

**REPORT OF THE
SUBCOMMITTEE TO CONSIDER NON-SUBSTANTIVE CHANGES TO THE
MAINE MEDICAL USE OF CANNABIS ACT
TO THE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

INTRODUCTION

On September 19, 2023, the Veterans and Legal Affairs (“VLA”) Committee met to discuss forming a subcommittee to consider changes to the Maine Medical Use of Cannabis Act, 22 MRSA chapter 558-C (“chapter 558-C”). The VLA Committee discussed whether the subcommittee should focus on: recodifying chapter 558-C, that is updating and reorganizing the chapter to make it more understandable and easier to use; revising chapter 558-C, to address errors, inconsistencies, ambiguities, and the like, whether technical or substantive in nature; or some combination of a recodification and revision. The committee voted unanimously of those present to form a subcommittee of five members focused on recodifying chapter 558-C and making non-substantive revisions to the chapter to address errors, inconsistencies and ambiguities. Committee members appointed to the subcommittee were Senator Craig Hickman and Representative Laura Supica, as co-chairs, Senator Jeff Timberlake, Representative David Boyer and Representative Benjamin Collings.

As authorized by the Presiding Officers, the subcommittee held six meetings during the interim on September 19, 2023, October 12, 2023, November 2, 2023, November 14, 2023, November 28, 2023 and January 2, 2024. An overview of the discussions and decisions from each meeting are set out in the last section this report.

FINDINGS AND RECOMMENDATIONS

The subcommittee makes the following findings to the VLA Committee:

1. Stigmatization of the medical use of cannabis program is still experienced by qualifying patients, caregivers, and owners and operators of dispensaries. This stigmatization creates unnecessary barriers to the safe and profitable operation by the regulated community and the availability of medical cannabis to qualifying patients.
2. The recodification of chapter 558-C with only technical changes to the statute will not accomplish the agreed upon goal of the VLA Committee and the subcommittee, which is to make the medical use of cannabis law more understandable and accessible to the regulated community, the regulators, legislators, other interested parties, and the general public.
3. There are many activities engaged in by caregivers, qualifying patients, and registered dispensaries that are commonly understood by these persons to be authorized under chapter 558-C which are not, in fact, expressly authorized or prohibited in statute or rule. Over time, the regulators’ interpretation of whether these activities are authorized or prohibited has changed causing uncertainty for caregivers, qualifying patients and registered dispensaries, and tension with the regulators. It is in the best interest of the regulated community, regulators and the general public to expressly include in chapter 558-C, those activities which the Legislature agrees should be authorized.

The subcommittee makes the following recommendations to the VLA Committee:

1. Amend section 2242 of chapter 558-C to organize the definitions alphabetically;

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2. Make technical changes to the definitions in §2422-A as detailed in Attachment B to this report;
3. Amend chapter 558-C to clarify the conduct a caregiver is authorized to engage in at a caregiver retail store as well as authorized activities beyond a caregiver retail store, home-based business location or space leased to conduct business under the Medical Use of Cannabis program;
4. Resolve the conflict in §2430-G created last session with the enactment of P.L. 2023, c. 365, §18 (LD 835) and P.L. 2023, c. 405, Pt. A, §58 (LD 2010). LD 2010, An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine, amended §2430-G to resolve a prior conflict. LD 835 was a bill reported out of the VLA Committee that repealed §2430-G and moved most of that section into new §2430-J;
5. Request authorization from the Presiding Officers for the current subcommittee to continue its work during the interim between the Second Regular session of the 131st Legislature and the First Regular session of the 132nd Legislature; and
6. Amend the subcommittee's scope of work for the next interim to include recommendations on reorganizing chapter 558-C, as well as recommendations on substantive and technical changes necessary to fix errors, inconsistencies and ambiguities.

MEETINGS

The subcommittee held six meetings. An overview of each meeting is provided below, except that the discussions and decisions regarding the definition section of chapter 558-C, section 2422-A, which were part of each of the six meetings, are summarized separately at the end of this section for the sake of clarity.

September 19, 2023

The first meeting of the subcommittee immediately followed the VLA Committee's vote to form the subcommittee and focused on the subcommittee's process going forward, including future meeting dates, when and how to accept input from interested parties and the general public, and the desired end product of the process, a recodification of chapter 558-C. With respect to recodification, the following three options were identified: repealing chapter 558-C from Part 5 of Title 22, Food and Drugs and adding it back as a new chapter in Part 5; repealing chapter 558-C, expanding the scope of Title 28-B, Adult Use Cannabis, to include both adult use and medical use cannabis, and adding the recodification of medical use as a new chapter within Title 28-B; or repealing chapter 558-C and recodifying it as a new title in statute for the medical use of cannabis program. The subcommittee did not decide which approach was preferred and makes no recommendation to the VLA Committee on this topic.

October 12, 2023

The second meeting of the subcommittee began with subcommittee members identifying any specific errors, inconsistencies, ambiguities or other problems they saw in chapter 558-C and any suggested changes to address the identified problems. The main outcome of this discussion was an

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agreement among the members that the main purpose of restructuring and making non-substantive changes to chapter 558-C was to make the law more understandable and accessible to the regulated community, the regulators, legislators, other interested parties, and the general public.

Next the subcommittee was presented with two different outlines reorganizing chapter 558-C. One outline was organized first by substantive categories, such as registration, operations (authorized conduct), and reporting, and then, within each substantive category, by type of registrant: qualifying patient, caregiver, dispensary, manufacturing facility, person authorized to engage in extraction using inherently hazardous substances, and testing facilities. The second outline was first organized by type of registrant, and then by substantive category. The subcommittee voted to use the first outline structure, with acknowledgment that this structure may be amended as details are added to the outline.

During this meeting, the subcommittee realized that many matters being considered warranted a more robust discussion than was possible in the time allowed as well as the involvement of more legislators and interested parties than currently engaged in the subcommittee process. The subcommittee agreed that a “parking lot” list of such matters should be included in the report back to the full committee. The full list of matters added to the “parking lot” is found in Attachment A to this report.

November 2, 2023

This subcommittee meeting began with an update from nonpartisan staff assigned to the subcommittee on the progress to date and the work still to be done in the remaining four meetings. This led to a discussion on what the subcommittee reasonably expected to accomplish in the time remaining. Although steady progress was made at each meeting, and was expected to be made at the remaining meetings, the subcommittee recognized that the thoughtful restructuring of chapter 558-C could not be accomplished during this interim. The subcommittee also recognized that the overall goal of increasing readability and understandability of chapter 558-C was not possible without consideration of substantive errors, omissions, conflicts, and ambiguities within this chapter of law. The subcommittee agreed to recommend in its report to the VLA Committee that substantive and technical changes be made to chapter 558-C and that the subcommittee continue this work during the interim between the Second Regular session of the 131st Legislature and the First Regular session of the 132nd Legislature.

An additional topic of conversation at this meeting was the various portions of chapter 558-C that detail the rulemaking authority of the Department of Administrative and Financial Services, Office of Cannabis Policy, the state agency that regulates both the adult use and medical use cannabis programs in the State. In addition to general language on the department’s rulemaking authority found in section 2422-A, subsection 2, there are several other places in chapter 558-C that direct the department to adopt rules related to a specific part of chapter 558-C. Whether all or some of these different sections are redundant or create conflicts or ambiguities was identified as needing further discussion and was added to the “parking lot.”

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November 14, 2023

The first topic of discussion at this meeting was municipal regulation of caregivers, caregiver retail stores and dispensaries.¹ Representatives from the Office of Cannabis Policy, Maine Municipal Association, local governments and caregivers briefed the subcommittee and answered questions on what type of municipal regulation was allowed under current law, how different municipalities regulated medical use of cannabis, and what issues and concerns could be resolved through changes to the statute.

One of the issues identified and discussed during this portion of the meeting was how the confidentiality provisions in chapter 558-C limited a municipality's ability to effectively regulate caregiver retail stores and caregivers operating a business out of their home or in an office space. Also discussed was the important protections these confidentiality provisions provide to individuals engaged in the medical use of cannabis program. Achieving a balance between the privacy and security concerns unique to the cannabis industry and a municipality's interest in ensuring zoning and other local regulations are applied appropriately, was identified as needing further discussion and was placed in the "parking lot."

The subcommittee also discussed: authorized activities in caregiver retail stores; the definition of collectives; the colocation of caregivers; and authorized conduct at tradeshow, farmers' markets, and similar events. The subcommittee agreed to recommend clarifying the issues stemming from these related matters.

November 28, 2023

At this meeting, the subcommittee members in attendance came to an agreement on the findings and recommendations to include in the subcommittee's report back to the VLA Committee. The subcommittee also agreed to receive and review a draft list of "parking lot" items before the subcommittee's final meeting on January 2, 2024.

January 2, 2024

At the final subcommittee meeting, the members in attendance discussed the draft report and attachments that were distributed to them several days prior to the final meeting. The subcommittee decided to add a third finding and consolidate three recommendations into one. Those present unanimously approved the report and attachments as amended. The final report will be reviewed and approved by the subcommittee chairs before being submitted by the subcommittee to the full committee.

Discussions on Definitions, section 2422-A

During each of the subcommittee's meetings, the definition section of chapter 558-C, section 2422, was reviewed and discussed among subcommittee members and with representatives from the Office of Cannabis Policy and a representative of the caregiver community. The cumulative result of these conversations is the recommendation from the subcommittee to the VLA Committee that

¹ Municipal regulation of manufacturing facilities and testing facilities was not discussed in depth because neither type of business currently operates under the medical use of cannabis program.

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certain words and phrases in the definition section be amended or repealed and the entire section be reorganized alphabetically. The subcommittee's proposed amendments to words and phrases in section 2422 is found in Attachment B. The subcommittee also identified other words and phrases that need a more robust discussion at a later date. These words and phrases are included in the "parking lot" of definitions, which is found on pages four through twelve of Attachment A.

**ATTACHMENT A
PARKING LOT - GENERAL**

GENERAL SUBJECT MATTER

SPECIFIC QUESTION/CONCERN

<p>standard for certification (see also definition of "written certification")</p>	<p>should the following phrase be amended to match that in the current definition of "written certification" in section 2422?</p> <p>"that states 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."</p> <p>the corresponding language in the definition of written certification in section 2422 is: "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."</p>
<p>bona fide provider-patient relationship</p>	<p>is this requirement necessary? Is this requirement met with a telehealth appointment with a provider that is not the qualifying patient's PCP?</p>
<p>Municipal oversight and confidentiality provision does confidentiality of certain information limit a municipality's ability to regulate</p>	<p>do municipalities have an appropriate level of access to information on registrants operating within the municipality? (§2429-D)</p> <p>confidentiality provisions protect information in applications and supporting documents from qualifying patients; medical providers; registrants; officers and directors; and assistants (§2425-A, sub-§12)</p> <p>are the fees being charged by municipalities "reasonable" as required by Title 30-A</p>
<p>licensing fees</p>	
<p>standard authorization form - municipal</p>	<p>is there a need for this</p>
<p>Possession limits</p>	
<p>weight verse amount</p>	
<p>does trim count towards limit?</p>	

**ATTACHMENT A
PARKING LOT - DEFINITIONS**

WORD / PHRASE	CURRENT DEFINITION	NOTES
Cannabis extraction sub-§4-J	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.	different with AU (Title 28-B, section 102, subsection 30); MU uses the term "harvested cannabis"; AU uses just "cannabis" Cannabis extraction is not different between the two programs, despite the differences in the definition of "harvested cannabis" and "cannabis"
Cannabis plant sub-§4-K	"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.	Staff Q: Is there a difference between a cannabis plant in the MU program verses the AU program? AU defines "cannabis plant" to mean: (Title 28-B, section 102, subsection 32): "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. Subcommittee recommends removing the current definition and inserting the definition for "cannabis plant" as used in the AU statute, as there is not a difference between the terms in the two programs. However, the subcommittee did want to flag the term "mother plant" within the definition for future consideration. This term does not appear elsewhere in the MU statute. It was also suggested that "mother plant" may fit into the definition of "nonflowering cannabis plant". That phrase does not appear elsewhere in the MU statute - only in the definitions section. AU definition of "Mother plant" (Title 28-B, section 102, subsection 37): "Mother plant" means a cannabis plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. The term then appears in the section of the AU regarding cultivation facility licenses - cultivation plan.

**ATTACHMENT A
PARKING LOT - DEFINITIONS**

WORD / PHRASE	CURRENT DEFINITION	NOTES
Cannabis product sub-§4-L	"Cannabis product" means a product composed of 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.	Also defined in AU, but MU definition includes the term "harvested cannabis" rather than just "cannabis" as in the AU definition. The AU 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).
		"Harvested cannabis" includes "cannabis concentrate" unlike "cannabis" in AU. It also includes "cannabis products", which makes the definition cyclical.
		Staff note: Is a "cannabis product" intended for medical use different from a "cannabis product" intended for [adult] use of consumption?
		Staff recommend that the term "cannabis ointment" be aligned with the references to "salves of cannabis" in section 2430-C(2)(A) and (C) and (5). The subcommittee asked to move forward with the term "cannabis ointment" rather than "salve". Changes will need to be made to section 2430.
		add the word "exclusively" into the phrase "a product <u>exclusively</u> containing hemp" to allow the safe under MU of products with hemp and MU cannabis.
Cannabis testing facility sub-§5-C	"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.	AU 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. Staff note: Testing facility requirements are outlined in 28-B, sections 205 and 503.
Cannabis tincture sub-§4-U	"Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.	Are testing facilities for MU different than testing facilities for AU? If a testing facility can test both MU and AU, are the testing requirements different? This is not defined in AU. The term "tincture" only appears in AU as a part of the definition of "cannabis product". It is also a "cannabis product" (See above; 4-L.) In all cases in MU (except 1, which appears to be a technical error) "cannabis products and tincture and salves of cannabis" (although the definition of cannabis product uses ointment rather than salve). It was noted during discussion that the inclusion of this term may be necessary due to DHHS licensing and regulations around "bottling". Perhaps this can be included in the definition of "edible cannabis product" on the list? Or not at all, as it falls within the definition of "cannabis product" by default? It was noted during discussion that the inclusion of this term may be necessary due to DHHS licensing and regulations around "bottling". Staff will look into this issue.

**ATTACHMENT A
PARKING LOT - DEFINITIONS**

NOTES

CURRENT DEFINITION

WORD / PHRASE

<p>Collective sub-§1-A</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>what does the following phrase mean / or is intended to mean "physically assist"</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, affiliation or group" encompass all entities that may be considered to be operating as a collective (which are prohibited under 2430-D)?</p>		
<p>Complete application sub-§1-G</p>	<p>"Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:</p> <ul style="list-style-type: none"> 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>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>
<p>Cultivation area sub-§3</p>	<p>"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.</p>	
<p>Edible cannabis product sub-§3-B</p>	<p>"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.</p>	<p>The AU definition includes "a cannabis product... containing cannabis or cannabis concentrate" - The MU defines "harvested cannabis" to include cannabis concentrate. [Title 28-B, section 102, subsection 16]</p>
		<p>See also: The difference between "harvested cannabis" in MU and "cannabis" in AU below.</p>

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CURRENT DEFINITION

WORD / PHRASE

<p>Harvested cannabis sub-§3-C</p>	<p>"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.</p>	<p>AU defines "cannabis" to mean (title 28-B, section 102, sub-§27): "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.</p> <p>Where do "stalks, leaves and roots of the plant" fit into the regulatory framework and/or enforcement framework for MU? Is this language still necessary?</p> <p>Subcommittee is considering removing "cannabis product" from the definition of "harvested cannabis" as a cannabis product is made from combining "harvested cannabis" with other things.</p> <p>Staff note: if subcommittee moves forward with this change, staff will need to examine each use of the two phrases to determine when/if the term means one or the other or both.</p>
<p>Immature cannabis plant sub-§4-N</p>	<p>"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.</p>	<p>Same as in AU program</p>
<p>Immature plant canopy sub-§4-T</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>Move some of this into the substantive portion of the chapter on canopy count.</p> <p>This mirrors the definition of "mature plant canopy" (Title 28-B, section 102, sub-§7-B).</p> <p>It also mirrors the definition of "plant canopy" in AU, although that definition applies only to mature cannabis plants and specifically excludes areas where immature cannabis plants and seedlings are cultivated.</p>
<p>Manufacture or manufacturing sub-§4-Q</p>	<p>"Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of <i>cannabis concentrate</i> and <i>cannabis products</i>, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.</p>	<p>The AU definition uses "or other preparation of cannabis and cannabis products". It also includes a final sentence that reads: "'Manufacturing' or 'manufacture' does not include cultivation or testing."</p>

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CURRENT DEFINITION

WORD / PHRASE

WORD / PHRASE	CURRENT DEFINITION	NOTES
Registered manufacturing facility sub-§4-R	"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.	Section 2423-F authorizes the following: qualifying patient, caregiver, registered dispensary or manufacturing facility - so it appears, in this case, "person" should remain. 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. A "registered dispensary" can also manufacture, as well as a caregiver. (See p. 11)
Mature cannabis plant sub-§4-B	"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.	The AU 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."
Mature plant canopy sub-§7-B	"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.	AU uses the phrase: "a cannabis plant that is flowering" (Title 28-B, section 102, sub-§36) See note on "immature plant canopy" some of this definition may belong in the substantive parts of this chapter dealing with canopy count

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Registered caregiver sub-§11	"Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.	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. [Section 2423-A, subsection 3, paragraph C]
Registered dispensary or dispensary sub-§6	"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.	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.
Registered qualifying patient sub-§12	"Registered qualifying patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.	add "'cannabis paraphernalia" to this definition A registered dispensary can, among other things: cultivate; manufacture; and sell 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) A qualifying patient is not required to register with the department - to do so is voluntary. This definition will not be necessary if voluntary registration is removed from this chapter
Remuneration sub-§9-B	"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.	is this the best term?

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CURRENT DEFINITION

WORD / PHRASE

"Sample" means a cannabis plant or harvested cannabis that is provided for testing should cannabis product be added to this definition?

or research purposes to a cannabis testing facility.

is this definition broad enough?

AU defines "sample" to mean (title 28-B, section 102, sub-§50):

"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.

AU also defines "sample collector".

Timely filed
sub-§14-D

"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.

Depending on how the registration sections are reorganized, the subcommittee may consider revisiting this definition for relevance.

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CURRENT DEFINITION

WORD / PHRASE

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.

some or all of the language in this definition should be moved to the provisions on medical providers

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.

Written certification

sub-§16

"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.

There is substantive language in this definition as well as duplicative and conflicting language to the requirements laid out in section 2423-B, subsection 4.

The phrase in section 2423-B, subsection 4 is "that states 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."

changes to this definition should be done in coordination with changes to section 2423-B, subsection 4

**ATTACHMENT A
PARKING LOT - DEFINITIONS**

WORD / PHRASE	CURRENT DEFINITION	NOTES
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.
Registrant	"Registrant" means, collectively, 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". See also "covered entity" and "covered entity agent" in section 2430-1
Unregistered caregiver	to be developed	to distinguish

**ATTACHMENT B
RECOMMENDED CHANGES TO DEFINITIONS**

DEFINITION	POTENTIAL AMENDMENT	NOTES
Assistant sub-§1-D	"Assistant" means a person <u>an individual who is at least 18 years of age or older who is paid to perform a service for a caregiver, dispensary, manufacturing facility, person authorized to engage in extraction using inherently hazardous substance or cannabis testing facility in accordance with this chapter, whether as an employee or independent contractor.</u>	Confirm that "person authorized" may have an assistant 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
Cannabis concentrate sub-§4-S	"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.	Deleted language is not in AU definition (28 MRS 102, sub-§28) following language is in AU 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" This weight requirement in AU is due to statutory limits on cannabis concentrate that are not in chapter 558-C
Cardholder sub-§1	Cardholder means a person <u>an individual</u> who has been issued and possesses a valid registry identification card.	cardholder, with one exception, is a natural person; "person" is defined in Title 1, §15 to include a "body corporate" The one exception is a caregiver organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q. In this situation, 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) 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.

**ATTACHMENT B
RECOMMENDED CHANGES TO DEFINITIONS**

DEFINITION	POTENTIAL AMENDMENT	NOTES
<p>Caregiver retail store sub-§1-F</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>Caregiver retail store" means 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>The definition indicates that the only authorized activity at a caregiver retail store used by a registered caregiver is "to offer cannabis plants or harvested cannabis for sale to qualifying patients." But under section 2423-A, subsection 2, paragraph P, a [registered] caregiver may "operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter."</p>
<p>AU definition of "cannabis store" (Title 28-B, section 102, subsection 34): "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> <p>subcommittee also discussed merging caregiver retail store and dispensary.</p>		

**ATTACHMENT B
RECOMMENDED CHANGES TO DEFINITIONS**

DEFINITION	POTENTIAL AMENDMENT	NOTES
<p>Caregiver sub-§8-A</p>	<p>"Caregiver" means a person or an assistant of that person <u>an individual</u> that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.</p>	<p>There is a separate definition for "registered caregiver" in sub-section 11 (p. 11).</p>
<p>also amend section 2423-A, subsection 3, paragraph P</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?</p>
<p>Medical use sub-§5</p>	<p>"Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or <u>cannabis paraphernalia</u> 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.</p>	

**ATTACHMENT B
RECOMMENDED CHANGES TO DEFINITIONS**

DEFINITION	POTENTIAL AMENDMENT	NOTES
Member of the family sub-§5-A	"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 individual person. "Member of the family" includes a person who is a resident of the State and who is living with an individual a person as a spouse and a natural parent of a child of a person.	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 sub-§5-B	"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.	
Nonflowering cannabis plant sub-§4-M	"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.	this term is not used in chapter 558-C was this intended to refer to "mother plant"? If so, should "mother plant be defined" AU defines "flowering" to mean (title 28-B, section 102, sub-§17): "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 sub-§6-B	"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.	
Physician assistant sub-§7-A	"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 an individual 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.	

**ATTACHMENT B
RECOMMENDED CHANGES TO DEFINITIONS**

DEFINITION	POTENTIAL AMENDMENT	NOTES
Physician sub-§7	"Physician" means an <u>individual</u> a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an <u>individual</u> 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.	
Qualifying patient sub-§9	"Qualifying patient" or "patient" means a person <u>an individual</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.	Ensure that any use of the word "patient" is changed to "qualifying patient"
Registry identification card sub-§13	"Registry identification card" means a document issued by the department that identifies a person <u>an individual</u> as a person <u>an individual</u> who has registered with the department in accordance with this chapter.	It appears that only individuals are issued a registration card.
Resident of the State sub-§13-B	Resident of the State means a person <u>an individual</u> who is domiciled in the State.	AUC defines "resident" to mean (Title 28-B, section 102, sub-§48): "Resident" means a natural person who: 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.