries that were issued registration certificates as of April 1, 2018 and that are operating as nonprofit entities may convert to a for-profit entity pursuant to this subsection. A registered dispensary established pursuant to subsection 11-A, paragraph A that was not issued a dispensary registration certificate before April 1, 2018 and operates as a nonprofit entity may not convert to a for-profit entity.

A. A registered dispensary that is operating as a nonprofit entity may enter into any of the following transactions to reorganize the registered dispensary as a for-profit entity:

- (1) A registered dispensary operating as a nonprofit entity may merge with and into a business corporation formed pursuant to Title 13-C;
- (2) A business corporation formed pursuant to the laws of this State may purchase substantially all of the assets of a registered dispensary operating as a nonprofit entity; and
- (3) Notwithstanding any provision of the law to the contrary in this Title, Title 13-B or Title 13-C, a registered dispensary operating as a nonprofit entity is entitled to convert into a domestic business corporation by adopting a plan of entity conversion in accordance with Title 13-C, section 953 that is approved by a vote of 2/3 of the members of the board of directors of the nonprofit entity at a meeting duly called for that purpose or by unanimous written consent. A plan of entity conversion adopted pursuant to this subparagraph must be signed and submitted to the Secretary of State on a form prescribed by the Secretary of State, must be executed and filed in the manner prescribed in Title 13-C, section 955 and is subject to Title 13-C, section 957. If the Secretary of State finds that such filings comply with this subparagraph, the Secretary of State shall accept the filings. [PL 2019, c. 312, §1 (NEW).]

B. Notwithstanding Title 13-B, section 718, and notwithstanding any provision to the contrary in the articles of incorporation or the bylaws of a registered dispensary operating as a nonprofit entity, there exists no conflict of interest nor violation of fiduciary duty for the directors of a registered dispensary operating as a nonprofit entity for the limited purposes of:

- (1) Approving a transaction in order to reorganize pursuant to this section as set forth in paragraph A, subparagraph (1), (2) or (3);
- (2) Issuing any shares, membership interests or other securities, obligations, rights to acquire interests or other securities, cash or other property in order to reorganize pursuant to this section; or
- (3) Designating the directors or a business corporation in which the directors hold interests as members of a nonprofit entity that previously had no members in order to reorganize pursuant to this section. [PL 2019, c. 312, §1 (NEW).]

C. The patients of a registered dispensary that is operating as a nonprofit entity may not be deemed members entitled to vote under Title 13-B, section 604, nor may such patients be deemed members for purposes of a merger, purchase or conversion reorganization transaction pursuant to this subsection. [PL 2019, c. 312, §1 (NEW).]

D. If a registered dispensary reorganizes as a for-profit entity pursuant to this section and subsequently sells or transfers its interest in the reorganized registered dispensary, the registered dispensary or the dispensary's successor in interest, shall pay to the Medical Use of Cannabis Fund established under section 2430 a percentage of the value of the sale or transfer of interest, as determined by an independent appraisal at the time of the sale or transfer of interest, in accordance with this paragraph:

- (1) If the sale or transfer of interest is completed in the first year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 10% of the value of the sale or transfer of interest;
- (2) If the sale or transfer of interest is completed in the 2nd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 7.5% of the value of the sale or transfer of interest;
- (3) If the sale or transfer of interest is completed in the 3rd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 5% of the value of the sale or transfer of interest; and
- (4) If the sale or transfer of interest is completed in the 4th year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 2.5% of the value of the sale or transfer of interest.

The cost of an appraisal required under this paragraph must be paid from the Medical Use of Cannabis Fund. [PL 2019, c. 312, §1 (NEW); PL 2021, c. 669, §5 (REV).]

E. [PL 2019, c. 312, §1 (NEW); MRSA T. 22 §2428, sub-§13, ¶E (RP).]

F. A registered dispensary subject to paragraph D shall provide to the Attorney General the independent appraisal required in paragraph D. [PL 2019, c. 312, §1 (NEW).]

G. Except as provided in paragraph F, a transaction pursuant to this subsection does not require any approval or notice under the provisions of Title 5, chapter 9. [PL 2019, c. 312, §1 (NEW).]

H. The registration status of a registered dispensary that has completed a reorganization transaction pursuant to this subsection is governed by subsection 11-A, paragraph B. [PL 2019, c. 312, §1 (NEW).]

[PL 2019, c. 312, §1 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §42 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §32 (AMD). RR 2013, c. 1, §41 (COR). PL 2013, c. 371, §4 (AMD). PL 2013, c. 374, §2 (AMD). PL 2013, c. 393, §4 (AMD). PL 2013, c. 394, §§7, 8 (AMD). PL 2013, c. 498, §2 (AMD). PL 2013, c. 501, §2 (AMD). PL 2013, c. 503, §§2-6 (AMD). PL 2013, c. 516, §15 (AMD). PL 2015, c. 475, §§22-24 (AMD). PL 2017, c. 409, Pt. E, §9 (AMD). PL 2017, c. 447, §§19-22 (AMD). PL 2017, c. 452, §16 (AMD). PL 2019, c. 312, §1 (AMD). PL 2019, c. 331, §§22-27 (AMD). PL 2019, c. 354, §7 (AMD). PL 2021, c. 293, Pt. A, §27 (AMD). PL 2021, c. 367, §§13, 14 (AMD). PL 2021, c. 662, §31 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §34 (AMD). PL 2023, c. 6, §§9-11 (AMD). PL 2023, c. 365, §10 (AMD).

§2429. Enforcement

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §51 (AFF). PL 2009, c. 631, §§43, 44 (AMD). PL 2011, c. 407, Pt. B, §§33, 34 (AMD). PL 2017, c. 452, §17 (RP).

§2429-A. Packaging and labeling requirements

1. Packaging requirements. As applicable based on the form of the item sold, harvested cannabis sold in a retail transaction under this chapter must be:

- A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; and [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- D. In conformity with all other applicable requirements and restrictions imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

Any package required under this subsection that contains edible cannabis products must include a signifier that the package contains harvested cannabis.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

2. Packaging prohibitions. Harvested cannabis sold in a retail transaction under this chapter may not be:

- A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested cannabis was a trademarked product; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; [PL 2017, c. 452, §18 (NEW).]
- D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or [PL 2017, c. 452, §18 (NEW).]
- E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

3. Labels. If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested cannabis provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested cannabis, the label must be verified by a cannabis testing facility. This subsection does not apply if there is no cannabis testing facility operating in accordance with section 2423-A, subsection 10.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

4. Educational materials. A person that provides harvested cannabis to a qualifying patient shall make educational materials about the use of harvested cannabis available in printed or electronic form to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

[PL 2021, c. 662, §32 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §28 (AMD). PL 2021, c. 662, §32 (AMD). PL 2021, c. 669, §5 (REV).

§2429-B. Signs, advertising and marketing

1. Prohibitions. Signs, advertising and marketing used by or on behalf of a registered caregiver or dispensary may not:

- A. Be misleading, deceptive or false; [PL 2017, c. 452, §18 (NEW).]
- B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or dispensary at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies; [PL 2017, c. 452, §18 (NEW).]
- D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or [PL 2017, c. 452, §18 (NEW).]
- E. Market to any person authorized to possess cannabis plants or harvested cannabis under this chapter and specifically to any adult use or recreational cannabis market within the same sign, advertisement or marketing material. [PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

2. Rules on signs, advertising and marketing. The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:

- A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested cannabis; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [PL 2017, c. 452, §18 (NEW).]
- C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [PL 2017, c. 452, §18 (NEW).]
- D. A prohibition on advertising or marketing directed toward location-based devices unless such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older. [PL 2021, c. 367, §15 (AMD).]

[PL 2021, c. 367, §15 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §29 (AMD). PL 2021, c. 367, §15 (AMD). PL 2021, c. 669, §5 (REV).

§2429-C. Edible cannabis products health and safety requirements and restrictions

In addition to all other applicable provisions of this chapter, edible cannabis products to be sold or offered for sale in a retail transaction in accordance with this chapter: [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

1. Cannabinoid content. Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content; [PL 2017, c. 452, §18 (NEW).]

2. Cannabis content. Must be manufactured in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

3. Shape. May not be manufactured in the distinct shape of a human, animal or fruit; [PL 2017, c. 452, §18 (NEW).]

4. Additives. May not contain additives that are:

A. Toxic or harmful to human beings; or [PL 2017, c. 452, §18 (NEW).]

B. Specifically designed to make the product appeal particularly to a person under 21 years of age; and [PL 2017, c. 452, §18 (NEW).]
[PL 2017, c. 452, §18 (NEW).]

5. Addition to trademarked food or drink. May not involve the addition of harvested cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product.
[PL 2019, c. 331, §30 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §30 (AMD). PL 2021, c. 669, §5 (REV).

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, cannabis testing facilities and manufacturing facilities. [PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

A municipality may not: [PL 2017, c. 452, §18 (NEW).]

1. Registered caregivers. Prohibit or limit the number of registered caregivers; [PL 2017, c. 452, §18 (NEW).]

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or 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; or [PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article

allowing caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities, as applicable, to operate within the municipality.
[PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 217, §5 (AMD). PL 2021, c. 669, §5 (REV).

§2430. Medical Use of Cannabis Fund established

1. Fund established. The Medical Use of Cannabis Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.

[PL 2017, c. 409, Pt. E, §10 (AMD); PL 2021, c. 669, §5 (REV).]

2. Sources of fund. The State Controller shall credit to the fund:

A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, dispensary, manufacturing facility and cannabis testing facility; [PL 2017, c. 452, §19 (AMD); PL 2021, c. 669, §5 (REV).]

B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers or directors or assistants of registered caregivers, dispensaries, manufacturing facilities and cannabis testing facilities; [PL 2017, c. 452, §20 (AMD); PL 2021, c. 669, §5 (REV).]

C. All penalties and fines assessed for violations of this chapter; [PL 2009, c. 631, §45 (NEW); PL 2009, c. 631, §51 (AFF).]

D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; [PL 2019, c. 312, §2 (AMD).]

E. Interest earned or other investment income on balances in the fund; and [PL 2019, c. 312, §2 (AMD).]

F. All money received as a result of a reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity pursuant to section 2428, subsection 13, paragraph D. [PL 2019, c. 312, §3 (NEW).]

[PL 2019, c. 312, §2, 3 (AMD); PL 2021, c. 669, §5 (REV).]

3. Uses of the fund. The fund may be used for expenses of the department to administer this chapter or for research in accordance with subsection 5, as allocated by the Legislature.

A. [PL 2021, c. 181, Pt. A, §2 (RP).]

B. [PL 2021, c. 181, Pt. A, §2 (RP).]

[PL 2021, c. 181, Pt. A, §2 (AMD).]

4. Review of fund balance. Beginning January 2018 and every 2 years thereafter, the department shall review the balance in the fund. If the balance in the fund exceeds \$400,000, the department shall reduce the fees established under section 2425-A, subsection 10 for a 2-year period beginning with the calendar year following the review.

[PL 2017, c. 452, §22 (NEW).]

5. Medical cannabis research grant program established. The medical cannabis research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of harvested cannabis as part of medical treatment and the health effects of harvested cannabis used as part of medical treatment. The program must be funded from the

fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 387, §11 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §45 (NEW). PL 2009, c. 631, §51 (AFF). PL 2015, c. 475, §25 (AMD). PL 2017, c. 409, Pt. E, §10 (AMD). PL 2017, c. 452, §§19-22 (AMD). PL 2019, c. 312, §§2, 3 (AMD). PL 2019, c. 331, §31 (AMD). PL 2021, c. 181, Pt. A, §2 (AMD). PL 2021, c. 387, §11 (AMD). PL 2021, c. 669, §5 (REV).

§2430-A. Compliance

(REPEALED)

SECTION HISTORY

PL 2009, c. 631, §46 (NEW). PL 2009, c. 631, §51 (AFF). PL 2013, c. 516, §16 (RPR). PL 2015, c. 475, §26 (AMD). PL 2017, c. 452, §23 (RP).

§2430-B. Admissibility of records

A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records. [PL 2011, c. 383, §5 (NEW); PL 2011, c. 407, Pt. B, §35 (NEW).]

SECTION HISTORY

PL 2011, c. 383, §5 (NEW). PL 2011, c. 407, Pt. B, §35 (NEW).

§2430-C. Protections for authorized activity

1. Rights of persons or entities acting pursuant to this chapter. A person whose conduct is authorized under this chapter may not be denied any right or privilege or be subjected to arrest, prosecution, penalty or disciplinary action, including but not limited to a civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for lawfully engaging in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

2. Legal protection for hospitals and long-term care facilities. The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and an officer or director, employee or agent of the hospital and a long-term care facility and an officer or director, employee or agent of the long-term care facility. Any immunity provision in this chapter in conflict with this subsection does not apply

to a hospital or long-term care facility. The legal protection for hospitals and long-term care facilities applies in accordance with the following.

A. If the use of a form of harvested cannabis that is not smoked, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

B. If the use of a form of harvested cannabis consistent with a long-term facility's policy by an admitted patient who has been certified under section 2423-B occurs in the long-term care facility, that long-term care facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

C. An officer or director, employee or agent of a hospital or long-term care facility where the use of a form of harvested cannabis that is not smoked or vaporized, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of cannabis on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of cannabis for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

4. Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interests of the minor child as set out in Title 19-A, section 1653, subsection 3.

[PL 2017, c. 452, §24 (NEW).]

5. Receiving an anatomical gift. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of cannabis as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of cannabis to the use of

forms of harvested cannabis that are not smoked or vaporized, including but not limited to edible cannabis and tinctures and salves of cannabis. A transplant evaluator may require medical cannabis used by a qualifying patient to be tested for fungal contamination by a cannabis testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

6. Prohibition on seizure and retention. Except when necessary for an ongoing criminal investigation, a law enforcement officer may not seize cannabis that is in the possession of a qualifying patient, caregiver, cannabis testing facility, manufacturing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of cannabis in violation of this subsection shall return the cannabis within 7 days after receiving a written request for return by the owner of the cannabis. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return cannabis possessed in violation of this subsection within 7 days of receiving a written request for return of the cannabis under this subsection, the owner of the cannabis may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.

[PL 2023, c. 365, §11 (AMD).]

6-A. Restrictions on law enforcement access. Notwithstanding any provision of law to the contrary, a law enforcement officer may not enter any location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or cannabis testing facility conducts activities authorized under this chapter or pursuant to a registry identification card or registration certificate issued under this chapter, except where:

A. The patient, caregiver, dispensary, manufacturing facility or cannabis testing facility voluntarily allows the law enforcement officer to enter the location; [PL 2021, c. 662, §33 (NEW); PL 2021, c. 669, §5 (REV).]

B. The law enforcement officer's entry is authorized pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace; or [PL 2021, c. 662, §33 (NEW).]

C. The law enforcement officer's entry is authorized in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances. [PL 2021, c. 662, §33 (NEW).]

[PL 2021, c. 662, §33 (NEW); PL 2021, c. 669, §5 (REV).]

7. Requirements for protection. To receive protection under this section for conduct authorized under this chapter, a person must:

A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the patient's written certification; or [PL 2023, c. 365, §12 (AMD).]

B. If the person is a caregiver, present upon request of a law enforcement officer the caregiver's registry identification card or registration certificate. [PL 2023, c. 365, §12 (AMD).]

[PL 2023, c. 365, §12 (AMD).]

8. Evidence of lawful conduct. Possession of a registry identification card by a cardholder, the act of applying for a registry identification card, possession of a written certification issued under section 2423-B or possession of a designation document executed under section 2423-A, subsection 1, paragraph F-1 is evidence of lawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.

[PL 2023, c. 365, §13 (AMD).]

9. Immunity. The immunity provisions in this subsection apply to caregivers, cannabis testing facilities, manufacturing facilities and dispensaries and the officers or directors or assistants of caregivers, cannabis testing facilities, manufacturing facilities and dispensaries.

A. A caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of cannabis in accordance with this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

B. An officer or director or assistant of a caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a caregiver, cannabis testing facility, manufacturing facility or dispensary to provide cannabis plants and cannabis products to qualifying patients, caregivers, dispensaries, manufacturing facilities or cannabis testing facilities or to otherwise assist with the medical use of cannabis in accordance with this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

10. Defense for possession of excess cannabis. Except as provided in section 2426, a qualifying patient may assert as a defense to any prosecution involving cannabis possession use of cannabis for a medical purpose and may present evidence in court that the patient's medical use or cultivation of an amount of cannabis exceeding the amount allowed under section 2423-A was reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis.

[PL 2023, c. 365, §14 (NEW).]

11. Calculation of cannabis weight. The amount of cannabis possessed under this chapter must be calculated by the weight of dried harvested cannabis. A calculation of the weight of cannabis that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of cannabis in a cannabis product may not include ingredients in the product other than cannabis, except that the weight of cannabis concentrate must be included regardless of whether the cannabis concentrate is within a cannabis product or not within a cannabis product.

[PL 2023, c. 365, §15 (NEW).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 662, §§33, 34 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §§11-15 (AMD).

§2430-D. Collectives prohibited

Collectives are prohibited under this chapter. A person may not form or participate in a collective. The following relationships are not collectives and are not prohibited: [PL 2017, c. 452, §24 (NEW).]

1. Caregivers assisting for the benefit of a mutual qualifying patient. Two caregivers to the extent the relationship is to:

A. Consult with each other to assist the same qualifying patient; [PL 2017, c. 452, §24 (NEW).]

- B. Refer a qualifying patient to a caregiver to obtain specialized cannabis plants or harvested cannabis; [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]
- C. Obtain specialized cannabis plants or harvested cannabis from another caregiver to assist the same qualifying patient; or [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]
- D. Transfer harvested cannabis pursuant to section 2423-A, subsection 2, paragraph K; [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

2. Employer and assistant relationship. Two caregivers to the extent the relationship is as employer and assistant; or
[PL 2017, c. 452, §24 (NEW).]

3. Caregivers sharing common areas. Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized under section 2423-A, subsection 2, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share cannabis plants or harvested cannabis resulting from the cultivation of those plants.
[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 669, §5 (REV).

§2430-E. Possession penalties; fraud penalty

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 387, §12 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §16 (RP).

§2430-F. Registration suspension or revocation

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 387, §13 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §17 (RP).

§2430-G. Record keeping; inspections; reporting requirements

(CONFLICT)

1. Tracking; record keeping.

A. (CONFLICT: Text as repealed by PL 2023, c. 365, §18)

(2) **(CONFLICT: Text as amended by PL 2023, c. 405, Pt. A, §58)** Keep the books and records maintained by the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility for a period of 4 years; and [PL 2023, c. 365, §18 (RP); PL 2023, c. 405, Pt. A, §58 (AMD).]

B. [PL 2023, c. 365, §18 (RP).]

C. [PL 2023, c. 365, §18 (RP).]

[PL 2023, c. 365, §18 (RP); PL 2023, c. 405, Pt. A, §58 (AMD).]

2. Inspections.

[PL 2023, c. 365, §18 (RP).]

3. Incident and illegal activity reporting.

[PL 2023, c. 365, §18 (RP).]

4. Procedures for suspending or terminating registration.

[PL 2023, c. 365, §18 (RP).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2019, c. 331, §32 (AMD). PL 2021, c. 367, §16 (AMD). PL 2021, c. 387, §§14-16 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §35 (AMD). PL 2023, c. 96, §2 (AMD). PL 2023, c. 365, §18 (RP). PL 2023, c. 405, Pt. A, §58 (AMD).

§2430-H. Fines collected

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §19 (RP).

§2430-I. Suspension, revocation, administrative penalty; forfeiture; surrender

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Covered entity" means a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter. [PL 2023, c. 365, §20 (NEW).]

B. "Covered entity agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter. [PL 2023, c. 365, §20 (NEW).]

C. "Major registration violation" means an intentional, willful or reckless violation or a repeat pattern of minor registration violations. [PL 2023, c. 365, §20 (NEW).]

D. "Major registration violation affecting public safety" means a major registration violation that jeopardizes public safety. [PL 2023, c. 365, §20 (NEW).]

E. "Minor registration violation" means a knowing or negligent violation. [PL 2023, c. 365, §20 (NEW).]

F. "Violation" means a violation of a provision of this chapter, rules adopted pursuant to this chapter or terms or conditions of a registry identification card or registration certificate issued under this chapter. [PL 2023, c. 365, §20 (NEW).]

[PL 2023, c. 365, §20 (NEW).]

2. Penalties. The department, in accordance with this section, on its own initiative or on complaint and after investigation, may, by written order:

A. Impose an administrative penalty in accordance with this section for a violation. Penalties collected pursuant to this paragraph must be credited to the Medical Use of Cannabis Fund established under section 2430; [PL 2023, c. 365, §20 (NEW).]

B. Seize and destroy cannabis or cannabis products under subsection 5; and [PL 2023, c. 365, §20 (NEW).]

C. Suspend or revoke a registry identification card or registration certificate issued under this chapter for a violation. [PL 2023, c. 365, §20 (NEW).]

[PL 2023, c. 365, §20 (NEW).]

3. Administrative penalties, generally. The department may impose administrative penalties for a violation of this chapter or rules adopted under this chapter as follows:

A. For a registered caregiver who does not operate a retail store and a covered entity agent:

- (1) Not more than \$200 for each minor registration violation;
- (2) Not more than \$600 for each major registration violation; or
- (3) Not more than \$1,500 for each major registration violation affecting public safety; and [PL 2023, c. 365, §20 (NEW).]

B. For a covered entity, except a registered caregiver who does not operate a retail store:

- (1) Not more than \$1,000 for each minor registration violation;
- (2) Not more than \$3,000 for each major registration violation; or
- (3) Not more than \$7,500 for each major registration violation affecting public safety. [PL 2023, c. 365, §20 (NEW).]

[PL 2023, c. 365, §20 (NEW).]

4. Administrative penalty for sale or transfer to nonpatient. The department shall notify a covered entity within one business day after the department discovers that a covered entity or covered entity agent sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter. Both the covered entity and covered entity agent that sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use may be held responsible as follows.

A. The first time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a minor registration violation. [PL 2023, c. 365, §20 (NEW).]

B. The 2nd time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a major registration violation. [PL 2023, c. 365, §20 (NEW).]

C. The 3rd time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter and for any subsequent violations of this subsection thereafter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to suspension or revocation of the covered entity's or covered entity agent's registry identification card or registration certificate or an administrative penalty for a major registration violation. [PL 2023, c. 365, §20 (NEW).]

A covered entity is subject to the penalties in this section whether the covered entity violated this subsection or the covered entity agent violated this subsection. Violations of this section by a covered entity are cumulative whether the same or a different covered entity agent violated this subsection. [PL 2023, c. 365, §20 (NEW).]

5. Forfeit and destruction under final order. This subsection governs the forfeiture and destruction of cannabis plants, cannabis or cannabis products when a final order is issued.

A. If the department issues a final order imposing an administrative penalty under this section, the department may require, in the final order, that all or a portion of the cannabis plants, cannabis or cannabis products in the possession of the covered entity subject to the final order be destroyed. [PL 2023, c. 365, §20 (NEW).]

B. The covered entity subject to the final order shall forfeit the cannabis plants, cannabis or cannabis products to the department or destroy the cannabis plants, cannabis and cannabis products at the time and place and in the manner required by the department in writing. [PL 2023, c. 365, §20 (NEW).]
[PL 2023, c. 365, §20 (NEW).]

6. Destruction prohibition. If the department is notified by a criminal justice agency that there is a pending investigation of a covered entity subject to a final order under this section, the department may not destroy, or allow the covered entity to destroy, any cannabis plants, cannabis or cannabis products of that covered entity until the destruction is approved by the criminal justice agency. [PL 2023, c. 365, §20 (NEW).]

7. Form of payment. The department shall accept payment of an administrative penalty imposed under this section in the form of cash or a certified check or cashier's check payable to the department. [PL 2023, c. 365, §20 (NEW).]

8. Suspension or revocation. The department may suspend or revoke a registry identification card or registration certificate for violation of this chapter and the rules adopted under this chapter for a period not to exceed one year. Until the suspension or revocation period ends, the person is ineligible for reauthorization under this chapter. [PL 2023, c. 365, §20 (NEW).]

9. Maine Administrative Procedure Act; final agency action. Except as otherwise provided in this chapter, the suspension or revocation of a registry identification card or registration certificate and the imposition of an administrative penalty by the department is governed by Title 5, chapter 375, subchapter 4, including, but not limited to, the provisions on notice and hearings. [PL 2023, c. 365, §20 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §20 (NEW).

§2430-J. Reporting; record keeping; labels

The department shall develop, implement and maintain a statewide electronic portal through which registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities may submit to the department the records required pursuant to this chapter. The department may not require records submitted through the portal to contain information identifying qualifying patients. [PL 2023, c. 365, §21 (NEW).]

1. Required records. A registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility shall:

A. Keep a record of all transfers of cannabis plants and harvested cannabis; [PL 2023, c. 365, §21 (NEW).]

B. Keep the books and records for a period of 4 years; and [PL 2023, c. 365, §21 (NEW).]

C. Make the books and records maintained under this subsection available for inspection by the department upon the department's request. [PL 2023, c. 365, §21 (NEW).]

[PL 2023, c. 365, §21 (NEW).]

2. Required label. A registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported pursuant to this chapter with a label that identifies:

A. The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number; [PL 2023, c. 365, §21 (NEW).]

B. The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person; [PL 2023, c. 365, §21 (NEW).]

C. A description of the cannabis plants or harvested cannabis being transferred, including the amount and form; [PL 2023, c. 365, §21 (NEW).]

D. The time and date of the transfer; and [PL 2023, c. 365, §21 (NEW).]

E. The destination of the cannabis plants or harvested cannabis. [PL 2023, c. 365, §21 (NEW).]

The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 365, §21 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §21 (NEW).

§2430-K. Inspections; limitation

The department may conduct inspections of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities in accordance with this section and rules adopted pursuant to this chapter. The department may not conduct an inspection of a qualifying patient or caregiver operating under section 2423-A, subsection 3, paragraph C. [PL 2023, c. 365, §22 (NEW).]

1. Criteria. The department shall maintain a publicly accessible electronic version of the criteria for inspection of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities.

[PL 2023, c. 365, §22 (NEW).]

2. Access to premises. Notwithstanding any provision of law to the contrary, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility conducts activity authorized under this chapter, without notice during regular business hours or during hours of apparent activity, except that the department may not enter the dwelling unit of a registered caregiver if the registered caregiver is not present and may inspect the area of a dwelling unit only where activity authorized under this chapter occurs.

[PL 2023, c. 365, §22 (NEW).]

3. Complaints. If the department conducts an inspection in response to a complaint, the department shall provide the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility subject to the inspection a written statement of the substance of the complaint at the time of the inspection.

[PL 2023, c. 365, §22 (NEW).]

4. Contamination prevention. The department shall develop and post on the department's publicly accessible website guidance on how a person conducting inspections under this section can prevent contaminating the premises being inspected.

[PL 2023, c. 365, §22 (NEW).]

5. Notification of unauthorized conduct. If during an inspection the department finds evidence of a violation of this chapter or rules adopted pursuant to this chapter, the department shall, within one business day of the completion of the inspection, provide written notification of the identified violation to the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility. Notice under this subsection does not constitute final agency action.
[PL 2023, c. 365, §22 (NEW).]

6. Penalty. In addition to any other penalty authorized under this chapter, the registry identification card or registration certificate of a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility that refuses or willfully avoids 2 or more inspections under this section may be suspended or revoked pursuant to section 2430-I or the department may refuse to renew the registry identification card or registration certificate.
[PL 2023, c. 365, §22 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §22 (NEW).

§2430-L. Compliance check

Notwithstanding section 2430-K and in accordance with section 2430-C, subsection 6-A, the department, or an agent of the department, may enter the premises of a caregiver retail store or a dispensary to conduct a compliance check of the operation of the store or dispensary by attempting to purchase a nominal amount of cannabis for medical use. The department, or its agent, is not required to identify affiliation with the department. Evidence of a violation of this chapter or rules adopted pursuant to this chapter must be handled pursuant to section 2430-I. [PL 2023, c. 365, §23 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §23 (NEW).

§2430-M. Voluntary surrender and destruction

A registered caregiver, dispensary, cannabis testing facility or manufacturing facility may elect to voluntarily surrender cannabis plants, cannabis or cannabis products to the department for destruction under the following conditions. [PL 2023, c. 365, §24 (NEW).]

1. Request. A registered caregiver's, dispensary's, cannabis testing facility's or manufacturing facility's request to surrender cannabis plants, cannabis or cannabis products to the department for destruction must be made on a form made available by the department and must be signed by a person who certifies that the person is an authorized representative of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility.
[PL 2023, c. 365, §24 (NEW).]

2. Investigation or prosecution. The department may decline to accept cannabis plants, cannabis or cannabis products for destruction under this section if the department is aware of a pending investigation of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility submitting the request until such time as the department confirms with the appropriate criminal justice agency that the cannabis plants, cannabis or cannabis products are not part of an ongoing investigation or prosecution.
[PL 2023, c. 365, §24 (NEW).]

[PL 2023, c. 365, §24 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §24 (NEW).

§2430-N. Report to the Legislature

By February 15th each year, the department shall submit a report that does not disclose identifying information about qualifying patients, cardholders or medical providers to the joint standing committee of the Legislature having jurisdiction over medical cannabis matters that contains for the previous year unless otherwise indicated, at a minimum: [PL 2023, c. 365, §25 (NEW).]

1. Applications and renewals. The number of applications and renewals filed for registry identification cards and registration certificates;
[PL 2023, c. 365, §25 (NEW).]

2. Patients and caregivers. The number of qualifying patients and registered caregivers approved in each county;
[PL 2023, c. 365, §25 (NEW).]

3. Suspensions or revocations. The number of registry identification cards suspended or revoked;
[PL 2023, c. 365, §25 (NEW).]

4. Medical providers. The number of medical providers providing written certifications for qualifying patients;
[PL 2023, c. 365, §25 (NEW).]

5. Dispensaries, manufacturing facilities and testing facilities. The number of registered dispensaries, manufacturing facilities and cannabis testing facilities approved in each county;
[PL 2023, c. 365, §25 (NEW).]

6. Officers, directors and assistants. The number of officers, directors and assistants of registered caregivers and registered dispensaries, manufacturing facilities and cannabis testing facilities;
[PL 2023, c. 365, §25 (NEW).]

7. Medical Use of Cannabis Fund. The revenue and expenses of the Medical Use of Cannabis Fund established in section 2430; and
[PL 2023, c. 365, §25 (NEW).]

8. Sales tax revenue. The sales tax revenue from the sale of cannabis for medical use deposited into the General Fund for the current and prior fiscal years.
[PL 2023, c. 365, §25 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §25 (NEW).

SUBCHAPTER 1: GENERAL PROVISIONS

Short title

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Conduct not authorized

Conduct not prohibited

Administration and enforcement; rulemaking

Confidentiality

Local regulation of registrants

SUBCHAPTER 2: QUALIFYING PATIENTS AND MEDICAL PROVIDERS

QUALIFYING PATIENTS

Qualifying patients: authorized conduct

Authorized conduct for minor qualifying patients

Visiting qualifying patients: authorized conduct

Department maintained list

MEDICAL PROVIDER

SUBCHAPTER 3: REGISTRATION

Mandatory registration

Voluntary registration

Registry identification card: application and qualifications

Registry identification card: requirements for issuance

Registry identification card: issuance of single registry identification card to caregiver or dispensary assistant

Registry identification card: criminal history record check

Registry identification card: issuance or denial

Registry identification card: drug testing

Registration certificate: application and qualifications

Registration certificate: requirements for issuance

Registration certificate: issuance or denial

Registration certificate: LTC Facility

Registration certificate: caregiver retail store

Registration certificate: cannabis testing facility

Registration certificate: dispensary

Registration certificate: limitation on number of dispensaries registered

Registration certificate: manufacturer and person engaged in cannabis extraction using inherently hazardous substances

Fees: registry identification cards and registration certificates

Notification of change in status or loss of registry identification card of registration certification

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- Operating requirements: caregiver retail stores
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- Multiple authorization
- Colocation of facilities
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- Operating requirements: cannabis testing facility

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Requirements for protection

Evidence of lawful conduct

Immunity

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Admissibility or records

TBD

Collectives Prohibited

Calculation of Cannabis Weight

Construction

**SUBCHAPTER 1:
GENERAL PROVISIONS**

<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
§XXXX. Title	This chapter may be known and cited as "the Maine Medical Use of Cannabis Act.	§2421
§XXXX. Definitions	As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.	§2422
	Assistant.	sub-§1-D
	Cannabis concentrate.	sub-§4-S
	Cannabis extraction.	sub-§4-J
	Cannabis paraphernalia	sub-§17
	Cannabis plant.	sub-§4-K
	Cannabis product.	sub-§4-L
	Cannabis testing facility.	sub-§5-C
	Cannabis tincture.	sub-§4-U
	Cardholder.	sub-§1
	Caregiver.	sub-§8-A
	Caregiver retail store.	sub-§1-F
	Certified nurse practitioner.	sub-§1-B
	Child-resistant.	sub-§1-E
	Collective.	sub-§1-A
	Commissioner.	sub-§1-C
	Complete application.	sub-§1-G
	Cultivation area.	sub-§3
	Department.	sub-§2-A
	Disqualifying drug offense.	sub-§4
	Edible cannabis product.	sub-§3-B
	Harvested cannabis.	sub-§3-C
	Immature cannabis plant.	sub-§4-N
	Immature plant canopy.	sub-§4-T
	Inherently hazardous substance.	sub-§4-O

**SUBCHAPTER 1:
GENERAL PROVISIONS**

<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	Long-term care facility.	sub-§4-P
	Manufacture or manufacturing.	sub-§4-Q
	Manufacturing facility.	sub-§4-R
	Mature cannabis plant.	sub-§4-B
	Mature plant canopy.	sub-§7-B
	Medical provider.	sub-§4-C
	Medical use.	sub-§5
	Member of the family,	sub-§5-A
	Member of the same household.	sub-§5-B
	Nonflowering cannabis plant.	sub-§4-M
	Officer or director	sub-§6-B
	Physician.	sub-§7
	Physician assistant.	sub-§7-A
	Qualifying patient.	sub-§9
	Registered caregiver.	sub-§11
	Registered dispensary or dispensary.	sub-§6
	Registered patient.	sub-§12
	Registration certificate.	sub-§9-A
	Registry identification card.	sub-§13
	Renumeration.	sub-§9-B
	Resident of the State.	sub-§13-B
	Sample	sub-§14-A
	Seedling.	sub-§14-B
	Tamper-evident.	sub-§13-C
	Tamper-resistant paper.	sub-§13-A
	Telehealth services.	sub-§14-C
	Timely filed.	sub-§14-D

**SUBCHAPTER 1:
GENERAL PROVISIONS**

<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	Visiting qualifying patient.	sub-§15
	Written certification.	sub-§16
§XXXX. Conduct not authorized	<p>This chapter does not permit any person to:</p> <ul style="list-style-type: none"> A. Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; B. Except as provided in subsection 1-A, possess cannabis or otherwise engage in the medical use of cannabis: <ul style="list-style-type: none"> (1) In a school bus; (2) On the grounds of any preschool or primary or secondary school; or (3) In any correctional facility; C. Smoke cannabis: <ul style="list-style-type: none"> (1) On any form of public transportation; or (2) In any public place; D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of cannabis; E. Use or possess cannabis plants or harvested cannabis if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess cannabis under this chapter; or F. Sell, offer to sell or furnish any products containing tobacco, nicotine or synthetic nicotine to any person without first obtaining a retail tobacco license in accordance with chapter 262-A. 	sub-§2426, sub-§1
§XXXX. Conduct not prohibited	Notwithstanding chapter 262-A, a person may provide a caregiver or a registered dispensary with cannabis paraphernalia for purposes of a qualifying patient's medical use of cannabis in accordance with this chapter. A person may be in the presence or vicinity of the medical use of cannabis as allowed under this chapter.	§2423-C
§XXXX. Administration and Enforcement, Rulemaking	Administration and enforcement. The department shall administer and enforce this chapter and the rules adopted pursuant to this chapter.	§2422-A, sub-§1
	Rules. The department shall adopt rules as necessary to administer and enforce this chapter. Unless otherwise indicated, rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. These rules may include, but are not limited to, minimum oversight requirements for dispensaries and registered caregivers and minimum security requirements for dispensaries and registered caregivers operating retail stores.	§2422-A, sub-§2

SUBCHAPTER 1: GENERAL PROVISIONS		
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	<p>A. Before adopting or provisionally adopting rules pursuant to this section, the department shall consult with qualifying patients, caregivers, registered caregivers, registered dispensaries, cannabis testing facilities, manufacturing facilities and medical providers.</p> <p>B. Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the department in accordance with this section and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption is enacted into law.</p>	
	<p>Rulemaking. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing manufacturing facilities, including but not limited to:</p> <ul style="list-style-type: none"> A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility; B. Requirements for engaging in cannabis extraction using inherently hazardous substances; C. Manufacturing facility officer or director qualification requirements; D. Required security for manufacturing facilities; E. Requirements of a disposal plan for harvested cannabis used in the manufacturing process; and F. Minimum record-keeping requirements. <p>The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.</p>	§2423-F, sub-§10
§XXXX. Confidentiality	<p>Confidentiality. This subsection governs confidentiality.</p> <ul style="list-style-type: none"> A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information regarding their caregivers and medical providers, are confidential. B. Applications and supporting information submitted by caregivers and medical providers operating in compliance with this chapter are confidential. C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to 	§2425-A, sub-§12

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	<p>disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department.</p> <p>D. The department shall verify to law enforcement personnel whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.</p> <p>E. Upon request of a code enforcement officer or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized.</p> <p>F. Applications, supporting information and other information regarding a registered dispensary are not confidential, except that information that is contained within dispensary information that identifies a qualifying patient, a registered patient, a registered patient's medical provider or a caregiver of a qualifying patient or registered patient is confidential.</p> <p>G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered caregivers and registered patients' medical providers are confidential and may not be disclosed, except as provided in this subsection and as follows:</p> <ol style="list-style-type: none"> (1) To department employees who are responsible for carrying out this chapter; (2) Pursuant to court order or subpoena issued by a court; (3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age; (4) As permitted or required for the disclosure of health care information pursuant to section 1711-C; (5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and 	

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	<p>(6) To a registered patient's treating medical provider and to a registered patient's registered caregiver for the purpose of carrying out this chapter.</p> <p>H. This subsection does not prohibit a medical provider from notifying the department if the medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use cannabis for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the medical provider's certification of eligibility for use.</p> <p>I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified.</p> <p>K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to \$1,000 may be imposed. This paragraph does not apply to a medical provider or staff of a 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.</p> <p>L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36.</p> <p>M. A caregiver, dispensary, manufacturing facility or cannabis testing facility or an officer, director or assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility may not be required to disclose to a law enforcement officer information that could reasonably identify an individual person's identity without a warrant requiring the disclosure.</p> <p>N. A person who accompanies a patient to obtain cannabis plants or harvested cannabis may not be required to disclose to a law enforcement officer information that could reasonably identify an individual patient's identity without a warrant requiring the disclosure.</p>	
<p>§XXXX. Local Regulation of Registrants <i>why is only retail store "pursuant to"</i></p>	<p>Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, cannabis testing facilities and manufacturing facilities.</p>	<p>§2429-D</p>

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<p><i>new definition of "caregiver retail store" will allow retail sales absent local control</i></p>	<p>Prohibitions. A municipality may not:</p> <ol style="list-style-type: none"> 1. Registered caregivers. Prohibit or limit the number of registered caregivers; 2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or 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; or 3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities, as applicable, to operate within the municipality. 	<p>§2429-D</p>

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<p>§XXXX. Qualifying patient</p>		
<p>- QP under 18 must designate all 4 under sub-§E; - E applies to QP under 18 or agent of QP under 18?</p>	<p>Authorized conduct for qualifying patients. Except as provided in section 2426, a qualifying patient may:</p> <ul style="list-style-type: none"> A. Possess up to 8 pounds of harvested cannabis; B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature cannabis plants, 12 immature cannabis plants and unlimited seedlings for that qualifying patient. The total number of mature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own cannabis plants may share not more than 2 cultivation areas; C. Possess cannabis paraphernalia; D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of cannabis up to 2 1/2 ounces of harvested cannabis for no remuneration; E. Obtain or receive harvested cannabis for the patient's medical use without designating a caregiver or a registered dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable: <ul style="list-style-type: none"> (1) A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate cannabis plants for the patient; (2) A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested cannabis. A long-term care facility that is designated by a patient may not be designated to cultivate cannabis plants for the patient; (3) A person in order to have that person obtain harvested cannabis on behalf of the qualifying patient or transport the harvested cannabis to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the 	<p>§2423-A, sub-§1</p>

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	<p>person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and</p> <p>(4) A caregiver in order to have that caregiver possess and administer harvested cannabis for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.</p> <p>A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature cannabis plants and immature cannabis plants the caregiver is cultivating for the patient;</p> <p>F. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient;</p> <p>G. Be in the presence or vicinity of the medical use of cannabis and assist any qualifying patient with using or administering harvested cannabis;</p> <p>H. Accept cannabis plants or harvested cannabis from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary;</p> <p>I. Provide samples to a cannabis testing facility for testing and research purposes;</p> <p>J. Manufacture cannabis products and cannabis concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;</p> <p>K. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the qualifying patient provided to the manufacturing facility;</p>	

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	<p>L. Transport cannabis plants or harvested cannabis for a qualifying patient's medical use of cannabis in accordance with this chapter; and</p> <p>M. Use harvested cannabis in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested cannabis. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer</p>	
	<p>Cultivation. A qualifying patient who elects to cultivate cannabis plants must keep the plants in a cultivation area unless the plants are being transported pursuant to subsection 1, paragraph L. Access to a cultivation area is limited to the qualifying patient, except that emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the qualifying patient.</p>	§2423-A, sub-§3, ¶A
	<p>Long term care facility. A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of cannabis if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph (2).</p>	§2423-A, sub-§4
	<p>Use and storage in inpatient long-term care facility permitted. A qualifying patient who is a resident of a long-term care facility while in the facility may use forms of harvested cannabis consistent with the facility's policy. A qualifying patient who uses a form of harvested cannabis pursuant to this subsection may store the harvested cannabis in the qualifying patient's room and is not required to obtain a registry identification card or to designate the long-term care facility under subsection 1, paragraph F-1, subparagraph (2). A long-term care facility is not required to be designated by a qualifying patient who uses harvested cannabis pursuant to this subsection. This subsection does not limit the ability of a long-term care facility to prohibit or restrict the use or storage of harvested cannabis by a qualifying patient.</p>	§2423-A, sub-§4-A

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XXX. Visiting qualifying patient: authorized conduct	A visiting qualifying patient from another jurisdiction that authorizes the medical use of cannabis pursuant to a law recognized by the department who possesses a valid medical cannabis certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not: <ol style="list-style-type: none"> 1. Cultivate. Cultivate cannabis plants; 2. Possess. Possess more than 2 1/2 ounces of harvested cannabis in a 15-day period; or 3. Transfer or furnish. Transfer or furnish harvested cannabis to another person. 	§2423-D
XXXX. Department maintained list	The department shall maintain a list of other jurisdictions that authorize the medical use of cannabis and the images of the valid medical cannabis certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.	§2423-D, last ¶
§XXXX. Medical Provider	A medical provider may provide a written certification in accordance with this section for the medical use of cannabis under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis.	§2423-B, 1 st ¶
	Bona fide provider-patient relationship. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the patient's medical history. If a patient has not provided a medical provider who is not the patient's primary care provider with the name and contact information of the patient's primary care provider, a medical provider shall conduct an in-person consultation with the patient prior to providing a written certification.	§2423-B, sub-§2-C
	Adult qualifying patient. Prior to providing written certification for the medical use of cannabis under this section, a medical provider shall inform an adult qualifying patient or the patient's legal guardian or representative of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis.	§2423-B, sub-§1
	Minor qualifying patient. A medical provider who provides a written certification to a patient who has not attained 18 years of age shall:	§2423-B, sub-§2-A

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	<p>A. Prior to providing written certification, inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis; and</p> <p>E. Provide the parent, legal guardian or person having legal custody of the qualifying patient with a reliable method of communicating with the medical provider at all times, including when the medical provider's office is closed, regarding the proper dosage of and mitigation of any side effects caused by cannabis used by the qualifying patient for medical purposes.</p>	
	<p>Adult and minor patients with substance use disorder. Prior to providing written certification for the medical use of cannabis under this section for a medical diagnosis of substance use disorder that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis, the medical provider shall develop a recovery plan with the patient. For purposes of this subsection, "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by Title 5, chapter 521</p>	<p>§2423-B, sub-§2-B</p>
	<p>Expiration. A written certification form for the medical use of cannabis under this section is valid for the term provided by the qualifying patient's medical provider, which must be included in the written certification and which may not exceed one year.</p>	<p>§2423-B, sub-§3</p>
	<p>Form; content; digital image. A written certification under this section must be issued on tamper-resistant paper provided by the department in the form required by rule adopted by the department and may not require a qualifying patient's medical provider to state the patient's specific medical diagnosis. A medical provider may also provide to a qualifying patient a digital image of the patient's written certification document as long as the document portrayed in the digital image is identical to the document issued by the medical provider and the information contained in the document is legible in the digital image.</p>	<p>§2423-B, sub-§4</p>
	<p>Certification issued based on medical diagnosis. A medical provider may not condition the issuance of a written certification for the medical use of cannabis on any requirements other than that the patient's medical diagnosis may be alleviated by the therapeutic or palliative medical use of cannabis. Nothing in this section may be construed to prevent a medical provider from exercising professional judgment in declining to issue a certification for the medical use of cannabis.</p>	<p>§2423-B, sub-§6</p>
	<p>Patient referral disclosure of interest. Prior to providing a referral to a qualifying patient for goods and services associated with a certification for the medical use of cannabis to an entity in which the</p>	<p>§2423-B, sub-§7</p>

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	<p>medical provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.</p>	
	<p>Continuing medical education. A medical provider who has not previously provided a written certification to a qualifying patient for the medical use of cannabis shall, prior to providing a written certification to a qualifying patient, submit evidence, satisfactory to the department, of successful completion of a one-hour course of continuing medical education relating to medical cannabis within the preceding 24 months.</p>	<p>§2423-B, sub-§8</p>
	<p>Telehealth. A medical provider who provides written certifications for the medical use of cannabis under this section may use telehealth services to consult with a patient subject to the following conditions:</p> <ul style="list-style-type: none"> A. A medical provider using telehealth services to consult with a patient seeking a written certification for the medical use of cannabis under this section shall engage in a synchronous encounter with a patient before providing a written certification or renewal of a written certification; and B. A medical provider who provides written certifications for the medical use of cannabis and uses telehealth services to consult with patients shall operate within the standards of practice determined by the licensing board for that medical provider. 	<p>§2423-B, sub-§9</p>
	<p>Possible sanctions. Nothing in this chapter 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 the applicable standard of care for evaluating or treating medical diagnoses.</p>	<p>§2423-B, sub-§</p>
	<p>Rules. The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A as necessary to implement the requirements of this subsection.</p>	<p>§2423-B, sub-§2-A, last ¶</p>

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§XXXX. Mandatory registration	<p><u>The following individuals must obtain a registry identification card pursuant to this subchapter:</u></p> <ul style="list-style-type: none"> A. A caregiver, except as provided in section XX; B. An assistant of a dispensary or a caregiver C. An individual extracting cannabis using inherently hazardous substances; and D. An officer or director or assistant of a dispensary shall obtain a registry identification card in accordance with subsections 3, 4 and 5. 	<p>§2423-A, sub-§C, ¶B-1 §2425-A, sub-§2, partial sentence and</p>
	<p><u>The following entities must obtain a registration certificate pursuant to this subchapter:</u></p> <ul style="list-style-type: none"> A. A dispensary; <u>B. A manufacturing facility;</u> C. A long term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) <u>D. A cannabis testing facility; and</u> <p>This section governs registry identification cards and registration certificates, except that registration of cannabis testing facilities is governed by section 2423-A, subsection 10.</p> <ul style="list-style-type: none"> E. A person authorized to engage in cannabis extraction using inherently hazardous substances 	<p>§2425-A, sub-§2, partial sentence and <u>new</u></p> <hr/> <p>§2425-A, 1st ¶ §2423-F, sub-§8</p>
XXXX. Voluntary registration:	<p><u>The Registration under this section is voluntary for the following individuals caregivers are not required to register with the department:</u></p> <ul style="list-style-type: none"> A. A qualifying patient; B. A visiting qualifying patient; C. A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver; D. Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and E. A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. <p><u>If a caregiver exempt from registration under this section does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected.</u></p>	<p>§2423-A, sub-§3, ¶C §2425-A, sub-§1, partial</p>

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	<p>Registration under this section is voluntary for a qualifying patient, for a visiting qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C</p>	<p>2425-A, sub-§A partial</p>
	<p>Qualifying patient and visiting qualifying patient. Registration under this section is voluntary for a qualifying patient, for a visiting qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected.</p>	<p>§2425-A, sub-§1</p>
<p>XXXX. Registry identification card: Application and qualifications <i>should complete application be here and not in definitions?</i></p>	<p>The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection. The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.</p> <p>An application must include, as applicable:</p> <ul style="list-style-type: none"> A. The annual fee required pursuant to subsection 10; and B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the patient consents in writing to: <ul style="list-style-type: none"> (1) The qualifying patient's medical use of cannabis; (2) Serving as one of the qualifying patient's caregivers; and (3) Controlling the acquisition of the cannabis plants or harvested cannabis and the dosage and the frequency of the medical use of cannabis by the qualifying patient. 	<p>§2425-A, sub-§3</p>
<p>XXXX. Registry identification card: Requirements for issuance</p>	<p>The following provisions apply to the issuance of registry identification cards.</p> <ul style="list-style-type: none"> A. A registry identification card expires one year after the date of issuance, regardless of the person's employment status. The card must contain: <ul style="list-style-type: none"> (1) The name of the cardholder; 	<p>§2425-A, sub-§5</p>

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	<p>(2) The date of issuance and expiration date;</p> <p>(3) A random identification number that is unique to the cardholder;</p> <p>(4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate cannabis plants; and</p> <p>(5) A photograph of the cardholder, if required by the department.</p> <p>B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State.</p> <p>C. Registry identification cards issued to an officer or director of a registered dispensary must also contain:</p> <p>(1) The legal name of the registered dispensary with which the officer or director is affiliated;</p> <p>(2) The address and date of birth of the officer or director; and</p> <p>(3) A photograph of the officer or director if required by the department.</p> <p>C-1. Registry identification cards issued to an assistant of a registered caregiver or registered dispensary must also contain:</p> <p>(1) The address and date of birth of the assistant; and</p> <p>(2) A photograph of the assistant if required by the department.</p> <p>D. The registry identification card of an officer or director of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary.</p>	
<p>XXXX. Registry identification card: Issuance of single registry identification card to caregiver or dispensary assistant.</p>	<p>The department shall issue a single registry identification card pursuant to this section authorizing a person to be an assistant of one or more registered caregivers or registered dispensaries and who satisfies all applicable requirements under this section for issuance of a registry identification card. A single registry identification card issued to a person in accordance with this subsection authorizes the person to assist one or more registered caregivers or registered dispensaries in accordance with this chapter and may not associate the person with or restrict the person to assisting a specific caregiver or dispensary</p>	<p>§2425-A, sub-§5-A</p>

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<p>XXXX. Registry identification card: Criminal history record check</p>	<p>The department shall conduct a criminal history record check for any applicant for a registry identification card. The criminal history record check is valid for one year from the date it was conducted, regardless of the person's employment status.</p>	<p>§2425-A, sub-§3, partial</p>
<p><i>should any of this apply to all criminal history checks? As drafted it only applies to history checks for caregivers administering cannabis on school grounds</i></p>	<p>Criminal history record check for caregivers administering medical cannabis on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.</p> <p>The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.</p> <p>A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.</p> <p>B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.</p> <p>C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.</p> <p>D. 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, Sections 16.32 and 16.33. The subject of a state criminal history record</p>	<p>§2425-A, sub-§3-A</p>

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	<p>check may inspect and review the criminal history record information pursuant to Title 16, section 709.</p> <p>E. State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter.</p> <p>F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person.</p> <p>G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.</p> <p>The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p>	
<p>XXXX. Registry identification card: Issuance or denial. <i>very similar to provision re: certificates. Should they be combines</i></p>	<p>The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.</p> <p>A. Within 5 business days of approving a complete application, the department shall issue a registry identification card to the applicant.</p> <p>B. The department may deny an application for a card or for renewal of a card only if:</p> <ol style="list-style-type: none"> (1) The applicant did not provide the information required pursuant to subsection 3; (2) The department determines that the applicant does not qualify; or (3) The department determines that the information provided by the applicant was falsified. <p>C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card.</p> <p>An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.</p>	<p>§2425-A, sub-§4</p>

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	<p>In the case of a caregiver's application for renewal of a registry identification card, upon receipt of a timely filed, complete application submitted by the caregiver, the department shall provide the caregiver with a written statement acknowledging receipt of the application that authorizes the caregiver to continue operating under the caregiver's current card until the application is approved and a renewed card is issued by the department, the application is denied and the current card expires, 90 days elapse from the date of the written statement or the current card is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registry identification card within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registry identification card is deemed a valid registry identification card. If the department fails to issue or deny a valid registry identification card in response to a complete application for a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card is deemed a valid registry identification card.</p>	
<p>XXXX. Registry identification card: Drug testing.</p>	<p>The department may not require an assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identification card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or cannabis testing facility from requiring drug testing of its assistants as a condition of employment.</p>	<p>§2425-A, sub-§9</p>
<p>XXXX. Registration certificate. Application and qualifications</p>	<p>The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:</p> <ul style="list-style-type: none"> A. The annual fee required pursuant to subsection 10; B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and C. The name, address and date of birth of each officer or director of the applicant. 	<p>§2425-A, sub-§6</p>
<p>XXXX. Registration certificate: Requirements for issuance</p>	<p>A registration certificate expires one year after the date of issuance. The certificate must contain:</p> <ul style="list-style-type: none"> A. The name of the certificate holder; B. The date of issuance and expiration date of the registration certificate; C. A random identification number that is unique to the certificate holder; 	<p>§242-A, sub-§8</p>

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	<p>D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where cannabis plants will be cultivated; and</p> <p>E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate cannabis plants</p>	
<p>XXXX. Registration certificate. Issuance or denial</p>	<p>The department shall verify the information contained in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.</p> <p>A. Within 10 days of approving a complete application, the department shall issue a registration certificate to the applicant.</p> <p>B. The department may deny an application for a certificate or for renewal of a certificate only if:</p> <ol style="list-style-type: none"> (1) The applicant did not provide the information required pursuant to subsection 6; (2) The department determines that the applicant does not qualify; or (3) The department determines that the information provided by the applicant was falsified. <p>C. The department shall notify the applicant in writing of the reason for denying the registration certificate.</p> <p>An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.</p> <p>In the case of a registered dispensary's application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the dispensary, the department shall provide the dispensary with a written statement acknowledging receipt of the application that authorizes the dispensary to continue operating under the dispensary's current certificate until the application is approved and a renewed certificate is issued by the department, the application is denied and the current certificate expires, 90 days elapse from the date of the written statement or the current certificate is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registration certificate within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registration certificate is deemed a valid registration certificate.</p> <p>If the department fails to issue or deny a registration certificate in response to a complete application for a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration</p>	<p>§2425-A, sub-§7</p>

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	certificate is deemed granted and a copy of the application for a registration certificate is deemed a valid registration certificate.	
XXXX. LTC Facility	Long term care facility. If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate cannabis plants for the patient.	§2423-A, sub-§4, partial
§XXXX. Registration Certificate: Caregiver Retail Store		
§XXXX. Registration Certificate: Cannabis testing facility		
§XXXX. Registration Certificate: Dispensary		
§XXXX. Registration Certificate: Limitation on number of dispensaries registered	<p>This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.</p> <p>A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary.</p> <p>B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the</p>	§2428, sub-§11-A

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	<p>time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired.</p>	
<p>XXXX. Reorganization to for-profit status</p>	<p>Any of the 8 registered dispensaries that were issued registration certificates as of April 1, 2018 and that are operating as nonprofit entities may convert to a for-profit entity pursuant to this subsection. A registered dispensary established pursuant to subsection 11-A, paragraph A that was not issued a dispensary registration certificate before April 1, 2018 and operates as a nonprofit entity may not convert to a for-profit entity.</p> <p>A. A registered dispensary that is operating as a nonprofit entity may enter into any of the following transactions to reorganize the registered dispensary as a for-profit entity:</p> <ol style="list-style-type: none"> (1) A registered dispensary operating as a nonprofit entity may merge with and into a business corporation formed pursuant to Title 13-C; (2) A business corporation formed pursuant to the laws of this State may purchase substantially all of the assets of a registered dispensary operating as a nonprofit entity; and (3) Notwithstanding any provision of the law to the contrary in this Title, Title 13-B or Title 13-C, a registered dispensary operating as a nonprofit entity is entitled to convert into a domestic business corporation by adopting a plan of entity conversion in accordance with Title 13-C, section 953 that is approved by a vote of 2/3 of the members of the board of directors of the nonprofit entity at a meeting duly called for that purpose or by unanimous written consent. A plan of entity conversion adopted pursuant to this subparagraph must be signed and submitted to the Secretary of State on a form prescribed by the Secretary of State, must be executed and filed in the manner prescribed in Title 13-C, section 955 and is subject to Title 13-C, section 957. If the Secretary of State finds that such filings comply with this subparagraph, the Secretary of State shall accept the filings. <p>B. Notwithstanding Title 13-B, section 718, and notwithstanding any provision to the contrary in the articles of incorporation or the bylaws of a registered dispensary operating as a nonprofit</p>	<p>§2428, sub-§13</p>

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	<p>entity, there exists no conflict of interest nor violation of fiduciary duty for the directors of a registered dispensary operating as a nonprofit entity for the limited purposes of:</p> <ul style="list-style-type: none"> (1) Approving a transaction in order to reorganize pursuant to this section as set forth in paragraph A, subparagraph (1), (2) or (3); (2) Issuing any shares, membership interests or other securities, obligations, rights to acquire interests or other securities, cash or other property in order to reorganize pursuant to this section; or (3) Designating the directors or a business corporation in which the directors hold interests as members of a nonprofit entity that previously had no members in order to reorganize pursuant to this section. <p>C. The patients of a registered dispensary that is operating as a nonprofit entity may not be deemed members entitled to vote under Title 13-B, section 604, nor may such patients be deemed members for purposes of a merger, purchase or conversion reorganization transaction pursuant to this subsection.</p> <p>D. If a registered dispensary reorganizes as a for-profit entity pursuant to this section and subsequently sells or transfers its interest in the reorganized registered dispensary, the registered dispensary or the dispensary's successor in interest, shall pay to the Medical Use of Cannabis Fund established under section 2430 a percentage of the value of the sale or transfer of interest, as determined by an independent appraisal at the time of the sale or transfer of interest, in accordance with this paragraph:</p> <ul style="list-style-type: none"> (1) If the sale or transfer of interest is completed in the first year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 10% of the value of the sale or transfer of interest; (2) If the sale or transfer of interest is completed in the 2nd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 7.5% of the value of the sale or transfer of interest; (3) If the sale or transfer of interest is completed in the 3rd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 5% of the value of the sale or transfer of interest, and 	

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	<p>(4) If the sale or transfer of interest is completed in the 4th year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 2.5% of the value of the sale or transfer of interest.</p> <p>The cost of an appraisal required under this paragraph must be paid from the Medical Use of Cannabis Fund.</p> <p>F. A registered dispensary subject to paragraph D shall provide to the Attorney General the independent appraisal required in paragraph D.</p> <p>G. Except as provided in paragraph F, a transaction pursuant to this subsection does not require any approval or notice under the provisions of Title 5, chapter 9.</p> <p>H. The registration status of a registered dispensary that has completed a reorganization transaction pursuant to this subsection is governed by subsection 11-A, paragraph B.</p>	
<p>§XXXX. Registration Certificate: Manufacturer & person authorized to engage in cannabis extraction using inherently hazardous substances</p>	<p>This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.</p> <p>A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in cannabis extraction within 30 days to the facility or person if the facility or person provides:</p> <ol style="list-style-type: none"> (1) The annual fee required pursuant to section 2425-A, subsection 10; (2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State; (3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and (4) The name, address and date of birth of each officer or director of the facility or person. <p>B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry</p>	<p>§2423-F, sub-§8</p>

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	<p>identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:</p> <ol style="list-style-type: none"> (1) The name of the cardholder; (2) The date of issuance and expiration date of the registry identification card; and (3) A random identification number that is unique to the cardholder. <p>The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.</p> <p>If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances in writing of the reason for denying the registry identification card.</p>	
<p>XXXX. Fees: Registry Identification Cards and Registration Certificates:</p>	<p>10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The application and renewal fees must generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department may accept donations from private sources to offset the expenses of implementing and administering this chapter and shall, if those donations are received, reduce application and renewal fees accordingly. The fees and donations must be credited to the Medical Use of Cannabis Fund pursuant to section 2430. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p> <p>A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C.</p> <p>A-1. There is no annual registration fee for a caregiver who does not cultivate cannabis plants for a qualifying patient.</p> <p>C. There is an annual registration fee for a caregiver who cultivates cannabis plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.</p> <ol style="list-style-type: none"> (1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature cannabis plants cultivated by the caregiver. 	<p>§2425-A, sub-§10</p>

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	<p>The caregiver shall notify the department of the number of cannabis plants the caregiver cultivates.</p> <p>(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total mature plant canopy of 500 square feet or less</p> <p>D. There is an annual registration fee for a dispensary, which may not be less than \$5,000 or more than \$12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates cannabis plants, which may not be less than \$3,000 or more than \$4,000.</p> <p>E. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than \$50 or more than \$150.</p> <p>F. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than \$150 or more than \$250.</p> <p>G. There is an annual registration fee to engage in cannabis extraction under section 2423-F, subsection 3, which may not be less than \$250 or more than \$350.</p> <p>H. There is an annual registration fee for a cannabis testing facility, which may not be less than \$250 or more than \$1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1.</p> <p>I. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than \$20 or more than \$50.</p> <p>J. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a card that contains information that is no longer accurate, which may not be less than \$10 or more than \$20. Replacement of a registry identification card does not extend the expiration date.</p> <p>J. There is an annual fee for a criminal history record check for a caregiver or an officer or director or assistant of a registered dispensary, cannabis testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the registered dispensary, cannabis testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, cannabis testing facility or manufacturing facility.</p>	
<p>XXX. Notification of change in status or loss of registry identification card or registration certificate.</p>	<p>This subsection governs notification of a change in status or the loss of a registry identification card or registration certificate.</p> <p>A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10,</p>	<p>§2425-A, sub-§11</p>

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	<p>paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card.</p> <p>B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than \$150 may be adjudged.</p> <p>C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or cannabis testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or cannabis testing facility.</p> <p>D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates cannabis plants.</p>	

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§XXXX. General.		
	<p>§2430-J. Electronic portal; recording keeping; reporting. The department shall develop, implement and maintain a statewide electronic portal through which registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities may submit to the department the records required pursuant to this chapter. The department may not require records submitted through the portal to contain information identifying qualifying patients</p>	§2430-J, 1 st P
	<p>Required records. A registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility shall:</p> <p>A. Keep a record of all transfers of cannabis plants and harvested cannabis;</p> <p>B. Keep the books and records for a period of 4 years; and</p>	§2430-J, sub-§1

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	C. Make the books and records maintained under this subsection available for inspection by the department upon the department's request.	
<i>redundant, except for extraction</i>	Record keeping. A registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-G.	§2423-F, sub-§12
<i>CONFLICT – FIX LANGUAGE</i>	(CONFLICT: Text as repealed by PL 2023, c. 365, §18) (CONFLICT: Text as amended by PL 2023, c. 405, Pt. A, §58) Keep the books and records maintained by the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility for a period of 4 years; and	§2430-G
§XXXX. Caregivers exempt from registration.		
	Authorized activity. A caregiver operating under paragraph C not required to register pursuant to section XXX may engage in the conduct authorized in section XXXX.	§2423-A, sub-§3, ¶C-1, 1 st sentence
	Prohibited activity. A caregiver operating under paragraph C not required to register pursuant to section XXX may not: (1) Cultivate cannabis plants for more than 2 members of the family or members of the same household; (2) Cultivate more than 6 mature cannabis plants and 12 immature cannabis plants for each qualifying patient who has designated the caregiver to cultivate cannabis plants on the patient's behalf; (3) Possess more than 8 pounds of harvested cannabis; (4) Sell cannabis plants or harvested cannabis at wholesale under subsection 2, paragraph K-1; (5) Use a pesticide under subsection 2, paragraph J; (6) Operate a caregiver retail store under subsection 2, paragraph P; or (7) Organize as a business entity under subsection 2, paragraph Q.	§2423-A, sub-§3, ¶C-1
§XXXX. Registered Caregivers <i>add "registered" before caregiver through this section</i>		

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	<p>2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:</p>	<p>§2423-A, sub-§2, 1st ¶</p>
	<p>Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B;</p>	<p>§2423-A, sub-§2, ¶A</p>
	<p>Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period;</p>	<p>§2423-A, sub-§2, ¶A-1</p>
	<p>Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy;</p>	<p>§2423-A, sub-§2, ¶</p>
	<p>Assist a qualifying patient with the patient's medical use of cannabis;</p>	<p>§2423-A, sub-§2, ¶C-1</p>
	<p>Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis;</p>	<p>§2423-A, sub-§2, ¶E</p>
	<p>Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis;</p>	<p>§2423-A, sub-§2, ¶F</p>
	<p>Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;</p>	<p>§2423-A, sub-§2, ¶G</p>
	<p>Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver;</p>	<p>§2423-A, sub-§2, ¶I</p>
	<p><i>Revisor's Note:</i> (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J) <i>Revisor's Note:</i> (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)</p>	

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	Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver;	§2423-A, sub-§2, ¶I-1
	(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Use a pesticide in the cultivation of cannabis plants if the pesticide 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 cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver 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;	§2423-A, sub-§2, ¶J
	(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I) Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration;	§2423-A, sub-§2, ¶K
	Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;	§2423-A, sub-§2, ¶K-1
	Provide samples to a cannabis testing facility for testing and research purposes;	§2423-A, sub-§2, ¶L

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	Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only;	§2423-A, sub-§2, ¶M
	Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the caregiver provided to the manufacturing facility;	§2423-A, sub-§2, ¶N
	Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter;	§2423-A, sub-§2, ¶O
	Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter;	§2423-A, sub-§2, ¶P
	Be organized as any type of legal business entity recognized under the laws of the State; and	§2423-A, sub-§2, ¶Q
	Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient, caregiver or registered dispensary for a qualifying patient's medical use of cannabis.	§2423-A, sub-§2, ¶S
	<u>Cultivation. A registered caregiver may cultivate cannabis plants for a patient's medical use under the following conditions:</u>	new lead-in sentence
	<u>A caregiver cultivating cannabis plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O.</u>	§2423-A, sub-§3, ¶B
	<u>The caregiver shall ensure that the mature cannabis plants, immature cannabis plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants and seedlings may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.</u>	§2423-A, sub-§3, ¶B, sub-¶1
	<u>Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver.</u>	§2423-A, sub-§3, ¶B, sub-¶2

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	Two caregivers who are members of the same family or household may share not more than 2 cultivation areas.	§2423-A, sub-§3, ¶D
	A person who is authorized to cultivate cannabis plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own cannabis plants in a cultivation area of the caregiver who employs that person.	§2423-A, sub-§3, ¶E
	<p>School exceptions. Notwithstanding subsection 1, paragraph B, a caregiver designated pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient, possess and administer harvested cannabis in a school bus and on the grounds of the preschool or primary or secondary school in which the qualifying patient is enrolled only if:</p> <ul style="list-style-type: none"> A. A medical provider has provided the qualifying patient with a current written certification for the medical use of cannabis under this chapter; B. Possession of harvested cannabis is for the purpose of administering cannabis to the qualifying patient; and C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested cannabis to the qualifying patient. <p>Harvested cannabis possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.</p>	§2426, sub-§1-A
§XXXX. Retail Stores		

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
§XXXX. Cannabis Delivery Services		sub-§
§XXXX. Registered Dispensaries		sub-§
	<p>Registered dispensary requirements. This subsection governs the operations of registered dispensaries.</p> <p>B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school.</p> <p>E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing cannabis plants and harvested cannabis and the theft of cannabis plants and harvested cannabis at the dispensary and the one permitted additional location at which the dispensary cultivates cannabis plants for medical use by qualifying patients.</p> <p>F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section.</p> <p>H. All officers or directors of a dispensary must be residents of this State.</p> <p>I. All cultivation of cannabis plants must take place in a cultivation area unless the cannabis plants are being transported pursuant to subsection 1-A, paragraph L.</p> <p>(1) The dispensary shall ensure that the mature cannabis plants and immature cannabis plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department. The dispensary may not maintain more than one cultivation area.</p> <p>(2) Access to cultivation areas is limited to a cardholder who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a</p>	§2428, sub-§6

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	<p>cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary.</p> <p>K. A dispensary shall display the dispensary's registration certificate issued under section 2425-A in a publicly visible location in the dispensary.</p>	
	<p>Provisions pertaining to registered dispensary. For the purpose of assisting a qualifying patient, a registered dispensary may in accordance with rules adopted by the department:</p> <p>A. Dispense up to 2 1/2 ounces of harvested cannabis to the qualifying patient in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period;</p> <p>B. Cultivate cannabis plants and possess all harvested cannabis from those cannabis plants;</p> <p>C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating cannabis plants for the qualifying patient;</p> <p>D. Assist the qualifying patient with the medical use or administration of harvested cannabis;</p> <p>E. Obtain harvested cannabis from a caregiver under section 2423-A, subsection 2, paragraph K;</p> <p>F. Except as provided in section 2426:</p> <p>(1) Transfer cannabis plants and harvested cannabis to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;</p> <p>(2) Transfer cannabis plants and harvested cannabis to a qualifying patient, caregiver or dispensary for no remuneration;</p> <p>(3) Acquire cannabis plants and harvested cannabis from another dispensary for no remuneration;</p> <p>(4) Transfer to and accept from a registered caregiver or another dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the dispensary over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A dispensary that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction</p>	<p>§2428, sub-§1-A</p>

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	<p>under this subparagraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;</p> <p>(5) Transfer harvested cannabis to a manufacturing facility and accept cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the dispensary provided to the manufacturing facility; and</p> <p>(6) Provide samples to a cannabis testing facility for testing and research purposes;</p> <p>G. Conduct cannabis testing at the request of anyone authorized to possess cannabis plants or harvested cannabis under this chapter for research and development purposes only;</p> <p>H. Manufacture cannabis products for medical use, except that a dispensary may not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to section 2167;</p> <p>I. Manufacture cannabis concentrate for medical use, except that a dispensary may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;</p> <p>J. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that is produced from the harvested cannabis the registered dispensary provided to the manufacturing facility;</p> <p>K. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary;</p> <p>L. Transport cannabis plants and harvested cannabis as necessary to carry out the activities authorized under this section; and</p> <p>M. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient or to a caregiver for a qualifying patient's medical use of cannabis</p>	
	<p>Maximum amount of cannabis to be dispensed. A dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis in one transaction to a qualifying patient or to a caregiver on behalf of a qualifying patient, except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period.</p>	<p>§2428, sub-§7</p>
	<p>Prohibitions. The prohibitions in this subsection apply to a registered dispensary.</p> <p>B. A dispensary may not dispense, deliver or otherwise transfer cannabis plants or harvested cannabis except as provided in this chapter.</p>	<p>§2428, sub-§9</p>

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	<p>D. A person who has been convicted of a disqualifying drug offense may not be an officer or director or assistant of a dispensary.</p> <p>(1) A person who is an officer or director or assistant of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.</p> <p>(2) A person who is an officer or director or assistant of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph commits a Class D crime.</p> <p>F. A dispensary may not contract for the cultivation of seeds of a cannabis plant, seedlings or immature cannabis plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4).</p> <p>G. A registered dispensary may not use a pesticide on cannabis 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 cannabis 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</p>	
§XXXX. Cultivation		sub-§
§XXXX. Registered Manufacturing Facility	A person may not manufacture cannabis products or cannabis concentrate or engage in cannabis extraction except as provided in this chapter.	§2423-F

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	<p>1. Tier 1 manufacturing facility. A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested cannabis.</p> <p>2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested cannabis.</p>	§2423-F, sub-§1 & 2
	<p>Authorized conduct; manufacturing facilities. A registered manufacturing facility:</p> <ul style="list-style-type: none"> A. May manufacture cannabis products and cannabis concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture cannabis concentrate using inherently hazardous substances if authorized under subsection 3; B. May obtain harvested cannabis from a qualifying patient, a caregiver or a registered dispensary and may transfer cannabis products and cannabis concentrate to the person that provided the harvested cannabis used to manufacture the cannabis product or cannabis concentrate; C. May transfer samples to a cannabis testing facility for testing; D. May conduct testing of cannabis products or cannabis concentrate manufactured by the facility for research and development purposes; E. May receive reasonable compensation for manufacturing cannabis products or cannabis concentrate; F. Shall dispose of harvested cannabis used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the facility and in accordance with rules adopted by the department; and G. May hire any number of assistants who are 21 years of age or older to assist in performing the duties of the manufacturing facility. 	§2423-F, sub-§4
	<p>Prohibited conduct.</p> <p>6. Retail sale prohibited. A registered manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of cannabis products or cannabis concentrate unless the person is authorized to engage in retail sales under this chapter.</p>	§2423-F, sub-§6 and sub-§7. partial

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	<p>7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person authorized to produce cannabis concentrate using inherently hazardous substances may not manufacture edible cannabis products or cannabis tinctures unless licensed pursuant to section 2167.</p>	
	<p>Multiple authorizations. A manufacturing facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A manufacturing facility or person authorized to possess cannabis under this chapter may possess the amount allowed for that manufacturing facility or person in addition to the possession amount allowed under this section if the manufacturing facility or person is registered pursuant to this section. The cannabis possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.</p>	§2423-F, sub-§11
	<p>Colocation of facilities. A manufacturing facility that is also licensed as an adult use cannabis products manufacturing facility under Title 28-B, chapter 1 may manufacture cannabis products and cannabis concentrate for adult use within the same facility in which the licensee also manufactures cannabis products or cannabis concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:</p> <ul style="list-style-type: none"> A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1; B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested cannabis and the storage areas for those supplies or products; and C. General office space, bathrooms, entryways and walkways. 	§2423-F, sub-§13
<p>§XXXX. Extraction Using Inherently hazardous substances</p>	<p>3. Authorization for extraction using inherently hazardous substances. This subsection governs the authority of a person to engage in cannabis extraction using inherently hazardous substances in accordance with subsection 5.</p> <ul style="list-style-type: none"> A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in cannabis extraction using inherently hazardous substances if the person can produce, upon demand of the department: <ul style="list-style-type: none"> (1) Certification from a professional engineer licensed in this State of the safety of the equipment used for cannabis extraction and the location of the equipment and the 	§2423-F, sub-§3

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	<p>professional engineer's approval of the standard operating procedures for the cannabis extraction;</p> <p>(2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for cannabis 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 cannabis extraction facilities;</p> <p>(3) Documentation from the manufacturer of the cannabis 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 cannabis concentrate is used by the person; and</p> <p>(4) Evidence that the person has provided notice to the department of the person's intent to engage in cannabis extraction using inherently hazardous substances and the location where the cannabis extraction will occur prior to engaging in cannabis extraction using inherently hazardous substances.</p> <p>A person that intends to engage in cannabis extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in cannabis extraction using inherently hazardous substances. The department may deny an application of a person authorized under this paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph.</p> <p>B. A person that is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in cannabis extraction using inherently hazardous substances and may possess up to 40 pounds of harvested cannabis in accordance with subsection 5.</p>	
	<p>5. Authorized conduct; extraction using inherently hazardous substances. A person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3:</p> <p>A. May engage in cannabis extraction to produce cannabis concentrate for medical use;</p>	<p>§2423-F, sub-§5</p>

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	<p>B. May obtain harvested cannabis from a qualifying patient, a caregiver or a dispensary and may transfer cannabis concentrate to the person that provided the harvested cannabis used to produce the cannabis concentrate;</p> <p>C. May transfer samples to a cannabis testing facility for testing;</p> <p>D. May conduct testing of cannabis concentrate produced by the person for research and development purposes;</p> <p>E. May receive reasonable compensation for producing cannabis concentrate;</p> <p>F. Shall dispose of harvested cannabis used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the person and in accordance with rules adopted by the department; and</p> <p>G. May hire any number of assistants who are 21 years of age or older to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant.</p> <p>Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.</p>	
	<p>Prohibited conduct.</p> <p>6. Retail sale prohibited. A registered manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of cannabis products or cannabis concentrate unless the person is authorized to engage in retail sales under this chapter.</p> <p>7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person authorized to produce cannabis concentrate using inherently hazardous substances may not manufacture edible cannabis products or cannabis tinctures unless licensed pursuant to section 2167.</p>	§2423-F, sub-§6 and sub-§7. partial
§XXXX. Cannabis testing facility	The following provisions apply to a cannabis testing facility.	§2423-A, sub-§10 §2423-A, sub-§12
	A cannabis testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant	§2423-A, sub-§10, ¶A

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	regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.	
	An assistant of a cannabis testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. An assistant of a cannabis testing facility must be 21 years of age or older.	§2423-A, sub-§10, ¶B
	<p>A cannabis testing facility shall:</p> <ol style="list-style-type: none"> (1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility; (2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss; (3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only"; (4) Maintain testing results as part of the facility's business books and records; and (5) Operate in accordance with any rules adopted by the department. 	§2423-A, sub-§10, ¶C
	<p>The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing cannabis testing facilities, including but not limited to:</p> <ol style="list-style-type: none"> (1) Cannabis testing facility officer or director qualification requirements; (2) Required security for cannabis testing facilities; and (3) Requirements for the registration, certification or other approval of cannabis testing facilities. <p>The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter.</p>	§2423-A, sub-§10, ¶D
	<p>Upon the adoption of rules pursuant to paragraph D and this paragraph, a cannabis testing facility must be certified by the certification program established pursuant to section 569 as meeting all operational and technical requirements in accordance with rules adopted by the department after consultation with the Maine Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A cannabis testing facility operating in compliance with this chapter on the date of the adoption of rules pursuant to this paragraph and paragraph D may</p>	§2423-A, sub-§10, ¶D-1

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	continue to operate pending completion of certification under this paragraph. The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter.	
	<p>(CONFLICT: Text as repealed and replaced by PL 2023, c. 365, §2) A cannabis testing facility must be accredited pursuant to the standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body and shall produce documentation of accreditation to the department or a municipal code enforcement officer, upon demand.</p> <p>(CONFLICT: Text as repealed and replaced by PL 2023, c. 405, Pt. A, §57) A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.</p>	§2423-A, sub-§10, ¶E
<i>redundant with §2430-K</i>	The department and the Maine Center for Disease Control and Prevention may inspect a cannabis testing facility during regular business hours and hours of apparent activity for compliance with this chapter.	§2423-A, sub-§10, ¶F
<i>repeat in other sections?</i>	Interest. A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a cannabis testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.	§2423-A, sub-§12

**SUBCHAPTER 5:
HEALTH AND SAFETY**

<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
§XXXX. Edibles	<p>In addition to all other applicable provisions of this chapter, edible cannabis products to be sold or offered for sale in a retail transaction in accordance with this chapter:</p> <ol style="list-style-type: none"> 1. Cannabinoid content. Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content; 2. Cannabis content. Must be manufactured in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate; 3. Shape. May not be manufactured in the distinct shape of a human, animal or fruit; 4. Additives. May not contain additives that are: <ol style="list-style-type: none"> A. Toxic or harmful to human beings; or B. Specifically designed to make the product appeal particularly to a person under 21 years of age; and 5. Addition to trademarked food or drink. May not involve the addition of harvested cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product. 	§2429-C.
§XXXX. Tracking & Testing		sub-§
§XXXX. Packaging & Labeling		sub-§
	<p>Required label. A registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported pursuant to this chapter with a label that identifies:</p> <ol style="list-style-type: none"> A. The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number; 	§2430-J, sub-§2

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	<p>B. The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;</p> <p>C. A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;</p> <p>D. The time and date of the transfer; and</p> <p>E. The destination of the cannabis plants or harvested cannabis.</p> <p>The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p>	
	<p>Labels. If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested cannabis provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested cannabis, the label must be verified by a cannabis testing facility. This subsection does not apply if there is no cannabis testing facility operating in accordance with section 2423-A, subsection 10.</p>	<p>§2429-A, sub-§3</p>
	<p>Educational materials. A person that provides harvested cannabis to a qualifying patient shall make educational materials about the use of harvested cannabis available in printed or electronic form to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly</p>	<p>§2429-A, sub-§4</p>
	<p>Packaging requirements. As applicable based on the form of the item sold, harvested cannabis sold in a retail transaction under this chapter must be:</p> <p>A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient;</p> <p>B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient;</p> <p>C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; and</p> <p>D. In conformity with all other applicable requirements and restrictions imposed by rule by the department.</p>	<p>§2429-A, sub-§1</p>

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	Any package required under this subsection that contains edible cannabis products must include a signifier that the package contains harvested cannabis.	
	<p>Packaging prohibitions. Harvested cannabis sold in a retail transaction under this chapter may not be:</p> <ul style="list-style-type: none"> A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested cannabis was a trademarked product; B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age; C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department. 	§2429-A, sub-§2
	<p>Packaging and labeling requirements. A manufacturing facility shall package and label its cannabis products and cannabis concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:</p> <ul style="list-style-type: none"> A. The registry identification number of the manufacturing facility; B. Information that allows the provider of the cannabis to the manufacturing facility to confirm that the cannabis provided was used to manufacture the cannabis product or cannabis concentrate transferred back to that provider; C. Ingredients other than material derived from cannabis plants contained in the cannabis product or cannabis concentrate; and D. Any chemicals, solvents or other substances used to manufacture the cannabis product or cannabis concentrate 	§2423-F, sub-§9
§XXXX. Signs, Advertising & Marketing		
	<p>1. Prohibitions. Signs, advertising and marketing used by or on behalf of a registered caregiver or registered dispensary may not:</p> <ul style="list-style-type: none"> A. Be misleading, deceptive or false; 	§2429-B, sub-§1

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<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
	<p>B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age;</p> <p>C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or registered dispensary at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies;</p> <p>D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or</p> <p>E. Market to any person authorized to possess cannabis plants or harvested cannabis under this chapter and specifically to any adult use or recreational cannabis market within the same sign, advertisement or marketing material.</p>	
	<p>2. Rules. The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:</p> <p>A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested cannabis;</p> <p>B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites;</p> <p>C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and</p> <p>D. A prohibition on advertising or marketing directed toward location-based devices unless such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older.</p>	<p>§2429-B, sub-§2</p>

**SUBCHAPTER 6:
INSPECTION,
COMPLIANCE,
PENALTIES**

<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
§XXXX. Inspections	<p>Inspections; limitation The department may conduct inspections of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities in accordance with this section and rules adopted pursuant to this chapter. The department may not conduct an inspection of a qualifying patient or caregiver operating under section 2423-A, subsection 3, paragraph C.</p> <p>1. Criteria. The department shall maintain a publicly accessible electronic version of the criteria for inspection of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities.</p> <p>2. Access to premises. Notwithstanding any provision of law to the contrary, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility conducts activity authorized under this chapter, without notice during regular business hours or during hours of apparent activity, except that the department may not enter the dwelling unit of a registered caregiver if the registered caregiver is not present and may inspect the area of a dwelling unit only where activity authorized under this chapter occurs.</p> <p>3. Complaints. If the department conducts an inspection in response to a complaint, the department shall provide the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility subject to the inspection a written statement of the substance of the complaint at the time of the inspection.</p> <p>4. Contamination prevention. The department shall develop and post on the department's publicly accessible website guidance on how a person conducting inspections under this section can prevent contaminating the premises being inspected.</p> <p>5. Notification of unauthorized conduct. If during an inspection the department finds evidence of a violation of this chapter or rules adopted pursuant to this chapter, the department shall, within one business day of the completion of the inspection, provide written notification of the identified violation to the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility. Notice under this subsection does not constitute final agency action.</p> <p>6. Penalty. In addition to any other penalty authorized under this chapter, the registry identification card or registration certificate of a registered caregiver, registered dispensary, cannabis testing facility</p>	§2430-K

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	or manufacturing facility that refuses or willfully avoids 2 or more inspections under this section may be suspended or revoked pursuant to section 2430-I or the department may refuse to renew the registry identification card or registration certificate.	
	Compliance check Notwithstanding section 2430-K and in accordance with section 2430-C, subsection 6-A, the department, or an agent of the department, may enter the premises of a caregiver retail store or a dispensary to conduct a compliance check of the operation of the store or dispensary by attempting to purchase a nominal amount of cannabis for medical use. The department, or its agent, is not required to identify affiliation with the department. Evidence of a violation of this chapter or rules adopted pursuant to this chapter must be handled pursuant to section 2430-I.	§2430-L
§XXXX. Registration Violations		sub-§
§XXXX. Suspension, Revocation, Administrative Penalties, Forfeiture and Surrender		§2430-I

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<ul style="list-style-type: none"> - should these be in definitions section - what about "violation"? it is used elsewhere 	<p>1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>A. "Covered entity" means a registered caregiver, registered dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.</p> <p>B. "Covered entity agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, registered dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.</p> <p>C. "Major registration violation" means an intentional, willful or reckless violation or a repeat pattern of minor registration violations.</p> <p>D. "Major registration violation affecting public safety" means a major registration violation that jeopardizes public safety.</p> <p>E. "Minor registration violation" means a knowing or negligent violation.</p> <p>F. "Violation" means a violation of a provision of this chapter, rules adopted pursuant to this chapter or terms or conditions of a registry identification card or registration certificate issued under this chapter.</p>	<p>§2430-I, sub-§1</p>
	<p>Suspension or revocation. The department may suspend or revoke a registry identification card or registration certificate for violation of this chapter and the rules adopted under this chapter for a period not to exceed one year. Until the suspension or revocation period ends, the person is ineligible for reauthorization under this chapter.</p>	<p>§2430-I, sub-§8</p>
	<p>Penalties. The department, in accordance with this section, on its own initiative or on complaint and after investigation, may, by written order:</p> <p>A. Impose an administrative penalty in accordance with this section for a violation. Penalties collected pursuant to this paragraph must be credited to the Medical Use of Cannabis Fund established under section 2430;</p> <p>B. Seize and destroy cannabis or cannabis products under subsection 5; and</p> <p>C. Suspend or revoke a registry identification card or registration certificate issued under this chapter for a violation.</p>	<p>§2430-I, sub-§2</p>

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	<p>Administrative penalties, generally. The department may impose administrative penalties for a violation of this chapter or rules adopted under this chapter as follows:</p> <ul style="list-style-type: none"> A. For a registered caregiver who does not operate a retail store and a covered entity agent: <ul style="list-style-type: none"> (1) Not more than \$200 for each minor registration violation; (2) Not more than \$600 for each major registration violation; or (3) Not more than \$1,500 for each major registration violation affecting public safety; and B. For a covered entity, except a registered caregiver who does not operate a retail store: <ul style="list-style-type: none"> (1) Not more than \$1,000 for each minor registration violation; (2) Not more than \$3,000 for each major registration violation; or (3) Not more than \$7,500 for each major registration violation affecting public safety. 	<p>§2430-I, sub-§3</p>
	<p>Administrative penalty for sale or transfer to nonpatient. The department shall notify a covered entity within one business day after the department discovers that a covered entity or covered entity agent sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter. Both the covered entity and covered entity agent that sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use may be held responsible as follows.</p> <ul style="list-style-type: none"> A. The first time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a minor registration violation. B. The 2nd time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a major registration violation. C. The 3rd time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter and for any subsequent violations of this subsection thereafter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not 	<p>§2430-I, sub-§4</p>

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	<p>authorized to possess cannabis for medical use may be subject to suspension or revocation of the covered entity's or covered entity agent's registry identification card or registration certificate or an administrative penalty for a major registration violation.</p> <p>A covered entity is subject to the penalties in this section whether the covered entity violated this subsection or the covered entity agent violated this subsection. Violations of this section by a covered entity are cumulative whether the same or a different covered entity agent violated this subsection.</p>	
	<p>Forfeit and destruction under final order. This subsection governs the forfeiture and destruction of cannabis plants, cannabis or cannabis products when a final order is issued.</p> <p>A. If the department issues a final order imposing an administrative penalty under this section, the department may require, in the final order, that all or a portion of the cannabis plants, cannabis or cannabis products in the possession of the covered entity subject to the final order be destroyed.</p> <p>B. The covered entity subject to the final order shall forfeit the cannabis plants, cannabis or cannabis products to the department or destroy the cannabis plants, cannabis and cannabis products at the time and place and in the manner required by the department in writing.</p>	§2430-I, sub-§5
	<p>Destruction prohibition. If the department is notified by a criminal justice agency that there is a pending investigation of a covered entity subject to a final order under this section, the department may not destroy, or allow the covered entity to destroy, any cannabis plants, cannabis or cannabis products of that covered entity until the destruction is approved by the criminal justice agency.</p>	§2430-I, sub-§6
	<p>Form of payment. The department shall accept payment of an administrative penalty imposed under this section in the form of cash or a certified check or cashier's check payable to the department.</p>	§2430-I, sub-§7
<i>should this be elsewhere?</i>	<p>Maine Administrative Procedure Act; final agency action. Except as otherwise provided in this chapter, the suspension or revocation of a registry identification card or registration certificate and the imposition of an administrative penalty by the department is governed by Title 5, chapter 375, subchapter 4, including, but not limited to, the provisions on notice and hearings.</p>	§2430-I, sub-§9
	<p>Voluntary surrender and destruction. A registered caregiver, dispensary, cannabis testing facility or manufacturing facility may elect to voluntarily surrender cannabis plants, cannabis or cannabis products to the department for destruction under the following conditions.</p> <p>1. Request. A registered caregiver's, dispensary's, cannabis testing facility's or manufacturing facility's request to surrender cannabis plants, cannabis or cannabis products to the department for</p>	§2430-M

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	<p>destruction must be made on a form made available by the department and must be signed by a person who certifies that the person is an authorized representative of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility.</p> <p>2. Investigation or prosecution. The department may decline to accept cannabis plants, cannabis or cannabis products for destruction under this section if the department is aware of a pending investigation of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility submitting the request until such time as the department confirms with the appropriate criminal justice agency that the cannabis plants, cannabis or cannabis products are not part of an ongoing investigation or prosecution.</p>	

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§XXXX. Reporting Requirements		§2430-N
	<p>By February 15th each year, the department shall submit a report that does not disclose identifying information about qualifying patients, cardholders or medical providers to the joint standing committee of the Legislature having jurisdiction over medical cannabis matters that contains for the previous year unless otherwise indicated, at a minimum:</p> <ol style="list-style-type: none"> 1. Applications and renewals. The number of applications and renewals filed for registry identification cards and registration certificates; 2. Patients and caregivers. The number of qualifying patients and registered caregivers approved in each county; 3. Suspensions or revocations. The number of registry identification cards suspended or revoked; 4. Medical providers. The number of medical providers providing written certifications for qualifying patients; 5. Dispensaries, manufacturing facilities and testing facilities. The number of registered dispensaries, manufacturing facilities and cannabis testing facilities approved in each county; 6. Officers, directors and assistants. The number of officers, directors and assistants of registered caregivers and registered dispensaries, manufacturing facilities and cannabis testing facilities; 7. Medical Use of Cannabis Fund. The revenue and expenses of the Medical Use of Cannabis Fund established in section 2430; and 8. Sales tax revenue. The sales tax revenue from the sale of cannabis for medical use deposited into the General Fund for the current and prior fiscal years. 	§2430-N
§XXXX. Medical Use of Cannabis Fund	<p>Fund established. The Medical Use of Cannabis Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.</p>	§2430, sub-§1

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	<p>Sources of fund. The State Controller shall credit to the fund:</p> <ul style="list-style-type: none"> A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, <u>registered dispensary</u>, manufacturing facility and cannabis testing facility; B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers or directors or assistants of registered caregivers, dispensaries, manufacturing facilities and cannabis testing facilities; C. All penalties and fines assessed for violations of this chapter; D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; E. Interest earned or other investment income on balances in the fund; and F. All money received as a result of a reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity pursuant to section 2428, subsection 13, paragraph D. 	<p>§2430, sub-§2</p>
	<p>Uses of the fund. The fund may be used for expenses of the department to administer this chapter or for research in accordance with subsection 5, as allocated by the Legislature.</p>	<p>§2430, sub-§3</p>
	<p>Review of fund balance. Beginning January 2018 and every 2 years thereafter, the department shall review the balance in the fund. If the balance in the fund exceeds \$400,000, the department shall reduce the fees established under section 2425-A, subsection 10 for a 2-year period beginning with the calendar year following the review.</p>	<p>§2430, sub-§4</p>
	<p>Medical cannabis research grant program established. The medical cannabis research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of harvested cannabis as part of medical treatment and the health effects of harvested cannabis used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,</p>	<p>§2430, sub-§5</p>

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	subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.	

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SUBCHAPTER 8: PROTECTIONS FOR AUTHORIZED ACTIVITY		
<i>NOTES</i>	<i>LANGUAGE</i>	<i>CURRENT CITATION</i>
XXXX. Protections for authorized activity		§2430-C
	<p>Rights of persons or entities acting pursuant to this chapter. A person whose conduct is authorized under this chapter may not be denied any right or privilege or be subjected to arrest, prosecution, penalty or disciplinary action, including but not limited to a civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for lawfully engaging in conduct involving the medical use of cannabis authorized under this chapter.</p>	§2430-C, sub-§1
<i>limited to state oversight agencies; can't bind federal oversight agencies</i>	<p>Legal protection for hospitals and long-term care facilities. The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and an officer or director, employee or agent of the hospital and a long-term care facility and an officer or director, employee or agent of the long-term care facility. Any immunity provision in this chapter in conflict with this subsection does not apply to a hospital or long-term care facility. The legal protection for hospitals and long-term care facilities applies in accordance with the following.</p> <p>A. If the use of a form of harvested cannabis that is not smoked, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter.</p> <p>B. If the use of a form of harvested cannabis consistent with a long-term facility's policy by an admitted patient who has been certified under section 2423-B occurs in the long-term care facility, that long-term care facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter.</p> <p>C. An officer or director, employee or agent of a hospital or long-term care facility where the use of a form of harvested cannabis that is not smoked or vaporized, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has</p>	§2430-C, sub-§2

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	<p>been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter.</p>	
	<p>School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of cannabis on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of cannabis for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.</p>	<p>§2430-C, sub-§3</p>
	<p>Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interests of the minor child as set out in Title 19-A, section 1653, subsection 3.</p>	<p>§2430-C, sub-§4</p>
	<p>Receiving an anatomical gift. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of cannabis as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of cannabis to the use of forms of harvested cannabis that are not smoked or vaporized, including but not limited to edible cannabis and tinctures and salves of cannabis. A transplant evaluator may require medical cannabis used by a qualifying patient to be tested for fungal contamination by a cannabis testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.</p>	<p>§2430-C, sub-§5</p>

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	<p>Prohibition on seizure and retention. Except when necessary for an ongoing criminal investigation, a law enforcement officer may not seize cannabis that is in the possession of a qualifying patient, caregiver, cannabis testing facility, manufacturing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of cannabis in violation of this subsection shall return the cannabis within 7 days after receiving a written request for return by the owner of the cannabis. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return cannabis possessed in violation of this subsection within 7 days of receiving a written request for return of the cannabis under this subsection, the owner of the cannabis may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.</p>	§2430-C, sub-§6
	<p>Restrictions on law enforcement access. Notwithstanding any provision of law to the contrary, a law enforcement officer may not enter any location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or cannabis testing facility conducts activities authorized under this chapter or pursuant to a registry identification card or registration certificate issued under this chapter, except where:</p> <ul style="list-style-type: none"> A. The patient, caregiver, dispensary, manufacturing facility or cannabis testing facility voluntarily allows the law enforcement officer to enter the location; B. The law enforcement officer's entry is authorized pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace; or C. The law enforcement officer's entry is authorized in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances. 	§2430-C, sub-§6-A
	<p>Requirements for protection. To receive protection under this section for conduct authorized under this chapter, a person must:</p> <ul style="list-style-type: none"> A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the patient's written certification; or B. If the person is a caregiver, present upon request of a law enforcement officer the caregiver's registry identification card or registration certificate. 	§2430-C, sub-§7
	<p>Evidence of lawful conduct. Possession of a registry identification card by a cardholder, the act of applying for a registry identification card, possession of a written certification issued under section 2423-B or possession of a designation document executed under section 2423-A, subsection 1,</p>	§2430-C, sub-§8

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	<p>paragraph F-1 is evidence of lawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.</p>	
	<p>Immunity. The immunity provisions in this subsection apply to caregivers, cannabis testing facilities, manufacturing facilities and dispensaries and the officers or directors or assistants of caregivers, cannabis testing facilities, manufacturing facilities and dispensaries.</p> <p>A. A caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of cannabis in accordance with this chapter.</p> <p>B. An officer or director or assistant of a caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a caregiver, cannabis testing facility, manufacturing facility or dispensary to provide cannabis plants and cannabis products to qualifying patients, caregivers, dispensaries, manufacturing facilities or cannabis testing facilities or to otherwise assist with the medical use of cannabis in accordance with this chapter.</p>	<p>§2430-C, sub-§9</p>
	<p>Defense for possession of excess cannabis. Except as provided in section 2426, a qualifying patient may assert as a defense to any prosecution involving cannabis possession use of cannabis for a medical purpose and may present evidence in court that the patient's medical use or cultivation of an amount of cannabis exceeding the amount allowed under section 2423-A was reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis.</p>	<p>§2430-C, sub-§10</p>
	<p>Admissibility of records. A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is</p>	<p>§2430-B</p>

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	<p>admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records.</p>	

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NOTES	LANGUAGE	CURRENT CITATION
	<p>Collectives prohibited. Collectives are prohibited under this chapter. A person may not form or participate in a collective. The following relationships are not collectives and are not prohibited:</p> <ol style="list-style-type: none"> 1. Caregivers assisting for the benefit of a mutual qualifying patient. Two caregivers to the extent the relationship is to: <ol style="list-style-type: none"> A. Consult with each other to assist the same qualifying patient; B. Refer a qualifying patient to a caregiver to obtain specialized cannabis plants or harvested cannabis; C. Obtain specialized cannabis plants or harvested cannabis from another caregiver to assist the same qualifying patient; or D. Transfer harvested cannabis pursuant to section 2423-A, subsection 2, paragraph K; 2. Employer and assistant relationship. Two caregivers to the extent the relationship is as employer and assistant; or 3. Caregivers sharing common areas. Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized under section 2423-A, subsection 2, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share cannabis plants or harvested cannabis resulting from the cultivation of those plants. 	<p>§2430-D</p>
	<p>Calculation of cannabis weight. The amount of cannabis possessed under this chapter must be calculated by the weight of dried harvested cannabis. A calculation of the weight of cannabis that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of cannabis in a cannabis product may not include ingredients in the product other than cannabis, except that the weight of cannabis concentrate must be included regardless of whether the cannabis concentrate is within a cannabis product or not within a cannabis product.</p>	<p>§2430-C, sub-§11</p>
	<p>Construction. This chapter may not be construed to require:</p> <ol style="list-style-type: none"> A. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; B. An employer to accommodate the ingestion of cannabis in any workplace or any employee working while under the influence of cannabis. 	<p>§2426, sub-§2</p>

Headnote	Text	Current Citation (all in §2422)	Analyst Notes
Assistant.	"Assistant" means a person <u>an individual who is at least 18 years of age or older who is</u> paid to perform a service for a caregiver, dispensary, manufacturing facility or cannabis testing facility in accordance with this chapter, whether as an employee or independent contractor.	1-D.	The age for an assistant depends on for whom the assistant is working. An assistant may be aged 18-20 is they are also a member of the family of the caregiver. Otherwise, an assistant must be 21 years of age or older. Depending on decisions for entities listed here, this may need to be amended further.
Cannabis concentrate.	"Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.	4-S.	Also defined in AUC. The definition is similar, but the MUC definition includes "or any compound, manufacture, salt, derivative, mixture or preparation therefrom" and does not include the following, which is in the AUC definition: "In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included." [Title 28-B, section 102, subsection 28]
Cannabis extraction.	"Cannabis extraction" means the process of extracting cannabis concentrate from <i>harvested</i> cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-J.	Also defined AUC, but the MUC definition uses the term "harvested cannabis", rather than just "cannabis" as in the AUC defintion. [Title 28-B, section 102, subsection 30] Staff note: Is a "cannabis extraction" for medical use different than for adult use? "Harvested cannabis" is defined in MUC and is <u>different</u> than "Cannabis" in AUC [See: p. 5 or subsection 3-C].

<p>Cannabis paraphernalia.</p>	<p>"Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:</p> <ul style="list-style-type: none"> A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; B. Isomerization devices used for adjusting the potency of a cannabis plant; C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis; D. Scales and balances used for weighing or measuring harvested cannabis; E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis; F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use; G. Containers and other objects used for storing harvested cannabis; H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking; I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device. 	<p>17</p>	
<p>Cannabis plant.</p>	<p>"Cannabis plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-K.</p>	<p>AUC defines "cannabis plant" to mean:</p> <p>32. Cannabis plant. "Cannabis plant" means all species of the plant genus Cannabis, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p> <p>Staff note: Is there a difference between a cannabis plant for MUC and a cannabis plant for AUC?</p>

<p>Cannabis product.</p>	<p>"Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-L.</p>	<p>Also defined AUC, but MUC definition includes the term "harvested cannabis", rather than just "cannabis" as in the AUC definition.</p> <p>The AUC definition also reads: "means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption ." [Title 28-B, section 102, subsection 33]</p> <p>Staff note: Is a "cannabis product" intended for medical use includes different from a "cannabis product" intended for [adult] use or consumption?</p> <p>"Harvested cannabis" is defined in MUC and is <i>different</i> than "Cannabis" in AUC [See: p. 7 or subsection 3-C].</p>
<p>Cannabis testing facility.</p>	<p>"Cannabis testing facility" means a public or private laboratory that: A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.</p>	<p>5-C.</p>	<p>AUC defines "testing facility" to mean: 54. Testing facility. "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.</p> <p>Staff note: Testing facility requirements are outlined in 28-B, sections 205 and 503.</p> <p>Are testing facilities for MUC different than testing facilities for AUC? If a testing facility can test both MUC and AUC, are the testing requirements different?</p>
<p>Cannabis tincture.</p>	<p>"Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.</p>	<p>4-U.</p>	<p>This is not defined in AUC. The term "tincture" only appears in AUC as a part of the definition of "cannabis product".</p>
<p>Cardholder.</p>	<p>"Cardholder" means a person <u>an individual</u> who has been issued and possesses a valid registry identification card.</p>	<p>1</p>	<p>It appears that a cardholder is a natural person (human being). Entities are required to obtain a registration certificate (not a card).</p> <p>There is one exception that presents an area of confusion. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [Section 2425-A, subsection 5, paragraph b]</p> <p>It appears that the underlying caregiver individual must still go through the criminal history registry check and other requirements for a registered caregiver, but are allowed to use their business name rather than their given name on the card.</p>

<p>Caregiver retail store.</p>	<p>"Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.</p> <p>The following was suggested by Sen. Hickman at the 10/12/2023 meeting: "A store used by a registered caregiver to offer cannabis plants, harvested cannabis and other items for sale to the general public without an appointment."</p>	<p>1-F. The definition indicates that the only authorized activity at a caregiver retail store used by a registered caregiver is "to offer <i>cannabis plants or harvested cannabis</i> for sale to <i>qualifying patients</i>."</p> <p>A [registered] caregiver may "operate one caregiver retail store to sell <i>harvested cannabis</i> to <i>qualifying patients</i> for the patients' medical use in accordance with this chapter." [Section 2423-A, subsection 2, paragraph P]</p> <p>Staff note: This definition does not allow other authorized activity for caregivers to occur at the caregiver retail store. The two provisions also contradict one another, with the definition allowing a caregiver at the caregiver retail store to offer cannabis plants as well as harvested cannabis to qualifying patients, but the authorized activity provision only allowing the sale of harvested cannabis to qualifying patients.</p> <p>A registered caregiver is not required to register a caregiver retail store. It appears that a caregiver, when registering with the department, is asked on their registration form if they operate a caregiver retail store. How this information is shared with municipalities.</p> <p>Staff were asked to consider modeling new language based on the AUC definition. AUC defines "Cannabis store" to mean: 34. Cannabis store. "Cannabis store" means a facility licensed under this chapter to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers."</p>
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<p>Caregiver.</p>	<p>"Caregiver" means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.</p>	<p>8-A.</p>	<p>There is a separate definition for "registered caregiver" in sub-section 11 (p. 11).</p> <p>A caregiver also must be [Section 2423-A, sub-section 2]:</p> <ul style="list-style-type: none"> - a resident of the State (See: OCP memo) - 21 years of age or older; and - not been convicted of a disqualifying drug offense <p>These requirements apply to individuals who are caregivers. A (human being) caregiver can "be organized as any type of legal business entity recognized under the laws of the State." [Section 2423-A, sub-section 2, paragraph Q]</p> <p>To Consider:</p> <p>"Caregiver" means an individual who is 21 years of age or older and has not been convicted of a disqualifying drug offense that provides care for a qualifying patient in accordance with section 2423-A, subsection 2 or an individual who is 21 years of age or older and has not been convicted of a disqualifying drug offense who has organized as any type of legal business entity recognized under the laws of the State to provide care for a qualifying patient in accordance with section 2423-A, subsection 2.</p> <p>Two definitions: (1) for "caregiver" who is an individual and (2) another for a "caregiver business."</p> <p>Staff note: Are there differences between what a caregiver who is an individual and a caregiver oranzized as a business is authorized to do? How does a caregiver who is organized as a business, that is not a sole proprietorship, fit into the definition of "collective"?</p>
<p>Certified nurse practitioner.</p>	<p>"Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing</p>	<p>1-B.</p>	

<p>Child-resistant.</p>	<p>"Child-resistant" means, with respect to packaging or a container: A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and B. With respect to any product intended for more than a single use or that contains multiple servings, resealable.</p>	<p>1-E.</p>	<p>Same as in AUC program.</p>
<p>Collective.</p>	<p>"Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective.</p>	<p>1-A.</p>	<p>Staff note: How does this term fit within the context of a caregiver who is organized as a business entity? Does the list "association, cooperative, affilition or group" encompass all entities that may be considered to be operating as a collective (which are prohibited under 2430-D)?</p>
<p>Commissioner.</p>	<p>"Commissioner" means the Commissioner of Administrative and Financial Services.</p>	<p>1-C.</p>	
<p>Complete application.</p>	<p>"Complete application" means, with respect to an application for a registry identification card or a registration certificate, that: A. The applicant has completed and submitted to the department all application forms required and provided by the department; B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State; C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check; D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary.</p>	<p>1-G.</p>	<p>Staff note: Should this definition also apply to renewal applications? This definition contains substantive information. It may be more appropriate to remove this as a definition and reallocate the outlined requirements to a newly established section on registration.</p>

Cultivation area.	"Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter 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 under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.	3	
Department.	"Department" means the Department of Administrative and Financial Services.	2-A.	
Disqualifying drug offense.	"Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include: A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier; B. An offense that consisted of conduct that would have been permitted under this chapter; or C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B.	4	The same as AUC, except AUC does not mention conduct authorized under the MUC chapter.
Edible cannabis product.	"Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing <i>harvested</i> cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	3-B.	The AUC definition includes "a cannabis product... containing <i>cannabis</i> or cannabis concentrate" - The MUC defines "harvested cannabis" to include cannabis concentrate. [Title 28-B, section 102, subsection 16] See also: The difference between "harvested cannabis" in MUC and "cannabis" in AUC below.
Harvested cannabis.	"Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	3-C.	AUC defines "cannabis" to mean: 27. Cannabis. "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.
Immature cannabis plant.	"Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-N.	Same as in AUC program. See p. 2 for differences between the definition of "cannabis plant" in the two programs.

<p>Immature plant canopy.</p>	<p>"Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.</p>	<p>4-T.</p>	<p>This mirrors the definition of "mature plant canopy" on p. 9 (subsection 7-B). It also mirrors the definition of "plant canopy" in AUC, although that definition applies only to mature cannabis plants and specifically excludes areas where immature cannabis plants and seedlings are cultivated.</p>
<p>Inherently hazardous substance.</p>	<p>"Inherently hazardous substance" means a liquid chemical; a compressed gas; <i>carbon dioxide</i>; 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.</p>	<p>4-O.</p>	<p>The AUC definition does not include "carbon dioxide" (and uses commas rather than semicolons). It also lists the flash point in both Celsius (38 degrees) and Fahrenheit. [Title 28-B, section 102, subsection 20]</p>
<p>Long-term care facility.</p>	<p>"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).</p>	<p>4-P.</p>	
<p>Manufacture or manufacturing.</p>	<p>"Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of <i>cannabis concentrate and cannabis products</i>, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.</p>	<p>4-Q.</p>	<p>The AUC definition uses "or other preparation of <i>cannabis</i> and cannabis products". It also includes a final sentence that reads: ""Manufacturing" or "manufacture" does not include cultivation or testing."</p>

<p>Registered manufacturing facility.</p>	<p>"Registered manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under section 2423-F.</p>	<p>4-R.</p>	<p>Section 2423-F authorizes the following: qualifying patient, caregiver, registered dispensary or manufacturing facility - so it appears, in this case, "person" should remain.</p> <p>A manufacturing facility that is also licensed as an adult use cannabis products manufacturing facility may manufacture cannabis products and cannabis concentrate for adult use within the same facility in which the licensee also manufactures cannabis products or cannabis concentrate for medical use.</p> <p>A "registered dispensary" can also manufacture, as well as a caregiver. (See p. 11)</p> <p>The AUC defines "products manufacturing facility" to mean: 43. Products manufacturing facility. "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities."</p>
<p>Mature cannabis plant.</p>	<p>"Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-B.</p>	<p>AUC uses the phrase: "a cannabis plant that is flowering" [subsection 36]</p>
<p>Mature plant canopy.</p>	<p>"Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.</p>	<p>7-B.</p>	<p>See note on p. 8 - "immature plant canopy"</p>
<p>Medical provider.</p>	<p>"Medical provider" means a physician, a certified nurse practitioner or a physician assistant.</p>	<p>4-C.</p>	

Medical use.	"Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or <u>cannabis</u> paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.	5	Recommend the addition of the word "cannabis" before "paraphernalia" to align with new definition on p. 2 (subsection 17).
Member of the family.	"Member of the family" means <u>an individual</u> a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.	5-A.	Language was enacted in PL 2011, c. 407 as written (except for the resident of the State provisions, which were added later).
Members of the same household.	"Members of the same household" means 2 or more <u>individuals</u> people who are residents of the State and who reside in a shared dwelling unit.	5-B.	
Nonflowering cannabis plant.	"Nonflowering cannabis plant" means a cannabis plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-M.	AUC defines "flowering" to mean: 17. Flowering. "Flowering" means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of cannabis.
Officer or director.	"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 <u>individual</u> person holding a management position or ownership interest in the organization.	6-B.	
Physician assistant.	"Physician assistant" means <u>an individual</u> a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.	7-A.	
Physician.	"Physician" means <u>an individual</u> a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.	7	

Qualifying patient.	"Qualifying patient" or "patient" means <u>an individual a person</u> who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with section 2423-B.	9	
Registered caregiver.	"Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.	11	<p>The following caregivers are not required to register with the department:</p> <ul style="list-style-type: none"> (1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver; (2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and (3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. <p>[Section 2423-A, subsection 3, paragraph C]</p> <p>Staff note: The information regarding who does not have to register and what an unregistered caregiver can and cannot do is not in an obvious or easy to find location in the statute - it is under "authorized conduct for the medical use of cannabis," "cultivation of cannabis". Staff would recommend establishing a separate provision for caregivers who do not need to register with the department and also consider adding the term to the definitions section, modeling the definition on the definition for registered caregiver. A caregiver who does not need to register may not organize as a business entity or operate a caregiver retail store, among other things.</p>
Registered dispensary or dispensary.	"Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.	6	<p>A registered dispensary can, among other things:</p> <ul style="list-style-type: none"> - cultivate - manufacture - sell <p>There are also "registered manufacturing facilities" and "caregiver retail stores". A manufacturing facility may also be a qualifying patient, a caregiver or a registered dispensary. [Section 2423-F, subsection 11]</p>
Registered qualifying patient.	"Registered <u>qualifying patient</u> " means a qualifying patient who is registered by the department pursuant to section 2425-A.	12	A qualifying patient is not required to register with the department - to do so is voluntary.
Registration certificate.	"Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.	9-A.	It appears that entities are issued a registration certificate.

Registry identification card.	"Registry identification card" means a document issued by the department that identifies a person as a person <u>an individual as an individual</u> who has registered with the department in accordance with this chapter.	13	It appears that individuals are issued a registration card.
Remuneration.	"Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis is transferred or furnished by that person to another person.	9-B.	
Resident of the State.	"Resident of the State" means <u>an individual</u> a person who is domiciled in the State.	13-B.	AUC defines "resident" to mean: 48. Resident. "Resident" means a natural person who: A. B. Is domiciled in this State; and C. Maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State.
Sample.	"Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.	14-A.	AUC defines "sample" to mean: 50. Sample. "Sample" means: A. An amount of cannabis or an amount of a cannabis product provided to a testing facility by a cannabis establishment or other person for testing or research and development purposes in accordance with subchapter 6; B. An amount of adult use cannabis or an amount of an adult use cannabis product collected from a licensee by the department for the purposes of testing the cannabis or cannabis product for product quality control purposes pursuant to section 512, subsection 2; C. An amount of adult use cannabis provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8; D. An amount of adult use cannabis or an amount of an adult use cannabis product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6; or E. An amount of cannabis or an amount of a cannabis product collected by a sample collector licensee and provided to a testing facility for testing consistent with the requirements of section 503-A. F. AUC also defines "sample collector".

Seedling.	<p>"Seedling" means a cannabis plant or rooted cutting that is:</p> <ul style="list-style-type: none"> A. Not flowering; B. Less than 24 inches in height; and C. Less than 24 inches in width. 	14-B.	Same in AUC.
Tamper-evident.	<p>"Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.</p>	13-C.	Same in AUC.
Tamper-resistant paper.	<p>"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.</p>	13-A.	<p>Pertains to the written certification issued by a medical provider to a qualifying patient.</p> <p>See: "written certification" on p. 14.</p>
Telehealth services	<p>"Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters. As used in this subsection, the following terms have the following meanings.</p> <ul style="list-style-type: none"> A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider. B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider. C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider. D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time. 	14-C.	
Timely filed.	<p>"Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the department no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.</p>	14-D.	<p>Depending on how the registration sections are reorganized, the subcommittee may consider revisiting this definition for relevance.</p>

Visiting qualifying patient.	"Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.	15	This definition uses "patient" rather than person or individual. A patient is an "individual".
Written certification.	"Written certification" means a document signed by a medical provider and issued to a qualifying patient in accordance with section 2423-B, or a digital image of that document issued by the medical provider that meets the requirements of section 2423-B, subsection 4, that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.	16	There is substantive information in this definition, as well as duplicative information to the requirements laid out in section 2423-B, subsection 4. The committee may consider revising this definition based on any revisions made to those related provisions.
Additional Notes			
Registrant.	"Registrant" means a caregiver, dispensary, cannabis testing facility, manufacturing facility and a person authorized to engage in cannabis extraction using inherently hazardous substances that has registered under this chapter.		Possible addition. For requirements that apply to all the listed entities, having a term such as this would facilitate clarity. It may also include "assistant" and "officer or director".
Minor Qualifying Patient.	"Minor qualifying patient" means a qualifying patient who has not attained 18 years of age.		Whenever a "minor qualifying patient is being referred to, the statute reads "a patient who has not attained 18 years of age" - this would streamline the reference and place the meaning of a term that is frequently used into the definitions sections, making it easier to find.

Headnote	Text	Current Citation (all in §2422)	Analyst Notes
Assistant.	"Assistant" means a person <u>an individual who is at least 18 years of age or older</u> who is paid to perform a service for a caregiver, dispensary, manufacturing facility or cannabis testing facility in accordance with this chapter, whether as an employee or independent contractor.	1-D.	The age for an assistant depends on for whom the assistant is working. An assistant may be aged 18-20 if they are also a member of the family of the caregiver. Otherwise, an assistant must be 21 years of age or older. Depending on decisions for entities listed here, this may need to be amended further.
Cannabis concentrate.	"Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.	4-S.	Also defined in AUC. The definition is similar, but the MUC definition includes "or any compound, manufacture, salt, derivative, mixture or preparation therefrom" and does not include the following, which is in the AUC definition: "In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included." [Title 28-B, section 102, subsection 28]
Cannabis extraction.	"Cannabis extraction" means the process of extracting cannabis concentrate from <i>harvested</i> cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-J.	Also defined AUC, but the MUC definition uses the term "harvested cannabis", rather than just "cannabis" as in the AUC definition. [Title 28-B, section 102, subsection 30] Staff note: Is a "cannabis extraction" for medical use different than for adult use? "Harvested cannabis" is defined in MUC and is <u>different</u> than "Cannabis" in AUC [See: p. 5 or subsection 3-C].

<p>Cannabis paraphernalia.</p>	<p>"Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:</p> <ul style="list-style-type: none"> A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; B. Isomerization devices used for adjusting the potency of a cannabis plant; C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis; D. Scales and balances used for weighing or measuring harvested cannabis; E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis; F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use; G. Containers and other objects used for storing harvested cannabis; H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking; I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device. 	<p>17</p>	
<p>Cannabis plant.</p>	<p>"Cannabis plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-K.</p>	<p>AUC defines "cannabis plant" to mean:</p> <p>32. Cannabis plant. "Cannabis plant" means all species of the plant genus Cannabis, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p> <p>Staff note: Is there a difference between a cannabis plant for MUC and a cannabis plant for AUC?</p>

<p>Cannabis product.</p>	<p>"Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-L.</p>	<p>Also defined AUC, but MUC definition includes the term "harvested cannabis", rather than just "cannabis" as in the AUC definition.</p> <p>The AUC definition also reads: "means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption ." [Title 28-B, section 102, subsection 33]</p> <p>Staff note: Is a "cannabis product" intended for medical use includes different from a "cannabis product" intended for [adult] use or consumption?</p> <p>"Harvested cannabis" is defined in MUC and is <u>different</u> than "Cannabis" in AUC [See: p. 7 or subsection 3-C].</p>
<p>Cannabis testing facility.</p>	<p>"Cannabis testing facility" means a public or private laboratory that: A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.</p>	<p>5-C.</p>	<p>AUC defines "testing facility" to mean: 54. Testing facility. "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.</p> <p>Staff note: Testing facility requirements are outlined in 28-B, sections 205 and 503.</p> <p>Are testing facilities for MUC different than testing facilities for AUC? If a testing facility can test both MUC and AUC, are the testing requirements different?</p>
<p>Cannabis tincture.</p>	<p>"Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.</p>	<p>4-U.</p>	<p>This is not defined in AUC. The term "tincture" only appears in AUC as a part of the definition of "cannabis product".</p>
<p>Cardholder.</p>	<p>"Cardholder" means a person <u>an individual</u> who has been issued and possesses a valid registry identification card.</p>	<p>1</p>	<p>It appears that a cardholder is a natural person (human being). Entities are required to obtain a registration certificate (not a card).</p> <p>There is one exception that presents an area of confusion. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [Section 2425-A, subsection 5, paragraph b]</p> <p>It appears that the underlying caregiver individual must still go through the criminal history registry check and other requirements for a registered caregiver, but are allowed to use their business name rather than their given name on the card.</p>

<p>Caregiver retail store.</p>	<p>"Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.</p> <p>The following was suggested by Sen. Hickman at the 10/12/2023 meeting: "A store used by a registered caregiver to offer cannabis plants, harvested cannabis and other items for sale to the general public without an appointment."</p>	<p>1-F.</p>	<p>The definition indicates that the only authorized activity at a caregiver retail store used by a registered caregiver is "to offer <i>cannabis plants or harvested cannabis</i> for sale to <i>qualifying patients</i>."</p> <p>A [registered] caregiver may "operate one caregiver retail store to sell <i>harvested cannabis</i> to <i>qualifying patients</i> for the patients' medical use in accordance with this chapter." [Section 2423-A, subsection 2, paragraph P]</p> <p>Staff note: This definition does not allow other authorized activity for caregivers to occur at the caregiver retail store. The two provisions also contradict one another, with the definition allowing a caregiver at the caregiver retail store to offer cannabis plants as well as harvested cannabis to qualifying patients, but the authorized activity provision only allowing the sale of harvested cannabis to qualifying patients.</p> <p>A registered caregiver is not required to register a caregiver retail store. It appears that a caregiver, when registering with the department, is asked on their registration form if they operate a caregiver retail store. How this information is shared with municipalities.</p> <p>Staff were asked to consider modeling new language based on the AUC definition. AUC defines "Cannabis store" to mean: 34. Cannabis store. "Cannabis store" means a facility licensed under this chapter to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers."</p>
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<p>Caregiver.</p>	<p>"Caregiver" means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.</p>	<p>8-A.</p>	<p>There is a separate definition for "registered caregiver" in sub-section 11 (p. 11).</p> <p>A caregiver also must be [Section 2423-A, sub-section 2]:</p> <ul style="list-style-type: none"> - a resident of the State (See: OCP memo) - 21 years of age or older; and - not been convicted of a disqualifying drug offense <p>These requirements apply to individuals who are caregivers. A (human being) caregiver can "be organized as any type of legal business entity recognized under the laws of the State." [Section 2423-A, sub-section 2, paragraph Q]</p> <p>To Consider:</p> <p>"Caregiver" means an individual who is 21 years of age or older and has not been convicted of a disqualifying drug offense that provides care for a qualifying patient in accordance with section 2423-A, subsection 2 or an individual who is 21 years of age or older and has not been convicted of a disqualifying drug offense who has organized as any type of legal business entity recognized under the laws of the State to provide care for a qualifying patient in accordance with section 2423-A, subsection 2.</p> <p>Two definitions: (1) for "caregiver" who is an individual and (2) another for a "caregiver business."</p> <p>Staff note: Are there differences between what a caregiver who is an individual and a caregiver organized as a business is authorized to do? How does a caregiver who is organized as a business, that is not a sole proprietorship, fit into the definition of "collective"?</p>
<p>Certified nurse practitioner.</p>	<p>"Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing</p>	<p>1-B.</p>	

<p>Child-resistant.</p>	<p>"Child-resistant" means, with respect to packaging or a container: A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and B. With respect to any product intended for more than a single use or that contains multiple servings, resealable.</p>	<p>1-E.</p>	<p>Same as in AUC program.</p>
<p>Collective.</p>	<p>"Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective.</p>	<p>1-A.</p>	<p>Staff note: How does this term fit within the context of a caregiver who is organized as a business entity? Does the list "association, cooperative, afflition or group" encompass all entities that may be considered to be operating as a collective (which are prohibited under 2430-D)?</p>
<p>Commissioner.</p>	<p>"Commissioner" means the Commissioner of Administrative and Financial Services.</p>	<p>1-C.</p>	
<p>Complete application.</p>	<p>"Complete application" means, with respect to an application for a registry identification card or a registration certificate, that: A. The applicant has completed and submitted to the department all application forms required and provided by the department; B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State; C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check; D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary.</p>	<p>1-G.</p>	<p>Staff note: Should this definition also apply to renewal applications? This definition contains substantive information. It may be more appropriate to remove this as a definition and reallocate the outlined requirements to a newly established section on registration.</p>

Cultivation area.	"Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter 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 under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.	3	
Department.	"Department" means the Department of Administrative and Financial Services.	2-A.	
Disqualifying drug offense.	"Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include: A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier; B. An offense that consisted of conduct that would have been permitted under this chapter; or C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B.	4	The same as AUC, except AUC does not mention conduct authorized under the MUC chapter.
Edible cannabis product.	"Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing <i>harvested</i> cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	3-B.	The AUC definition includes "a cannabis product... containing <i>cannabis</i> or cannabis concentrate" - The MUC defines "harvested cannabis" to include cannabis concentrate. [Title 28-B, section 102, subsection 16] See also: The difference between "harvested cannabis" in MUC and "cannabis" in AUC below.
Harvested cannabis.	"Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	3-C.	AUC defines "cannabis" to mean: 27. Cannabis. "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.
Immature cannabis plant.	"Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-N.	Same as in AUC program. See p. 2 for differences between the definition of "cannabis plant" in the two programs.

Immature plant canopy.	"Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.	4-T.	This mirrors the definition of "mature plant canopy" on p. 9 (subsection 7-B). It also mirrors the definition of "plant canopy" in AUC, although that definition applies only to mature cannabis plants and specifically excludes areas where immature cannabis plants and seedlings are cultivated.
Inherently hazardous substance.	"Inherently hazardous substance" means a liquid chemical; a compressed gas; <i>carbon dioxide</i> ; 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.	4-O.	The AUC definition does not include "carbon dioxide" (and uses commas rather than semicolons). It also lists the flash point in both Celsius (38 degrees) and Fahrenheit. [Title 28-B, section 102, subsection 20]
Long-term care facility.	"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).	4-P.	
Manufacture or manufacturing.	"Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of <i>cannabis concentrate and cannabis products</i> , including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.	4-Q.	The AUC definition uses "or other preparation of <i>cannabis</i> and cannabis products". It also includes a final sentence that reads: ""Manufacturing" or "manufacture" does not include cultivation or testing."

<p>Registered manufacturing facility.</p>	<p>"Registered manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under section 2423-F.</p>	<p>4-R.</p>	<p>Section 2423-F authorizes the following: qualifying patient, caregiver, registered dispensary or manufacturing facility - so it appears, in this case, "person" should remain.</p> <p>A manufacturing facility that is also licensed as an adult use cannabis products manufacturing facility may manufacture cannabis products and cannabis concentrate for adult use within the same facility in which the licensee also manufactures cannabis products or cannabis concentrate for medical use.</p> <p>A "registered dispensary" can also manufacture, as well as a caregiver. (See p. 11)</p> <p>The AUC defines "products manufacturing facility" to mean: 43. Products manufacturing facility. "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis sotres and to other products manufacturing facilities."</p>
<p>Mature cannabis plant.</p>	<p>"Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.</p>	<p>4-B.</p>	<p>AUC uses the phrase: "a cannabis plant that is flowering" [subsection 36]</p>
<p>Mature plant canopy.</p>	<p>"Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must 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 must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.</p>	<p>7-B.</p>	<p>See note on p. 8 - "immature plant canopy"</p>
<p>Medical provider.</p>	<p>"Medical provider" means a physician, a certified nurse practitioner or a physician assistant.</p>	<p>4-C.</p>	

Medical use.	"Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.	5	Recommend the addition of the word "cannabis" before "paraphernalia" to align with new definition on p. 2 (subsection 17).
Member of the family.	"Member of the family" means an individual a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.	5-A.	Language was enacted in PL 2011, c. 407 as written (except for the resident of the State provisions, which were added later).
Members of the same household.	"Members of the same household" means 2 or more individuals people who are residents of the State and who reside in a shared dwelling unit.	5-B.	
Nonflowering cannabis plant.	"Nonflowering cannabis plant" means a cannabis plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.	4-M.	AUC defines "flowering" to mean: 17. Flowering. "Flowering" means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of cannabis.
Officer or director.	"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 individual person holding a management position or ownership interest in the organization.	6-B.	
Physician assistant.	"Physician assistant" means an individual a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.	7-A.	
Physician.	"Physician" means an individual a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.	7	

Qualifying patient.	"Qualifying patient" or "patient" means an <u>individual</u> a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with section 2423-B.	9	
Registered caregiver.	"Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.	11	<p>The following caregivers are not required to register with the department:</p> <ul style="list-style-type: none"> (1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver; (2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and (3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. <p>[Section 2423-A, subsection 3, paragraph C]</p> <p>Staff note: The information regarding who does not have to register and what an unregistered caregiver can and cannot do is not in an obvious or easy to find location in the statute - it is under "authorized conduct for the medical use of cannabis," "cultivation of cannabis". Staff would recommend establishing a separate provision for caregivers who do not need to register with the department and also consider adding the term to the definitions section, modeling the definition on the definition for registered caregiver. A caregiver who does not need to register may not organize as a business entity or operate a caregiver retail store, among other things.</p>
Registered dispensary or dispensary.	"Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.	6	<p>A registered dispensary can, among other things:</p> <ul style="list-style-type: none"> - cultivate - manufacture - sell <p>There are also "registered manufacturing facilities" and "caregiver retail stores". A manufacturing facility may also be a qualifying patient, a caregiver or a registered dispensary. [Section 2423-F, subsection 11]</p>
Registered <u>qualifying</u> patient.	"Registered <u>qualifying</u> patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.	12	A qualifying patient is not required to register with the department - to do so is voluntary.
Registration certificate.	"Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.	9-A.	It appears that entities are issued a registration certificate.

Registry identification card.	"Registry identification card" means a document issued by the department that identifies a person as a person <u>an individual as an individual</u> who has registered with the department in accordance with this chapter.	13	It appears that individuals are issued a registration card.
Remuneration.	"Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis is transferred or furnished by that person to another person.	9-B.	
Resident of the State.	"Resident of the State" means <u>an individual</u> a person who is domiciled in the State.	13-B.	AUC defines "resident" to mean: 48. Resident. "Resident" means a natural person who: A. B. Is domiciled in this State; and C. Maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State.
Sample.	"Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.	14-A.	AUC defines "sample" to mean: 50. Sample. "Sample" means: A. An amount of cannabis or an amount of a cannabis product provided to a testing facility by a cannabis establishment or other person for testing or research and development purposes in accordance with subchapter 6; B. An amount of adult use cannabis or an amount of an adult use cannabis product collected from a licensee by the department for the purposes of testing the cannabis or cannabis product for product quality control purposes pursuant to section 512, subsection 2; C. An amount of adult use cannabis provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8; D. An amount of adult use cannabis or an amount of an adult use cannabis product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6; or E. An amount of cannabis or an amount of a cannabis product collected by a sample collector licensee and provided to a testing facility for testing consistent with the requirements of section 503-A. F. AUC also defines "sample collector".

Seedling.	"Seedling" means a cannabis plant or rooted cutting that is: A. Not flowering; B. Less than 24 inches in height; and C. Less than 24 inches in width.	14-B.	Same in AUC.
Tamper-evident.	"Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.	13-C.	Same in AUC.
Tamper-resistant paper.	"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.	13-A.	Pertains to the written certification issued by a medical provider to a qualifying patient. See: "written certification" on p. 14.
Telehealth services	"Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters. As used in this subsection, the following terms have the following meanings. A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider. B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider. C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider. D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time.	14-C.	
Timely filed.	"Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the department no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.	14-D.	Depending on how the registration sections are reorganized, the subcommittee may consider revisiting this definition for relevance.

Visiting qualifying patient.	"Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.	15	This definition uses "patient" rather than person or individual. A patient is an "individual".
Written certification.	"Written certification" means a document signed by a medical provider and issued to a qualifying patient in accordance with section 2423-B, or a digital image of that document issued by the medical provider that meets the requirements of section 2423-B, subsection 4, that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.	16	There is substantive information in this definition, as well as duplicative information to the requirements laid out in section 2423-B, subsection 4. The committee may consider revisiting this definition based on any revisions made to those related provisions.
Additional Notes			
Registrant.	"Registrant" means a caregiver, dispensary, cannabis testing facility, manufacturing facility and a person authorized to engage in cannabis extraction using inherently hazardous substances that has registered under this chapter.		Possible addition. For requirements that apply to all the listed entities, having a term such as this would facilitate clarity. It may also include "assistant" and "officer or director".
Minor Qualifying Patient.	"Minor qualifying patient" means a qualifying patient who has not attained 18 years of age.		Whenever a "minor qualifying patient is being referred to, the statute reads "a patient who has not attained 18 years of age" - this would streamline the reference and place the meaning of a term that is frequently used into the definitions sections, making it easier to find.